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Abstract
The IETF policies about rights in Contributions to the IETF are designed to ensure that such Contributions can be made available to the IETF and Internet communities while permitting the authors to retain as many rights as possible. This memo details the IETF policies on rights in Contributions to the IETF. It also describes the objectives that the policies are designed to meet. This memo obsoletes RFC 3978 and 4748 and, with BCP 79 and RFC xxx (rfc editor - replace with the RFC # of -outgoing), replaces Section 10 of RFC 2026.
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Full Copyright Statement

1. Definitions
   The following definitions are for terms used in the context of this document. Other terms, including "IESG", "ISOC", "IAB", and "RFC Editor" are defined in [RFC2028].

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   o the IETF plenary session,
   o any IETF working group or portion thereof,
   o any Birds of a Feather (BOF) session,
Statements made outside of an IETF session, mailing list or other function, that are clearly not intended to be input to an IETF activity, group or function, are not IETF Contributions in the context of this document.

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f. "IETF Documents": RFCs and Internet-Drafts that are used in the IETF Standards Process as defined in 1(g). This is identical to the "IETF stream" defined in 

Section 4.8 of RFC 4844.

g. "IETF Standards Process": the activities undertaken by the IETF in any of the settings described in 1(a) above.

h. "IETF Trust": A trust established under the laws of the Commonwealth of Virginia, USA, in order to hold and administer intellectual property rights for the benefit of the IETF.

i. "Internet-Draft": temporary documents used in the IETF Standards Process. Internet-Drafts are posted on the IETF web site by the IETF Secretariat. As noted in Section 2.2 of RFC 2026, Internet-Drafts have a nominal maximum lifetime of six months in the IETF Secretariat’s public directory.

j. "Legend Instructions" means the standardized text that is maintained by the IETF Trust and is included in IETF Documents and the instructions and requirements for including that standardized text in IETF Documents, each as posted from time to time at http://www.ietf.org/legends.
k. "RFC": the basic publication series for the IETF. RFCs are published by the RFC Editor. Although RFCs may be superseded in whole or in part by subsequent RFCs, the text of an RFC is not altered once published in RFC form. (See [RFC2026] Section 2.1)

l. "Reasonably and personally known": means something an individual knows personally or, because of the job the individual holds, would reasonably be expected to know. This wording is used to indicate that an organization cannot purposely keep an individual in the dark about certain information just to avoid the disclosure requirement.

m. "Non-IETF documents": means Internet-Drafts that are submitted to the RFC Editor independently of the IETF Standards Process. (See Section 4.)

2. Introduction

In all matters of copyright and document procedures, the intent is to benefit the Internet community and the public at large, while respecting the legitimate rights of others.

Under the laws of most countries and current international treaties (for example the "Berne Convention for the Protection of Literary and Artistic Work" [Berne Convention]), authors obtain numerous rights in the works they produce automatically upon producing them. These rights include copyrights, moral rights and other rights. In many cases, if the author produces a work within the scope of his or her employment, most of those rights are usually assigned to the employer, either by operation of law or, in many cases, under contract. (The Berne Convention names some rights as "inalienable", which means that the author retains them in all cases.)

In order for Contributions to be used within the IETF Standards Process, including when they are published as Internet-Drafts or RFCs, certain limited rights must be granted to the IETF Trust, which then grants the necessary rights to the IETF. In addition, Contributors must make representations to the IETF Trust and the IETF regarding their ability to grant these rights.

Section 1 provides definitions used in these policies. Sections 3 and 4 of this document explain the rationale for these provisions. Sections 1, 2, 5 and 6 of this document are normative, the other sections are informative. A companion document RFC 3979 (BCP 79) [BCP79] deals with rights, including possible patent rights, in technologies developed or specified as part of the IETF Standards Process. This document is not intended to address those issues. This memo obsoletes RFC 3978 [RFC3978] and 4748 [RFC4748] and, with RFC 3979 (BCP 79) and [-outgoing], replaces Section 10 of RFC 2026 [RFC2026].
This document is not intended as legal advice. Readers are advised to consult their own legal advisors if they would like a legal interpretation of their rights or the rights of the IETF Trust [RFC4371] in any Contributions they make.

2.1 No Retroactive Effect
This memo does not retroactively obtain additional rights from Contributions that predate the date that the IETF Trust announces the adoption of these procedures.

3. Exposition of Why These Procedures Are the Way They Are

3.1. Rights Granted in Contributions
The IETF Trust and the IETF must obtain the right to publish an IETF Contribution as an RFC or an Internet-Draft from the Contributors.

A primary objective of this policy is to obtain from the document authors only the non-exclusive rights that are needed to develop and publish IETF Documents and to use IETF Contributions in the IETF Standards Process and potentially elsewhere.

The authors retain all other rights, but cannot withdraw the above rights from the IETF Trust and the IETF.

It is important to note that under this document Contributors are required to grant certain rights to the IETF Trust, (See Section 5.3.) which holds all IETF-related intellectual property on behalf of the IETF community. The IETF Trust will, in turn, grant a sublicense of these rights to all IETF participants for use in the IETF Standards Process. (See Section 5.4.) This sublicense is necessary for the standards development work of the IETF to continue. In addition, the IETF Trust may grant certain other sublicenses of the rights that it is granted under this document. In granting such other sublicenses, the IETF Trust will be guided and bound by documents such as [-outgoing].

3.2. Rights to use Contributions
It is important that the IETF receive assurances from all Contributors that they have the authority to grant the IETF the rights that they claim to grant because, under the laws of most countries and applicable international treaties, copyright rights come into existence when a work of authorship is created (but see Section 3.5 below regarding public domain documents), and the IETF cannot make use of IETF Contributions if it does not have sufficient rights with respect to these copyright rights. The IETF and its participants would run a greater risk of liability to the owners of these rights without this assurance. To this end, the IETF asks Contributors to give the assurances in Section 5.6 below. These

Bradner & Contreras
assurances are requested, however, only to the extent of the Contributor’s reasonable and personal knowledge. (See Section 1(k))

3.3. Right to Produce Derivative Works

The IETF needs to be able to evolve IETF Documents in response to experience gained in the deployment of the technologies described in such IETF Documents, to incorporate developments in research and to react to changing conditions on the Internet and other IP networks. The IETF may also decide to permit others to develop derivative works based on Contributions. In order to do this, the IETF must be able to produce derivatives of its documents; thus the IETF must obtain the right from Contributors to produce derivative works. Note that the right to produce translations is required before any Contribution can be published as an RFC to ensure the widest possible distribution of the material in RFCs. The right to produce derivative works, in addition to translations, is required for all IETF standards track documents and for most IETF non-standards track documents. There are two exceptions to this requirement: documents describing proprietary technologies and documents that are republications of the work of other standards organizations.

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Contributors may wish to seek trademark or service mark protection on any terms that are coined or used in their Contributions. the IETF makes no judgment about the validity of any such trademark rights. However, the IETF requires each Contributor, under the licenses described in Section 5.3 below, to grant the IETF Trust a perpetual license to use any such trademarks or service marks solely in exercising rights to reproduce, publish, discuss and modify the IETF Contribution. This license does not authorize IETF or others to use any trademark or service mark in connection with any product or service offering.

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may be protected. We believe they are necessary to protect the ISOC, the IETF Trust, the IETF, the IETF Standards Process and all IETF participants, and also because the IETF does not have the resources or wherewithal to make any independent investigation as to the actual proprietary status of any document submitted to it.

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Although Contributors provide specific rights to the IETF, it is not intended that this should deprive them of their right to exploit their Contributions. To underscore this principle, the IETF Trust is directed to issue a license or assurance to Contributors which confirms that they may each make use of their Contributions as published in an RFC in any way they wish, subject only to the restriction that no Contributor has the right to represent any document as an RFC, or equivalent of an RFC, if it is not a full and complete copy or translation of the published RFC.

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It is important to note that each Contributor grants the IETF Trust rights pursuant to this document and the policies described herein. The legends and notices included in certain written Contributions such as Internet-Drafts do not themselves convey any rights. They are simply included to inform the reader (whether or not part of the IETF) about certain legal rights and limitations associated with such documents.

It is also important to note that additional copyright notices are not permitted in IETF Documents except in the case where such document is the product of a joint development effort between the IETF and another standards development organization or the document is a republication of the work of another standards development organization. Such exceptions must be approved on an individual basis by the IAB.

IANA Considerations (RFC Editor - please remove this section when publishing)
This document presents no issues that should be considered by the IANA (this section is here to mollify the ID-nits checker)

7. Security Considerations
This memo relates to the IETF process, not any particular technology. There are security considerations when adopting any technology, but there are no known issues of security with IETF Contribution rights policies.

8. References

8.1. Normative References

8.2. Informative References
9. Acknowledgements
The editors would like to acknowledge the help of the IETF IPR Working Group provided during the development of the document.

10. Changes since RFF 3978
This document represents a significant reorganization and rewording of RFC 3978 along with a number of substantive changes.

The most basic change is to limit this document to the rights that a Contributor grants to the IETF Trust when making a Contribution. All sublicenses of rights for the use of IETF Documents must be provided by the IETF Trust. (See Section 5.4.)

Material added from RFC 4748 that recognized the IETF Trust.

Most of the material relating to RFC-Editor documents has been removed since the RFC-Editor maintains their own rules and processes for RFC-Editor documents. Renamed these documents to "non-IETF documents". Added section 11 from the IAB discussing this topic.

Changes in the definitions section include defining the terms "Contribution", "Indirect Contributor", "Copyright", "IETF Trust", and "Legend Instructions" as well as minor tweaks to some of the other definitions.

The responsibility for the text of notices has been given to the IETF Trust and removed from this document. (See Section 6.)

Clarified that Contributors enter into a legally binding contract when they submit a Contribution. (See Section 5.1.)

The right to produce derivative works provided by the Contributor to the IETF Trust is not limited to being within the IETF Standards Process.

Made it clear that this document does not deal with patent licenses. (See Section 5.5.)

Clarified the ownership of the Copyrights to IETF Documents. (See Section 5.9.)
Clarified the rights retained by authors of IETF Contributions. (See Section 5.10.)

11. Declaration from the IAB
The IAB discussed the IPR documents during its most recent call. It unanimously decided that the IAB-stream is to be covered by the incoming IPR document. It is our understanding that the iab-stream documents IPR are then automatically covered by the outbound rights that the IETF trust will establish based on the advice in [-outbound].

We also want to stress that for any change in the inbound rights for streams other than the ietf- and iab-stream there needs to be a stream dependent discussion and approval process as indicated in RFC 4844 "The RFC Series and RFC Editor" [RFC4844] section 4.2.3.

To that extent section 4 of the draft should explicitly mention that the iirtf-, the independent- and any possible future streams are not covered by the draft.

For the IAB,

Olaf Kolkman
April 4, 2008

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Acknowledgement
Funding for the RFC Editor function is currently provided by the Internet Society.

changes - to be removed before publication
version 01 ->02
  misc grammar fixes
  added BOF to sec 1(a)
  added 1(1)
  reorder 3.2
  moved sentence about translations within sec 3.3
  reorder 5.3 (C)
  added section 5.10
  removed "an Informational RFC" from section 5.9
  added text about assigning rights and acknowledging that a copyright notice will be added to section 5.9
  added 2nd pp to section 3.6 from RFC 3978
  added pp on multiple copyright notices to sec 6

version 02 ->03
  replaced the text in section 5.10
version 03 -> 04
change "requested" to "directed" in section 5.10
add sections 1 & 2 to the list of normative sections in section 2
sec 5.7 - replace last sentence
sec 5.3 preface - add "sublicensable"
sec 1 i - add that the IETF Trust maintains the Legend
Instructions
open issues
  a/ the use of the terms Contribution and Contributors -
     for example in section 5.6
  b/ do we need specific mention of work for hire in sec 3.2

version 04 -> 05
replaced section 5.1 & the 1st pp of section 5.3
replaced section 5.6 a

version 05 -> 06 - input from Jorge
  fix various typos in document
  add definition of "Indirect Contributor"
  fix definition of "Reasonably and personally known" to be
  copyright-related rather than patent-related
  reword sec 5.6 a and remove definition of "Indirect Contributor"
  add pointer to section 5.6 to section 5.9
  tweak the wording on section 5.10
  add "development" to the next to last sentence of section 6

version 06 -> 07
  fix references etc to mollify the ID nits checker

version 07 -> 08
  change "the IETF’s RFC format" to "the RFC format used by the
  IETF" in section 3.6
  tweak definition of IETF Documents
  change "[TRUST LICENSE AGREEMENT]" to "a license agreement issued
  by the IETF Trust" and add a requirement that licenses must point
  to the full trust agreement in section 5.4
  added "changes from 3987" section 10

version 08 -> 09 - last call comments & IAB requests
  fix punctuation and the lack of the word "the" in front of "IETF"
  and "IETF Trust" in a number of places
  clean up references to RFC 3979/BCP 79
  add note to 1(f)
  rename section 1(m)
  replace section 4