

The following proposals were presented in the 2005 draft of a2k treaty

Article 6-1 - Committee on Open Standards

A committee on open standards (COS) shall be established.

Article 6-2 - Disclosure obligations for patents relating to standards development organizations.

(a) The COS shall establish a process and criteria for a Standards Development Organization (SDO) to request a managed disclosure of relevant patent claims for standards relevant to a knowledge good or service. To make such a request, the SDO must be global, with a membership that is open to any party, and the qualifying open standard must:

VERSION 1

1. be adopted and maintained by a not-for-profit organization, and with ongoing development based upon an open decision-making procedure available to all interested parties (consensus or majority decision);
2. be published, with the specification of the standard available either freely or at a nominal charge, with permissible to all to copy, distribute and use it for no fee or at a nominal fee; and
3. the intellectual property aspects of the standard, including the relevant patents or data, shall be made irrevocably available on a royalty-free basis; and
4. there are no constraints on the re-use of the standard.

VERSION 2

1. be published without restriction (e.g., potential implementers are not restricted from accessing the standard) in electronic or tangible form, and in sufficient detail to enable a complete understanding of the standard's scope and purpose;
2. be publicly available without cost or for a reasonable non-discriminatory fee for adoption and implementation by any interested party;
3. Any patent or data rights necessary to implement the standards are made available by those developing the specification to all implementers on reasonable and non-discriminatory (RAND) terms (either with or without payment of a reasonable royalty or fee); and
4. The process to develop, maintain, approve, or ratify the standard is by consensus, in a market-driven standards-setting organization that is open to all interested and qualified participants.

(b) The request for a managed disclosure process shall include the following:

1. A description of the SDO
2. An initial specification of the standard, including the expected applications for the standard,
3. The benefits to the public of the development of the standard,

(c) Disclosures of patents relevant to the proposed standard that are not responsive to the requirements to be specific with regard to the relevance of the patent to the proposed standard shall be rejected.

(d) Members agree that a patent holder that fails to make constructive disclosures of relevant patent claims will be prevented from enforcing the patent against the implementation of the open standard.

Article 6-3 - Essential Interfaces for Knowledge Goods

- (a) The COS will periodically request public comment on the interfaces that are essential for software, computers and other knowledge goods.
- (b) The COS will publish and periodically update a list of essential interfaces for knowledge goods.
- (c) Members agree to consider procurement policies that provide preferences or requirements that computer software, hardware, or accessories that use and enable open, standards compliant interfaces.
- (d) Members agree that patents that are licensed on a non-discriminatory and royalty free basis for use in implementing an interface for an essential knowledge good shall not be subject to further fees.

Article 6-4 - Compulsory Licensing of Essential Interfaces for Knowledge Goods

Members agree to develop procedures for compulsory licensing of essential interfaces for knowledge goods.