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1 August 2007

Subject: Notice of Changes to OGC Intellectual Property Rights Policy

Members of the Consortium,

The OGC Board of Directors has approved a new OGC Intellectual Property Rights (IPR) policy, which is scheduled to go into effect on 1 October 2007, after the conclusion of our September 2007 Technical and Planning Committee meetings. The new policy is in response to the need to modernize our IPR environment with respect to changing market conditions, and to assure that OGC IPR remains flexible to the needs of our growing body of membership. I urge you and your staff involved in the OGC process to review the attached IPR policy document.

Please note in accordance with section 2.9 of the OGC Bylaws, this letter serves as our 60 day notification to members of this change.

This new IPR policy change has been coordinated with OGC members over the past year by official Technical and Planning Committee email communications, through discussion in OGC Technical and Planning Committee meetings, and through OGC staff responses to OGC member comments and inquiries.

The new IPR policy requires changes to the OGC process. To make sure that all OGC members have the opportunity to become familiar with the new process, OGC staff will be conducting IPR policy orientation / training sessions by telephone and web conference and as part of future OGC TC and PC meetings throughout the remainder of the calendar year. Details on this training along with other reference materials will be available on the OGC Member Portal Main page by 10 August 2007, with training sessions starting 20 August 2007. An updated TC Policies and Procedures document will also be included amongst the IPR reference material on the portal. This document, available in the pending document area of the OGC Portal for some months now, will be updated slightly to incorporate additional member comments, and will be posted for electronic vote in the coming days.

The following is a high level summary of the major changes OGC members can expect with the new IPR policy. Keep in mind that under the current OGC IPR policy, OGC members are "opted in" to Consortium IPR rules for all OGC Working Group activities whether they participate or not. Under the new IPR policy, members would only be

required to accept IPR rules for the Standards Working Groups in which they choose to participate.

- 1. There will be two types of Working Groups (WGs) within the Technical Committee Domain WGs and Standards WGs. Standards WGs will be chartered for the purpose of advancing a specific candidate OpenGIS® standard. Domain WGs continue to operate as they do today.
- 2. When an OGC document reaches the Request for Change (RFC) stage, interested members must charter a Standards Working Group (SWG) for that candidate OpenGIS® Standard. The SWG charter will include a specific designation of the IPR license option that the group has chosen. Participation in the SWG requires that members "opt in" to the IPR and other terms stated in the SWG Charter.
- 3. During the life of a SWG, an OGC member may "opt in" to participate according to the prescribed IPR rules and other elements in the SWG Charter.
- 4. Members who have not opted in to a SWG must "opt in" to IPR rules at a later time if they wish to vote on adoption of the standard developed by the SWG.
- 5. Existing OGC Revision Working Groups that complete their activities by 31 December 2007 do not have to charter a new working group. However, existing Revision Working Groups that expect to continue into calendar year 2008 must dissolve and re-charter under the new IPR policy by the December 2007 Technical and Planning Committee meetings, so that the participants in each group can select their desired IPR rules as a group, and so individuals can confirm their continuing interest in participating.

I want to thank OGC members, staff, legal counsel and the OGC Board for their leadership and hard work in the revision of our IPR policy and procedures.

Should you have specific questions regarding the OGC IPR Policy, please email OGC staff at <u>ipr@opengeospatial.org</u>.

Sincerely,

Mark E. Reichardt

President