

Detailed Regulations for the Handling of Industrial Property Rights, Etc.

Enacted March 12, 2021

Data Society Alliance
Board of Directors

These Detailed Regulations stipulate specific rules for the operation of the “Basic Guidelines for the Handling of Industrial Property Rights, Etc.” (hereinafter referred to as “Basic Guidelines”) established by the Data Society Alliance (hereinafter referred to as “DSA”) Board of Directors.

1. Investigation of Industrial Property Rights, Etc. Owned by Members and Requests for Submissions of Statements

1.1. Development Process of DSA Regulations

In the committee that drafts any standards, rules, or regulations (regardless of any name they are given; hereinafter collectively referred to as “DSA Regulations”) that the DSA may establish with respect to data society (hereinafter referred to as “Drafting Committee”), if the Chair of the Drafting Committee becomes aware of the ownership by a member of the Drafting Committee of essential property rights, etc. (refers to patent rights, utility model rights, design rights, and trademark rights, including pending applications. The same shall apply hereinafter.) pertaining to the draft of relevant DSA Regulations during the process of Drafting relevant DSA Regulations, they shall promptly request the member submit a “Statement Regarding Licensing of Industrial Property Rights, Etc.” (hereinafter referred to as “Statement”, the form of which is set forth in the Appendix) to the President.

1.2. Final Process of Enactments or Revisions of DSA Regulations (hereinafter referred to as “Enactments/Revisions”)

When the DSA Secretariat disseminates a draft of Enactments/Revisions of DSA Regulations, it requests that all members submit a written Statement to the President within four weeks of the dissemination of the draft in the event that they become aware that they own essential industrial property rights, etc. pertaining to the draft of the relevant DSA Regulations. However, this timeframe shall not apply in the case that the DSA Secretariat considers shortening or extending the period and establishes a period of reasonable length. This period may not exceed three months.

2. If a Statement is Submitted by a Member

2.1. In accordance with 1.1, in the event that a Statement is submitted by a member during the process of preparing DSA Regulations, the DSA Secretariat and the Drafting Committee shall take the following actions.

2.1.1. The DSA Secretariat shall present a copy of the submitted Statement

addressed to the President to the Drafting Committee.

2.1.2. The Drafting Committee shall deliberate on the content of the Statement and, if it finds that the content does not satisfy the requirements outlined in Paragraph 1 of the Basic Guidelines, shall revise, or discard the draft of the relevant DSA Regulations.

2.2. In accordance with 1.2, in the event that a Statement is submitted by a member during the final process of Enactments/Revisions of DSA Regulations, the DSA Secretariat and the Drafting Committee shall take the following actions.

2.2.1. The DSA Secretariat shall present a copy of the submitted Statement addressed to the President to the Drafting Committee.

2.2.2. The Drafting Committee shall deliberate on the content of the Statement and, a) if it finds that the content satisfies the requirements of Paragraph 1 of the Basic Guidelines, the draft of the relevant DSA Regulations shall be submitted to the Drafting Committee.

b) if it finds that the content does not satisfy the requirements of the main text of Paragraph 1 of the Basic Guidelines, the Drafting Committee shall deliberate on whether to revise or discard the draft of the relevant DSA Regulations and report the results to the Board of Directors.

3. If a Statement is Not Submitted by a Member

3.1. Disclaimers

The DSA shall not be held liable for any problems arising from a member's failure to submit a Statement, in accordance with the provisions of Paragraph 2 of the Basic Guidelines.

3.2. In the event that the existence of industrial property rights, etc. owned by members is discovered after Enactments/Revisions of the DSA Regulations have been made, the DSA Secretariat and the Drafting Committee shall take the following actions

3.2.1. In the event that, at the request of a member or non-member, the existence of essential industrial property rights, etc. pertaining to the relevant DSA Regulations owned by members after Enactments/Revisions of DSA Regulations is discovered, the DSA Secretariat shall request that the member submit a Statement.

3.2.2. The DSA Secretariat shall present a copy of the submitted Statement to the Drafting Committee.

3.2.3. In the event that the Drafting Committee finds that the content of the Statement does not satisfy the requirements of Paragraph 1 of the Basic Guidelines, or if the Statement is not submitted within four weeks as stated in 3.2.1 above (However, this timeframe shall not apply in the case that the DSA Secretariat considers

shortening or extending the period and establishes a period of reasonable length.), the Drafting Committee shall deliberate on whether to amend or repeal the relevant DSA Regulations, and based on the results of its review, may request that the Board of Directors approve the amendment or repeal of the relevant DSA Regulations.

4. If Changes are Made to the Content of a Statement Submitted by a Member

4.1. In the Event of Changes to Conditions

In the event that a member intends to change the conditions stated in Paragraph 3 of the Statement, the member shall resubmit a Statement with the changed conditions to the President in advance. However, changes to the conditions in Paragraph 3 of the Statement from (1) to (2) or (3), or from (2) to (3), shall not be permitted.

4.2. In the Event of Changes to the Rights Holder

4.2.1. The Statement shall be binding on all assignees of rights and successors to the industrial property rights, etc. covered by the Statement.

4.2.2. In the event that the Rights Holder of industrial property rights, etc. subject to the Statement or the successor of such rights attempt to transfer the industrial property rights to a third party, the contract pertaining to the transfer must include a clause indicating that the Statement is binding on all assignees of rights and successors to rights.

5. Handling of Industrial Property Rights, Etc. Owned by Non-Members

5.1. If the Existence of Rights is Discovered Before Enactments/Revisions of DSA Regulations

The Drafting Committee, in the event that in the course of drafting DSA Regulations, an investigation into the existence of essential industrial property rights, etc. owned by non-members of the DSA is made, and the existence of essential industrial property rights, etc. pertaining to DSA Regulations owned by non-members is discovered, shall take the following actions.

5.1.1. The DSA Secretariat shall present the Basic Guidelines and these Detailed Regulations and request that the relevant non-member submits a Statement.

5.1.2. The DSA Secretariat shall present a copy of the submitted Statement to the Drafting Committee.

5.1.3. The Drafting Committee shall deliberate on the content of the Statement and, if it finds that the content does not satisfy the requirements of Paragraph 1 of the Basic Guidelines, or if the Statement is not submitted within four weeks of the request for submission of 5.1.1 above (However, this timeframe shall not apply in the case that the DSA Secretariat considers shortening or extending the period and establishes a period of reasonable length.), the Drafting Committee shall

deliberate on whether to amend or repeal the relevant DSA Regulations, and based on the results of its review, may request that the Board of Directors approve the amendment or repeal of the relevant DSA Regulations.

5.2. If the Existence of Rights is Discovered After Enactments/Revisions of DSA Regulations

When the existence of essential industrial property rights, etc. pertaining to DSA Regulations owned by non-members is discovered after Enactments/Revisions of DSA Regulations, at the request of a member or non-member, the Drafting Committee must deliberate on matters such as whether to amend or repeal the DSA Regulations pertaining to the essential industrial property rights, etc., owned by non-members. Based on the results of the deliberations, the Drafting Committee may request that the Board of Directors amend or repeal the DSA Regulations pertaining to essential industrial property rights, etc. owned by non-members.

5.3. If a Statement is Not Submitted by a Non-Member

In the cases of 5.1 and 5.2, in the event that a Statement has not been submitted by a non-member after the timeframe specified by the DSA Secretariat, handling shall be in accordance with 3.1 above.

5.4. If Changes are Made to the Content of a Statement

In the cases of 5.1 and 5.2, in the event that a non-member submits a Statement of intent to change the content of the Statement, handling shall be in accordance with 4.1 above.

6. Storage and Publication of Statements

The DSA Secretariat shall keep submitted Statements and make their content publicly available.

7. Notes in DSA Regulations

The DSA shall include notes in all DSA Regulations stating that the reader should, "Please refer to the list of Statements published by the DSA."

8. Handling in the Event of Enrollment Amidst Proceedings

New members shall submit a Statement within four weeks of enrollment in the event that they own essential industrial property rights pertaining to DSA Regulations that exist in the DSA.

9. Handling After Loss of Membership Status

The submitter of a Statement shall not be relieved of the obligation to grant licensing, etc. of practice industrial property rights, etc. in accordance with their submitted Statement, notwithstanding their loss of membership status.

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Appendix: Detailed Regulations

Statement Regarding Licensing of Industrial Property Rights, Etc.

To: Data Society Alliance President

Submission Date (MM/DD/YYYY):

Submitted by: (Company, affiliation, name, seal)

I hereby submit the following Statement regarding industrial property rights, etc. ("Industrial property rights, etc." refers to patent rights, utility model rights, design rights, and trademark rights, including pending applications. The same shall apply hereinafter.) pertaining to your association's standardization project, in accordance with the "Basic Guidelines for the Handling of Industrial Property Rights, Etc." enacted by the Data Society Alliance.

1. Number and name of applicable DSA standards, rules, or regulations (regardless of any name they are given; hereinafter collectively referred to as "DSA Regulations") (including drafts)
2. Name of applicant and Rights Holder of industrial property rights, etc.
3. Conditions for granting rights for the implementation of essential industrial property rights, etc. owned by the above Rights Holder in order to implement all or part of the content of the DSA Regulations

(Note 1) "Essential industrial property rights, etc." is defined as industrial property rights, etc. of which infringement is technically unavoidable when implementing all or part of the content of the DSA Regulations. Or, even if technically avoidable, it is evident that opting to avoid infringement is not a practical option with concern to matters such as cost and performance. However, this does not include industrial property rights, etc. related to technology that is not described in the DSA Regulations, even if such technology could be essential for the implementation all or part of the DSA Regulations. Industrial property rights, etc. shared by members and non-members shall be handled in the same manner as industrial property rights, etc. owned by non-members, in the absence of consent for licensing by non-members.

(Note 2) Select one of the following (1), (2), or (3), and check the box directly in front

of the item.

With regard to essential industrial property rights, etc. pertaining to one's own technical information proposed in the process of formulating DSA regulations, either (1) or (2) below shall be selected, and (3) shall not be selected.

(Note 3) By specifying portions (e.g., claims) of industrial property rights, etc., if conditions for granting rights for implementation that differ from one portion to another are selected, multiple Statements must be submitted for each condition to be granted.

- (1) Licensing of the implementation of the relevant industrial property rights, etc. shall, to the extent that the relevant DSA Regulations are implemented, be granted to the party implementing the relevant DSA Regulations under fair, reasonable, non-discriminatory conditions, and free of charge.
- (2) Licensing of the implementation of the relevant industrial property rights, etc. shall, to the extent that the relevant DSA Regulations are implemented, be granted to the party implementing the relevant DSA Regulations under fair, reasonable, and non-discriminatory conditions.

(Note 4) However, i) in the event that another party, who owns industrial property rights, etc. that are essential for the implementation of all or part of the content of any DSA Regulations and implements the relevant DSA Regulations, asserts against the Rights Holder the handling of industrial property rights, etc. that is not equal to the handling of the handling of industrial property rights, etc. selected by the Rights Holder under the main text of Paragraph 3, or ii) another party files a lawsuit or takes other legal action based on their own industrial property rights, etc., the Rights Holder may exclude the other parties that fall under i) or ii) from the scope of (1) or (2) above. Additionally, in the event that if another party files a lawsuit or takes other legal action concerning the validity of essential industrial property rights, etc. owned by the Rights Holder, the Rights Holder may exclude the other party from the scope of (1) or (2) above.

- (3) Neither (1) nor (2) above are selected.

4. Subject Industrial Property Rights, Etc.

4.1 The industrial property rights, etc. subject to the conditions (1) or (2) selected in Paragraph 3 above are as follows.

(Note 5) If not listed in the table below, all industrial property rights, etc. owned by the Rights Holder in Paragraph 2 above that are essential for the

implementation of all or part of the content of the relevant DSA Regulations shall be deemed to be included as subject to licensing under the conditions selected in Paragraph 3 above.

Application No. (Application Date)	Publication No.	Registration No.	Claim No.	Name of Invention, Etc.

4.2 If condition (3) in Paragraph 3 above is selected.

(Note 6) Please provide an attachment in any format to this Statement detailing the following three types of information.

- The application number (application date), publication number, registration number, name of invention, etc. for the industrial property rights, etc.
- The relevant portions of the DSA regulations
- The scope of the claim for industrial property rights, etc. pertaining to the DSA Regulations

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