

Alternative to Hub and Spoke

JCP EC Meeting
September 11-12, 2012

Background

Current JSPA Structure

- The current JSPA was developed and negotiated in an environment very different than today
 - Transition from the Sun centric hub and spoke model at the Java platform's inception to a more industry led consortium for development of Java standards
 - Prior to OpenJDK and widespread experience with current generation of open standard and code based organizations
- Result was an agreement that defined IP flows in a collaborative way, but continued many attributes of the hub and spoke model
- Spec lead freedom to create their own licenses further increased complexity and hindered adoption of non-platform Java technologies

Objectives

Simplify JSPA IP Flows

- Support OpenJDK development model
- Similar to other standards organizations
- Consumable by members with limited legal support
- Remain conditioned by conformance with the specification
- Eliminate potential for 3rd party involvement in disputes

Corresponding discussion on simplifying licensing model is needed

Current Hub and Spoke IP Grants

JSR XYZ approved through JCP Process

Entity	Hub and Spoke Grants
Uninvolved JCP Member	RAND commitment to its patent claims necessary for the Spec., RI, and TCK direct to users and implementers, unless opted out prior to Public Review. See 6A.
EG Member	RF license to all IP in Contributions to the Spec Lead for use in Spec, RI, and TCK subject to compatibility requirements. See 4A. RF license to all IP in Contributions for use in EG research and development. See 4B. Receives same from other EG members and Oracle. RAND commitment to its other patent claims necessary for the Spec., RI, and TCK direct to users and implementers, unless opted out prior to Public Review. See 6A.
Spec Lead	Receives IP grants to Contributions from EG members. See 4A. RF grant for IP (its own and passthru grants from EG Members) for compatible implementations of the Spec, subject to reciprocity. See 5B. RAND license to RI and TCK with some limits on permitted terms (except for Oracle). See 5F.
Oracle	RF license to all IP in Contributions to the Spec Lead for use in EG research and development. See 4B. Receives same from all other EG members. RF license to all IP in Contributions to the Spec Lead for use in Spec, RI, and TCK subject to compatibility rqmts. See 4C. In cases of Platform specifications, Oracle is the only permitted Spec Lead and would accept and make all Spec Lead grants.
Java Users	Receives RAND IP license for RI from Spec Lead – usually Oracle – under various terms. See 5F. In case of any dispute regarding a Contributor's IP, would need to address each step of the grant chain involving Spec Lead, the Contributor, and probably Oracle since most use if of Platform implementations. Receives RAND commitment from all JCP members who did not opt out for necessary patent claims. See 6A. Must pursue JCP member to obtain license.
Specification Implementer	Receives RF license to implement Spec, subject to compatibility. See 5B. Receives RAND license to TCK from Spec Lead, with some limits on permitted terms (except for Oracle). See 5F. Receives RAND commitment from all JCP members who did not opt out for necessary patent claims. See 6A. Must pursue JCP member to obtain license.

Conclusion – Hub and Spoke is very complex

Proposed “Flat” IP Grants

JSR XYZ approved through JCP Process

Entity	Flat Grants
Uninvolved JCP Member	RAND (or RF?) commitment to its patent claims necessary for the Spec., RI, and TCK direct to users and implementers, unless opted out prior to appropriate milestone .
EG Member	RF license to all IP in Contributions direct to users and implementers under standard terms . RF to patent claims necessary for the Spec., RI, and TCK direct to users and implementers, unless opted out prior to appropriate milestone . Includes special grant to Oracle to continue TLDA and similar agreements.
Spec Lead	Treated the same as any EG Member for IP flow purposes. However, Spec Lead would hold copyright in the whole of the Spec, RI, and TCK.
Oracle	Treated the same as any EG Member for IP flow purposes.
Java Users	Receives IP rights from all JCP members who did not opt out for necessary patent claims, direct from relevant IP owner under standard terms . Standard terms can include \$ payments, reciprocity, etc..
Specification Implementer	Same as Java Users.