# Alternative to Necessary Patent Claims Language and Standard Outbound Licensing Model

JCP EC Meeting

November 20, 2012

# Necessary Patent Claims

- **Problem Statement:** The current JSPA language prevents JCP members and EG members from using patents to prevent implementation of a Specification unless they identify the patents prior to the Specification's approval

- **Objective:** Find an alternative that reduces burden on JCP members while continuing to protect implementers and customers from intentionally undisclosed patent claims by JCP members

- **Alternatives:**
  - Remove requirements to grant patent rights outside contributions
    - Pro: very easy to implement
    - Con: significant reduction of patent protection for implementers and customers, "takeaway" may raise concerns with customers, etc.
  - Require non-contributing JCP members to disclose all known necessary patents the member wants to protect
    - Pro: would not require JCP members to review all ongoing JSRs, retains protections for implementers and customers
    - Con: IP environment is less certain than current regime, implementers and customers are exposed to potential litigation from within JCP

- **Recommendation:** Modify JSPA to limit non-contribution RAND obligation to known patents

# Standard Outbound Licensing

- Key Assumptions:

  - Includes all three licenses in JCP - Specification, RI and TCK licenses

  - Licenses would support the goals of the JCP to promote the consumption and use of the Java Platform with strong compatibility requirements

  - Licenses would be Exhibits to the JSPA

  - Continues to allow spec lead choice in licensing within limits

  - Inbound licensing would also require change - will likely require contributors to make supplemental grants to Oracle to fulfill their TLDA obligations

  - Would not be retroactive to completed JSRs, potential for voluntary application to "in-flight" JSRs, and compulsory for JSRs started once the revised JSPA is proliferated

# Standard Outbound Licensing

- **Problem Statement:** The current "roll-your-own" licensing model increases inefficiencies in the JSR process, and the resultant license complexity has been a material impediment to Java technologies adoption

- **Objective:** Reduce the complexity of the JCP licensing model, streamline the JSR process, and improve the consumability of Java technologies by specifying a set of standard licenses all JCP members must use as a condition of participation while protecting the community's IP and business models

- **License goals:**

  - **Specification License:** Substantially similar to the existing Oracle Specification License with modifications to harmonize it with other licenses

  - **RI Licenses:** Spec lead choice from set of licenses: e.g. BSD, ASF, GPL with CPE, …

  - **TCK License:** License terms required to protect compatibility and provide pricing flexibility that support the spec lead's ability to be compensated for its investment

  - **Supplemental License:** Any JSR intended for inclusion in a Java Platform will require a license grant to Oracle sufficient to allow fulfillment of its TLDA obligations

**Is Oracle open to EC negotiation of a JSPA standard licensing model?**