

Input paper: <sup>1</sup> LAP & PAP

Input paper for the following Committee(s): check as appropriate

- ARM             ENG             PAP  
 ENAV            VTS             LAP

Purpose of paper:

- Input  
 Information

Agenda item <sup>2</sup>

4.1

Technical Domain / Task Number <sup>2</sup> All Technical Domains of ENAV Committee

Author(s) / Submitter(s) ENAV16 / Chair.....

## Draft IALA Patent Policy

### 1 SUMMARY

There is an urgent need to put measures in place that can mitigate the negative impact of existing and pending patents on the implementation of e-Navigation solutions currently being developed by the IALA. This paper attempts to make the case for a swift development of an IALA Patent suitable for this purpose. A *draft Guideline on Patent Policy and associated procedures* is provided, and both PAP and LAP are requested to note the information provided, and contribute.

#### 1.1 Purpose of the document

The purpose of this input paper is to bring to the attention of PAP and LAP the urgent need for an IALA Patent Policy, and kick start the development of such a policy.

#### 1.2 Related documents

Draft IALA Guideline on IALA Patent Policy and associated procedures (ENAV16-14.1.17)

### 2 BACKGROUND

At some stage of the development of the standards for AIS, some years ago, it was discovered that there was an existing patent upon which the implementation of AIS was dependent. This threatened the success of AIS, but was luckily resolved by the Patent Holder waiving his rights, enabling the free use of AIS technology for the benefit of safety of navigation and protection of the marine environment.

### 3 DISCUSSION

e-Navigation has now reached its implementation phase, and concepts, technical solutions and standards are currently being developed. At this stage, at least two patents which could impact some of the ENAV solutions being considered have been identified by the ENAV committee.

It could become detrimental for the further innovative development and uptake of e-Navigation if the possible impact of existing and/or pending patents is left to chance and the speculation of organisations or individuals.

<sup>1</sup> Input document number, to be assigned by the Committee Secretary

<sup>2</sup> Leave open if uncertain

### 3.1 One possible solution

Other organisations such as RTCM have solved this problem <sup>2</sup> by adopting the Patent Policy and associated guidelines from ITU-T/ITU-R/ISO/IEC who have developed a Common Patent Policy <sup>1</sup>.

It is proposed that IALA do the same.

A draft Patent Policy, based on the approach by RTCM, has been developed in the form of a Guideline (ENAV16-14.1.17) for consideration by PAP and LAP.

## 4 REFERENCES

- [1] *Guidelines for Implementation of the Common Patent Policy for ITU-T/ITU-R/ISO/IEC* available at <http://tinyurl.com/ngks4ne>
- [2] RTCM Patent Policy available at <http://www.google.fr/url?sa=t&rct=j&q=&esrc=s&source=web&cd=1&cad=rja&uact=8&ved=0CCUQFjAA&url=http%3A%2F%2Frtcm.info%2Fsdp.pdf&ei=Rcc4VbfRLs3lalaVgKAC&usg=AFQjCNHihdAkrqNWJWO1f31DZDa0g2g23w&bvm=bv.91427555,d.d2s>

## 5 ACTION REQUESTED OF THE COMMITTEE

The PAP is requested to note the information provided and:

- 1 Provide comments to ENAV and LAP in time for the next LAP meeting.

The LAP is requested to note the information provided and:

- 2 Consider the need for a Patent Policy;
- 3 If LAP agrees to the urgent need for a Patent Policy, the LAP is requested to develop further the attached draft Patent Policy as soon as possible, and
- 4 Liaise with the chairman of the ENAV Committee on the way forward.