

**Source: OMA**

**Title: Draft Cooperation Framework**

**Agenda item: 8**

**Document for:**

Decision	
Discussion	<b>X</b>
Information	

## **1 Introduction**

The attached revised Draft Cooperation Framework (revised) has been received from OMA on 29 September 2004 together with a request for 3GPP to provide comments on it. It has been proposed by OMA that further discussion can be pursued by telephone conference.

## **CO-OPERATION FRAMEWORK**

The following are general guidelines (“Co-operation Framework”) for the cooperative effort between the Open Mobile Alliance Ltd. (“Open Mobile Alliance”) and the 3rd Generation Partnership Project (“3GPP”).

### **1. DEFINITIONS**

- (a) “Work Areas” mean the agreed work areas noted in Exhibit A, and as modified from time to time by mutual decision of the parties.
- (b) “Contact Persons” mean the persons noted in Exhibit B, as may be modified from time to time by either party through notice to the other party.
- (c) “Contributions” mean any work, whether pre-existing or newly created or prepared within a Work Area under the auspices of the host organization, which may be encumbered by Intellectual Property Rights (“IPR”), as defined below.
- (d) “Documents” mean copies of working documents and drafts within the Work Areas as defined above, the method of access which is noted in Exhibit C, and which may be modified from time to time by either party by notice to the other party. This Co-operation Framework will apply to all documents exchanged even if accessed in a manner other than as noted in Exhibit C.
- (e) “Partners” mean the present and future organizational partners of 3GPP. The present organizational partners of 3GPP are described in section 2 (a) below.
- (f) “Intellectual Property Rights (“IPR”)” mean the patents and pending patent applications, copyrights covering software or firmware, and mask works on integrated circuit mask sets, whether in existence now or created, invented or developed in the future.
- (g) “Specification” means a document, in any form or media including but not limited to paper or an electronic file, containing a set of detailed technical specifications as specifically defined by the organization that produced the same.

### **2. INTRODUCTION**

- (a) 3GPP is a collaborative agreement, established in 1998, presently consisting of the following telecommunications standards bodies:

ARIB	Association of Radio Industries and Businesses (Japan)
CCSA	China Communication Standards Association (China)
ETSI	European Telecommunications Standards Institute (France)
ATIS	Standards Committee T1 Telecommunications (US)
TTA	Telecommunications Technology Association (Korea)
TTC	The Telecommunication Technology Committee (Japan)

- (b) This Co-operation Framework presents guidelines to serve as the basis for establishing the cooperative efforts in the Work Areas between the Open Mobile Alliance and 3GPP with the objective of securing timely development of technical specifications.
- (c) The parties shall endeavor to exchange, upon request, as mutually desired and free of charge, information on relevant work programs in the Work Areas.

### **3. DOCUMENT SHARING**

- (a) Each party encourages the sharing of Documents to all of its respective members provided that Contributions should be made pursuant to sections 5(b) and 5(c) of this Co-operation Framework.
- (b) Documents from one party which are made available to the other party are intended to be accessible on equal terms to all members of the other party.
- (c) If either party wants to make a normative reference to the Specification of the other party, such reference should be publicly available and should be in line with the referencing policy, guidelines or practice of the referencing organization.

### **4. PARTICIPATION IN MEETINGS**

- (a) At either (i) the invitation of the Contact Person of the hosting party or (ii) if, at the request of the other party, the Contact Person of the hosting party so agrees, the Observers may attend and, subject to the limitations set forth below, participate in the other party's meetings. Either party may designate any part(s) of its meeting as "closed". Observers may not attend or participate in such "closed" sessions.
- (b) Observers may submit technical proposals to the chairperson of the group/body in which they are participating, provided, however, that Contributions shall only be submitted pursuant to the terms set forth in section 5 of this Agreement.
- (c) In the event that an Observer is a member of both the Open Mobile Alliance and 3GPP, the Observer will inform the chairperson of the group/body in

which he or she is participating of the affiliation being represented, which should remain consistent during the course of that meeting.

## **5. INTELLECTUAL PROPERTY RIGHTS**

- (a) The Open Mobile Alliance and the Partners have similar principles in their respective membership policies regarding declaration of IPR and regarding licenses to Essential IPR being made available on fair, reasonable and non-discriminatory terms and conditions.
- (b) Contributions may be made to the Open Mobile Alliance by members of 3GPP who are also members of the Open Mobile Alliance only in their capacity as Open Mobile Alliance member(s) under the Open Mobile Alliance membership rules, including its IPR policy.
- (c) Contributions may be made to 3GPP by members of the Open Mobile Alliance who are also members of 3GPP only in their capacity as 3GPP member(s) under the 3GPP membership rules, including its IPR policy.

## **6. CONFIDENTIAL INFORMATION**

It is the intent of the parties that no confidential information will be disclosed.

## **7. COPYRIGHT OF MATERIALS**

- (a) A technical body/group of one of the parties may incorporate text and/or graphics in documents (whether published or not) provided from the other party ("Submitted Materials") where the copyright in such text or graphics is solely owned by that other party.
- (b) With the source of such material acknowledged fully, it is the intent that each party through the participation under this Co-operation Framework grant to the other party a free, irrevocable, perpetual, non-exclusive, world-wide license to incorporate text or other copyrightable material contained in the Submitted Materials and any modifications thereof in the creation of the parties' respective publications; to reproduce, distribute, display and perform such material as part of the publications; to register the copyright in the publication and to distribute in its own name any standards publication even though it may include portions of the other's contributions (subject to the inclusion of appropriate acknowledgements); and at the party's sole discretion, to permit others to reproduce in whole or in part such Submitted Materials as part of the resulting standards publications.
- (c) The Open Mobile Alliance and 3GPP do not intend to co-develop any materials.

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## **8. DETAILED PROCEDURAL GUIDELINES**

The parties will develop detailed procedural guidelines for cooperation as needed during the course of their collaboration

## **9. TERM AND TERMINATION**

This Co-operation Framework is offered to guide cooperation efforts between the parties, and should be put into use inasmuch as it is applicable to the cooperation efforts. In the event that either party finds the Co-operation Framework inapplicable, then the party may notify the other party so that the Co-operation Framework may be modified or withdrawn.

## **10. PUBLICITY**

It is the intent of the parties to work together in the review and final decision prior to the release of any press and other public announcements regarding this Co-operation Framework.

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**EXHIBIT A**  
**WORK AREAS**

Work in technical committees of each party

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## EXHIBIT B

### CONTACT PERSONS

#### Open Mobile Alliance

Name: Technical Plenary Chairman (Mark Cataldo)

E-mail Address: mark.cataldo@openwave.com

Phone number: +44 23 8076 8130

#### 3GPP

Name: \_\_\_\_\_

E-mail Address: \_\_\_\_\_

Phone number: \_\_\_\_\_

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**EXHIBIT C**  
**DOCUMENTS**  
**METHOD OF ACCESS**

From the Open Mobile Alliance:

Open Mobile Alliance working documents are available on its Web site and may be accessed at <http://www.openmobilealliance.org>

From 3GPP:

3GPP working documents are available on its Web site, and are grouped according to the meeting. These documents may be accessed at <http://www.3gpp.org>