

TRANSITION POLICY FOR THE NEW OASIS IPR POLICY

Approved by the OASIS Board of Directors January 20, 2005

Version	Approval Date	Effective Date
Current	20 Jan 2005	15 April 2005

The following OASIS IPR Transition Policy is effective as of 15 April 2005. It governs the manner in which the OASIS IPR Policy adopted on 20 January 2005 <http://www.oasis-open.org/who/intellectualproperty.php> will apply to the operation of OASIS Committees formed prior to that date.

A non-normative overview of this OASIS IPR Transition Policy is available, as a supplemental resource, in the OASIS IPR Transition FAQ http://www.oasis-open.org/who/ipr/transition_faq.php

Definitions:

Transition Approval Ballot: The ballot used by TC Qualified Members to approve a TC's transition to a new IPR Mode.

Transition Request: A request from the TC Individual Voting Members to the TC Administrator to conduct a Transition Approval Ballot for a particular TC.

TC Qualified Member: A TC Qualified Member is either a TC Individual Voting Member or an OASIS Organizational Member that has at least one voting member in the TC at the time the TC Individual Voting Members approve the Transition Request.

1. Key Objectives for Transition

1. Encourage all OASIS members to sign the new OASIS Membership Agreement and thereby agree to the new IPR Policy as quickly as possible.
2. Provide a straightforward mechanism for existing TCs to transition to the new IPR Policy.
3. Ensure that all TCs operate under either the new or old IPR Policy, while respecting the need for TCs to complete their deliverables on schedule.

2. Membership Transition

1. Once the new IPR Policy is in effect, new OASIS members must sign the new Membership Agreement in order to join OASIS.
2. Existing OASIS members are encouraged to sign the new Membership Agreement as soon as possible, regardless of their membership renewal date. Signing the new Membership Agreement before the scheduled membership renewal date does not change the member's membership year.
3. In order to continue their membership, all existing OASIS members must sign the new Membership Agreement before or at their next membership renewal date which occurs on or after the new IPR Policy effective date.
4. OASIS members who have signed the new Membership Agreement are allowed to participate in TCs operating under either the new IPR Policy or the old IPR Policy. In TCs that have not yet transitioned to the new IPR Policy, all TC members will continue to be subject to the old IPR Policy with respect to such TCs, even those who have signed the new Membership Agreement.

5. OASIS members who have not signed the new Membership Agreement are allowed to participate only in TCs operating under the old IPR Policy.

3. TC Transition

1. Once the new IPR Policy is in effect, all new TCs must be formed under the new IPR Policy.
2. An existing TC can begin its transition to the new IPR Policy only after 50% of its TC Qualified Members have agreed to the new IPR Policy by signing the new Membership Agreement.
3. Once a TC has reached the 50% threshold, it may conduct a vote to submit a Transition Request to operate under the new IPR Policy. The Transition Request must specify one of the IPR Modes under the new IPR Policy as the one under which the TC wishes to operate, and must be approved by a majority of the votes cast by the TC Voting Members (as per regular TC voting procedure) before it can be sent to the TC Administrator.
4. Existing TCs that have the special Board approved RF language can specify only one of the two RF modes (RF on RAND Terms, RF on Limited Terms) in their Transition Request.
5. Each Transition Approval Ballot must be preceded by a Transition Request Ballot. There is no limit (other than the time limit specified below in 3.10) to the number of Transition Request and Transition Approval Ballots that a TC may conduct until a Transition Approval Ballot succeeds.
6. Only TC Qualified Members may vote in a Transition Approval ballot, and each may cast only a single vote. The ballot will allow for YES, NO, or ABSTAIN votes.
7. Approval of a Transition Approval Ballot requires i) a minimum of 50% of all TC Qualified Members to vote, ii) no NO votes cast and iii) one or more YES votes.
8. The Transition Approval Ballot is conducted by the TC Administrator. The ballot will remain open for a period of fourteen (14) calendar days. The TC Administrator shall notify all TC Qualified Members of the result of the Transition Approval Ballot (“Approval Notification”).
9. If a Transition Approval Ballot passes, the TC shall start operating under the selected IPR Mode on the TC Transition Effective Date which shall be fourteen (14) days after the Approval Notification provided for in section 3.8, and any subsequent change to the IPR Mode must be effected as described in the OASIS TC Process document. The TC Transition Effective Date shall also be deemed to be the withdrawal date from that TC for any TC member that has not signed the new Membership Agreement by such date.
10. Existing TCs that reach the threshold but do not have a successful Transition Approval Ballot may continue operating under the old IPR Policy for as long as it takes them to complete all their deliverables, or until two (2) years have passed since the effective date of the IPR Policy, whichever comes first. Otherwise they will be closed by the TC Administrator. Any exceptions to this must be approved by the OASIS Board of Directors, whose decision is final.
11. As a special case for the purpose of determining a Participation Obligation, as of the TC Transition Effective Date TC Parties which are determining their Participation Obligation as specified in IPR Policy section 9.2 shall have their sixty (60) calendar day period reduced by the number of calendar days since the date the new IPR Policy became effective and in which they were represented on the TC in transition.