

IETF Trust Report

ISOC Board Meeting @ IETF-94

Benson Schliesser
IETF Trust Chair

2015-Oct-31



The IETF Trust



- The IETF Trust was formed on 2005-Dec-15.
- It has a legal existence as a Trust in the Commonwealth of Virginia.
- It exists to hold intellectual and other property of the IETF.
 - The purposes of the trust include the advancement of educational and public interest by acquiring, holding, maintaining and licensing certain existing and future intellectual property and other property used in connection with the Internet standards process and its administration, for the advancement of the science and technology associated with the Internet and related technology.
 - The Beneficiary of the Trust shall be the IETF as a whole
 - The Trust Assets shall be used solely in furtherance of the Purpose
- More detailed info is available at <https://trustee.ietf.org/>
- Also see RFC4371 and RFC5378

Current Trustees of the IETF Trust



- There are currently 9 Trustees, all of whom are members of the IAOC.
- The Trustees have a fiduciary duty to protect the IETF's property!
- Current Trustees:
 - Jari Arkko
 - Lou Berger
 - Scott Bradner
 - Kathy Brown
 - Leslie Daigle
 - Tobias Gondrom
 - Ray Pelletier
 - Benson Schliesser (Chair)
 - Andrew Sullivan

Trust Legal Provisions (TLP)



- The TLP describes the rights and licenses that the IETF Trust grants to others with respect to IETF Contributions and IETF Documents; as well as certain restrictions, limitations and notices relating to IETF Documents.
- TLP version 5.0 is current:
<http://trustee.ietf.org/license-info/IETF-TLP-5.htm>

Subpoenas and legal requests



- Legal requests and responses proceeding as usual.
- For detailed updates & additional information see <http://iaoc.ietf.org/subpoenas.html>
- Exceptions worth mentioning:
 - Jari Arkko has disclosed a potential conflict of interest and has recused himself from discussion regarding this request:
 - Apple v. Ericsson

Lawsuit filed against IETF among others



- Glassey v. Microsemi Inc - ISOC, IETF, ICANN, et al (received 2014-Sep)
 - Attorneys have advised that ISOC and the IETF management (IAB, IESG, IAOC) not engage in any dialogue on this topic while the case is active.
 - An appeal by Glassey is currently pending. It is unknown when the court will rule on this appeal.
 - Much more information, including detailed filings, is available at <http://iaoc.ietf.org/subpoenas.html>

Trust Willingness to hold IPR related to IANA



- In accordance with Article 5.2 of the Trust Agreement the IETF Trust would be willing to hold intellectual property rights relating to the IANA function, including the IANA trademark and the IANA.ORG domain name.
 - The IETF Trust agreed unanimously by E-Vote on 2015-Feb-20, subsequently confirmed unanimously by roll-call vote during the IETF Trust meeting on 2015-Jun-25.
 - This action was taken in response to request of the IANAPLAN WG to the IETF Chair on 2015-Feb-17.
- Further discussion on this topic (e.g. implementation details) is pending at this time, awaiting further conclusions by the ICANN CCWG-Accountability.



Trust Finances

- The IETF Trust is currently investigating tax-exempt status as a §501(c)(3) organization under the US Internal Revenue Service (IRS).
 - The trust currently and historically has no revenue and has thus not pursued tax-exempt status.
- The IETF Trust is in the early stages of planning to open a Trust-owned bank account, funded adequately to cover the needs of maintaining the Trust.
 - The Trust Agreement establishing the IETF Trust anticipated this need and made provision for it.
 - Provides adequate Trustee control over resources needed to satisfy fiduciary responsibilities.



Hackathon IPR

- The IETF Trust and IAOC Legal Committee are investigating details related to implementation of an IPR policy for IETF Hackathon events.
- The general principle is currently understood to be:
 - Participants are free to work on any code during an IETF event, and the rules regarding that code are what the participant's organisation and/or open source project says they are; the code itself is not an IETF Contribution.
 - However discussions, presentations, demos, etc during an IETF event are IETF Contributions (similar to Contributions made in working group meetings). Thus the usual IETF policies apply to these Contributions, including copyright license and IPR disclosure rules.



Any Questions?



Backup Material

Hackathon IPR - More Background (part 1)



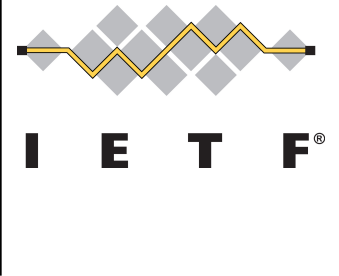
From BCP 78:

Section 1. - Definitions

"Contribution": any submission to the IETF intended by the Contributor for publication as all or part of an Internet-Draft or RFC (except for RFC Editor Contributions described in Section 4 below) and any statement made within the context of an IETF activity. Such statements include oral statements in IETF sessions as well as written and electronic communications [...]

Statements made outside of an IETF session, mailing list, or other function, that are clearly not intended to be input to an IETF activity, group, or function are not IETF Contributions in the context of this document.

Hackathon IPR - More Background (part 2)



From BCP 78:

Section 5.3. - Rights Granted by Contributors to the IETF Trust

- a. to copy, publish, display, and distribute the Contribution, in whole or in part,
- b. to prepare translations of the Contribution [...]
- c. to modify or prepare derivative works [...]
- d. to reproduce any trademarks, service marks, or trade names which are included in the Contribution [...]