

IEEE SA Trademark Guidelines for Contributions to IEEE Standards Development

The following information clarifies the use of Trademarks in Contributions to IEEE Standards Projects.

- Trademarks **may be used** to disclose existing technologies in a Contribution where there are no other existing terms that could be used to identify the technology, e.g., using a consensus standard designation or using an industry specification identifier that is not trademarked. This is true even if the trademark is also associated with an entity/product/service, as long as the only use within IEEE is as a reference to identify the technology.

NOTE: Contributor(s) shall disclose to the Working Group Chair when a Contribution is based on or includes a trademarked technology.

- Trademarks **may be used** to comply with the requirement for disclosure of affiliations (see subclause 5.1.2.3 of the *IEEE SA Standards Board Operations Manual*).

- Trademarks for a technology **may be used** if they are in the title of a document being reviewed, or in the title of a document that is cited in the Contribution.

- Trademarks **may be used** if there is a PAR for the adoption of a specification where the technology outlined in the specification has a trademarked title. IEEE shall have an executed agreement in this instance.

- Trademarks **may be used** to describe in a Contribution the conditions under which a measurement is taken to substantiate a performance claim on a technology or to describe the conditions under which a technology has to operate, if necessary for validation by other participants. In this circumstance, the following disclaimer shall be included in the Contribution where the Trademarks are found: "Use of a Trademark does not imply an IEEE endorsement of the trademarked product or service, and does not constitute a representation that only the trademarked product or service may be used to replicate the stated results."

- An original Contribution from a participant **may not use** a modified form of a Trademark to identify technology in a Contribution without obtaining an exception from IEEE SA IPR Staff. (This requirement applies even if the technology is a modified version of an existing trademarked technology.) The exception request shall include an attestation that there are no other existing terms that could reasonably be used to identify the modified technology **and** that written permission to use the modified form of the Trademark will be provided to IEEE by the original Trademark holder. If the exception is granted, the Contributor(s) shall assist the Working Group Chair in obtaining permission acceptable to IEEE SA prior to submitting the Contribution, and the modified version of the existing Trademark shall be used only to identify the modified technology, and not an entity, product, or service. (This is a trademark use issue, not an antitrust issue.)

- Technology proposals being developed as a part of the IEEE Working Group consensus process **shall not use** existing trademarks to identify the **new technology** that is formed from that consensus (even if the technology proposal is built on an existing trademarked technology). (This is a trademark use issue, not an antitrust issue.)

As a rule, referencing a trademark in a way that is identifying an entity, product, or service **rather than a technology** is not permitted in Contributions unless cleared by IEEE Legal, and is not permitted in draft IEEE standards except as specifically outlined in Clause 6.2 of the *IEEE SA Standards Board Operations Manual*.

Frequently Asked Questions on Trademark Use in Contributions

What should a Working Group Chair do if a participant claims a Contribution is using a trademark or modified trademark incorrectly or without permission from IEEE SA?

Participants should make every effort to alert the Working Group Chair of any incorrectly used trademarks or modified trademarks in Contributions prior to the start of the meeting if Contributions to the meeting are made available beforehand. IEEE SA guidelines recommend that all Contributions are provided two (2) weeks prior to the meeting to allow review of the Contributions for compliance with IEEE SA policies, and to make them available to meeting attendees prior to the start of the meeting so there can be better Working Group discussions of the Contributions.

If at any time a participant becomes aware that a Contribution is using a trademark or modified trademark incorrectly, they should immediately contact IEEE SA IPR Staff (stds-copyright@ieee.org), copying the Working Group Chair and IEEE SA Program Manager, and include the link to the Contribution and proof of the existence of the trademark. Once the existence of a trademark is established, IEEE SA IPR Staff will work with the Working Group Chair to determine appropriate steps.

Can company templates be used for Contribution based on *IEEE SA Standards Board Operations Manual*, subclause 5.1.2.3 "Disclosure of affiliation"?

Yes, a company template can be used for a Contribution if authorized by the company for such use. Participants have the responsibility to obtain that authorization. Company logos should appear only on the first page of the Contribution to identify the affiliation of the participant(s) submitting the Contribution. If there are multiple affiliations, a listing of the participants and their affiliations should be provided on the cover of the Contribution, and logos should not be used.