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Policy on normatively referenced materials

1. Adherence to FR&ND licensing. A DVB specification may normatively reference the standards or specifications of other standards bodies. The intellectual property rights essential for the implementation of these normatively referenced materials must be available on licensing terms that are fair, reasonable and non-discriminatory and that are otherwise no less favourable than the provisions set out in clause 14.2 of the DVB's Memorandum of Understanding.

a. The level (or absence) of monetary compensation is not the sole factor in the determination of whether the policy of a standards body qualifies under this paragraph 1

b. "Standards bodies" include officially recognised standards bodies, ANSI accredited standards developers, de facto bodies, and developers of publicly available specifications. Normatively referenced materials set out provisions that are necessary to implement a mandatory or an optional provision of the referencing DVB specification. "This policy" refers to this Policy on normatively referenced materials.

2. List of qualifying standards bodies. The Project Office maintains on the DVB website a list of standards bodies whose IPR policies have been examined and have been found to qualify under paragraph 1. A DVB specification may normatively reference only those materials that are authored by a listed standards body.

3. Additions to the list of qualifying standards bodies. The chairman of a technical subgroup, responsible for developing a specification that may include normative references to materials authored by a standards body not on the list maintained by the Project Office, shall make inquiry of the Project Office as to whether such standards body has a policy qualifying under paragraph 1. Any such inquiry may include in writing specific concerns relating to the policy for assessment. The Project Office, after review of the inquiry, the IPR policy of the standards body, and related concerns, determines whether the policy qualifies under paragraph 1. After a favourable determination, the Project Office shall add to the list the standards body whose policy has been found to qualify. It shall notify the person making the inquiry, the IPR Module and the Steering Board of its determination, whether favourable or not.

4. IPRM Review of the Project Office's determination; consideration of other factors. The IPR Module may at any time consider the concerns, presented by a DVB member in writing to the IPR Module, in respect of

the Project Office's determination under paragraph 3 as to the IPR policy (and any change thereto) of a standards body, or

the adherence of a listed standards body to the framework for standard-setting organisations set out in Communication of the European Commission, Guidelines of the applicability of art 101 TFEU to horizontal co-operation agreements.

After consideration, the IPR Module may take a decision to affirm or to reject the determination of the Project Office. Based on such decision, the Project Office shall maintain, add or remove such standards body from the list maintained under paragraph 2.

5. Review by Steering Board; exceptions. The Steering Board may review the decision of the IPR Module taken under paragraph 4. It may also make exception to the provisions of this policy if it determines that an exception is in the interest of the DVB Project.

6. Copyright policy. The Copyright Policy of the DVB Project sets out the terms under which normatively referenced materials should be available for evaluation and implementation. www.dvb.org/membership/ipr_policy/copyright_policy/,

7. Prior specifications grandfathered. For normatively referenced materials in specifications adopted by the DVB Project prior to 7 July 2011, only paragraphs 4, 5 and 6 shall apply. If such a specification is thereafter changed, and the change includes normatively referenced materials, at that time the IPR policy of the standards body authoring such materials shall be subject to this policy, calling for, among other things, the inquiry by the chairman of the technical subgroup under paragraph 3.