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For Immediate Release

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DVB Project promotes pooling of DVB patents

Geneva, 29 May 1997. The Digital Video Broadcasting Project (DVB) announced today that it will foster the formation of a patent pool for DVB standards. The objective is to create efficient access to the intellectual property rights necessary for the implementation worldwide of digital video broadcasting using DVB technology. A patent pool formed on a voluntary basis by holders of intellectual property rights and administered independently of the DVB Project can help fulfil this objective.

The pool will be a voluntary, agreed-upon, joint licensing arrangement for a portfolio of patent rights. It will enable a "one-stop-shop" facility for those requiring licenses. It is intended to result in widespread, non-discriminatory and reasonable licensing of patent rights for the modulation, channel coding and other technology now standardised thanks to the work of the DVB Project.

As a first step, those holding IPRs essential to DVB standards are invited to identify their IPRs to the DVB Project Office before 1st August 1997.

Mr Theo Peek, Chairman of the Steering Board of the DVB Project said:

"Now that much of the technical work of the DVB Project has been completed, we can turn to ensuring that the IPRs associated with our standards are available efficiently and on terms which are fair, reasonable and non-discriminatory. This will be of benefit to industry and consumers alike, as it will accelerate the introduction of DVB services and the availability of DVB receiving equipment in the market place in Europe and throughout the world. In addition, the pool will meet the goals of IPR holders whose interest is to promote the widest distribution of decoders, IRDs and other consumer and professional equipment incorporating their technology. The mechanism to be developed within a pool formed voluntarily by IPR holders will provide an efficient means to license these IPRs."

Excluded from this pooling arrangement are the intellectual property rights necessary for the implementation of the MPEG-2 standards. These are the subject of a separate and non-related pooling arrangement being established elsewhere. MPEG-2 and DVB are complementary standards for digital video broadcasting.

The holders of IPRs essential to the implementation of a DVB standard are invited to identify their rights to:

DVB Patent Pool Co-ordinator
DVB Project Office
c/o European Broadcasting Union
17A, Ancienne Route
CH-1218 Grand-Saconnex (GE)
Switzerland

The identification of a patent right considered essential to the implementation of a DVB standard should specify:

- (a) the standard by number, e.g. EN or ETS, and the relevant section of the standard,
- (b) the patent/patent application number and filing date,
- (c) the date of publication of the patent specification, and
- (d) a list showing the countries in which corresponding patent applications in the same patent family are filed/granted together with the current status of each such patent/application.

The DVB Project expects to receive responses by 1st August 1997. Thereafter the DVB Project will encourage those holding essential IPRs to complete an arrangement for one or more pools, each of which may be constituted as a stand-alone licensing entity, in early 1998. IPR holders may choose to create individual licensing pools, corresponding, for example, to different DVB transmission media.

The proposed pooling arrangement is part of a multi-step process, which the DVB Project has undertaken with respect to intellectual property rights necessary for the implementation of DVB standards. Under their Memorandum of Understanding, the members of the DVB Project have committed to make their own IPRs available on terms which are fair, reasonable and non-discriminatory. In addition, the pooling arrangement for the common scrambling algorithm is already in operation, providing a one-stop shop licensing facility.

Copies of the specifications are available from the DVB Project Office. Please send requests directly to the following email address:

iprm@dvb.org

Please note that copies can only be supplied via this channel to organisations for the purpose of identifying their essential IPRs. For all other requirements, copies of the DVB specifications must be obtained through ETSI, CENELEC or the EBU.

Background Information

The Digital Video Broadcasting Project (DVB) is a consortium of over 200 broadcasters, manufacturers, network operators and regulatory bodies in more than 30 countries worldwide, committed to designing a global standard for the delivery of digital television. Numerous broadcast services using DVB standards are now operational, in Europe, North and South America, Africa, Asia, and Australasia.

To date, the DVB Project has adopted specifications notably for modulation, channel coding, service information, and scrambling and for broadcasting by satellite, cable and terrestrial means. These specifications are then submitted to European standard-setting bodies (notably ETSI and CENELEC) for formal standardisation. The work of the DVB Project on technical specifications continues.

Standards derived from the DVB Project, together with those from the MPEG-2 Group as adopted by the International Standards Organisation, are allowing the commercial launch of digital television throughout the world.

The intellectual property rights (IPRs) to be covered by the pooling arrangement are those IPRs, which are technically essential to the implementation of a DVB standard. That is, such IPRs are necessarily infringed on technical grounds when the standard is implemented. Principally this will concern patent rights and this announcement refers to a patent pooling arrangement. Nevertheless the identification hereby requested should, if applicable, include any other IPRs, for example (software) copyrights, if these are considered by the IPR holder to be necessarily infringed when the standard is implemented.

The voluntary arrangements for the setting up of a DVB patent pool do not override or modify the obligations of signatories to the DVB MoU as specified in Article 14 thereof. Also the position with regard to the IPR policy of the relevant recognised standards body applying the standards of that body based on the adoption of specifications made by the DVB Project remains unchanged.

The work of MPEG-2 in creating a licensing entity is far advanced. For further information on MPEG-2 licensing entity, contact Mr. Baryn Futa, MPEG LA, 250 Steele Street, Suite 300, Denver, Colorado 80206, USA, Tel: +1 303 331 1880, Fax: +1.303.331 1879.

Theo Peek is Chairman of the DVB Project. He is also Director of Philips Business Electronics.

The DVB Project has a modular organisational structure, which includes an Intellectual Property Rights Module (IPRM). The IPRM provides a forum for members to seek out solutions to any intellectual property issues arising in relation to DVB specifications, within the framework of Article 14 of the DVB MoU. The Chairman of the DVB IPRM is **Carter Eltzroth**.

For further information, contact:

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