

**Explanatory Note for creating and using an “Information Snapshot” on IPRs potentially essential to normatively referenced material proposed for a DVB technical specification**

This document sets out the process for creating and using an Information Snapshot. It also includes important limitations and disclaimer on its use.

**Purpose and use of the Information Snapshot:**

Each Information Snapshot provides basic Public Information, available on the date of its preparation, on intellectual property rights (“IPRs”) potentially essential to implement normatively referenced material proposed for inclusion in a DVB technical specification. The information is solely for DVB members’ internal use in connection with normative referencing in the DVB standardization process (“Purpose”). It is not intended, and cannot be used, for any other purpose, such as using the Information Snapshot alone to determine whether the normatively referenced materials are licensed in compliance with any associated FRAND commitment submitted to the authoring standards body. It is drawn entirely from Public Information (as defined in 4(d) below). The Information Snapshot is provided on the terms and conditions set out in this Explanatory Note. See the limitations on the use of the Information Snapshot and other disclaimers below. Fields left blank do not convey any particular meaning. DVB members who want a more complete picture than that provided by the Information Snapshot are encouraged to carry out their own research.

By accessing and using an Information Snapshot, a DVB Member indicates its understanding and acceptance of the limitations on its use of the Information Snapshot and the disclaimers set out in this Explanatory Note and in the Information Snapshot.

Submitted Information Snapshots are available to DVB Members at <https://member.dvb.org/wg/DVB/document/folder/154>. Information on DVB's “Policy on Normatively Referenced Materials” can be found at <https://www.dvb.org/iprpolicy>.

**1. Preparation of an Information Snapshot**

If a Technical Module (“TM”) subgroup decides to include a normative reference in a draft DVB specification, an Information Snapshot will be prepared. The most current template can be found at <https://www.dvb.org/infosnaps>.

The proposer of the normatively referenced material (or if the proposer is not available the TM subgroup chair) informs the IPRM Chair about the new normative reference. The IPRM Chair will prepare the Information Snapshot using Public Information. The IPRM Chair uses reasonable efforts to fill in all fields of the Information Snapshot.

**2. Requesting information from the authoring standards body**

Once the Information Snapshot has been completed as far as practicable, the IPRM Chair forwards it to the DVB Project Office. The Project Office sends the Information Snapshot to the authoring standards body, together with its cover email that:

(1) requests the authoring standards body to review the Information Snapshot and if needed supply Public Information in fields that are empty or incomplete,

- (2) notes DVB's policy on the limited distribution of the Information Snapshot,
- (3) includes disclaimers and
- (4) requests that the authoring standards body respond within four weeks.

### **3. Making available the final Information Snapshot**

- (a) Timely response.** After receiving from the authoring standards body the Information Snapshot (following that body's review and completion of the Information Snapshot), the Project Office (i) reviews the final Information Snapshot for facial conformity with the template for Information Snapshots. If the Project Office finds that the final Information Snapshot conforms, then it (ii) posts the final Information Snapshot to <https://member.dvb.org/wg/DVB/document/folder/154>.
- (b) No meaningful response.** If the authoring standard body fails to respond within four weeks, the Project Office renews its request. If after eight weeks of the initial request, the standards body does not respond (or if at any time it indicates it will not respond), the Information Snapshot shall be treated as final and the Project Office will undertake the steps described in 3(a)(i) and 3(a)(ii) above.
- (c) Impermissible information.** If the Information Snapshot returned by the authoring standards body includes information that in the opinion of the Project Office is manifestly not Public Information (or information not required by the Information Snapshot), the Project Office removes such information and, as modified, posts such final Information Snapshot in accordance with 3(a)(ii) above. The excluded information is filed in the Project Office and not further distributed within or outside DVB.
- (d) Late reply.** If a reply from the authoring standards body is received after the Information Snapshot is posted but before adoption by the Steering Board of the specification including the normatively referenced material, the Project Office will remove the Information Snapshot as posted, modify it to add the information contained in the late reply and undertake the steps described in 3(a)(i) and 3(a)(ii) above. If such reply is received after adoption, the Information Snapshot is not further modified; the reply is filed in the Project Office.

The Project Office gives notice to the Steering Board, Commercial Module and IPR Module when an Information Snapshot is posted in accordance with 3(a)(ii). The use by DVB Members of the Information Snapshot must be in accordance with competition rules including the DVB Antitrust Guidelines.

No Information Snapshot is made available outside of DVB, except when transmitted to the authoring standards body as described in 2.

### **4. Disclaimers**

Those preparing the Information Snapshot, and the Project Office, make no representation or warranty of completeness, accuracy or reliability of the information included in the Information Snapshot. The Information Snapshot can only be used for the Purpose, and

must not be circulated outside of DVB. There is no responsibility borne, to any third party for any reliance placed by that third party on the Information Snapshot, or any errors or omissions in the Information Snapshot. In particular:

- (a) Accuracy.** The DVB Project has not checked the accuracy or reliability of information contained in the Information Snapshot. Any patents described therein may not be essential or valid, and may be subject to territorial limitations. Any user of this Information Snapshot must conduct its own investigation as to these matters.
- (b) Completeness.** The Information Snapshot has been compiled using Public Information using the process described in this Explanatory Note. It may be that there are other patents or further licensing programmes, in addition to those described in the Information Snapshot, relevant for the implementation of the normatively referenced material. For this reason the list of licensing programmes (or any other information provided), even if Public Information, may not be comprehensive. The user cannot rely on the completeness of the Information Snapshot, and must undertake its own search for patents essential to the normatively referenced materials if a more complete picture is desired. Fields left blank do not convey any particular meaning.
- (c) Date of information and reliability.** The date on the Information Snapshot is the date of its preparation or last modification. The information will not be updated after Steering Board endorsement of the related technical specification and there is no duty for anyone to update the information. For this reason, the Information Snapshot may not reflect, for example, the grant of patents in respect of patent applications still pending on the date of the Information Snapshot, the removal of patents found to be invalid or non-essential, or the launch of new licensing programs covering the normatively referenced materials. The user cannot rely on the information in the Information Snapshot being up to date. Moreover, the hyperlinks contained in the Information Snapshot to third party websites (linking for example to patent declarations or licensing programmes) may not function or may display content that is inaccurate, not current or incomplete. DVB does not warrant that services or content of any third party website will be error-free or uninterrupted. DVB shall not be held liable for any errors, omissions, interruptions, or delays in connection with any website's content, or from any damages arising therein. See <https://www.dvb.org/iprpolicy>.
- (d) Public Information.** The information in the Information Snapshot is based on genuinely public and readily accessible information (as further defined in this section 4(d), "Public Information"). Genuinely public and readily accessible information means information that is generally equally accessible (in terms of costs of access) to all competitors and customers. Cost means an expenditure of money, time, labor or other resources. For information to be genuinely public and readily accessible, obtaining it should not be more costly for customers and companies external to DVB and to the authoring standards body than for those who are members of DVB or the authoring standards body. Information is not considered genuinely public and readily accessible when the costs involved in collecting it deter companies/individuals

external to DVB and the authoring standards body from doing so. Note however that in the preparation of an Information Statement it is likely that the preparer has in fact taken information only from sources that are accessible without cost. The user of the Information Snapshot must comply with all applicable laws (including competition law); it is only for the internal use of DVB Members in connection with DVB standardization.