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Rules and Procedures of the DVB Project

These Rules and Procedures of the DVB Project were initially adopted by the Steering Board on 14 February 2008 as a codification of practices of the DVB Project since its inception. They replaced prior versions of similar collections of the DVB's rules and procedures. The February 2008 text has been revised several times.

The current version of the Rules and Procedures, the other documents referred to in the Rules and Procedures, and other materials on DVB practices and procedures can be found at www.dvb.org.

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Rules and Procedures of the DVB Project

1 General

1.1 Background, other sources, superseded documents

These Rules and Procedures codify certain of the practices that have been adopted within the DVB Project relating to its governance and activities. They are intended to complement the governing document of DVB, “*Memorandum of Understanding further amended and restated for the development of harmonized digital video broadcasting (DVB) based on European specifications (The Statutes of the DVB Project)*” (3 Jan 2014). Other practices may be added to these Rules and Procedures in response to novel issues.

These Rules and Procedures are not comprehensive. There are other sources for DVB rules addressing specific issues. These include:

Information on DVB’s IPR policy, <https://dvb.org/about/policies-procedures/#iprpolicy>, including its Copyright Policy, a Facility for Voluntary Disclosure of Patents, a policy on normatively referenced materials (together with a list of qualifying standards bodies), links to licensing programmes covering DVB standards, a form of statement to be submitted by a participant in DVB activities that is not a Member, an extensive commentary on DVB’s IPR policy,

Terms of Use for the DVB website and

Guidelines for Liaison Officers (SB 1526) and other materials.

These Rules and Procedures replace in all respects all prior collections of DVB’s rules and procedures, including without limitation, prior versions of these Rules and Procedures; “Statutes and Rules of Procedures for the Digital Video Broadcasting Project” (SB 18 (97) 36, 24 Sept 1997) and DVB Steering Board Decisions, (SB 37 (02) 22, 18 June 2002). (The specific rules on implementation of the Multimedia Home Platform, *MHP Implementation Arrangements and Associated Agreements*; DVB Blue Book A066r1 (June 2003) (with corrigenda and addenda) were withdrawn on 31 October 2012.)

For the avoidance of doubt, if the present Rules and Procedures are silent in respect of a matter addressed by any such document, then there is no rule, or the matter is covered by the Memorandum of Understanding or by Swiss law applicable to associations. (DVB is an association in conformity with *Code civil suisse*, art 60 et seq.)

These Rules and Procedures have been adopted by the Steering Board pursuant to the DVB MoU, and notably articles 4 (modification of organizational structure), 6.1 (rules and procedures for election of members of the Steering Board); 6.2 (adoption of rules and procedures of the Steering Board); 11 (rules and procedures of modules); and 17 (interpretation of MoU). They may be supplemented and modified from time to time by decision of the Steering Board. (The most current version of the Rules and Procedures is available at <https://dvb.org/about/policies-procedures>.)

1.2 Definitional conventions

1.2.1 “Subgroup”

Unless the context otherwise requires, a “subgroup” is any group other than the Steering Board. The term includes modules.

1.2.2 Use of gender

These Rules and Procedures are gender neutral. The use of “he” or “she” (and their correlatives) is purely conventional when a singular person is intended. The use does not convey that certain activities or functions are reserved for men or for women.

2 Membership

2.1 New membership

2.1.1 Candidacy

Conditions for membership are set out in Article 2 MoU.

A candidate sends a written application to the DVB Project Office, indicating to which subgroups it intends to contribute, and to which constituency it wishes to belong. Constituencies are set out in Article 6.1 MoU.

2.1.2 Acceptance of candidates

Upon receipt of a completed application, the Project Office reviews the application, including the candidate’s choice of constituency. The candidacy is thereafter reviewed and, where suitable, approved by the Steering Board either at a following meeting or by correspondence.

Membership starts after approval by the Steering Board, the signing of the MoU and the payment of the membership fee for the current year.

New Members are confirmed by the next General Assembly. In the absence of such confirmation, membership is cancelled and the membership fee reimbursed.

2.1.2.1 Associations

An association may, whether named as a Member or observer, be exempt from payment of a membership fee if five or more of its members are fee-paying Members of DVB. No more than two representatives from any association may attend a DVB meeting. The benefits of membership or observership apply only to the association and not to its members.

At the time of making a technical contribution, the association shall reaffirm that the contribution, and its members holding IPRs therein, are subject to the IPR policy of the DVB Project.

2.1.2.2 Observership

Conditions of an observership are set by the Steering Board pursuant to articles 2 and 6 of the MoU. Observership is usually reserved to standards bodies.

Observers are bound by the IPR policy of the DVB Project. Observers are generally entitled to attend the meetings of any DVB subgroup.

2.1.2.3 Initial, annual membership fees

The membership fee for a new Member during its first year of membership is € 2,000.

(A company that has withdrawn from membership, after no less than two years of non-membership, pays the initial fee upon rejoining. It is otherwise obligated to pay the annual membership fee.)

Associations, under the conditions set out in article 2.1.2.1, and observers may be granted an exemption of the initial and annual membership fee, on approval by the General Assembly after recommendation by the Steering Board. Other Members are not entitled to this exemption.

(The annual fee payable by a Member terminating its membership is not prorated.)

2.1.2.4 Consultancies and consultants

In this article, a “consultant” is an individual, including an individual operating through her own company. (See below for provisions related to “consultancies”.)

- A DVB Member may be represented by its employees or by consultants serving the interest of the DVB Member alone. This representation may include serving as the chair of a DVB subgroup.
- A consultant is deemed to represent the Member that is using the consultant’s services. The consultant may also be engaged to represent multiple Members in respect of one or more DVB activities. (The consultant in these circumstances is deemed to represent each of the Members using her services.)
- The Member’s use of a consultant is its affirmation that (i) any intellectual property of the consultant, otherwise covered by Article 14 MoU, is available through that Member pursuant to that article and (ii) it will ensure that the consultant will follow these Rules and Procedures. (DVB Members, through the Project Office, may seek further assurance that the Member and its consultant are observing these requirements.)
- The chair and members of each subgroup where the consultant is active shall be notified of her engagement (for example, on her presentations to the subgroup, when identifying herself at the start of a meeting, and when signing the attendance sheet). This information is available to all DVB Members.

This article 2.1.2.4 also applies to a consultancy, that is a company with several professionals, offering services to multiple clients.

A consultant (or a consultancy) is not normally entitled to membership within DVB.

In the case of a consultancy, affiliated by ownership with companies that would otherwise satisfy DVB membership requirements, that group of companies may be considered for membership. When such a group is not a Member, its participation, and the participation of the consultancy, in DVB activities in any capacity may be denied by the Steering Board. A consultancy should in the first instance contact the Project Office as to membership and other status questions.

2.1.3 Fellows

From time to time, the Steering Board may designate as “Fellows of the DVB Project” those who have made exceptional contributions to the work of the DVB Project. Fellows do not represent a Member.

A Fellow of the DVB Project may attend the General Assembly and have access to the same documents as DVB Members.

At the discretion of the Steering Board, a Fellow of the DVB Project may attend other meetings and be called upon to offer his views and make other contributions to the work of the DVB Project. The Fellow’s attendance at meetings, and access to documents, will be on such terms related to IPR and other matters as the Steering Board deems appropriate.

2.2 Termination of membership

2.2.1 Voluntary

The time and manner for voluntary withdrawal is set out in Article 15 MoU. The Chair DVB may exceptionally waive, for good cause shown, all or part of the one-month withdrawal period specified in that article.

2.2.2 Involuntary

2.2.2.1 Failure to pay membership fees

A Member that has failed to pay its membership fee within 60 days of the due date for such payment may, by action of the Project Office, be suspended from membership. The Project Office will give the suspended Member notice of its suspension. During its suspension, it is not entitled to participate in any DVB meeting, to vote or to have access to documents. The Member is no longer suspended, and these privileges are restored, when it pays all its past due fees. A suspended Member who has failed to pay its membership fee for the calendar year may, by decision of the General Assembly when meeting no earlier than 1 October in that year, be expelled from membership.

2.2.2.2 Behaviour incompatible with the obligations under MoU

Under Article 1.4 MoU, Members have committed themselves to the purpose of “promoting DVB technical specifications . . . and their widespread international utilization / adoption.” Moreover, Art 6.2 MoU gives, among other duties, the responsibility to the Steering Board in respect of the “coordination, priority-setting and management of the DVB project” and “dealing with any procedural disputes”.

If the behaviour of a Member is incompatible with these and its other obligations under the MoU – such as actively blocking the adoption of a DVB specification in a standards organization, disparaging such specifications, persistent obstreperous conduct, or engaging in audiovisual piracy – the Member may be suspended or its membership terminated under the following process:

- the Steering Board may request the recommendation of the Project Office;
- it may also direct the DVB Chair to ask, by letter, the Member to clarify its position;

- the Project Office may, taking into account the response, if any, to the DVB Chair's letter, propose to a later meeting of the Steering Board a suitable action, including the temporary suspension or the termination of its membership;
- the Steering Board shall take whatever steps it deems advisable.

The decision by the Steering Board to terminate a Member under this article 2.2.2. is subject to ratification by the General Assembly. The Member may make representations to the General Assembly to challenge the decision of the Steering Board.

2.2.3 Obligations remaining after termination

Termination of membership through withdrawal or otherwise does not affect the existing obligations on the Member in its individual capacity, including its obligations in relationship to DVB's IPR policy, and payment to DVB of amounts past due (including the current year's membership fee).

2.3 Participation at the General Assembly

Every Member may participate at a meeting of the General Assembly, through its representative present either in person or remotely.)

The Chair may invite distinguished persons and representatives from organizations which are not Members to attend as observers meetings of the General Assembly.

3 Participation in the activities of the DVB

3.1 Representative

Upon its election to membership, a Member notifies to the Project Office a representative to whom all statements of membership fees, formal correspondence and other notifications are addressed. It is the responsibility of the Member to inform the Project Office of any change in the representative or contact details.

Usually, the representative represents the Member at the General Assembly and (if elected) at the Steering Board, but this is not mandatory.

3.2 Participation in the Modules and working groups

3.2.1 Initial participation in the work of the Modules

A new Member is encouraged to send its representatives to meetings of the Technical Module and the Commercial Module promptly after joining, and in any event as soon as practicable after beginning their participation in the work of a subgroup.

3.2.2 Reserved

3.2.3 Overlapping representation

Members should strive to send different representatives to the Commercial and the Technical Modules.

The Technical Module is open to the technical experts of all Members.

The Commercial Module is open principally to senior managers concerned with the commercial exploitation of services or products in digital broadcasting and related areas.

The Commercial Module subgroups welcome technical expertise, but a diversity of points of view (technical and commercial) is desirable to the good functioning of the DVB.

3.3 Participation in the Steering Board

3.3.1 Representation

A member of the Steering Board participates in person, that is through its representative present physically or remotely.

Each Member sends no more than one representative to the Steering Board. Other representatives from the same DVB Member may be present in their capacity as chair of a DVB module or an ad hoc group reporting directly to the Steering Board.

Notwithstanding the preceding paragraph, the chair of the meeting may exceptionally permit the presence of one or more further representatives.

It is expected that Members' representatives to the Steering Board be part of the higher management in their organizations.

3.3.2 Participation of non-Board Members

At the invitation of the DVB Chair, a Member, or observer, who is not a member of the Steering Board, may attend (but may not vote at) one or more meetings of the Steering Board.

4 Steering Board membership and leadership

4.1 Elections to the Steering Board

4.1.1 Constituencies; qualifications

Article 6.1 MoU defines the constituencies within the Steering Board and certain of the qualifications for election.

4.1.2 Prior to the election

In anticipation of the meeting of the General Assembly at which a new Steering Board is to be elected,

- at its meeting preceding the election, the Steering Board names the convenor for each constituency;
- the convenor invites nominations for the places within the Steering Board allocated to the constituency;
- on the day of the General Assembly when the new Steering Board is to be elected, the convenor holds a meeting of the constituency; the Project Office assists the convenor to facilitate the participation of those participating remotely;

- if the number of nominations matches or is less than the places allocated, the convenor draws up a list of those nominated to serve as the constituency's representatives during the next Steering Board (a "constituency list"); constituencies find balance within a list, for example by allocating places by sub-constituency (based on industry sub-sectors, geography, etc);
- if the number of nominations exceeds the places allocated, the convenor and the constituency attempt to find consensus so that the nominations and places match; if there is a match, the convenor draws up a constituency list; if there is no consensus, the convenor prepares a report on the failure to achieve consensus, together with the names of those nominated.

4.1.3 Election Day

At the meeting of the General Assembly, each convenor presents her constituency list or other report. The General Assembly elects the new Steering Board by adopting the constituency lists and, in respect of a constituency which failed to achieve consensus, elects constituency representatives from among those nominated using the process described in the next paragraph. The election in any constituency is confined to those present at the General Assembly, either in person or remotely.

In an election for a constituency that has failed to achieved consensus, voting is by secret ballot by a process adopted by the Project Office designed to facilitate voting secrecy. The process is announced by the Project Office as soon as practicable but no later than the start of the meeting. The Chair (or his designee) collects the ballots and announces the results of voting. Any candidate (or the candidate's representative) may examine the ballot papers (or voting data).

An election and its result are not unreasonably delayed by technical problems encountered by remote participants

4.1.4 New Steering Board

At a meeting of the new Steering Board:

- a constituency that has failed to nominate a number of representatives equal to its allocation may propose further nominations to complete its allocation; and
- the recommendations, if any, of a constituency as to its members to be co-opted to the Steering Board is put to a decision of the Steering Board; the Steering Board ensures an adequate spread of interests, including geographical balance.

It is not the practice to hold the first meeting of the new Steering Board immediately following the General Assembly at which elections are held.

4.1.5 Filling a vacant Steering Board seat

If the place of an elected Member falls vacant during the term of a Steering Board, it shall be filled by a Member, elected by the Steering Board, from the same constituency as the Member causing the vacancy. The Member serves as a co-opted member unless its election is confirmed at the succeeding meeting of the General Assembly. The Member's mandate ends in any event at the conclusion of the term of the sitting Steering Board.

4.2 DVB Chair and Vice-Chair

4.2.1 Role of the Chair and Vice-Chair

The Chair, and if unavailable a Vice-Chair:

- presides over meetings of the General Assembly and of the Steering Board;
- presents the work plan and the annual report;
- transmits the documents approved by the Steering Board to the General Assembly;
- transmits the specifications approved by the Steering Board to the relevant recognized standards setting organization.

The Chair and the Vice-Chair are responsible for promoting the work of the DVB Project. Each of them speaks on behalf of the DVB Project. (In addition, any module chair and the Project Office may speak externally on behalf of the Project on agreed matters which fall within their own competence.)

4.2.2 Eligibility

Only representatives of members of the Steering Board may stand for election as Chair or Vice-Chair.

4.2.3 Election

The process for election of Chair and Vice-Chair is set out in article 5.1.

4.2.4 Duration of term

The Chair serves for two years from the date of election. His term need not be coterminous with the term of the Steering Board.

The Chair is elected from the Steering Board; upon his election the Chair may choose no longer to act as the representative of a Member company (and his company may name a replacement to serve on the Steering Board).

4.2.5 Vice-Chair

One or more Vice-Chairs may be elected by the Steering Board, each to serve for such term, and to undertake such duties, as the Steering Board may determine.

4.2.6 Remuneration of Chair, Vice-Chair; reimbursement of travel expenses

The Steering Board may, notwithstanding article 12.1(a) MoU, decide to allow remuneration and reimbursement of travel and accommodation expenses of the Chair and any Vice-Chair. Such a decision is renewed at the start of each term of service.

5 DVB elections; voting by correspondence

5.1 Election process for DVB and module leadership

This Rule applies to elections for DVB Chair and DVB Vice-Chair and for chair and vice-chairs of modules.

5.1.1 Call for candidates

Before an election, the DVB Chair (or her designee) calls for candidates by notice to the DVB membership no less than 30 days before the meeting at which the election is to be held. Each time a candidate application is received, the Project Office promptly notifies the membership thereof.

5.1.2 Contested election

If there is more than one candidate, the election is by secret ballot. The candidate winning a majority (more than 50 percent) of the votes cast by those present in person or remotely is elected. If there are more than two candidates, multiple rounds of elections are held until a candidate wins a majority of votes. If during a round no candidate wins a majority, then the candidate receiving the least number of votes is excluded from any later round. No more than a single representative present at the meeting in person or remotely votes on behalf of a Member. There is no voting by proxy.

In a secret ballot, the votes cast remotely are by a process adopted by the Project Office designed to facilitate voting secrecy. The process is announced by the Project Office as soon as practicable but no later than the start of the meeting. The designee of the meeting chair collects the ballots and announces the results of each round of voting. Any candidate (or the candidate's representative) may examine the ballot papers (or voting data).

An election and its result are not unreasonably delayed by technical problems encountered by remote participants. If unable to vote, they may ask that the vote they would have cast be noted in the meeting report.

5.1.3 Uncontested election

In an uncontested election, a vote is held by show of hands, voice vote (the "ayes and nays") or comparable method announced by the meeting chair (or designee conducting the election).

5.1.4 Qualified voters in module elections; endorsement of module election

For elections for module leadership, an eligible voter is a Member that has attended no less than two of the past three meetings of the module. For the avoidance of doubt, the presence of different Member representatives at module meetings can satisfy the requirement on prior meeting attendance.

An endorsement of a module chair or vice-chair, after election by the module, is treated as an uncontested election.

(Within the General Assembly, and within the Steering Board, for elections as with any decision requiring a vote, Members do not have to satisfy a requirement on prior meeting attendance.)

5.1.5 Abstentions

In the case of any election (or endorsement), abstentions are not collected and are not used in determining whether a candidate has achieved the requisite majority.

5.2 Voting by correspondence

The Steering Board or any subgroup may take a decision by correspondence. This process generally takes the form of a decision at a meeting adopting in substance a deliverable or other action, subject to approval, by correspondence, of modifications proposed at the meeting. The adopting meeting may

set the process for the decision by correspondence, including the time within which responses are to be received.

6 Administration of the DVB Project

Between meetings of the Steering Board, the Chair, together with the chairs of the modules and the Project Office, coordinates the day-to-day work of the DVB Project.

6.1 Project Office

The Project Office is responsible for administrative matters under the direction of the Chair.

6.2 Litigation, regulatory proceedings

The Project Office gives notice to the Steering Board and, if suitable, to the IPR Module and any relevant subgroup, of any judicial or contentious regulatory activity in which DVB may become involved. The DVB Chair, with advice of the Legal Director, may take such actions as he deems necessary or appropriate and with a view to decreasing costs and burdens to DVB. The DVB Chair reports on these actions to the Steering Board. (See also Rules on Document Disclosure.)

7 Accounts

The accounts are administered by the Project Office.

The annual budget is prepared by the Ad hoc Group Budget with the support of the Project Office; it is adopted by the General Assembly upon the recommendation of the Steering Board.

The Steering Board oversees the execution of the annual budget. It prepares the accounts for the past year according to recognized accounting principles. At the time the accounts for the prior year are presented for adoption by the General Assembly, the General Assembly shall be informed of the remuneration and reimbursements to the Chair and Vice-Chair (s 4.2.6), and the reimbursements to subgroup chairs (s 8.1.2, s 8.1.4) during that year.

The Budget and its execution shall be undertaken according to prudential principles.

Members of the Steering Board shall have reasonable access to the accounts of the DVB Project; the Project Office shall provide them with all necessary explanation.

8 Rules and procedures of modules and subgroups

8.1 Leadership of Modules

8.1.1 Module chair and vice-chair

Each module has a chair who presides and undertakes the other tasks as described in these Rules and Procedures. Each module may decide to have one or more vice-chairs.

8.1.1.1 Election

The process for election of the chair of a module and his re-election is set out in article 5.1.

8.1.1.2 Endorsement

At the first meeting of the new Steering Board immediately following its election described in article 4.1, the Steering Board endorses (or rejects) by majority vote the chair elected by the module. If the Steering Board rejects the chair elected by the module, the Steering Board elects a chair for that module in accordance with the process for election of DVB Chair.

8.1.1.3 Term

The chair newly elected by the module assumes office immediately, but his election is subject to the endorsement of the Steering Board. The term of a module chair is two years (or, if earlier, until the meeting of Steering Board, described in article 8.1.1.4 (b), at which it decides the re-election of module chairs). The Steering Board may at any time remove a module chair.

8.1.1.4 Re-election

The module chair is re-elected (or another elected) for a two-year term by the process described in article 5.1.

- (a) The module re-elects its chair (or elects a new chair) at a module meeting falling before the meeting of the Steering Board specified in article 8.1.1.4 (b).
- (b) At the first meeting after its election (or if necessary at a later meeting), the new Steering Board considers the endorsement of the chair elected by the module. The endorsement follows the procedure set out for endorsements in article 8.1.1.2.

8.1.1.5 Vice-chair of a Module

A vice-chair of a module is elected, endorsed, removed and re-elected in the same manner as its chair.

In the absence of the chair, a vice-chair presides over meetings of the module.

8.1.2 Reimbursement of travel expenses

The Steering Board may, notwithstanding article 12.1(a) MoU, decide to allow reimbursement of travel and accommodation expenses of the chair of any module in accordance with Project Office rules. Such a decision is renewed at the start of each term of service.

8.1.3 Subgroup chair

Subgroup chairs are appointed by the relevant module, taking into account any proposal from the subgroup. Decisions on the leadership of the subgroup are taken by the same consensus process as any other action within a module.

The Steering Board may review and modify those appointments.

8.1.4 Non-DVB Members serving as chair of a subgroup

In exceptional circumstances, the modules or the Steering Board may maintain a person no longer representing a DVB Member as chair of a subgroup. Such a person shall sign on her own behalf (and on behalf of her employer, if any) an IPR undertaking based on Article 14 MoU. She will be bound by these Rules and Procedures. She will be minuted as representing the DVB.

She shall promptly notify her subgroup and the Project Office if she becomes employed (i) by a Member or (ii) an entity with DVB activities. She shall also give such notice if she (iii) becomes a

consultant representing a Member or (iv) works within a consultancy representing a Member, in circumstances when, in either case, article 2.1.2.4 would apply. If her change of status is described by (i), (iii) or (iv) above, she shall be deemed to represent that Member (and the reimbursement for travel expenses set out in the next paragraph shall no longer be available). If her change of status is described by (ii) (or if she is engaged by any other third party), the DVB Chair, upon consultation with the module chairs and the legal director shall decide whether the new circumstances allow for the continuation of her service as chair.

The Steering Board may, notwithstanding article 12.1(a) MoU, decide to allow, in accordance with the Project Office rules, reimbursement of travel and accommodation expenses of a subgroup chair described in this section 8.1.4. Such a decision is renewed annually.

8.1.5 Overlap in leadership positions

No representative may serve in the leadership (chair or vice-chair) of a technical subgroup and a commercial subgroup at the same time.

When a Member's representative chairs a module, a representative of the Member may not chair a subgroup of the same module.

Representatives of a single Member may not serve as chairs of a technical subgroup and a commercial subgroup considering the same work item.

The Steering Board may allow exceptions to the provisions of this article 8.1.5. Any exception is renewed annually upon the proposal of the relevant module or modules.

8.1.6 Scope of authority for subgroup chair

No subgroup chair has authority, express or otherwise, to bind the DVB Project. The office of each subgroup chair is part of the standards development process within DVB described by its Memorandum of Understanding and these Rules and Procedures. An issue as to the exercise of authority by a subgroup chair is resolved by the processes set out in these Rules and Procedures, or by reference to the Chair DVB or to the DVB Project Office.

8.2 Ad hoc groups and working parties

The Steering Board may create ad hoc groups and expert groups by appointing a chair and defining a specific task, which will be the terms of reference of the group.

The modules, or their subgroups subject to the subsequent confirmation of the relevant module, may create working parties by appointing a chair and defining a specific task, which will be the terms of reference of the party.

8.3 Conduct of meetings; reports

8.3.1 Even-handedness of chair; agenda, meeting report, venue

The chairs of DVB modules and subgroups follow generally accepted practices for the conduct of meetings, including:

- The preparation, timely distribution and revision of an agenda and of a meeting report (including a list of meeting participants);

- Even-handedness in the leading of deliberations on technical decisions and other matters to come before the subgroup.

For the practicalities associated with organizing and holding module and other meetings of the DVB Project, chairs should refer to DVB Meeting Guidelines, available at

<https://dvb.org/about/policies-procedures/>. The venue for meetings of subgroups outside of Europe shall be decided by consensus within the subgroup. Subgroups are encouraged, where practicable, to use telephone conferencing and other remote communications tools. See Annex C.

8.3.2 Consensus

8.3.2.1 Achieving consensus, indicative voting

A chair's objective is that his subgroup reaches consensus. See e.g. articles 7 & 8 MoU. Consensus on a matter is achieved when there is no sustained objection to the result. Efforts to reach consensus must respond to time constraints (e.g. adopted to respect the calendar for completion of a specification).

Indicative voting is a method available to encourage consensus. The chair may call for, and records in the meeting report, votes in support of the majority and minority views. When recording such a vote, the chair shall record the votes of those Members who have attended no less than two of the past three meetings of his subgroup. (In this calculation, any prior meeting of his subgroup is a qualifying meeting unless, on the agenda distributed prior to the meeting that would otherwise qualify, the chair has clearly indicated that it would not so qualify.) A task force formed by the subgroup does not hold qualifying meetings.

Notwithstanding the number of its representatives at the meeting, a Member is entitled to no more than a single vote.

8.3.2.2 Reporting on failure to achieve consensus

When consensus is not possible in a timely way, the chair concludes the matter by reporting on the view of the majority of subgroup participants and setting out the minority opinions. During the preparation of this report, a proponent of a minority view makes clear the substance of his divergence so that the minority opinion is adequately presented in the meeting report.

8.3.2.3 Preserving the minority view

If the proponent of the minority view persists, he (or in his absence the chair of the subgroup) shall present the minority view to the relevant module for its consideration. In respect of the action taken by the module, the same rule shall apply to the recording, and presentation to the Steering Board, of a minority view by its proponent or by the module chairman.

8.3.2.4 Consequence of indicative vote

After an indicative vote, the subgroup continues its work in accordance with the majority view. It does not suspend its work on the item while waiting for review of the vote by its module.

8.3.3 Matters outside subgroup discussion

Issues on substance and procedure are handled under the consensus process described in article 8.3.2. Questions involving violations of antitrust and other law, and claims of persistent abusive

conduct, gross procedural irregularity or other malfeasance within a subgroup, shall be brought promptly by any Member to the attention of the Project Office.

If such a question or claim is raised in a subgroup (and not immediately withdrawn), its chair may, if appropriate, direct that there be no further discussion thereof in the subgroup. If the question or claim is unresolved within the subgroup, the chair shall submit it forthwith to the Project Office.

The Member raising such a question or claim shall present it in detail in writing to the Project Office. Under the guidance of the DVB Chair, the Project Office shall proceed to a speedy and fair resolution of the question or claim and may, at its discretion, present its conclusions to the Steering Board.

8.4 Participation by non-Member

With the approval of the meeting chair, a representative from a company not a Member of the DVB may attend a single meeting. The meeting chair takes the steps that that chair and the DVB Project Office deem necessary to bind the representative (and her company) to these Rules and Procedures, to the DVB Project's IPR policy and to other applicable policies. Her participation in the meeting shall be announced at the time of the distribution of the meeting agenda and at the start of the meeting. Any participant may object to her participation to the Project Office and at the start of the meeting.

8.5 Terms of reference and formation documents

The Steering Board approves the terms of reference and internal rules of subordinate bodies but may delegate the approval process for subordinate groups to the relevant module.

The approval is subject to review by the Steering Board.

8.6 Progress of a work item; measuring its active support within Modules

DVB modules have adopted module rules relating to work items and other matters:

8.6.1 Study Missions

In response to a request related to future aspects of markets, technologies, promotion or other areas of potential interest to DVB, a module chair may launch a study mission. The work product of a study mission is generally a report, prepared within six months, proposing future DVB activities (such as one or more work items). Any module may initiate a study mission (but should avoid needless duplication of activity).

8.6.2 Expeditious completion of work item

Once a work item has been adopted by the Commercial Module or the Technical Module, it should be completed without undue delay and within the time frame set for its completion.

8.6.3 Commercial Module: threshold support for a work item

Within the Commercial Module, a work item or other matter is not normally allocated substantial resources and meeting time (for example for the preparation of commercial requirements) unless five or more members of the Commercial Module, drawn from at least two constituencies and evidencing support from the full value chain, support the matter. It shall be for the Commercial Module chair to

verify whether the support is sufficient to ensure a successful work item. When such support is absent, the Steering Board may nonetheless launch a work item.

8.6.4 Absence of active support for work item within the CM or TM

If a work item fails to maintain active support (that is, participation at relevant meetings falls below five Members drawn from at least two constituencies and evidencing support from the full value chain), the chair of the subgroup responsible for the work item shall so notify the chair of the relevant module, who in turn shall notify the Steering Board. It shall be for the Steering Board to decide whether the work item should stop or continue.

8.7 Preparation of specifications

In general, the preparation of a specification should provide a single technical solution for each function. A “toolbox approach”, allowing multiple technical solutions, is discouraged. A “toolbox approach” may be considered if it allows flexibility without compromising interoperability or if responds to different requirements in different territories. Subgroups should otherwise strive to achieve consensus around a single solution.

8.8 Output documents on regulatory matters

The DVB, as a market-oriented organization, believes successful technical standards don't require mandation by regulatory authorities. However, DVB Members are free, in their own name, to put forward and to advocate for DVB specifications before regulatory authorities.

9 Documentation, disclosure, confidentiality

9.1 Generally

A Member generally obtains documents from a module or a subgroup by registration of its representative. See also DVB's Rules on Document Disclosure (annex A hereto).

9.2 “Closed” groups

The DVB Steering Board may exceptionally decide the creation of a closed group, access to which may be based on specific criteria. The distribution of documents by such a group may be limited, by decision of the Steering Board, to the group's membership. The Project Office implements the terms of access to any such group and to its documents.

9.3 Document delivery deadlines

9.3.1 Steering Board

In the Steering Board, documents requiring a formal decision should be made available to Steering Board members at least 36 hours before the beginning of the meeting. Documents thereafter shall be subject to decision at the next succeeding meeting of the Steering Board.

However, a meeting of the Steering Board may determine, unless any member of the Steering Board has objected, immediately to decide the matters presented in a late arriving document.

The meeting reports of the Steering Board, but not other Steering Board documents, are made available to all Members.

9.3.2 Module documents

Modules may adopt rules setting deadlines for delivery of documents before module meetings.

- a) The IPR Module requires that documents be submitted two weeks in advance of a meeting.
- b) The Technical Module has adopted the rules on delivery of draft specifications, progress reports, document delivery, draft agenda and other documents, as set out in TM5304r1.
- c) The Commercial Module has adopted the following document deadlines:

Document	Deadline for Submission	Preferred Practice
Specifications and other documents for approval / action	At least one week (7 calendar days) before start of CM meeting Note: stable draft of commercial requirements for approval to be uploaded to relevant subgroup repository at least 2 weeks prior to CM meeting	Previous CM meeting to be informed of expected delivery of Specification
Progress reports	No later than 16.00 (in the time zone of the CM meeting) on day prior to start of CM meeting Note: report to be made available to subgroup members at its meeting or circulated for comment at least one day prior to CM submission	By close of business on the Friday prior to the CM meeting
Documents for information	Prior to the start of the CM meeting Note: if a document for approval / action depends on information in document, then document for information to be submitted on same deadline as document for approval / action	
Initial draft CM agenda	At least four weeks prior to CM meeting	

A document submitted after its deadline will be subject to approval by correspondence except if the Commercial Module decides otherwise to accept or to approval the late document. A document created or modified during a CM meeting is not subject to its deadline but may be subject, as decided by the CM meeting, to approval by correspondence. CM subgroup chairs determine the document deadlines for their own subgroups (except for the deadline set out above for progress reports).

9.4 Inappropriate content

The content made available on subgroup reflectors and elsewhere on the DVB website shall be in line with DVB's objectives. Content inconsistent with the Antitrust Guidelines, the Copyright Policy, these Rules and Procedures, and the Terms of Use of the DVB website is not appropriate. Materials infringing copyright, defamatory content, and harmful content are not appropriate. When inappropriate content is called to the Project Office's attention (or the Project Office otherwise becomes aware of such content), the Project Office will remove the content (or take other suitable action), with notice to the submitter of the content.

Annex A R&P: DVB Rules on Document Disclosure

1. Scope, definitions

This document compiles the rules developed by the DVB Project on the disclosure of documents within DVB and to third parties. These rules also cover the DVB confidentiality policy. This compilation is issued by the Steering Board pursuant to its powers to provide guidance on interpretation of the MoU (art 17 MoU), to determine a policy on the confidentiality of papers (art 13.1 MoU), and to set the entitlements of members of other organizations to receive information on and to take part in the work of the DVB Project (art 6.2 MoU).

In these rules, a “document” can include a final specification adopted by the Technical Module, contributions and drafts intended to lead to such a final specification and policy advice to regulatory institutions. “MoU” refers to the DVB’s Memorandum of Understanding (or Statutes).

2. Disclosure outside DVB

The Steering Board alone may disclose a document outside the DVB. For example, in respect of specifications, the Technical Module delivers final “specifications via the Steering Board to recognized standards setting entities . . .”. Art 8 MoU. It alone is responsible for issuing advice to public authorities. Art 6.2 MoU.

The Steering Board may also delegate the disclosure of documents to other DVB entities. For example, the Promotion and Communications Module may, following priorities set by the Steering Board, provide information on DVB activities and specifications. Art 10 MoU.

A document subject to these rules may be disclosed by DVB in connection with a judicial or contentious regulatory activity only under the terms of a suitable arrangement (“protective order”) that limits further disclosure. See also Rule 6.2 R&P DVB.

When a document is delivered to a standards setting entity, the disclosure rules of that body govern.

The Steering Board may adopt ad hoc or temporary arrangements for disclosure of documents to sister standards fora or to others. Arts 6.2, 13, 17 MoU. See below, paragraph 5.

3. Disclosure within DVB

Within DVB, Members are entitled to receive the output documents from the modules of their activities, and the minutes of the Steering Board. Art 13.1 MoU. Members of the modules, and of the Steering Board, are entitled to receive the other documents of the bodies in which they participate. (Members are entitled to send representatives to all modules and thus are entitled to receive, upon request, all documents of all modules.)

The chair of a subgroup within DVB limits disclosure of subgroup documents to the subgroup and to other subgroups with which it is developing a specification in concert. Members receive all the documents of the subgroups in which they participate.

In addition, the chair of a subgroup may make available documents of a meeting of the subgroup to outside observers. (Such observers are generally invited to no more than a single meeting.)

4. Confidentiality

Generally speaking there is no “confidentiality” rule within DVB.

The Steering Board has stated,

There is no inherent confidentiality in the DVB specification process. Thus, submissions to the DVB are considered to be public, and thus are also considered as prior art.

As a result, know-how or an invention may be incapable of protection by way of a patent filing after the disclosure. The exceptions to this principle have been very limited: the work of subgroups examining the intellectual property rights associated with a specification (for example, TM-TEM); the MEG Confidentiality Agreement as part of the Rules and Procedures for the DVB MHP Experts Group, Blue Book A066, s 4.3.1; and rules covering certain activities for specifying the Common Scrambling Algorithm.

5. Dealings with sister standards fora

The Steering Board may set down the entitlements of members of other organizations, such as sister standards fora, to receive information on and to take part in the work of the DVB Project. In some circumstances an expedited approach, as described in the following paragraphs, may be suitable.

As noted above (in paragraph 1) a document is generally shared with a sister forum only after adoption as a specification by the Steering Board. The Steering Board has, in addition, taken the view that a provisional document may be shared after decision of either the Technical Module or Steering Board. Under certain circumstances, when there is no intervening Technical Module or Steering Board, a subgroup chair may, with the consensus of the subgroup and with the approval of the TM Chair (and, where applicable, the author), provide a provisional document to the sister forum; such a decision is to be confirmed by the next succeeding meeting of the Technical Module.

Where a provisional DVB document is shared with a sister forum, it shall bear the legend:

"THIS IS A PROVISIONAL DVB DOCUMENT. IT MAY BE CHANGED BEFORE FINAL ADOPTION BY DVB. THIS PROVISIONAL DOCUMENT IS FOR DISCUSSION PURPOSES ONLY. IMPLEMENTERS ARE NOT ENTITLED TO RELY ON THIS PROVISIONAL DOCUMENT. WHERE POSSIBLE, ITEMS FOR WHICH CONSENSUS HAS NOT BEEN REACHED ARE SUITABLY MARKED, FOR EXAMPLE BY SQUARE BRACKETS. IMPLEMENTERS SHOULD ALSO NOTE THAT ONLY FINAL SPECIFICATIONS ADOPTED BY DVB ARE (SUBJECT TO THE “NEGATIVE DISCLOSURE” RIGHTS OF MEMBERS) ENTITLED TO THE IPR LICENSING TERMS OF DVB'S MEMORANDUM OF UNDERSTANDING."

In addition, at times it may be suitable to allow an extract of a DVB specification, such as graphic material or a limited text, to be incorporated in the specification of a sister forum. Any such extract must be approved by the DVB Project Office and shall bear the legend:

“This is an extract of [DVB specification no XXXX] and is provided as a convenience. Reference should be made to the full specification. This extract is copyright [year] the DVB

Project and used by permission. All other rights reserved. This extract may be subject to IPRs held by DVB Members and to the IPR policy of the DVB Project.”

The Steering Board has, in its IPR Guidelines for Meetings with Sister Standards Fora (Feb 2004), stated that it considers that any joint meeting, its proceedings and its outcome with a sister standards forum may not be disclosed by any participant or the other standards forum. It requires that any statement, written or otherwise, to be disclosed outside the DVB membership, be approved in advance by the DVB Project Office. These Guidelines also contemplate that the DVB may enter into a separate agreement with a forum. Such an agreement can cover arrangements on confidentiality and disclosures.

6. Observers, etc.

The arrangements for an observer are determined by the Steering Board. Art 2.2 MoU. A Member may disclose documents to third parties for the purpose of developing, testing and demonstrating prototype implementations based on a draft specification provided that the documents are treated as confidential information under the Member’s non-disclosure agreement.

7. Other policies related to disclosure

There are other DVB materials which set out policy and guidelines on questions related to disclosure, for example in respect of liaisons with sister standards bodies, <https://dvb.org/membership/liaisons/>.

Annex B R&P: Antitrust Guidelines of the DVB Project

A. General

The DVB Project is a non-profit entity formed under Swiss law. It follows the competition rules in effect in Switzerland and in the European Union and as generally applied elsewhere in the developed world. It expects its Members to follow these rules as well. For general information on competition rules governing standards development, DVB Members should consult with their legal counsel. The DVB Project Office can provide further information (eltzroth@dvb.org).

B. Conduct during DVB meetings

During DVB meetings, the chair should be vigilant that participants adhere to these guidelines.

1. Certain activities are prohibited: the discussion, communication or other exchange of information, or explicit or implicit agreement, during DVB meetings in respect of pricing strategies or product pricing; terms and conditions of sale including discounts and allowances, credit terms, etc.; production levels or capacity; limitation of technical development or investment; allocation of sales territories, markets or customers; market shares, submitted bids or intentions to bid; preventing anybody from gaining access to any market or customer for goods and services; and refusals to deal or do business with competitors, vendors or suppliers.

Note the following qualifications to this prohibition:

- a. The prohibition applies to DVB meetings and activities; these guidelines do not cover discussion, communication or other exchange of information outside of DVB meetings or activities. In these exchanges, DVB Members should in any event comply with competition rules.
- b. If a member of a DVB subgroup wishes to make a communication that, in the opinion of its chair may be prohibited by the first paragraph of this section B.1, the chair will indicate that the communication is not permitted and refuse to allow discussion on its substance. (The chair may have formed his opinion by himself or as a result of comments from other members of subgroup.) The member whose communication was not permitted, or any other member, may submit the communication to the IPR Module. If the member is not able to attend a meeting of the IPR Module he may (i) ask that his communication be recorded in the report of the meeting of the subgroup (that part of the report shall be delivered to the Chair IPRM); and (ii) communicate directly with the Chair IPRM.

2. Only the Steering Board and the IPR Module, when acting in fulfilment of the IPR policy of the DVB Project, and notably to foster the formation of patent pools consistent with article 14.9 MoU, may discuss patents and other intellectual property rights associated with specification activity and the licensing and availability of such rights and, within the constraints of competition law, the matters listed in the first paragraph of section B.1. The Steering Board may designate other subgroups expressly to engage in such discussions.

3. Matters raised in DVB subgroups requiring general discussion of specific IPR licensing terms should promptly be referred to the IPR Module or to the Steering Board by the relevant subgroup chair.

C. DVB's IPR-related activities

The DVB Project and its Members engage in a number of activities in order to foster the formation of voluntary licensing regimes covering patents essential to DVB specifications. Among these activities are:

- solicitation of confirmation of interest, by participants in specification development, of their willingness to consider forming a licensing programme ("patent pool");
- provision of means for rights holders to make confidential declarations for an initial determination of essentiality;
- informational sessions with rights holders and others on DVB's IPR policy, its fostering of licensing programmes, and the steps generally taken to complete patent pools;
- making available specialists to consider declarations of essentiality in the light of their technical expertise ("peer review");
- forum for exchange of views between companies (but not joint negotiations) on the terms offered by a licensing programme or rights holder;
- in respect of selected specifications presenting particular competition issues, assistance in structuring, preparation of documents, participation in aspects of licensing and compliance regime;
- and related assistance, communication and administrative activities. The Steering Board may by decision adopt further processes in the fulfilment of the IPR policy of the DVB Project or to promote, through disclosure or licensing practices, the implementation of DVB specifications.

Other factors relevant to antitrust considerations, including openness of DVB's membership, balancing of interests, the transparency of the process for adopting DVB specifications, access to DVB specifications, and the availability of an appeals process, are set out in the DVB's Memorandum of Understanding, its Rules and Procedures or in documents therein referred to.

Annex C R&P: Remote Participation in DVB Meetings

These guidelines govern remote participation in DVB meetings. They were revised at the November 2020 meeting of the Steering Board to take account of the changes required by the continuation of the COVID-19 pandemic. For so long as the pandemic precludes physical or mixed meetings, all meeting participants are “remote participants”. When conditions permit physical or mixed meetings, the Steering Board may revise these guidelines in the light of its experience with remote participation.

DVB meetings are predominantly held remotely with participation by web-based services such as Webex or Teams (or less commonly by telephone conference). The service chosen by DVB is intended for use by all meetings, but a subgroup chair may use another service. In these guidelines, “webex” refers generically to any such online meeting platform or telephone conferencing facility.

Before the meeting

DVB supplies information for participation by webex or by telephone.

All participants, including remote participants, register for the meeting.

If the remote participant intends to present a slide set or other materials, the remote participant informs the chair in advance so that they can coordinate the presentation of the slide set, by screen sharing, prior email distribution of the presentation, or otherwise. (All participants follow the document submission schedule adopted for the subgroup.)

Joining the meeting

At the beginning of the meeting, the chair conducts a roll call of those who have registered but are not physically present. If the remote participant joins the meeting after the roll call, the remote participant announces herself briefly and listens for the acknowledgement from the chair or from the secretary of the meeting.

On the attendance list in the meeting report, remote participation will be recorded as “by webex”. It is the remote participant’s responsibility to check the accuracy of the attendance list.

Quality of remote participation

The remote participant is responsible for her connections. Audio issues may result in the muting of the remote participant’s line and ultimately in disconnection.

Unless conditions require otherwise, the remote participant handles the presentation of the slide set or other materials (“screen sharing”). If the remote participant is unable to handle the presentation, the chair (or his designee) runs the slide set.

Technical problems with remote participation will not affect decisions taken at the meeting (but if technical problems prevent a remote participant from participating in a decision, he may record any minority view in the meeting report).

Conduct of the meeting

The meeting starts and ends at the times indicated on the agenda. The order of the agenda may be altered.

As in the past, the chair leads the meeting and determines the order of speaking. The remote participant can indicate that he wishes to speak by signalling on the webex or stating briefly that he wishes to get in the queue of speakers. The remote participant speaks when the chair calls upon him. If the remote participant persistently during a meeting fails to observe these practices, or acts obstreperously or in a manner unbecoming to the professional environment, the chair may, after notice to the participant, place the participant’s audio connection on mute. The remote participant may ask that his objection to this muting be included in the meeting report.

During the course of the meeting, all activities occur within the meeting room, that is, with full participation of all remote participants.

In the rare event that there is a vote, the votes from remote participants will be taken by roll call.

During the course of the meeting, the chair (and the chair’s designee) will make reasonable efforts to try to address technical issues for remote participants. Unless these issues affect a large number of participants (or the conduct of the meeting by the chair), continuing technical issues do not impede the overall progress of the meeting nor delay the process for taking decisions.

If a vote is taken in a contested election, remote participants are balloted using a process managed by the Project Office, announced as soon as practicable but no later than the start of the meeting when the election is held.