IEEE SA Copyright Best Practices for Working Group Chairs

As a Chair for an IEEE Standards Working Group, you are responsible for managing the Working Group's activities so that there is compliance with all applicable IEEE and IEEE SA policies and procedures. This includes the IEEE SA Copyright Policy.

It is important that you read and understand the IEEE SA Copyright Policy. You should also read the Copyright FAQs and the Working Group Copyright Materials. Your IEEE SA Program Manager can provide guidance with respect to the Copyright Policy. You can also direct questions about the policy to IEEE SA IPR (stds-copyright@ieee.org).

One of the main responsibilities of the Working Group Chair is to ensure that all required copyright permissions have been obtained. The Working Group Chair is responsible for requesting copyright permission from owners of previously Published material. See the *IEEE SA Quick Reference on Requesting Copyright Permission* attached to this document.

Term	Definition
Published	Material for which a claim of copyright is apparent (e.g., the presence of the copyright symbol; an explicit statement of copyright ownership or intellectual property rights; stated permission to use text; a text reference that indicates the insertion of text excerpted from a copyrighted work; or a visual indication of an excerpt from another work, such as indented text). [See Clause 7.1 of the IEEE SA Standards Board Bylaws]
previously Published	Any material that showed evidence of a copyright claim prior to, or at its submittal to IEEE SA. [See Copyright FAQs]

While the participant is responsible for making the Chair aware of any previously Published material, it is the Chair's responsibility to ensure that IEEE obtains permission for any previously Published material that is contained in any Contribution submitted to the Working Group when

a) The participant makes the Chair aware of the need to request permission for the previously Published material, or
b) The Contribution indicates the inclusion of previously Published material.

Working Groups are not permitted to display, incorporate, or distribute previously Published material without first obtaining permission. This means that it is very important to manage Contributions so that you are able to progress your work.

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Best Practices

1. Add a link to the IEEE SA Copyright Policy on the group's document repository home page
    a) IEEE SA Standards Board Bylaws, Clause 7
    b) IEEE SA Standards Board Operations Manual, Clause 6.1

2. Add a link to the Copyright FAQs and Working Group copyright materials on the group's document repository home page

3. Insert the following disclaimer on the group's document repository home page:

    NOTICE: Contributions to an IEEE Standards Project are submitted to IEEE Standards Association for review, consideration, and possible use in a draft IEEE standard. The Contributions remain the property of the respective copyright owners. The views expressed in any Contribution are those of the authors and may not represent a position of the IEEE Standards Working Group, IEEE, or IEEE Standards Association. You are permitted to view the Contributions as an interested party in the development of the IEEE Standards Project. Use of Contributions are only permitted with respect to standards development in the IEEE Standards Project to which it was contributed. Any other use requires permission from the copyright owners of the Contributions. IEEE assumes no responsibility for the content or security of Contributions. Users should take all security precautions with respect to these files, including but not limited to, precautions against malware.

4. Establish a deadline prior to each Working Group meeting where all Contributions must be submitted in order to be included in the agenda.
    a) This is usually about 2 weeks prior to the meeting
    b) The responsibility for collecting and reviewing the Contributions can be delegated to a subgroup Chair or other Working Group officers

5. Include the deadline for all Contributions in the meeting notice
    a) Note that meetings on a pre-existing schedule or online meetings may have short meeting notification requirements, so a shorter timeline than 2 weeks may be appropriate
    b) Consider sharing the review responsibility with other Working Group officers if a shorter period is required; the other officers can point out concerns that you can then address

6. Provide a review checklist for all Contributions
    a) There are several things that the Working Group Chair should look for in Contributions before permitting them to be presented in a meeting
    b) A sample checklist is available

7. Request permission for any previously Published material
    a) Permission Request and Response forms are available on the SA website
    b) Complete the Permission Request form then provide both the completed Request form in PDF format and the appropriate Permission Response form in your email to the copyright owner (one Response form allows modification to the material and the other does not allow modifications)
    c) If the copyright owner makes changes to the Response form other than completing the form, contact IEEE SA IPR (stds-copyright@ieee.org) to determine if the changes to the Response form are permitted
    d) After you receive the unchanged Response form or confirmed the Response form with IEEE SA IPR, then you are permitted to present, distribute, or incorporate the previously Published material
    e) All Copyright Response forms have to be provided when you make your submittal for Mandatory Editorial Coordination (MEC)

8. If you do not receive a positive Response form prior to the meeting, the participant must remove the previously Published material from any Contributions before the Contribution can be submitted or presented
    a) Since responses to permission requests can take significant time, inform participants that they should inform you of their intention to use previously Published material asap (even before finalizing presentations) so that the permission request process can be initiated promptly
    b) If permission is delayed, participants can verbally explain the relevance of the previously Published material and the source of the material, but they cannot include the material in their Contributions; participants should verbally note that permission is being requested for the previously Published material so the Secretary is aware that the verbal explanation is describing previously Published material

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Contribution Review Checklist

Checklist Item	Y/N	Notes
1. Is there evidence of a copyright claim?		If there is evidence of a copyright claim, the material is previously Published and requires copyright permission. See Clause 7 of the IEEE SA Standards Board Bylaws See Clause 6.1 of the IEEE SA Standards Board Operations Manual
If Yes, have all permissions been requested?		See IEEE SA Permission Request and Response forms
Have all permissions been obtained?		
2. Are there trademarks identified?		Trademarks are not to be included in standards, other than trademarks that represent specific existing technologies or standards, except in very specific instances where there is only one source for a specific product or service. See IEEE SA Trademark Guidelines for Contributions to IEEE Standards Development See Clause 6.2 of the IEEE SA Standards Board Operations Manual See Clauses 7 and 8 of the IEEE SA Standards Style Manual
3. Is there discussion of prices, costs, market share, commercial terms, or other discussions of market mechanisms?		These topics are prohibited in IEEE standards. See pages 2-4 of the IEEE Standards Antitrust and Competition Policy See Clause 6.2 of the IEEE SA Standards Board Operations Manual
4. Does the presentation contain surveys or survey results?		There are specific requirements for the types of surveys that can be used. See page 5 of the IEEE Standards Antitrust and Competition Policy
Are the survey results from public market research about market indicators and not specific companies or products?		
If No, have you contacted your IEEE SA Program Manager for additional guidance?		
5. Does the presentation contain discussions of essentiality, determination, or validity of patent claims?		These discussions are prohibited. See Clause 6 of the IEEE SA Standards Board Bylaws See Clause 6.3 of the IEEE SA Standards Board Operations Manual
6. Does the presentation discuss ongoing or threatened litigation?		These discussions are prohibited. See page 3 of the IEEE Standards Antitrust and Competition Policy

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IEEE SA Quick Reference on Requesting Copyright Permission

Copyright is an important protection for authors and developers of creative work. In the United States, the US Copyright Act outlines the rights granted to holders of copyright, and the instances where they can assert control over their work.

When using others' works, it is important to request copyright for that usage, if required. In instances where you are not sure about whether to request copyright permission, it is best to request permission rather than infringe.

One of the confusing aspects of copyright is determining from whom to request copyright. The answer is very simple…**request copyright from the person or entity who is authorized to grant permission**. However, determining who is authorized may become more complex!

What factors affect who is authorized? The most common factors are whether the original author/creator

a) Signed an agreement or accepts terms that limit control of the work
b) Developed the work under a contractual agreement
c) Developed the work with others
d) Gives up or loses copyright as stipulated in the law

Did You Know?

Copyright is inherent to the person who develops the creative work, but copyright only applies to the expression of that work. You make the creative work originally, then you own it, and you automatically have copyright.

How can authorization change? There are instances when the person or entity that is authorized to grant permission can change. The most common ways are

a) **The owner assigns the copyright ownership.** This means that the owner gives the copyright ownership to another person or entity. In this instance, the old owner no longer has any rights to the created work, and the new owner should be contacted for use of the work. For example, this may occur in employment contracts, work-for-hire contracts, or publishing contracts.
b) **The owner licenses specific rights to others.** In these instances the owner allows others to assume or share some of the rights associated with copyright ownership. So, the owner may allow another person or entity to grant permission for use of the creative work. However, the owner can restrict the rights that are granted. For example, the owner may allow another person or entity to grant permission only if the creative work is not changed. In this instance, if the work is changed, the original owner would need to be contacted.
c) **The owner transfers ownership to Public Domain.** This means that the owner releases ownership rights of the creative work. However, the owner can restrict who the recipients of the release are. For example, the US Federal Government does not retain copyright of the materials it develops for US residents and entities. This is not necessarily true for state or local governments, and people or entities from other countries may not have the right to use the Federal Government material without permission.
d) **The work is developed as a group and is jointly owned.** In these instances the owners may assign one owner to grant permission, or require that all owners grant permission individually before the rights are given. For example, the contributors to a journal may stipulate that the Editor is authorized to grant permission.

Common scenarios when requesting copyright permission for use of material in IEEE standards follow.

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Scenario 1

The material to be included in the IEEE draft standard has evidence of a copyright claim, i.e., a copyright statement, copyright symbol, indented text, quotes, etc..

When notified, the Working Group Chair identifies the author or publisher of the material and sends an IEEE SA Permission Request form that has a Permission Response form attached.

NOTE: The author or publisher may need to send you to another source. Remember, the right to grant permission may have been transferred, so the author or publisher may not be authorized to grant permission. They, however, should be the ones to determine whether they are authorized, and if not, should be able to point you to someone who is authorized. Permission must be obtained on the approved IEEE Permission Response Form prior to incorporating the material in the draft. If not on the approved form or changes have been made other than completing the form, send the Response form to stds-copyright@ieee.org. If a different type of permission request is needed, contact stds-copyright@ieee.org to obtain an alternate approved request form.

In addition, don't forget to choose the correct Response form. One form requests that the material be modified, the other requests that the material be used as is. This information affects who may be authorized to grant permission!

Scenario 2

The material to be included in the IEEE draft standard was previously Published by a Working Group participant.

When notified, the Working Group Chair should determine from the participant whether the working group participant is authorized to grant permission for use, or if the participant's employer or publisher has to be contacted. An IEEE SA Permission Request form that has a Copyright Response form attached should be sent to whoever is authorized.

NOTE: Participants, as a condition of their participation, grant a license to IEEE for their contributions that were not previously Published, and agree that the standard draft is owned by IEEE. In those instances, permission does not need to be requested.

Scenario 3

The material to be included in the IEEE draft standard was derived from another IEEE document, but permission for use was from another source.

This scenario is the same as Scenario 1. Usually, the source is given under the material or in the front matter of the document.

NOTE: The permission that was granted to IEEE previously may have been limited to the document in which the material was published, and even to a specific version of the document. IEEE would not be permitted to use the material in another standard, document, or version of a document.

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Scenario 4

The material to be included in the IEEE draft standard was derived from another IEEE document, other than an approved IEEE standard, and IEEE owns the copyright (i.e., the material was not from another source).

If the material to be used in the IEEE draft standard is unmodified and consists of 1-3 paragraphs and/or 1-3 figures, then permission is not required (IEEE has already granted IEEE SA use of the material).
If the material is to be modified or consists of more than 3 paragraphs/figures, then the original authors have to grant permission for use and should be sent the IEEE SA Permission Request and Response forms. You can contact the authors through the IEEE RightsLink tool at http://www.ieee.org/publications_standards/publications/rights/reqperm.html

NOTE: It is important that you indicate in RightsLink that you are using the material in another IEEE document. Otherwise, the tool may request a fee for use. In addition, the tool should tell you whether you need to obtain permission from all authors, or only the lead author. Please remember that Scenario 5 applies if you are using material from an approved IEEE standard.

Scenario 5

The material to be included in the IEEE draft standard was derived from an approved IEEE standard, and IEEE owns the copyright (i.e., the material was not from another source).

Request for permission should be sent to stds-copyright@ieee.org.

NOTE: IEEE only grants permission for material derived from approved standards. In addition, if the working group is creating a revision/amendment/corrigendum draft of a standard, permission is not required for use of material owned by IEEE from the previous version of the same standard. Approval of the PAR for work on the standard by the Working Group automatically grants permission for use of the previous version of the standard for that PAR.

Have additional questions about obtaining permission?
Send an email to stds-copyright@ieee.org.