NOTICE OF REVIEW PERIOD – BALLOT 189

This Review Notice is sent pursuant to Section 4.1 of the CA/Browser Forum's Intellectual Property Rights Policy (v1.2). This Review Period is for Final Maintenance Guidelines (30 day Review Period). A complete draft of the Draft Guideline that is the subject of this Review Notice is attached.

Date Review Notice Sent:	April 14, 2017
Ballot for Review:	Ballot 189
Start of Review Period:	April 14, 2017 at 22:00 UTC
End of Review Period:	May 14, 2017 at 22:00 UTC

Note: Assuming no Exclusion Notices are filed, we will substitute the date "August 14, 2017" for the words "3 months after the ballot passes" in the updated Baseline Requirements as follows:

> **"Effective ~~3 months after the ballot passes~~ August 14, 2017**, Certificates for Time Stamping end-entity Certificates SHALL NOT be directly issued from these Root Certificates."

Please forward any Exclusion Notice relating to Essential Claims to the Chair by email to kirk.hall@entrustdatacard.com before the end of the Review Period. See current version of CA/Browser Forum Intellectual Property Rights Policy for details.

(Optional form of Exclusion Notice is attached)

Ballot 189 - Amend Section 6.1.7 of Baseline Requirements

-- MOTION BEGINS --

Current section 6.1.7

Root CA Private Keys MUST NOT be used to sign Certificates except in the following cases:

1. Self-signed Certificates to represent the Root Certificate itself;
2. Certificates for Subordinate CAs and Cross Certificates;
3. Certificates for infrastructure purposes (e.g. administrative role certificates, internal CA operational device certificates, and OCSP Response verification Certificates);
4. Certificates issued solely for the purpose of testing products with Certificates issued by a Root CA; and
5. Subscriber Certificates, provided that:
    a. The Root CA uses a 1024-bit RSA signing key that was created prior to the Effective Date;
    b. The Applicant's application was deployed prior to the Effective Date;

c. The Applicant's application is in active use by the Applicant or the CA uses a documented process to establish that the Certificate's use is required by a substantial number of Relying Parties;
d. The CA follows a documented process to determine that the Applicant's application poses no known security risks to Relying Parties;
e. The CA documents that the Applicant's application cannot be patched or replaced without substantial economic outlay.
f. The CA signs the Subscriber Certificate on or before June 30, 2016; and
g. The notBefore field in the Subscriber Certificate has a date on or before June 30, 2016

Proposed section 6.1.7

Private Keys corresponding to Root Certificates that participate in a hierarchy that issues Certificates with an extKeyUsage extension that includes the value id-kp-serverAuth [RFC5280] MUST NOT be used to sign Certificates except in the following cases:

1. Self-signed Certificates to represent the Root CA itself;
2. Certificates for Subordinate CAs and Cross Certificates;
3. Certificates for infrastructure purposes (administrative role certificates, internal CA operational device certificates)
4. Certificates for OCSP Response verification;

Effective 3 months after the ballot passes, Certificates for Time Stamping end-entity Certificates SHALL NOT be directly issued from these Root Certificates.

-- MOTION ENDS --

EXCLUSION NOTICE – BALLOT _____

I hereby provide this Exclusion Notice for the Essential Claim(s) listed below:

Ballot Covered by This Exclusion Notice: Ballot: _____

CABF Member Name: _____ (Organization)

Date Exclusion Notice Sent: _____

Exclusion Notice provided by: _____ (Name)

Provide Exclusion Notice to current CA/Browser Forum Chair: Kirk Hall, kirk.hall@entrustdatacard.com Exclusion Notices must be provided by deadline stated in related Review Notice.

(For each Essential Claim covered by this Exclusion Notice, please list "numbered section of the Final Guideline or Final Maintenance Guideline whose implementation makes the excluded claim an Essential Claim for each of the issued patent(s) or pending patent application(s) that a Participant reasonably believes at the time may contain Essential Claims the Participant wishes to exclude from the CAB Forum RF License" and also "make an election, (i) not to grant a license or (ii) to provide a license with all of the requirements of Section 5.1 with the exception of subsection 5.1 f." See IPR Policy Sections 4.2 and 4.3.)

Essential Claim No.	Numbered section(s) of Guideline related to Essential Claim [Sec. 4.3]	Patent number for issued patent, title and application number for pending patent, or copy of patent application unpublished patent applications [Sec. 4.3]	License Grant Election Made [Sec. 4.2]
1.			☐ (i) no license granted ☐ (ii) license granted per Sec. 5.1 except Sec. 5.1.f
2.			☐ (i) no license granted ☐ (ii) license granted per Sec. 5.1 except Sec. 5.1.f
3.			☐ (i) no license granted ☐ (ii) license granted per Sec. 5.1 except Sec. 5.1.f
4.			☐ (i) no license granted ☐ (ii) license granted per Sec. 5.1 except Sec. 5.1.f

(Continue on second page if necessary)

Relevant IPR Policy Excerpts

4.2 Excluding Patents and/or Patent Applications from Royalty Free Licensing Obligations during Review Period.

Except for Essential Claims encompassed by a Participant's Contributions that are actually incorporated into a Final Guideline or Final Maintenance Guideline approved in accordance with the CAB Forum Guideline approval process, Participants may within the Review Period exclude Essential Claims from the CAB Forum RF License. In such case, Participant shall be permitted to either make an election, (i) not to grant a license or (ii) to provide a license with all of the requirements of Section 5.1 with the exception of subsection 5.1 f.

4.3 Conditions and Procedure for Excluding Patents and/or Patent Applications from CAB Forum RF License.

*A Participant seeking to exclude Essential Claims from the CAB Forum RF License in accordance with Section 4.2 must provide written notice of such intent to the CAB Forum Chair ("Exclusion Notice") within the Review Period, and the Exclusion Notice shall be effective upon its receipt by the CAB Forum Chair. The Exclusion Notice shall include identification of the numbered section of the Final Guideline or Final Maintenance Guideline whose implementation makes the excluded claim an Essential Claim for each of the issued patent(s) or pending patent application(s) that a Participant reasonably believes at the time may contain Essential Claims the Participant wishes to exclude from the CAB Forum RF License. For issued patents, the Exclusion Notice shall also include the patent number(s). For pending patent applications, the Exclusion Notice shall also include the title and application number(s). If an issued patent or pending patent application that may contain Essential Claims is not set forth in the Exclusion Notice, such Essential Claims shall continue to be subject to the CAB Forum RF License. For unpublished patent applications, the Exclusion Notice shall also include a copy of the patent application. Exclusion Notices shall be published at https://cabforum.org/ipr-exclusion-notices/. ****

8.1. Essential Claims

*"Essential Claims" shall mean all claims in any patent or patent application in any jurisdiction in the world that would necessarily be infringed by implementation of any Normative Requirement in a Final Guideline or Final Maintenance Guideline. A claim is necessarily infringed hereunder only when it is not possible to avoid infringing it because there is no non-infringing alternative for implementing a Normative Requirement of a Final Guideline or Final Maintenance Guideline. Existence of a non-infringing alternative shall be judged based on the state of the art at the time the guideline is adopted as a Final Guideline or Final Maintenance Guideline. If a Normative Requirement in a Final Guideline or Final Maintenance Guideline may be fulfilled by any of a list of specified alternatives, then for determination of whether a claim is an Essential Claim, each of the specified alternatives should be considered independently as if it were the only method for fulfilling that requirement. ****

8.3. Other Key Definitions ***

*c. **"Contribution"** means material, including Draft Guidelines, Draft Guideline text, and modifications to other Contributions, made verbally or in a tangible form of expression (including in electronic media) which is provided by a Participant in the process of developing a Draft Guideline for the purpose of incorporating such material into a Draft Guideline or a Final Guideline or Final Maintenance Guideline. For a verbal contribution to be deemed a Contribution hereunder it must be memorialized within approved meeting minutes of the CAB Forum. ****