

## NOTICE OF REVIEW PERIOD – BALLOT 194

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 16, 2017

Ballot for Review: Ballot 194 - Effective Date of Ballot 193 Provisions

Start of Review Period: April 16, 2017 at 23:00 UTC

End of Review Period: May 16, 2017 at 23:00 UTC

Please forward any Exclusion Notice relating to Essential Claims to the Chair by email to [kirk.hall@entrustdatacard.com](mailto: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 194 – Effective Date of Ballot 193 Provisions**

-- MOTION BEGINS --

#### **Ballot Section 1**

BR 4.2.1 is amended to read as follows:

*[Ballot amendments shown against BR 4.2.1 as it currently exists without the changes adopted in Ballot 193]*

#### **BR 4.2.1. Performing Identification and Authentication Functions**

The certificate request MAY include all factual information about the Applicant to be included in the Certificate, and such additional information as is necessary for the CA to obtain from the Applicant in order to comply with these Requirements and the CA's Certificate Policy and/or Certification Practice Statement. In cases where the certificate request does not contain all the necessary information about the Applicant, the CA SHALL obtain the remaining information from the Applicant or, having obtained it from a reliable, independent, third-party data source, confirm it with the Applicant. The CA SHALL establish and follow a documented procedure for verifying all data requested for inclusion in the Certificate by the Applicant.

Applicant information MUST include, but not be limited to, at least one Fully-Qualified Domain Name or IP address to be included in the Certificate's SubjectAltName extension.

Section 6.3.2 limits the validity period of Subscriber Certificates. The CA MAY use the documents and data provided in Section 3.2 to verify certificate information, provided that: ~~the CA obtained the data or document from a source specified under Section 3.2 no more than thirty nine (39) months prior to issuing the Certificate.~~

**(1) Prior to March 1, 2018, the CA obtained the data or document from a source specified under Section 3.2 no more than 39 months prior to issuing the Certificate; and**

**(2) On or after March 1, 2018, the CA obtained the data or document from a source specified under Section 3.2 no more than 825 days prior to issuing the Certificate.**

The CA SHALL develop, maintain, and implement documented procedures that identify and require additional verification activity for High Risk Certificate Requests prior to the Certificate's approval, as reasonably necessary to ensure that such requests are properly verified under these Requirements.

If a Delegated Third Party fulfills any of the CA's obligations under this section, the CA SHALL verify that the process used by the Delegated Third Party to identify and further verify High Risk Certificate Requests provides at least the same level of assurance as the CA's own processes.

*[Ballot amendments shown against BR 4.2.1 as it existed after Ballot 193 was approved]*

#### **BR 4.2.1. Performing Identification and Authentication Functions**

The certificate request MAY include all factual information about the Applicant to be included in the Certificate, and such additional information as is necessary for the CA to obtain from the Applicant in order to comply with these Requirements and the CA's Certificate Policy and/or Certification Practice Statement. In cases where the certificate request does not contain all the necessary information about the Applicant, the CA SHALL obtain the remaining information from the Applicant or, having obtained it from a reliable, independent, third-party data source, confirm it with the Applicant. The CA SHALL establish and follow a documented procedure for verifying all data requested for inclusion in the Certificate by the Applicant.

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If a Delegated Third Party fulfills any of the CA's obligations under this section, the CA SHALL verify that the process used by the Delegated Third Party to identify and further verify High Risk Certificate Requests provides at least the same level of assurance as the CA's own processes.

#### **Ballot Section 2**

The provisions of Ballot Section 1 will be effective retroactive to the effective date of Ballot 193.

**--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](mailto: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.			<input type="checkbox"/> (i) no license granted <input type="checkbox"/> (ii) license granted per Sec. 5.1 except Sec. 5.1.f
2.			<input type="checkbox"/> (i) no license granted <input type="checkbox"/> (ii) license granted per Sec. 5.1 except Sec. 5.1.f
3.			<input type="checkbox"/> (i) no license granted <input type="checkbox"/> (ii) license granted per Sec. 5.1 except Sec. 5.1.f
4.			<input type="checkbox"/> (i) no license granted <input type="checkbox"/> (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. \*\*\*