

SAE Intellectual Property Rights and Usage Policy

1. SCOPE

The SAE Intellectual Property (IP) Rights and Usage Policy is a statement of SAE's policy that covers all aspects of its intellectual property ownership and the ownership of such rights by others. This Policy attempts to set forth SAE's position regarding the use of the IP Rights and the policies regarding such use.

Applicable sections of other SAE policies:

- *Bylaws*: Article III, Section 7: SAE Emblem
Article XII, Section 6: Engineering Standards
- *Governance Policy* of the Technical Standards Board

2. NATURE OF IP RIGHTS

The IP Rights of SAE comprise three types of intellectual property: Copyrights, Trademarks and Patents.

2.1. COPYRIGHTS

2.1.1. Exclusivity of Rights

Copyrights cover all aspects of SAE's business. Publications such as Technical Reports¹, Magazines, Books, Courseware, Journals, and the like are all protected by Copyright. In addition, software, videotapes, audio tapes and the SAE Website also come within the protection accorded by Copyright. In summary, Copyright provides the exclusive right to SAE to reproduce, display and distribute the works it publishes and accords SAE the exclusive right to create derivative works from such copyrighted works. These exclusive rights are a substantial economic asset of the Society and are not to be exploited without the specific consent of SAE. SAE has an extensive program for the licensing, distribution and sale of its Copyrighted works that is administered by the SAE IP Department.

2.1.2. Acquisition of Rights by SAE

As a policy, SAE does not publish works in which it does not own the copyright. In most cases, the works that SAE typically publish are authored by its members and volunteers or third-party contractors. Accordingly, it is necessary to assure copyright ownership by SAE of all works that are to be published by SAE. SAE has a number of agreements for acquiring such copyright with employers of members who contribute to the efforts of a committee, or author a paper or prepare a software program. However, this is not always the case. Accordingly, it is incumbent upon all SAE staff and Sponsors to assure that documents or other types of works that are to be published by the SAE have proper Copyright assignment forms prior to publication.

¹As defined by the SAE Technical Standards Board, in its *Governance Policy*, Technical Reports are a documentation of broadly accepted engineering practices or specifications for a material, product, process, procedure or test method.

SAE Intellectual Property Rights and Usage Policy

2.1.3 Licensing of Rights by SAE

Generally, SAE does not permit the use or copying of unlicensed works. Copyrighted works, including Technical Reports, Magazines, Books, Software and the like are available from SAE through its Publications Department for those works individually offered for sale or license. Online distribution or a collection of publications are available from the SAE IP Department. Online dissemination of works that are for private use is strictly prohibited unless a license is obtained from SAE for such dissemination.

2.2 TRADEMARKS

The Trade and Service Marks of SAE are valuable assets that distinguish the services and products of SAE. It is important that these Marks be respected and used properly.

2.2.1 Certification and Conformance

Unless a product or service has passed a conformance test sponsored by SAE, it is inappropriate and improper to use an SAE Mark in connection with such product or service to imply that it has been certified by SAE. Any marketing or advertisement of a product or service claiming conformance to an SAE Technical Report shall indicate the basis of such conformance and shall not imply that SAE has authorized or approved such claim, unless the conformance testing is part of an SAE conformance program permitting such claims.

2.2.2 Using SAE Marks

When referring to services or products of SAE, the SAE trade and service marks are to be used as an adjective before a generic name of the product or service which is being referenced. If there are questions concerning the use of SAE marks in publication, including the use of marks together with third-party trademarks or tradenames, contact the SAE IP Department.

2.2.1.1 Use of the SAE Logo

The SAE logo should only be used in officially sponsored conferences or events of the SAE. Guidelines for the use of the SAE logo is available from the SAE Marketing Department.

2.2.1.2 Use of SAE Letterhead

Use of the SAE Letterhead and or SAE logo on non-SAE documents is not permitted unless such person has been authorized by the SAE Marketing Department. SAE authorized committee or workgroup letterhead paper is provided to specifically designated personnel for official SAE use only.

2.2.2.3 Using Third-Party Marks

Using the trade or service marks of other organizations in Technical Reports, publications and technical papers should be avoided where possible. However, if it is

SAE Intellectual Property Rights and Usage Policy

important to the substance of the publication to use a third-party trade or service mark, one should adhere to the same standards of use as with an SAE mark; that is, to use it as an adjective in front of the generic name of the product or service. If known, whether the mark is registered, an "®" should be used with a footnote indicating the ownership of the mark. Technical Reports should use the generic description of products in reference to their applicability or suitability for use in conformance to the requirements of the Technical Report.

2.2.2.4 The SAE Emblem

The SAE emblem (United States Trademark Reg. No. 2,203,242) is a collective mark of the SAE used for the sole purpose of indicating membership in the SAE. As the owner of the mark, SAE makes it available only to members of the SAE for display by them denoting such membership. No other use of such Emblem shall be made even by a member.

2.3. PATENTS

It has been traditionally the position of SAE to avoid the use of patented technology in Technical Reports where the principal objective is conformance to the Technical Report as defined by the SAE Technical Standards Board. However, with the advent of more complex technologies, it is not always possible to provide Technical Reports that meet today's needs without incorporating technologies that are patented. It has become difficult, if not impossible; to develop standards that do not take advantage of or otherwise incorporate the use of products, systems or process that implementation would necessarily infringe a claim of such a patent. Accordingly, SAE Technical Reports may include the known use of patent(s), including patent applications, if there is in the opinion of the committee developing the Technical Report technical justification and provided that SAE receive assurance from the patent holder that it will license applicants under reasonable terms and conditions for the purpose of implementing the standard. This assurance shall be provided without coercion and prior to the approval of the standard or reaffirmation when a patent becomes known after the initial approval of the standard. This assurance shall be a letter that is in the form of either:

- 2.3.1 A general disclaimer to the effect that the patentee will not enforce any of its present or future patent(s) whose claims would be necessarily infringed by implementation of the proposed SAE Technical Report against any person or entity implementing the mandatory provisions of the Technical Report to effect compliance or;
- 2.3.2 A statement that a license will be made available to all applicants without compensation or under reasonable rates, with reasonable terms and conditions that are demonstrably free of any unfair discrimination.