

obtained from the Genotype Database or any SNP, haplotype or haplotype block based on data obtained from the Genotype Database; and

ii. you shall not file any patent applications that contain claims to particular uses of any SNP, genotype or haplotype data obtained from the Genotype Database or any SNP, haplotype or haplotype block based on data obtained from, the Genotype Database, unless such claims do not restrict, or are licensed on such terms that that they do not restrict, the ability of others to use at no cost the Genotype Database or the data that it contains for other purposes; and

Part 6 - Promotion of Open Standards

Article 6-1 - Committee on Open Standards

A committee on open standards (COS) shall be established.

Article 6-2 - Disclosure obligations for patents relating to standards development organizations.

(a) The COS shall establish a process and criteria for a Standards Development Organization (SDO) to request a managed disclosure of relevant patent claims for standards relevant to a knowledge good or service. To make such a request, the SDO must be global, with a membership that is open to any party, and the qualifying open standard must:

VERSION 1

- i. be adopted and maintained by a not-for-profit organization, and with ongoing development based upon an open decision-making procedure available to all interested parties (consensus or majority decision);
- ii. be published, with the specification of the standard available either freely or at a nominal charge, with permissible to all to copy, distribute and use it for no fee or at a nominal fee; and
- iii. the intellectual property aspects of the standard, including the relevant patents or data, shall be made irrevocably available on a royalty-free basis; and
- iv. there are no constraints on the re-use of the standard.

VERSION 2

- i. be published without restriction (e.g., potential implementers are not restricted from accessing the standard) in electronic or tangible form, and in sufficient detail to enable a complete understanding of the standard's scope and purpose;

- ii. be publicly available without cost or for a reasonable non-discriminatory fee for adoption and implementation by any interested party;
 - iii. Any patent or data rights necessary to implement the standards are made available by those developing the specification to all implementers on reasonable and non-discriminatory (RAND) terms (either with or without payment of a reasonable royalty or fee); and
 - iv. The process to develop, maintain, approve, or ratify the standard is by consensus, in a market-driven standards-setting organization that is open to all interested and qualified participants.
- (b) The request for a managed disclosure process shall include the following:
- i. A description of the SDO
 - ii. An initial specification of the standard, including the expected applications for the standard,
 - iii. The benefits to the public of the development of the standard,
- (a) Disclosures of patents relevant to the proposed standard that are not responsive to the requirements to be specific with regard to the relevance of the patent to the proposed standard shall be rejected.
- (b) Members agree that a patent holder that fails to make constructive disclosures of relevant patent claims will be prevented from enforcing the patent against the implementation of the open standard.

Article 6-3 - Essential Interfaces for Knowledge Goods

- (a) The COS will periodically request public comment on the interfaces that are essential for software, computers and other knowledge goods.
- (c) The COS will publish and periodically update a list of essential interfaces for knowledge goods.
- (d) Members agree to consider procurement policies that provide preferences or requirements that computer software, hardware, or accessories that use and enable open, standards compliant interfaces.
- (e) Members agree that patents that are licensed on a non-discriminatory and royalty free basis for use in implementing an interface for an essential knowledge good shall not be subject to further fees.

Article 6-4 - Compulsory Licensing of Essential Interfaces for Knowledge Goods

Members agree to develop procedures for compulsory licensing of essential interfaces for knowledge goods.

PART 7 - Control of Anticompetitive Practices

Article 7-1 - Relationship between intellectual property rights and competition laws

Members agree that some licensing practices and conditions pertaining to intellectual property rights restrain competition and have adverse effects on trade and impede the transfer and dissemination of technology. Members agree to specify in their legislation licensing practices or conditions that in particular cases constitute an abuse of intellectual property rights having an adverse effect on competition in the relevant market.

Article 7-2 - Committee on Control of Anticompetitive Practices

A Committee on the Control of Anticompetitive Practices (CCAP) is established. The CCAP shall meet at least once every two years to address the following issues:

- (a) Collect information from member states on the control of anticompetitive practices in the areas of knowledge goods.
- (b) Publish best practices guides for the implement of Article 40 of the TRIPS.
- (c) Review trends and implications of concentration of ownership of knowledge good industries,
- (d) Other topics relevant to the control of anticompetitive practices and the promotion of access to knowledge.

Article 7-3 - Essential Software

(a) The CCAP shall publish and periodically update a list of software programs and interfaces that are essential for access to knowledge.

(b) The CCAP shall collect information and publish best practice guidelines for Members seeking to promote competition and access to essential software, on such topics as:

- i. Government procurement policies relating to the licensing of software, and requirements for
 - a. Open interfaces,
 - b. Obligations for software source code be released to the public within a fixed period of time,