

Procedural Rules for Essential Patent Evaluation

Article 1 (Purpose)

These rules provide for the procedures necessary to conduct evaluation on essentiality of patents (hereinafter, the “Essential Patent Evaluation”) by the Japan Intellectual Property Arbitration Center (hereinafter, the “Center”) on whether or not a particular patent is essential for implementation of the functions and effects as prescribed in a particular technical standard (hereinafter, the “Subject Technical Standard”), based on the agreement between the Center and the licensing organization of essential patents for the Subject Technical Standards (hereinafter, the “Licensing Organization”).

Article 2 (Designation of Subject Technical Standards)

The Subject Technical Standards on which the Center conducts the procedure for Essential Patent Evaluation shall be the technical standards as designated in Appendix 1 hereof.

Article 3 (Application Procedure for Essential Patent Evaluation)

(1) The applicant for Essential Patent Evaluation shall submit to the Center a written application in the predetermined form, which includes the following items:

- (i) the name (or title, hereinafter, the same), domicile (or residence, hereinafter the same), and contact information (telephone number, fax number, e-mail address) of the applicant, and name of the applicant’s representative if the applicant is a juridical person;
- (ii) the names, domiciles, and contact information (telephone numbers, fax numbers, e-mail addresses) of agents, if any;
When a person, who is neither an attorney-at-law nor a patent attorney is appointed as an agent, the Center’s approval shall be necessary;
- (iii) the purport of the application; and
- (iv) the grounds for the application.

(2) The grounds for the application as provided in the Item (iv) of the preceding paragraph shall include the following items:

- (a) File history of the patent (hereinafter, the “present patent”) on which Essential Patent Evaluation is requested;
- (b) Explanation of the present patented invention;
- (c) Explanation of a portion of the Subject Technical Standard (hereinafter, the “Subject Portion”) to which the present patent is considered to be essential;
- (d) Comparison between the present patented invention and the Subject

Portion;

- (e) Applicant's contention with respect to the technical features of the present patented invention which are in common with and different from those of the Subject Portion; and
 - (f) Reasons why implementation of the functions and effects of the Subject Portion cannot be achieved without using the present patented invention.
- (3) The Applicant shall submit the following items as attachments to the written application:
- (i) a "Certificate of Qualification" for the applicant's representative if the applicant is a juridical person;
 - (ii) a "Power of Attorney" to show the agent's attorneyship, in case an agent is appointed;
 - (iii) Materials which the applicant believes to prove the grounds for the application; and
 - (iv) an "Oath and Consent" in the format per Appendix 2 hereof which is designated by the Licensing Organization.
- (4) The applicant may submit the written application as provided for in Paragraph (1) and the attached documents and materials as provided for in the preceding paragraph by the method of electronic transmission.. Provided, however, that the originals thereof shall be submitted, when the Center considers it necessary and gives such notice to the applicant.

Article 4 (Appointment of the Evaluators)

- (1) The Center shall appoint an attorney-at-law and a patent attorney from the list of evaluator candidates which the Center provides at all times (hereinafter, the "List"). This shall apply to a case where any of the evaluators appointed is lacking in the interim for reason of death or resignation.
- (2) The Center shall appoint one additional evaluator from the List, when there is a motion raised by any of the evaluators to that effect.

Article 5 (Obligation to Disclose Information regarding Conflict of Interests)

The evaluator shall, upon its appointment, submit to the applicant and the Center, a written commitment with respect to the evaluator's conflict of interests and shall fully disclose, without delay, any such information on conflict of interests when the evaluators themselves believe that there exist or occur any such circumstances or events that are likely to give rise to a reasonable doubt as to its impartiality or independence.

Article 6 (Challenge of Evaluators)

- (1) Where there exist such circumstances that give rise to a reasonable doubt as to the evaluator's impartiality or independence, the parties may request to challenge such evaluator.
- (2) The Center shall make a decision that the challenge is to be accepted when it finds that the request in the preceding paragraph has good reason.

Article 7 (Examination and Duration)

- (1) The evaluators shall, in the case where they consider that there is a reason to deny its essentiality on the patent concerned, inform the applicant of such reason and give the applicant an opportunity to express its opinion in written or oral form.
- (2) In addition, the evaluators may, in their discretion, request the applicant to explain about any questions the evaluators may have with regard to the case on which the Essential Patent Evaluation is requested, and allow the applicant to express its opinion.
- (3) The evaluators may, in their discretion, refer to the Licensing Organization, in written or oral form, any matters which they consider necessary for the conduct of Essential Patent Evaluation in order to obtain its explanation.
- (4) The proceedings of Essential Patent Evaluation are scheduled to finish within two months from the date of receipt of a written application.

Article 8 (Confidentiality Obligation)

All proceedings and records of Essential Patent Evaluation shall be maintained behind closed-doors, and the evaluators, evaluator candidates, case administrators as well as the members of the Steering Committee and the staff of the Center's Secretariat, the parties, and their agents shall not disclose or use the existence, contents, and results of the Essential Patent Evaluation or applications of Restated Essential Patent Evaluation (including the facts relating to the proceedings of Essential Patent Evaluation and the facts which come to be known through the proceedings of Essential Patent Evaluation), with the exception where the consents of all parties as to the disclosure or use are obtained. This shall also apply to such persons who have left their services. Provided, the Center may, in the case where it is necessary for enlightenment and research, etc. of the resolution of disputes relating to intellectual property, disclose the above without specifying specific contents such as the names of the parties and the patent concerned, etc.

Article 9 (Written Essential Patent Evaluation)

The conclusion of the Essential Patent Evaluation shall be prepared in writing and a written Essential Patent Evaluation shall be notified to the applicant and the Licensing Organization severally.

Article 10 (Nature of Essential Patent Evaluation)

The Essential Patent Evaluation is an opinion of the evaluators appointed by the Center, and it shall have no binding force on any person except for the Licensing Organization and the applicant as the Licensing Organization prescribes.

Article 11 (Appeal)

No appeal may be instituted from the Essential Patent Evaluation once it is issued.

Article 12 (Re-Application)

- (1) Notwithstanding the preceding Article, an application for Restated Essential Patent Evaluation with respect to the Essential Patent Evaluation may be made at any time in the following cases:
 - (i) Restated Essential Patent Evaluation for Affirmation of Essentiality;
With regard to the patent which has been opined that it is not essential, in the case where the owner of such patent requests again to opine that it is essential, with new evidence which such patent owner believes to prove the grounds for application.
 - (ii) Restated Essential Patent Evaluation for Negation of Essentiality;
With regard to the patent which has been opined that it is essential, in the case where any other person but the owner of such patent requests to opine that it is not essential on grounds that there are alternative techniques by which it is possible to implement the function and effect of Subject Portion.
- (2) The evaluators of the Restated Essential Patent Evaluation as provided for in Paragraph (1), Item (ii) shall give an opportunity to such patent owner to submit a written counter-argument against the grounds described in the written application for Restated Essential Patent Evaluation within an appropriate time limit.
- (3) The provisions of Article 3, Paragraphs (1), (3), and (4), Articles 4 through 10, and Articles 12 through 14 shall apply mutatis mutandis to the Restated Essential Patent Evaluation. Provided, with regard to the appointment of evaluators under Article 4, the evaluators who once conducted the Essential Patent Evaluation at issue shall be appointed as the evaluators, unless there exist certain unavoidable circumstances barring such appointment, and the term “the applicant” in Article 7, Paragraph (1) shall be construed as “the applicant and patent owner.”

Article 13 (Withdrawal)

The applicant may withdraw the application for Essential Patent Evaluation at any time until the written Essential Patent Evaluation has been sent to the applicant.

Article 14 (Fees)

- (1) The applicant shall, upon its application, pay, to the Center, the prescribed fees set out for each Subject Technical Standard for which the Essential Patent Evaluation is sought.
- (2) In the case the fee is not paid, or the fee paid is lacking, the Center may request the parties to pay the shortfall within one week from the date of receipt of notice, and in the case where the applicant does not make such payment within this period, the application may be deemed to be withdrawn.
- (3) The fee paid to and received by the Center shall not be reimbursed, including the case where the application is withdrawn.

Article 15 (Management of Case)

- (1) Management of the applications for Essential Patent Evaluation shall be conducted by the Steering Committee or a branch Steering Committee of the Center (hereinafter, the “Steering Committee”) and its office work shall be conducted by the Secretariat of the Center.
- (2) The Steering Committee shall, when an application for Essential Patent Evaluation is made, promptly appoint a case administrator to manage the case.
- (3) The case administrator may attend the hearings as necessary.

Article 16 (Exclusion of Liability)

Except in the case of deliberate wrongdoing or gross negligence, neither the Center nor its staff/related persons nor evaluators shall be liable to a party for Essential Patent Evaluation or any act or omission in connection herewith under these Rules.

Supplementary Provisions

These rules shall come into force as from April 4, 2006.

Supplementary Provisions

These rules shall come into force as from January 9, 2007.

Supplementary Provisions

These rules shall come into force as from November 1, 2023.

**Appendix 1: Subject Technical Standards on which
the Center conducts the Essential Patent Evaluation**

Appendix 1-1: Technical Standards for "Digital Broadcasting Pool"

No.	Title of ARIB Standard
ARIB STD-B10	Service Information for Digital Broadcasting System
ARIB STD-B20	Transmission System for Digital Satellite Broadcasting
ARIB STD-B21	Receiver for Digital Broadcasting
ARIB STD-B24	Data Coding and Transmission Specifications for Digital Broadcasting
ARIB STD-B25	Conditional Access System Specification for Digital Broadcasting
ARIB STD-B29	Transmission System for Digital Terrestrial Sound Broadcasting
ARIB STD-B30	Receiver for Digital Terrestrial Sound Broadcasting
ARIB STD-B31	Transmission System for Digital Terrestrial Television Broadcasting
ARIB STD-B32	Video Coding, Audio Coding and Multiplexing Specifications for Digital Broadcasting
ARIB TR-B13 *	Operational Guidelines for Digital Terrestrial Sound Broadcasting
ARIB TR-B14	Operational Guidelines for Digital Terrestrial Television Broadcasting
ARIB TR-B15	Operational Guidelines for BS/Broadband CS Digital Broadcasting

MPEG-2 Standard, MPEG-4 Standard, H.264/MPEG-4 AVC Standard, IEEE1394 Standard, and the portion of Server-type Broadcasting shall be excluded from the scope of the pool.

*ARIB TR-B13 was abolished on July 31, 2014.

Appendix 1-2: Technical Standards for "Digital Cable Broadcasting Pool"

Number	Standards Title	Remarks
JCTEA STD-001	Conditional Access System for Digital Cable Television	
JCTEA STD-002	Multiplex System for Digital Cable Television	
JCTEA STD-003	Service Information for Digital Cable Television	
JCTEA STD-007	Receiver for Digital Cable Television	
JCTEA STD-008 *1	Pass-through Method for Transmission of BS Digital Signals Over Cable Television System	
JCTEA STD-011	Pass-through Method for Digital Terrestrial Television Broadcasting Signals over Cable Television System	
JCTEA STD-012	Head-Amplifier for Retransmitting Digital Terrestrial Broadcasting over Cable Television System	
JCTEA STD-022 *1	RFoG for FTTH Cable Television System	
JCTEA TR-007 *1	Pass-through Method for Transmission of BS Digital / CS Wideband Digital Signal for FTTH Television System	

JLabs SPEC-001 (JCL SPEC-001)	Operational specifications for BS digital broadcasting Trans-Modulation	
JLabs SPEC-001-01 (JCL SPEC-001-01)	Operational specifications for BS digital broadcasting Trans-Modulation Detailed specifications of illegal usage protection function	
JLabs SPEC-001-02 (JCL SPEC-001-02)	Operational specifications for BS digital broadcasting Trans-Modulation Operational specifications for download function	
JLabs SPEC-002 (JCL SPEC-002)	Operational specifications for 110° E longitude CS digital broadcasting Trans-Modulation	
JLabs SPEC-003 (JCL SPEC-003)	Operational specifications for ReMUX digital broadcasting (independent broadcasting)	
JLabs SPEC-004 (JCL SPEC-004)	Operational specifications for ReMUX digital broadcasting (i-HITS)	
JLabs SPEC-005 (JCL SPEC-005)	Operational specifications for JC-HITS Trans-Modulation	
JLabs SPEC-006	Operational specifications for Pass-Through	

(JCL SPEC-006)	terrestrial digital broadcasting and independent broadcasting	
JLabs SPEC-007 (JCL SPEC-007)	Operational specifications for Trans-Modulation terrestrial broadcasting and independent broadcasting	
JLabs Spec-014 *1	Operational Specification for V-ONU Remote Control	
JLabs Spec-029 *1	Operational Specification for Hybridcast Service	
JLabs Spec-039 *1	Operational specifications for Internet Protocol Broadcasting	Volume 2 is excluded.
JLabs SPEC-045 *2	Operational specifications for Internet Protocol Broadcasting (IP pass-through)	
ITU-T Rec, J296 (06/2012) *1	Specifications for a hybrid cable set-top box	Published English version of. JLabs SPEC-023
ARIB STD-B20	Transmission System for Digital Satellite Broadcasting	Related to multiplexing techniques in transmission system are excluded.
ARIB STD-B24	Data Coding and Transmission Specification for Digital Broadcasting	Volume 1, Part 2, 4.4, and Volume 2, Appendix 4 and 5 are excluded.
ARIB STD-B25	Conditional Access System Specifications for Digital Broadcasting	Part 1, Chapter 5 and 6, and Part 2 are excluded.
ARIB STD-B31	Transmission System for Digital Terrestrial	Related to hierarchical

	Television Broadcasting	transmission techniques in transmission system are excluded.
ARIB STD-B32	Video Coding, Audio Coding and Multiplexing Specifications for Digital Broadcasting	
ARIB TR-B14	Operational Guidelines for Digital Terrestrial Television Broadcasting	Related to transmission techniques in one-segment broadcasting system and C profile for receiver are excluded.
ARIB TR-B15	Operational Guidelines for Digital Satellite Broadcasting	Related to transmission techniques are excluded.
Other ARIB Standards	Other ARIB Standards quoted in JCTEA Standards and JLABs Operational Specification as requirement	Note some parts in ARIB STD-B10 and STD-B21 are transcribed, cited or complied with Standards and operational specifications for cable system.

Patents related to MPEG-2 Video Standards, MPEG-4 Video Standards, H.264/MPEG-4 AVC
Standards, IEEE1394 Standards administrated by already existing patent license schemes and
Broadcasting System Based on Home Servers are excluded.

Note : The standards *1 are the ones added on December 20, 2019 , and *2 is the one added on
October 1st,2023.

* This chart is for information purpose only. A patent evaluation will be in the Japanese language

Appendix 1-3: Technical Standards for " Ultra High-Definition Television Satellite
Broadcasting Pool"

※Note : As the name of STD-B67 has changed, we added column version 2.0 or later as of July 1, 2018.

Standards No.	Standard Name (English translation)	Applicable Version	Applicable Part Information
ARIB STD-B1	Digital Receiver for Digital Satellite Broadcasting Services using Communication Satellites (Desirable Specification)	Version 3.0 or later	Part 2 is applicable
ARIB STD-B10	Service Information for Digital Broadcasting System	Version 5.4 or later	Except Part 2, Annex F; Annex J; Annex M; Annex N; Annex P; and Explanation
ARIB STD-B24	Data Coding and Transmission Specification for Digital Broadcasting	Version 6.0 or later	Volume 3 (except Explanation) and Volume 4 (except Annex) are applicable
ARIB STD-B25	Conditional Access System Specifications for Digital Broadcasting	Version 6.4 or later	Except Part 1, Chapter 5, 5.2; Part 1, Reference 4 and 5; Part 2, Appendix; Part 3; and Part 4
ARIB STD-B32	Video Coding, Audio Coding and Multiplexing Specifications for Digital Broadcasting	Version 3.0 or later	Except Part 1, Appendix A; Part 2, Interpretation 1 to 3; Part 2, Annex; Part 3, Chapter 3, 3.6, 3.7 and 3.9(7) (but 3.10(7) for Ver.3.4 or later); and Part 3, Appendix A
ARIB STD-B44	Transmission System for Advanced Wide Band Digital Satellite Broadcasting	Version 2.0 or later	Except Annex B, B.3; and Appendix 1 to 3

ARIB STD-B56	UHDTV System Parameters for Programme Production	Version 1.1 or later	
ARIB STD-B59	Three-Dimensional Multichannel Stereophonic Sound System For Programme Production	Version 1.0 or later	
ARIB STD-B60	MMT-Based Media Transport Scheme in Digital Broadcasting Systems	Version 1.0 or later	Except Explanation 4 and Appendix
ARIB STD-B61	Conditional Access System (Second Generation) and CAS Program Download System Specifications for Digital Broadcasting	Version 1.0 or later	Except Volume 1, Part 1, Chapter 3, 3.1; and Chapter 4, 4.6 and 4.7; Part 1, Explanation 1 and 2; Part 2, Explanation 1, 1.3 and 1.4; and Volume 2, Explanation 1
ARIB STD-B62	Multimedia Coding Specification for Digital Broadcasting (2 nd Generation)	Version 1.0 or later	Except Explanation and Appendix
ARIB STD-B63	Receiver For Advanced Wide Band Digital Satellite Broadcasting (Desirable Specifications)	Version 1.4 or later	Added to this list on Jan. 1 st , 2016
ARIB STD-B67	Essential Parameter Values For The Extended Image Dynamic Range Television (EIDRTV) System For Programme Production	Version 1.0 or later	Added to this list on Jan. 1 st , 2016 *Note
	Parameter Values for the Hybrid Log-Gamma (HLG) High Dynamic Range Television (HDR-TV) System for Programme Production	Version 2.0 or later	

NEXTVF TR-0002	Contents Protection Requirements and Receiver Output Rule for the 4K Broadcasting using the Advanced Narrowband Transmission System	Version 1.0 or later	
NEXTVF TR-0003	Technical Data about the Operation of the 4K Broadcasting using the Advanced Narrowband Transmission System	Version 1.0 or later	
NEXTVF TR-0004	Operational Guideline for Advanced Wideband Digital Satellite Broadcasting	Version 1.0 or later	Added to this list on March 14th, 2016
ARIB TR-B39	Operational Guidelines For Advanced Digital Satellite Broadcasting	Version 1.1 or later	Added to this list on December 15th, 2016

Patents related to MPEG-2 Standard, MPEG-4 Standard, H.265(HEVC) Standard, and IEEE1394 Standard are to be excluded.

Revised on July 25, 2018

Appendix 1-4: CATV(UHDTV) Applicable Standards

Standards No.	Standard Name (English translation)	Information
JCTEA STD-002 *1	Multiplex System for Digital Cable Television	Volume 1 Part3,Part5 are applicable*1 Volume 2 ITU-T Rec.J.382 is applicable*3
JCTEA STD-003 *1	Service Information for Digital Cable Television	Part 4 is applicable*1 Of the “descriptors” described in the remainder portions of the Standard, the description related to “advanced cable distribution system” is applicable*3
JCTEA STD-007 *1	Receiver for Digital Cable Television	Part 2 is applicable
JCTEA STD-008 *3	Pass-through Method for Transmission of BS Digital Signals Over Cable Television System	
JCTEA STD-022 *3	RFoG for FTTH Cable Television System	
JCTEA TR-007 *3	Pass-through Method for Transmission of BS Digital / CS Wideband Digital Signal for FTTH Television System	
JLabs SPEC-014 *3	Operational Specification for V-ONU Remote Control	
JLabs SPEC-017	Operational specifications for Advanced ReMUX digital broadcasting (independent broadcasting)	

JLabs SPEC-018	Operational specifications for Advanced ReMUX digital broadcasting (i-HITS)	
JLabs SPEC-019	Operational specifications for Advanced JC-HITS Trans-Modulation	
JLabs SPEC-028	Operational Specifications for Internet Protocol Broadcasting (Independent Broadcasting)	
JLabs SPEC-029 *3	Operational Specification for Hybridcast Service	
JLabs SPEC-030	Operational Specification for Internet Protocol Video on Demand Services	
JLabs SPEC-033 *2	Operational specifications for Advanced BS digital broadcasting Trans-Modulation (J.83 Annex C / J.183) (single QAM)	
JLabs SPEC-034 *2	Operational specifications for Advanced BS digital broadcasting Trans-Modulation (J.83 Annex C / J.183) (multiple QAM) (corresponds to 4K/8K)	
JLabs SPEC-035 *2	Operational specifications for Advanced Cable independent broadcasting (corresponds to ACAS)	Excluding the part which is described as being out of scope. (Chapter 5: Appendix 1, Chapter 6: 6.12, Chapter 9: 9.5, etc.)
JLabs SPEC-039 *3	Operational Specification for Internet Protocol Broadcasting	Volume 2 is applicable

JLabs SPEC-045 *4	Operational Specification for Internet Protocol Broadcasting (IP pass-through)	
ITU-T Rec.J297(03/2018)*3	Requirements and functional specification of cable set-top boxes for 4K ultra-high definition	Published English version of. JLabs SPEC-023

※The standards *1 are the ones added on June 10, 2017.

The standards *2 are the ones added on December 21, 2018.

The standards *3 including those specified in the column of Information are the ones added on December 20, 2019.

The standards *4 is the one added on October 1st, 2023.

Appendix 1-5: IPTV Applicable Standards

No.	Standard Name	Information
IPTVFJ STD-0001	Overview	
IPTVFJ STD-0002	VOD Specifications	
IPTVFJ STD-0003	Download Specification	English version is not available
IPTVFJ STD-0004	IP Broadcasting Specifications	
IPTVFJ STD-0005	Digital Terrestrial Broadcasting IP Retransmission Specifications	English version is not available
IPTVFJ STD-0006	CDN Scope Service Approach Specifications	
IPTVFJ STD-0007	Internet Scope Service Approach Specifications	English version is not available
IPTVFJ STD-0008	Specifications of IPTV Service Approach by Integration with Broadcasting	
IPTVFJ STD-0009	Digital Satellite Broadcasting IP Retransmission Specifications	English version is not available
IPTVFJ STD-0010	Integrated Broadcast-Broadband System Specification	
IPTVFJ STD-0011	HTML5 Browser Specification	
IPTVFJ STD-0012	Operator to Operator Communication Metadata Operational Guideline	English version is not available

IPTVFJ STD-0013	Hybridcast Specifications	
IPTVFJ STD-0014	Advanced BS Digital Broadcasting IP Rebroadcast Operational Guideline	Added to this table on Sep. 1, 2020 English version is not available
IPTVFJ STD-0015	Digital Terrestrial Broadcasting IP Rebroadcast Operational Specifications (IP Pass-Through)	Added to this table on Oct. 1, 2023 English version is not available
IPTVFJ STD-0016	BS Digital Broadcasting IP Rebroadcasting Operational Specifications (IP Pass-Through)	Added to this table on Oct. 1, 2023 English version is not available
IPTVFJ DOC-0002	Hybridcast Technical Specification Service Guideline	English version is not available

IPTVFJ Standards are available from the following website :

<https://www.iptvforum.jp/download/>

The IPTVFJ Standards refers to the Specifications of the Networked Digital Television Study Group.

This Specifications are available from the following website :

<http://nw-dtv.jp/documents/index.html>

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OATH AND CONSENT ON ESSENTIAL PATENT EVALUATION

With regard to the filing of applications for Essential Patent Evaluation with the Japan Intellectual Property Arbitration Center (hereinafter referred to as the "Center"), we/I, the undersigned _____ (name) (hereinafter referred to as the "Applicant") do hereby duly sworn, depose and say that:

1. The Applicant shall agree to comply with the Procedural Rules for Essential Patent Evaluation established by the Center.
2. The Applicant shall not use the results of the Essential Patent Evaluation received from the Center for any purposes other than joining any or all of the Patent Pools set out below:
 - The ARIB Standards for Digital Broadcasting Patent Pool
 - The Digital Cable Broadcasting Patent Pool
 - The Ultra High- Definition Television Satellite Broadcasting Patent Pool
 - The Ultra High-Definition Television Cable Broadcasting Patent Pool
 - The IPTV Broadcasting Patent Pool
3. The Applicant shall not use or otherwise disclose to others the contents, inclusive of the results, of the Essential Patent Evaluation received from the Center except for use in participating in the Pool.
4. The Applicant shall make applications for Essential Patent Evaluation in good faith only in respect of the patents that are considered in the Applicant's belief to be valid and essential.
5. The Applicant shall not raise any objections against any of the Evaluators in their representing any third party in a dispute against the Applicant in the future, except for a dispute involving the patents for which the Evaluators have handled the Essential Patent Evaluation on behalf of the Applicant.

IN WITNESS WHEREOF, the Applicant hereby execute this document and submit the same to the Center together with the necessary documents as specified in Article 3 of the Procedural Rules for Essential Patent Evaluation.

D a t e d :

Applicant:

By: _____