

# DIGITAL BUSINESS COUNCIL

## Conditions of Working Group participation.

The following clauses are common requirements for participation in collaborative development of specifications. These are the conditions of participation for Working Group members:

### 1. Anti-trust Agreement

To avoid circumstances where members of the Australian Digital Business Council (Council) Working Groups are accused of collusion or market fixing the following conditions apply:

*‘The decisions of the Council Working Groups are not intended to, and may not, play any role in the competitive decisions of its members, or in any way restrict competition in its member industries. It is the requirement of participation in a Council Working Group to comply with all antitrust and competition laws and regulations;*

*Members participating in Council Working Groups may not have any discussion relating to product pricing, methods or channels of product distribution, any division of markets, or allocation of customers or any other topic that should not be discussed among competitors; and*

*It is the responsibility of the Chair to ensure the Council Secretariat maintains an accurate and auditable statement of record for all activities of the Council Working Groups.’*

### 2. Confidentiality

To avoid uncontrolled and potentially confusing information being distributed via Council Working Group participants the conditions of confidentiality are:

*‘Council Working Group participants agree not to make public the discussions of the Council Working Groups unless advised otherwise by the Chair. Participants shall limit disclosure of confidential information within their own organisation to its directors, officers, partners, members and/or employees having a need to know and no-one shall disclose confidential information to any third party (whether an individual,*

*corporation, or other entity) without the prior written consent of Chair. The participant shall have satisfied their obligations under this paragraph if they take affirmative measures to ensure compliance with these confidentiality obligations by those who are permitted access to or use of the Confidential Information or consequential Intellectual Property Rights; and*

*An open forum will be made available for the dissemination and discussion of aspects of the Council's activities that are deemed in the public domain.'*

### 3. Intellectual Property Rights (IPR)

An important aspect of the work undertaken by the Council Working Groups is that all participants, and their respective organisations, may benefit from the ongoing identification of potential new standards and product concepts and features for digital and other electronic products for Australian businesses.

The IPR condition of participation supports evaluating, and possibly developing and implementing such specifications, including possible development and implementation of products compliant with such specifications. This IPR condition protects participants of Working Groups compromising any intellectual property in the use of Council specifications. The condition is:

*“The policies of the Council neither require nor prohibit any Working Group participant from securing or enforcing intellectual property rights in its inventions and discoveries. However, each participant agrees to make a good faith effort to disclose to the other members any patents and patent applications known or suspected to apply to a standard or product concept or feature proposed or otherwise disclosed at a Council Working Group meeting.”*

The above requires participants to declare any Intellectual Property claims in material contributed to the Council Working Group meetings or lose the right to them. The Working Group may then decide how to process that material.

In addition the following text should appear in all Council publications to protect users of Council specifications from unknown or future license claims:



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