


**X12 Corporate Administrative
Policy and Procedure**

Intellectual Property

(CAP05)

Intellectual Property

1 Introduction

The X12 Board of Directors (Board) is responsible for this policy and associated procedures.

Members agree to be bound by these policies and to follow the associated procedures as a condition of membership. Non-member participants afforded specific collaboration privileges agree to be bound by these policies and to follow the associated procedures as a condition of those privileges.

Suggestions for improvements to this document are welcome. They may be submitted at <http://changerequest.x12.org>.

Staff procedures supporting these policies and procedures are maintained separately. Questions related to the staff procedures may be directed to the Executive Directory at execdir@x12.org.

2 Authority

The corporate rules of order and standing rules detailed herein supplement the **X12 Bylaws (CAP01)**. The Bylaws prevail in the case of any inconsistency.

The corporate rules of order and standing rules defined herein may be augmented by detailed or more restrictive committee or subordinate group instructions, published in documents identified with the X12 subcommittee's intended prefix; however, such instructions shall not duplicate, supersede, contradict, countermand, or overrule the corporate rules of order and standing rules defined herein. The corporate rules prevail in the case of any inconsistency.

3 Background

X12's primary functions are the development of EDI standards and related products and services. Such work products, referenced herein as intellectual property, are crucial to the sustainability of X12. This document describes the policies for protection of the X12 assets and the fair use of X12 content, both copyrighted and non-copyrighted. These policies are based on U.S copyright laws.

4 Patent Policy

X12 follows the current ANSI Patent Policy. In the event it becomes necessary to interpret the ANSI Patent Policy, the X12 Board will review and consider, among other things, the

ANSI Guidelines for Implementation of the ANSI Patent Policy.

5 Copyright and Ownership Policy

X12 shall own all work products developed and approved by X12 committees, all draft work products under development by X12 committees, and any work products developed as work for hire by X12 staff or contractors. At the Board's discretion, X12 staff shall register copyrights for any such work product.

X12 shall actively enforce all copyrights and protect all copyrighted assets.

6 Fair Use Policy

Fair Use of X12 copyrighted materials may be granted in specific situations if such use is in accordance with X12's applicable policies and procedures.

Fair Use is permissible without written permission from X12 as follows:

- To reproduce small portions of properly cited X12 material for criticism, comment, news reporting, teaching, scholarship or research.
- In an organization's internal implementation documentation (defined herein as documentation which is not made available outside the corporate structure of the authoring organization) when the organization has purchased an appropriate license for use of the X12 materials AND when the internal implementation document properly cites all included X12 materials.

Fair Use is permissible based on written permission for the use, obtained in advance of publication, distribution or dissemination as follows:

- Use of X12 materials in any derivative work that will be distributed or made available outside the corporate structure of the authoring organization, only when the organization has purchased an appropriate license for use of the X12 materials.
- Reproduction of significant portions of X12 materials for any use, internal or external, only when the organization has purchased an appropriate license for use of the X12 materials.

Detailed policies and procedures are maintained online to facilitate access by organizations seeking to use X12 materials. The detailed policies and procedures are available at: <http://store.x12.org/store/ip-use>.

7 Copyright Assertion Policy

All material developed by X12 members, staff, or partners and published by X12 is the sole property of X12. Members, collectively or individually, do not have rights to such intellectual property and are not considered joint developers or joint copyright holders for any draft,

final or copyrighted X12 work.

As a condition of membership, members and member representatives agree not to assert copyright against X12, other members, or third parties based upon the making, use, sale, reproduction, distribution, disclosure, display, or transmission of any X12 work or derivative.

Members grant to X12, and to the extent such rights cannot be granted at the time of initial membership or renewal, agree to grant to X12 a perpetual, irrevocable, royalty free, worldwide, non-exclusive license under its copyrights, with the right to sublicense, to make, have made, use, distribute or sell, reproduce, display, disclose, perform, transmit, improve and create derivative works based upon the Standard and the Change Procedures for X12 Standard. Members cannot revoke or modify this agreement without giving up the rights of membership.

8 Requesting Permission for Use

All parties requesting permission to reproduce or use copyrighted material must follow the procedures defined by X12. Those procedures apply to all draft, published, and withdrawn X12 products. An X12 product is defined as anything resulting from the effort of an X12 committees, staff, or contractor and anything so designated by the X12 Board.

To facilitate access by organizations seeking to use X12 materials, detailed procedures, including request forms, are maintained online. The procedures and request forms are available at: <http://store.x12.org/store/ip-use>.

9 Terminology

To ensure consistency within X12, the terms, definitions, abbreviations and acronyms herein have been adopted for organizational use. Some definitions are proprietary to X12. Others recognize the terms and definitions of another organization or authority, including Robert's Rules of Order. Inclusion of external terms and definitions reduces the need for external references and improves consistency within X12 work products. These terms and definitions shall be used in X12 work products when applicable without modification or revision.

Administration

A group of X12 or contracted staff members, managed by the Executive Director, who have duties and perform tasks necessary to run the X12 organization, including business and standards development matters.

Synonyms: Staff, X12 Staff

American National Standards Institute (ANSI)

A private non-profit organization formed in 1918 to oversee the development of voluntary consensus standards for products, services, processes, systems, and personnel in the United States. The organization also coordinates U.S. standards with international standards so that American products can be used worldwide.

ANSI does not develop standards itself, instead it accredits standards developed by other standards organizations, government agencies, consumer groups, and companies.

Bylaws

A document that defines how an organization functions. It includes an organization's foundational rules that do not change frequently. Bylaws may be suspended only if they allow their own suspension or are in the nature of rules of order.

Electronic Data Interchange (EDI)

The computer to computer exchange of processable data in a standard format.

Lingo

The vocabulary used within X12 groups and work products. Lingo includes individual words, stand-alone phrases, and related sets of words and phrases that need to be understood in context with each other.

Member

An entity that has completed an application, paid the applicable dues and been granted X12 membership for a specific period of time.

This term is used only in reference to X12 membership. Recognized participants of specific committees, subcommittees or other subordinate groups who have met the requirements for specific privileges within that group shall be referenced as constituents, not members.

Standing Rules

An organization's administrative governance, including all matters not related to parliamentary procedure. X12 defines rules of order at four organizational levels, corporate, committee, subcommittee, and subordinate group.

Rules of Order

An organization's rules of order govern parliamentary matters. X12 defines rules of order at four organizational levels, corporate, committee, subcommittee, and subordinate group.

Wordbook

The repository housing X12's organizational lingo.

X12 Board

A group of elected and ex-officio leaders who oversee the business affairs of X12.

10 Document History

New versions of this document are effective on the approval date, unless otherwise stated in the approval.

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| 09/22/2016 | V4: ADP06 renamed CAP04, revised to reflect the organization's name change, and other minor revisions for clarity. |
| 05/11/2015 | V3: Revisions approved by the Board |
| 02/03/2011 | V2: Revisions approved by Steering |
| 10/09/2002 | Revisions approved by Steering |