

BYLAWS (“Nebenordnung”) for the OSPT  
regarding the procedures in case of  
Non-availability of licenses in Essential IPR

## 1. Definitions

“**OSPT**” means the OSPT – Open Standard for Public Transportation Alliance e.V.

“**Articles of Association**” means the Articles of Association of the OSPT.

“**Board**” means the Board of the OSPT.

“**Member**” or “**Associate Member**” means Member or Associate Member of the OSPT as defined in § 3.1 of the Articles of Association.

“**Specification**”, “**Candidate Specification**”, “**Released Specification**”, “**IPR**”, “**Essential IPR**”, “**Implementing**”, “**Product**”, “**Manufacture**” and “**Licensing Company**” shall have the meaning as defined in § 12.1 of the Articles of Association of the OSPT.

“**Licensing Company**” shall have the meaning as defined in § 12.3 b) cc) of the Articles of Association.

## 2. Candidate Specifications

Where, in respect of a Candidate Specification, the OSPT becomes aware that licenses on Essential IPR are not available from their owner under fair, reasonable and non-discriminatory conditions, that Specification shall be referred to the Board for further consideration in accordance with the following procedure:

- 2.1 The Board shall immediately request the owner of such IPR – whether Member, Associate Member or third party – to provide the written undertaking that he is prepared to grant the Licensing Company licenses for such IPR on fair, reasonable and non-discriminatory terms conditions for the purpose of Implementing the Specification.
- 2.2 Where the IPR owner refuses the license request or does not answer the request within thirty (30) days, the Board shall inform the working group accordingly. The working group shall review the requirement for that Specification and:
  - i. vote to modify the Specification so that the respective IPR is no longer Essential, or
  - ii. cease work on said Specification and withdraw the Candidate Specification status.

## 3. Released Specifications

Where, in respect of a Released Specification, the OSPT becomes aware that licenses on Essential IPR are not available from their owner under fair, reasonable and non-discriminatory terms, that Specification shall be referred to the Board for further consideration in accordance with the following procedure:

- 3.1 The Board shall request full supporting details from any Member or Associate Member who has complained that licenses are not available or can provide information.

- 3.2** The Board shall immediately request the owner of such IPR to provide the written undertaking that he is prepared to grant the Licensing Company licenses for such IPR on fair, reasonable and non-discriminatory conditions for the purpose of Implementing the Specification.
- 3.3** Where the IPR owner refuses the license request or does not answer the request within ninety (90) days, the Board shall inform the working group accordingly. The working group shall review the requirement of that Specification and
- i. prepare a new version of the Specification so that the respective IPR is no longer Essential, or
  - ii. cease work on said Specification and ask the Board to revoke the Released Specification.
- 3.4** Further negotiations with the owner of such IPR may only be commenced if the Board explicitly decides to enter into such negotiations.