

Directors in Attendance:

- Frederick Hirsch, Chair
- Sanjay Patil, Vice Chair
- Gershon Janssen, Secretary
- Dawn Jutla, Treasurer
- Martin Chapman
- Jenny Huang
- Dave Ings
- Ram Jeyaraman
- Paul Lipton
- Fang You

Staff in Attendance:

- Laurent Liscia
- Scott McGrath
- Jamie Clark
- Chet Ensign

Apologies received from:

- Peter Brown

1. Welcome and Adoption of Agenda

Frederick Hirsch, Chair, presided at the meeting. Gershon Janssen, Secretary, took the minutes.

The Chair called the meeting to order and took roll call. With 10 members in attendance, the meeting was quorate.

The draft agenda was adopted.

2. Trademarks in CTI

Jamie Clark, OASIS General Counsel and Chet Ensign, Director of Standards Development and TC Administration, joined.

The Board discussed the trademarks in CTI issue. Jamie provided the Board with a short overview explaining that the OASIS rules require that any trademarks used in a specification contribution be turned over to OASIS. When launching the cybersecurity info-sharing standards STIX, TAXII and CyBOX at OASIS last year, the principal contributor U.S. DHS was not immediately able to provide a complete transfer, so OASIS agreed to a nonexclusive trademark license, subject to the board's review and waiver. Approval of their TC's candidate Committee Specifications is on hold pending the resolution of that issue, Staff is asking the Board to accept the nonexclusive license arrangement, as a waiver to the trademark assignment rule, by providing equivalent assurances that implementers and users will have all the same rights that they normally enjoy. There will be a single remaining exception barring use of the trademarked spec names in a commercial product trademark, but this is a restriction OASIS has previously accepted in other appropriate cases. Staff also plans to ask DHS to explore completing a full assignment to OASIS in the future.

In discussion of this issue, the Board also review the 'Non-exclusive License Agreement', the 'Proposed trademark notice and conditions applicable to sublicensees and users' and the 'notice placed (by TC Admin) inside the specifications themselves, with agreed special notice language as permitted by the IPR Policy' for STIX, TAXII, and CyBOX.

Minutes of OASIS Board of Directors, held 1 April 2016 by teleconference (Public)

After a discussion, the Board resolved to waive IPR Policy section 5.3.1's requirement that all trademarks used in an OASIS specification shall be owned by OASIS, for the US Department of Homeland Security's contributions of STIX, TAXII and CybOX draft specifications to the OASIS CTI TC.

The Board also resolved to adopt a statement on the matter, which will be send to the TC together with the outcome of waiving IPR Policy 5.3.1 requirement.

Frederick will follow-up with the CTI TC on the outcomes of this Board discussion. Ram, as Chair of the IPR Committee, was asked to review handling exceptions to the IPR policy and policies for granting waivers in the IPR Committee.

3. Any Other Business

No other business.

4. Adjourn

The meeting adjourned at 10.57 am EDT.

Respectfully submitted, 21 April 2016

Gershon Janssen, OASIS Board Secretary

Approved Resolutions

RESOLUTION 2016-04-01.01

“The Board resolved to waive IPR Policy section 5.3.1's requirement that all trademarks used in an OASIS specification shall be owned by OASIS, for the US Department of Homeland Security's contributions of STIX, TAXII and CybOX draft specifications to the OASIS CTI TC, conditioned on the terms of the following documents: (a) amendment to section 3(d) of the July 15, 2015 "Non-Exclusive License" between DHS and OASIS; (b) posting of the supplemental "Proposed trademark notice and conditions" from DHS, clarifying implementer and user rights to freely use trademarks; and (c) modification of the standard OASIS specification IPR notices and disclaimers text, to include the modified special DHS IPR notices and disclaimers; all as presented to the Board at its March 2016 meeting as negotiated by staff and DHS.”

RESOLUTION 2016-04-01.02

“The Board resolved to adopt the following statement to be shared with the CTI TC on the public archive:

The OASIS Board has approved the waiver of its trademark-ownership policy for purposes of the DHS contributions of STIX, TAXII and CybOX specifications, to accept the nonexclusive license instead, so as to accommodate the continuous development of this work without interruption. The OASIS Board considers this waiver exceptional, in light of the perceived urgency of cybersecurity risks mitigated by the project and the inability of the contributor to immediately transfer the trademarks.

However, the Board does wish to caution DHS that there may be significant adoption risks with the retained trademark licenses and "TM" marks in an open standard or open source code. In the current technical environment, open development communities generally expect and receive freely available rights to use and incorporate such works without any concern, conditions, or restrictions. The ability to go forward without licensing or lawyering analysis accounts for the rapid, frictionless adoption and success of many open projects.

OASIS always strives for success and broad adoption of its committees' specifications. Therefore, we did wish to express our concern that the presence of unconventional or unexpected license reservations -- where the user must consider special terms from a specific agency, beyond the routine open standards group terms -- might significantly impair market adoption of this work, particularly internationally, and with other standards organizations.

We understand that the original intent of this project is to promote widespread adoption and use, not only with US federal agencies and their regular vendors, but also in communities and commercial sectors located elsewhere, including parties who may exchange threat data with each other but not the government. For that reason, we call your attention to the risk of negative reactions to anything that (even accidentally or cursorily) looks like parties might be required to seek permission from a US federal agency before using it or coding to it.

For that reason, as a suggestion but not a requirement, we urge DHS to consider re-visiting whatever process would be required to permit a full assignment of the trademark to OASIS, so to bring the work's licensing in line with most other open standards and open source work. That process might run concurrently with the committee's continued development, possibly permitting fewer licensing reservations in future versions. OASIS itself always takes reasonable steps to monitor and protect the names and trademarks of its specifications, so we do not believe that additional powers need to be retained by DHS, in order for the agency to enjoy the protections that may be its concern. We would be happy to work with the Department to explore whatever additional procurement process might be

needed, to address the risk that communities and stakeholders outside of your current circle of participants might find the exceptional licensing off-putting. Thank you for your consideration.”