



**INTELLECTUAL PROPERTY POLICY  
OF  
ACCREDITED STANDARDS COMMITTEE X9 –  
FINANCIAL INDUSTRY STANDARDS, INC.**

Date of approval by X9 August 28, 2003

STANDING DOCUMENT # SD018

**I. PURPOSE**

The purpose of this policy is to specify and protect the interest of X9 in its intellectual property rights and to describe the means by which X9 has addressed the recognition and protection of its intellectual property rights. X9's intellectual property rights and the revenue generated by utilization of those rights contribute to X9 in carrying out its mission.

This policy applies to all members, officers, directors, employees, participants, and others involved with the development, adoption, publication, use and/or distribution of X9 Intellectual Property.

**II. SCOPE**

This policy applies to all draft ANS, all draft TR, all draft TG, all draft DSTU, all ANS, all TR, all TG and all DSTU, any X9 policy documents, any CD's, Internet Web Site, videotapes, audiotapes or other items developed by X9 and copyrighted by (collectively referred to here as "X9 Intellectual Property").

**III. TYPES OF INTELLECTUAL PROPERTY**

Intellectual property includes X9's patents, trademarks, copyrights and trade secrets, as defined in various federal and state statutes. ASC X9 shall copyright all of its standards. Through use of the "standards-writing" template X9 asserts copyright from the very first draft of the document.

A patent is a property right granted by the government to individuals who invent new and useful inventions. Patents may be granted on any new and useful process, machine, manufactured article, composition of matter, or any new and useful improvements thereof. During a patent's limited term, its owner has the right to exclude others from making, using, selling, offering for sale or importing the patented invention into the United States.

A copyright is a property right granted to the creators (i.e., authors) of original works which are fixed in a tangible medium of expression and which are independently created and possess some minimal degree of creativity. The exclusive rights provided by a copyright include protection against unauthorized printing, publishing, copying, selling, distributing, and/or performing of the copyrighted work. Copyrighted materials include not only traditional written

works but also such things as computer software, electronic files and publications, internet/website files and publications, multimedia, CD-ROM's, videotapes, audiotapes, and training programs.

A trademark is a word, phrase, symbol or design, or combination of words, phrases, symbols or designs, which identifies and distinguishes the source of goods or services from one party from those of others. A service mark is the same as a trademark except it identifies and distinguishes the source of a service rather than a product. Trademark rights may be used to prevent others from using a confusingly similar mark but not to prevent others from making the same goods or from selling them under a non-confusing mark.

#### **IV. POLICY**

A. All of X9's intellectual property shall be protected, regulated and maintained, no matter how wide the information is distributed in print, electronically, or otherwise. ASC X9 reserves the right to not distribute its standards where it believes its intellectual property rights will be violated.

B. X9 owns and maintains the rights to its Intellectual Property.

C. X9 reserves the right to copyright any of its print, electronic products, databases, audio/visual products and any other subject matter covered by the federal Copyright Act. This is intended to protect X9 and its members from unauthorized copying and distribution of X9 Intellectual Property.

D. By participating in any X9 technical committee and/or participating in the creation and adoption of X9's Intellectual Property, participants and committee members acknowledge that the copyright to such Intellectual Property resides in X9.

E. All participants in the creation of X9 Intellectual Property agree to abide by the X9 Articles, bylaws and organizational resolutions, rules, standards and directives, including this Policy, as such may be amended from time to time.

F. It is X9 policy that the copyrights and other intellectual property rights of third parties be respected and not infringed by X9 or any of its committees, employees, members or other persons acting on behalf of X9.

G. The Copyright Act provides copyright protection for certain works fixed in any tangible medium expression, now or later developed, from which they can be perceived, reproduced or otherwise communicated, either directly or with the aid of technology. As more and more sophisticated technology becomes available, it may become increasingly difficult to determine and enforce ownership of X9 Intellectual Property rights. Therefore, inputting, uploading, downloading, reproducing, or transmitting X9 Intellectual Property without X9's prior written permission is prohibited (with the exception that X9 is not intending to limit the applicability of the "fair use" doctrine developed under the Copyright Act).

## V. PROCEDURE

### A. Intellectual Property Standards

1. Standards and related documents developed by X9 committees are copyrighted by X9 as a “Work for Hire” as given in the U.S. Copyright Act. When an individual accepts appointment to a committee, the individual may also be asked to acknowledge that copyrights and all rights to all materials produced by X9 committees are owned by X9 and that X9 may register the copyright in its own name.

2. If, in developing a standard or related document, a committee proposes to incorporate material from the copyrighted publication of another organization, the committee should request X9 staff to obtain written permission from the publisher to reprint the material.

3. X9 standards may currently include copyrighted material reproduced under agreement with the copyright holder. Similarly, X9 may permit others to reprint its material based on appropriate license agreements. This shall apply to all forms, including, for example, both hard copy and electronic media.

4. X9 may register its trademarks and service marks in the United States and in countries around the world. As a condition for membership, members agree that such marks are the property of X9 at all times.

5. Guidance to committees on protection of X9’s Intellectual Property rights and avoidance of infringement of the rights of others is provided by the X9 staff.

### B. Licensing

1. When X9 creates and distributes its Intellectual Property, X9 may do so in whatever manner it decides. This will not, however, preclude the use of the Intellectual Property by authors and editors as set forth in the applicable agreements entered in accordance with this policy.

2. X9 requires any individual or entity who desires to copy, reproduce, market, or distribute any of X9’s Intellectual Property (e.g., Standards, Draft Standards or related documents and to all other publications and related property) to execute an appropriate X9 License Agreement. Such agreements will normally require, among other things, that licensees shall not modify the X9 property and will make appropriate copyright acknowledgments and royalty payments. X9 has no obligation to execute such agreements.

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