

1288



EMVA Standard Compliant

EMVA Working Group Application: EMVA 1288

Thank you for applying to become a member of the EMVA 1288 Working Group. Membership of the EMVA 1288 Working Group provides the following benefits:

- ✓ Access to the EMVA 1288 Working Group meetings and discussion group(s) consisting of all members of the EMVA 1288 Working Group.
- ✓ Access to a file sharing/versioning system so that members representatives can easily collaborate and maintain the standard and supporting work, including:
- ✓ Access to the EMVA 1288 Working Group mailing list.
- ✓ Technical support from the EMVA 1288 community through the EMVA 1288 mailing list.
- ✓ Access to meeting agendas, minutes, ballots, (draft) standard documents.
- ✓ Benefits by getting firsthand technical information defined by the members of the EMVA 1288 Working Group.

Please contact our Standards Office on standards@emva.org for all details, documentation and procedures relating to our standardization efforts.

To complete the Application, please

1. initial all pages close to the page number
2. fill in your Company (Organization) Application details on page 2
3. sign the Application Form on page 5
4. if a dedicated buyers name, contact, email, and signature is needed please add these on page 5 as well
5. make your IPR choice for “disclosure a)”, “disclosure b)” or “non-disclosure” on page 6 for the EMVA 1288 working group “Patent and Intellectual Property Rights” Disclosure Statement
6. sign the IPR statement on page 7
7. add your working group representatives in person on page 8ff with max. 10 WG representatives

and send the scanned and digital signed copy to **standards@emva.org** or the original signed paper copy by ground mail to: **EMVA, Gran Vía de Carles III 84, 08028 Barcelona, Spain**

A digital signed copy can be obtained by e.g., these digital PDF signing services:

- Adobe Sign: <https://www.adobe.com/sign/pricing/plans.html>
- Skribble: <https://www.skribble.com>

Application Details

COMPANY (ORGANIZATION) NAME ("APPLICANT"):			
ADDRESS:			
CITY:	STATE/PROVINCE:	ZIP/POSTAL CODE:	COUNTRY:
AUTHORIZED REPRESENTATIVE NAME:			
JOB TITLE/POSITION:			
TELEPHONE:			
COMPANY (ORGANISATION) WEBSITE:			
G3 AFFILIATION: <input type="checkbox"/> JIIA <input type="checkbox"/> CMVU <input type="checkbox"/> VDMA <input type="checkbox"/> EMVA <input type="checkbox"/> A3			
DIVISION OF (IF DISTINCT):			

In the exceptional case that the Applicant is an individual authorized by the Board of Directors of the EMVA, please

- fill in your name in "Company (Organization) Name/Applicant" with the mention "(Individual)" and
- fill in your professional affiliation, if any, in "Representative", indicating "Affiliation".

In the case that the Applicant is not a member of a G3 association, first contact the EMVA 1288 chair. On his request the Board of Directors of the EMVA will decide about the Applicants membership. All applicants who were members of the EMVA 1288 Working Group before these rules got effective, have already been authorized to be members of the EMVA 1288 Working Group under these rules.

Statement of qualification/interest:

TERMS OF THE APPLICATION AND PARTICIPATION IN THE WORKING GROUP

Applicant hereby applies for membership of the EMVA 1288 Working Group of the EMVA and agrees to be bound by and comply with the following terms.

1 Application requirement

Applicant represents that it is a member of European Machine Vision Association or a sister organization of the G3¹ or has been otherwise approved by the EMVA Board of Directors and the EMVA 1288 Working Group Chair/s to participate in the Working Group.

2 Application Documents

This application is made up of, and only valid when fully agreed to, the following documents. Please initial all pages and sign on page 7 and 9:

- EMVA Working Group Application Form (*this document*)
- EMVA Working Group Member IPR Declaration (*this document page 6f*)
- Referrals
 1. EMVA Standards Development and Approval Procedures
(current version: V1.0) - please add the revision you checked:
 2. EMVA 1288 Working Group Rules
(current version: V1.0) - please add the revision you checked:
 3. EMVA IPR Policy
(current version: V1.1) - please add the revision you checked:

3 Applicant undertakings regarding EMVA procedures and rules

Applicant accepts and undertakes to abide by the EMVA Standards Development and Approval Procedures, the Rules of the EMVA 1288 Standard Working Group and EMVA IPR Policy established from time to time. The current versions of these documents are attached hereto, also available online at EMVA 1288 collaboration platform.

In the event that any of these documents are materially amended or extended, and the Applicant (now member) does not agree to the new terms, it must notify the EMVA 1288 Working Group Chair/s and the EMVA Standards Manager and resign from the Working Group promptly on being notified of the proposed or agreed changes. Continued attendance at any EMVA 1288 Working Group meeting (virtual or presential) indicates the Applicant's agreement to the new terms. Notwithstanding this, in the event of any changes to the EMVA IPR policy, the provisions of section 5.4 below apply.

4 Confidentiality

Applicant (and its WG representative) and EMVA shall maintain the confidentiality of all non-public information received or shared between them during Applicant's participation in activities of EMVA and the EMVA 1288 Working Group (including any personal data) and shall not disclose such information to any third party without the written approval of the owner of such information. This shall not apply to information that is already in the public domain. Applicant and EMVA shall only use such information for the purposes of performing its activities within the EMVA 1288 Working Group and in relation to the EMVA 1288 Standard.

This duty of confidentiality will survive the termination of the Applicant's participation as a member of EMVA or any EMVA's Working Group.

¹ G3 currently consists of EMVA, A3 Association for Advancing Automation (A3), Japanese Industrial Imaging Association (JIAI), Verband Deutscher Maschinen- und Anlagenbau Machine Vision (VDMA MV) and China Machine Vision Union (CMVU) – February 2022

5 Intellectual Property Rights

5.1. As a condition of joining the Working Group, Applicant makes the Declaration **“Patent and Intellectual Property Rights Disclosure Statement”** set out in page 6 and represents and warrants to EMVA that all information in the Declaration Form is true, accurate and up to date. Applicant (as WG member) will update this Declaration at any time the information contained therein is no longer correct or complete, in particular if Applicant acquires or intends to acquire any intellectual property rights owned by it that may conflict with or cover the EMVA 1288 Standard specifications.

5.2. Applicant undertakes to declare to EMVA any actual or proposed intellectual property rights owned by it that may conflict with or cover the EMVA 1288 Standard specifications and associated technologies (reference implementations), including without limitation all in contributions made by the Applicant or revealed by other contributors in the EMVA 1288 Working Group, in conformance with the EMVA Intellectual Property Rights Policy in force from time to time. The current version of the Applicant’s declaration is page 6f hereto.

5.3. By signing the Application Form, the Applicant agrees to grant EMVA and EMVA 1288 Working Group Members and, when appropriate, EMVA Standard Licensees the rights set out in the Intellectual Property Rights Policy applicable to EMVA 1288 Standard, subject to the conditions set out in that IPR Policy.

5.4. In the event of any change to the EMVA IPR Policy, the Applicant shall make a declaration in writing to the EMVA Standards Office confirming it is adhering to the new Intellectual Property Rights Policy, or indicating it maintains adherence to the EMVA IPR Policy valid on the date hereof. Note that refusal to accept the new IPR Policy Terms may be grounds for termination of the Applicant’s membership of the Working Group.

6 Liabilities

Applicant agrees that, to the maximum extent permitted by applicable law, EMVA will not be, and it will not hold EMVA, liable for any damages whatsoever, including for any direct or indirect damages, with respect to its participation in the EMVA EMVA 1288 Working Group. This exclusion does not exempt EMVA or the Applicant from any liability for fraud or willful misconduct, or for any death or personal injury.

7 Notices

All notices hereunder must be sent in writing¹ and addressed to the parties as follows:

EMVA: European Machine Vision Association, att. Standards Manager,
Gran Via de Carles III 84, 08028 Barcelona, Spain

APPLICANT: Applicant’s contact person and address as indicated above in the Working Group Application Details (or subsequently notified in writing to EMVA)

8 Termination

Applicant may terminate its yearly membership of the EMVA 1288 Working Group at any time on written notice to EMVA, latest 31st October for the upcoming year.

EMVA may terminate the membership on written notice to Applicant, if Applicant is in breach of these terms (including breach of the referenced policies and procedures of the EMVA) and such breach is not cured or capable of cure within 15 working days of initial written notice by EMVA to Applicant.

As from the date of effectiveness of the termination, Applicant shall no longer be eligible to be a member of the EMVA 1288 Working Group and shall automatically be removed, shall return to EMVA all copies of any EMVA confidential information.

¹ Copies of the notices may be sent by email and will be considered effective if receipt of the email is acknowledged or confirmed (by email or otherwise in writing) by the recipient

9 Governing law and conflict resolution

This Application and terms of membership are governed by Spanish law (the law of the domicile of the EMVA).

All conflicts regarding their application or interpretation shall be submitted, if not capable of being solved amicably within 30 days of notice by one party to the other of such conflict, before the competent courts of the City of Barcelona, Spain.

Application Statement	
<p>I, as authorized representative of the APPLICANT, hereby apply, on behalf of the company I represent, to join the EMVA 1288 Working Group and accept the above conditions for participation in the Working Group and terms of the EMVA Standards Procedures and Intellectual Property Rights Policy of the date hereof. All statements made in accompanying documents I provide to the EMVA are true and accurate at the date hereof.</p> <p>If you want to get access to the EMVA 1288 collaboration tools, please add you as a representative below as well:</p>	
Name:	Authorized Signature:
Email:	
Date:	

Billing Details, if different from company contact on page 2 of this document

COMPANY (ORGANIZATION) NAME ("BILLING DEPARTMENT"):			
ADDRESS:			
CITY:	STATE/PROVINCE:	ZIP/POSTAL CODE:	COUNTRY:
AUTHORIZED BUYER NAME:		COMPANY (ORGANIZATION) EU VAT ID:	
JOB TITLE/POSITION:			
TELEPHONE:			
BILLING EMAIL:			
PURCHASE ORDER NUMBER:			
AUTHORIZED SIGNATURE:			

Please note that intellectual property rights in any EMVA standards, reference implementations, and contributions by Working Group members is governed by the EMVA IPR Policy

Patent and Intellectual Property Rights Disclosure Statement

Standards developed by the EMVA generally should not include the use of a patented invention or technology. However, technical reasons may justify such inclusion. In such cases the EMVA must place statements from parties to the Standard into our records to reflect whether they are a patent or other Intellectual Property Right holder or intend to hold any invention or intellectual property rights the use of which would be required for conformance with the current EMVA 1288 Standard, and their intention for exercising such rights.

Disclosure

For acceptance as a Member of the EMVA 1288 Standard Working group, the Applicant, for itself and for its controlled entities (Affiliates, as defined in the IPR Policy) and, to the best of the Member's knowledge, for entities under common control with, or that control, the Applicant, declares, after making due diligence:

☐ **Disclosure a)** It has not previously and does not currently hold and does not currently intend to hold and/or claim any intellectual property rights (including patent, utility model, copyright, trademark, trade secret or similar rights, including both issued rights and any applications for the same, and whether registered or not – collectively, “intellectual property rights”) in any invention, technology, information, data or other element the use of which would be required for compliance with the current or (to the extent it has been provided to us) proposed EMVA 1288 Standard.

☐ **Disclosure b)** It does hold or does currently intend to hold or claim intellectual property rights the use of which would be required for conformance with current or (to the extent it has been provided to us) proposed EMVA 1288 Standard. A license will be made available to all EMVA EMVA 1288 applicant licensees under the terms of a Royalty-Free, Fair, Reasonable and Non-Discriminatory (“RF-FRAND”) license. Summary details of these intellectual property rights will be made available (a) the EMVA 1288 Working Group members and (b) the EMVA Standards Office prior to the Applicant participating in any EMVA 1288 Working Group activities.

State your IP/patents number(s) and a short description here:

☐ **Non-disclosure**

The Applicant agrees that if it or any controlled entity does hold intellectual property rights the use of which would be required for conformance with the current EMVA 1288 standard and does not declare them, the Applicant (or the controlled entity, as appropriate) automatically grants a RF-FRAND (Royalty-Free-, Fair, Reasonable and Non-Discriminatory) sublicensable license to use, make, have made, commercialize, sell, import, export, reproduce, transform, distribute or otherwise exploit the subject of the intellectual property rights to the EMVA and any and all EMVA EMVA 1288 Standard Group members and Standard licensees under the terms of the license chosen by the Working Group and EMVA for the publication, distribution and exploitation of the Standard and any Reference Implementation without any patent right exclusion clause. Not declaring the holding of any intellectual property rights a license for which is separately required for conformance of the Specification and in any item which is contributed or otherwise submitted by the Applicant during the Working Group activities, implies, or will be assimilated to, the acceptance of a non-assertion covenant with respect to EMVA and all applicants in relation to such undeclared rights.

In case the Applicant starts filing a patent while being member of the WG and this patent turns out to conflict with a future EMVA 1288 version, the Applicant is obliged to grant a RF-FRAND license to the EMVA 1288 WG.

Anti-patent perpetual covenant over other member's contributions or generated together within the Working Group

Draft specifications, reference implementations and related knowledge or technologies contributed or shared by any other member in a Working Group, or derived from the discussions or contributions of the Working Group, including any technologies based on such knowledge and discussions and subsequently incorporated into any Standard or Reference Implementation are agreed, whether in whole or part, to be Confidential Information of the EMVA and its Working Group contributing members ("**EMVA Knowledge**"). Consequently,

- the Applicant, its officers, and controlled entities grant an irrevocable, perpetual, and unilateral undertaking, for the benefit of EMVA, its Working Group members and EMVA 1288 Standards licensees, not to apply to register any patent or similar right or otherwise claim any intellectual property rights for itself on any part of such **EMVA Knowledge**; and
- in the event that the Applicant or any controlled entity does, at any time, apply for and/or obtain or claim any intellectual property rights over such EMVA Knowledge, it hereby grants, perpetually and irrevocably, a RF-FRAND (Royalty-Free-, Fair, Reasonable and Non-Discriminatory) sublicensable license to use, make, have made, commercialize, sell, import, export, reproduce, transform, distribute or otherwise exploit the subject of the intellectual property rights to the EMVA and any and all EMVA 1288 Standard Working Group members and Standard licensees under the terms of the license chosen by the Working Group and EMVA for the publication, distribution and exploitation of the Standard and any Reference Implementation without any patent right exclusion clause.

To ensure compliance of this commitment, the Applicant also agrees that all its Contributions and any Necessary Claims generated after leaving the Working Group but subsequently submitted by a it after returning to the Working Group (after readmission) shall be licensed the same terms as indicated in the previous paragraph.

These undertakings will survive the termination of the participation as associated member of the EMVA or any EMVA's Working Group.

To the extent the Applicant is aware, this statement is also true and accurate for the officers and employees of the Applicant.

The following certification is to be completed by the appropriate Corporate Officer with reasonable oversight of corporate holdings, applications or intentions regarding patents and Intellectual Property (e.g. CEO, President or Senior Technical Officer), having power and authority to bind the Applicant.

Certification Statement	
I, as authorized representative of the APPLICANT, hereby apply, on behalf of the company I represent, hereby make, and certify the above statement, which is true and accurate at the date hereof:	
Name:	Authorized Signature:
Job Title:	
Date:	

Representative's Confirmation, Default main and voting representative	
<p>I, as representative of the above APPLICANT appointed to the EMVA 1288 Working Group, confirm that I have read and agree to comply with the terms of this Application Form, the EMVA 1288 Working Group Rules and Intellectual Property Rights Policy. In particular, I respect:</p> <ul style="list-style-type: none"> that any contribution to the working group is the intellectual property of the APPLICANT that I will be added to the WG mailing list, collaboration tools and will receive emails from the EMVA 1288 group 	
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