

**10/24/2005**

**IBM Statement of Support of Open Standards-Based Healthcare Industry and Education Industry Standards with a Patent Nonassert**

The Healthcare Industry and the Education Industry both have complex information needs and complex ecosystems across which information must be accurately, securely and efficiently shared. Standards can foster interoperability and dramatically improve the ability to communicate data and information among and between companies, throughout communities. IBM has shown our commitment to open standards by working actively in standards organizations for many years. IBM is again taking a leadership role to further drive the adoption of software interoperability standards in these important industries. We are announcing that IBM patents will be available for the development, implementation and use of selected open healthcare and education software standards, through a patent nonassert described in legal terms below.

**Legally Binding Patent Nonassert**

IBM will not assert any Necessary Patent Claims against you in your making, use of, and distribution of implementations (and products, components, and features that are included in implementations) that are fully compliant with all the required portions of a Covered Standard, subject to the following. This nonassert applies only if you abstain from filing, maintaining, or voluntarily participating in a lawsuit that asserts patents or other intellectual property rights (“Asserting Acts”) against others for their implementation of any Covered Standard. IBM may terminate this nonassert as to any or all Covered Standards if you engage in an Asserting Act. The nonassert is personal and all rights are directly from IBM and not received through distribution or otherwise. This nonassert covers products, components, features, and implementations, only to the extent they are implemented in the Healthcare Industry or Education Industry in accordance with the Covered Standards. Subject to the foregoing conditions, this nonassert is irrevocable.

“Necessary Patent Claims” shall apply to those patents owned by IBM at the time a standard becomes a Covered Standard or thereafter acquired by IBM, and shall have the same definition as stated for either Necessary or Essential Patent claims in the policy of the applicable standards organization or, if there is no such definition, shall mean any patent claim which cannot be avoided by any fully compliant implementation of the Covered Standard.

“Covered Standard” shall mean any standard specification, which IBM includes on the Covered Standards List now or in the future, solely to the extent that such specification enables and conforms with open standard-based software interoperability (pertaining to protocols, data, document, and message formats, interface descriptions) in the healthcare or education fields. IBM will include on the Covered Standards List specifications of those Technical Committees and Working Groups of those standards organizations identified in the attached Healthcare Standards Initiatives and Education Standards Initiatives (“Initiatives”) if IBM determines, in its sole discretion, that

- (i) The specification complies with the Scope of Work of the Technical Committee (or Working Group) as set forth in the Initiatives, and is approved or recommended by and published as final by the listed standards organization under which the Technical Committee (or Working Group) developed the specification;
- (ii) The specification enables and conforms with open standard-based software interoperability in the healthcare or education fields,

**10/24/2005**

- (iii) The specification builds upon and conforms to at least one of the following as identified with versions in the attached Technology Standards list:
  - (a) both the SOAP and WSDL specifications, with use described in the Web Services Interoperability Organization Basic Profile 1.1; or
  - (b) W3C XForms; or
  - (c) OASIS OpenDocument Format for Office Applications; and
- (iv) The specification is consistent with and uses the applicable listed Technology Standards.

New versions of previously listed standards will be separately considered for addition to the Covered Standard list.

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Please see:

COVERED STANDARDS LIST

TECHNOLOGY STANDARDS

HEALTHCARE STANDARDS INITIATIVES (WITH TECHNICAL COMMITTEE/WORKING GROUP AND SCOPE OF WORK)

EDUCATION STANDARDS INITIATIVES (WITH TECHNICAL COMMITTEE/ AND SCOPE OF WORK)

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## **Covered Standards as of October 24, 2005**

**Standards that meet the criteria in IBM's Pledge of October 24, 2005 will be added.**

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10/24/2005

## Technical Standards as of October 24, 2005

<b>Web Services</b>		
<b>Standard or Specification Name</b>	<b>Version</b>	<b>Standards Development Organization</b>
SOAP 1.1: <a href="http://www.w3.org/TR/2000/NOTE-SOAP-20000508/">http://www.w3.org/TR/2000/NOTE-SOAP-20000508/</a> 1.2 part 1: <a href="http://www.w3.org/TR/soap12-part1/">http://www.w3.org/TR/soap12-part1/</a> 1.2 part 2: <a href="http://www.w3.org/TR/soap12-part2/">http://www.w3.org/TR/soap12-part2/</a>	1.1 1.2	W3C
WSDL Web Services Description Language 1.1: <a href="http://www.w3.org/TR/2001/NOTE-wsdl-20010315">http://www.w3.org/TR/2001/NOTE-wsdl-20010315</a>	1.1	W3C
UDDI Universal Description, Discovery and Integration 2.0: <a href="http://www.oasis-open.org/committees/uddi-spec/tcspecs.shtml#uddiv2">http://www.oasis-open.org/committees/uddi-spec/tcspecs.shtml#uddiv2</a> 3.0.2: <a href="http://www.oasis-open.org/committees/uddi-spec/doc/spec/v3/uddi-v3.0.2-20041019.htm">http://www.oasis-open.org/committees/uddi-spec/doc/spec/v3/uddi-v3.0.2-20041019.htm</a>	2.0 3.0.2	OASIS
WS-Security Web Services Security: SOAP Message Security 1.0: <a href="http://docs.oasis-open.org/wss/2004/01/oasis-200401-wss-soap-message-security-1.0.pdf">http://docs.oasis-open.org/wss/2004/01/oasis-200401-wss-soap-message-security-1.0.pdf</a> Username Token Profile 1.0: <a href="http://docs.oasis-open.org/wss/2004/01/oasis-200401-wss-username-token-profile-1.0.pdf">http://docs.oasis-open.org/wss/2004/01/oasis-200401-wss-username-token-profile-1.0.pdf</a> X509 Certificate Token Profile 1.0: <a href="http://docs.oasis-open.org/wss/2004/01/oasis-200401-wss-x509-token-profile-1.0.pdf">http://docs.oasis-open.org/wss/2004/01/oasis-200401-wss-x509-token-profile-1.0.pdf</a> SAML Token Profile 1.0: <a href="http://docs.oasis-open.org/wss/oasis-wss-saml-token-profile-1.0.pdf">http://docs.oasis-open.org/wss/oasis-wss-saml-token-profile-1.0.pdf</a> REL Token Profile 1.0: <a href="http://docs.oasis-open.org/wss/oasis-wss-rel-token-profile-1.0.pdf">http://docs.oasis-open.org/wss/oasis-wss-rel-token-profile-1.0.pdf</a>	1.0	OASIS
WS-Trust 1.0: <a href="http://schemas.xmlsoap.org/ws/2005/02/trust/">http://schemas.xmlsoap.org/ws/2005/02/trust/</a>	1.0 Draft	OASIS
WS-SecureConversation 1.0: <a href="http://schemas.xmlsoap.org/ws/2005/02/sc/">http://schemas.xmlsoap.org/ws/2005/02/sc/</a>	1.0 Draft	OASIS
WS-Addressing 1.0 Core: <a href="http://www.w3.org/TR/ws-addr-core">http://www.w3.org/TR/ws-addr-core</a> 1.0 SOAP Binding: <a href="http://www.w3.org/TR/ws-addr-soap">http://www.w3.org/TR/ws-addr-soap</a> Submission: <a href="http://www.w3.org/Submission/ws-addressing/">http://www.w3.org/Submission/ws-addressing/</a>	1.0 Draft	W3C
WS-Coordination 1.0: <a href="http://schemas.xmlsoap.org/ws/2004/10/wsat">http://schemas.xmlsoap.org/ws/2004/10/wsat</a>	1.0 Draft	OASIS
WS-BusinessActivity 1.0: <a href="http://schemas.xmlsoap.org/ws/2004/10/wsat/">http://schemas.xmlsoap.org/ws/2004/10/wsat/</a>	1.0 Draft	OASIS
WS-AtomicTransaction 1.0: <a href="http://schemas.xmlsoap.org/ws/2004/10/wsat/">http://schemas.xmlsoap.org/ws/2004/10/wsat/</a>	1.0 Draft	OASIS
BPEL4WS <a href="http://www.ibm.com/developerworks/library/specification/ws-bpel">http://www.ibm.com/developerworks/library/specification/ws-bpel</a>	01 Feb 2005	OASIS
WS-BPEL Web Services Business Process Execution Language 1.0: <a href="http://www.oasis-open.org/committees/download.php/14616/wsbpel-specification-draft.htm">http://www.oasis-open.org/committees/download.php/14616/wsbpel-specification-draft.htm</a>	1.0 Draft	OASIS

10/24/2005

<b>Web Services</b>		
<b>Standard or Specification Name</b>	<b>Version</b>	<b>Standards Development Organization</b>
WS-ReliableMessaging <a href="http://www.oasis-open.org/committees/download.php/14785/wsrp-1.1-spec-wd-05.pdf">http://www.oasis-open.org/committees/download.php/14785/wsrp-1.1-spec-wd-05.pdf</a>	1.0 Draft	OASIS
WSRP Web Services for Remote Portlets <a href="http://www.oasis-open.org/committees/download.php/3343/oasis-200304-wsrp-specification-1.0.pdf">http://www.oasis-open.org/committees/download.php/3343/oasis-200304-wsrp-specification-1.0.pdf</a>	1.0	OASIS
WSDM Web Services Distributed Management: Management Using Web Services <a href="http://docs.oasis-open.org/wsdm/2004/12/wsdm-muws-part1-1.0.pdf">http://docs.oasis-open.org/wsdm/2004/12/wsdm-muws-part1-1.0.pdf</a>	1.0	OASIS
WSDM Web Services Distributed Management: Management of Web Services <a href="http://docs.oasis-open.org/wsdm/2004/12/wsdm-mows-1.0.pdf">http://docs.oasis-open.org/wsdm/2004/12/wsdm-mows-1.0.pdf</a>	1.0	OASIS
MTOM SOAP Message Transmission Optimization Mechanism <a href="http://www.w3.org/TR/soap12-mtom/">http://www.w3.org/TR/soap12-mtom/</a>	1.0	W3C

<b>Electronic Forms</b>		
<b>Standard or Specification Name</b>	<b>Version</b>	<b>Standards Development Organization</b>
XForms 1.0: <a href="http://www.w3.org/TR/xforms">http://www.w3.org/TR/xforms</a>	1.0 Second Edition	W3C

<b>Open Document Formats</b>		
<b>Standard or Specification Name</b>	<b>Version</b>	<b>Standards Development Organization</b>
OpenDocument Format for Office Applications (OpenDocument) 1.0: <a href="http://www.oasis-open.org/specs/index.php#opendocumentv1.0">http://www.oasis-open.org/specs/index.php#opendocumentv1.0</a>	1.0	OASIS

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10/24/2005

## Healthcare Standards Initiatives as of October 24, 2005

Standards Development Organization	Technical Committee/Working group	Scope of Work
<b>HL7</b> <a href="http://www.hl7.org">http://www.hl7.org</a>	Infrastructure and Messaging Technical Committee  <a href="http://hl7.org/Special/committees/inm/index.cfm">http://hl7.org/Special/committees/inm/index.cfm</a>	This group defines infrastructure support, flexible data modeling and messaging protocol required in order for systems to exchange domain content as specified by HL7. Web Services is one of three specified transports (in addition to ebXML and MLLP) for HL7 V3 messaging.
<b>HL7</b> <a href="http://www.hl7.org">http://www.hl7.org</a>	Electronic Health Record Technical Committee  <a href="http://www.hl7.org/Special/committees/ehr/index.cfm">http://www.hl7.org/Special/committees/ehr/index.cfm</a>	This group defines standards to support the sharing of electronic health records. The initial focus of the group has been to provide a functional model for EHR systems, which provides a consistent definition of functionality for reference and design.
<b>HL7</b> <a href="http://www.hl7.org">http://www.hl7.org</a>	Structured Document Technical Committee Documents <a href="http://www.hl7.org/Special/committees/structure/struc.htm#Mission">http://www.hl7.org/Special/committees/structure/struc.htm#Mission</a>	This group defines standards to facilitate exchange and processing of electronic healthcare documents providing a consistent and comprehensive electronic equivalent to most paper documents currently in use in clinical practices. This group defines the mandatory and recommended elements of these electronic clinical documents
<b>HL7</b> <a href="http://www.hl7.org">http://www.hl7.org</a>	Clinical Context Object Workgroup Technical Committee  <a href="http://www.hl7.org/Special/committees/visual/visual.cfm#mission">http://www.hl7.org/Special/committees/visual/visual.cfm#mission</a>	This group defines standards to enable the visual integration of healthcare applications which allows multiple applications to share the 'patient context' of the applications
<b>HL7</b> <a href="http://www.hl7.org">http://www.hl7.org</a>	Clinical Decision Support Technical Committee  <a href="http://www.hl7.org/Special/committees/dss/dss.htm">http://www.hl7.org/Special/committees/dss/dss.htm</a>	This group defines standards related to single patient focused healthcare decision support and the authoring and use of electronic guidelines.
<b>HL7</b> <a href="http://www.hl7.org">http://www.hl7.org</a>	Patient Administration Technical Committee  <a href="http://www.hl7.org/Special/committees/pafm/patient_admin.htm">http://www.hl7.org/Special/committees/pafm/patient_admin.htm</a>	This group defines standards that provide consistent and pragmatic communication of administrative and demographics information, e.g., persons, places, organizations.
<b>HL7</b> <a href="http://www.hl7.org">http://www.hl7.org</a>	Attachment Special Interest Group  <a href="http://www.hl7.org/Special/committees/claims/index.cfm">http://www.hl7.org/Special/committees/claims/index.cfm</a>	This group develops claims attachments implementation guides. The work of this group is closely related to the X12N Healthcare Task Group.
<b>HL7</b> <a href="http://www.hl7.org">http://www.hl7.org</a>	Clinical Genomics Special Interest Group  <a href="http://www.hl7.org/Special/committees/clingenomics/index.cfm">http://www.hl7.org/Special/committees/clingenomics/index.cfm</a>	This group develops models that contains personalized genomic and proteomic data that is linked with relevant clinical information.

10/24/2005

<b>Standards Development Organization</b>	<b>Technical Committee/Working group</b>	<b>Scope of Work</b>
<b>HL7</b> <a href="http://www.hl7.org">http://www.hl7.org</a>	Patient Care Technical Committee  <a href="http://hl7.org/Special/committees/patientcare/index.cfm">http://hl7.org/Special/committees/patientcare/index.cfm</a>	This group defines messages to support the needs for communicating information regarding the creation, management, execution and the quality of diagnostic and therapeutic care.
<b>HL7/OMG</b>	Services Project: Electronic Health Record Committee  <a href="http://www.hl7.org/Special/committees/service_sbof/index.cfm">http://www.hl7.org/Special/committees/service_sbof/index.cfm</a>	This is a joint HL7 and OMG healthcare standards project. The HL7 group defines functional descriptions of core components needed to implement an interoperable infrastructure. The first phase of this work includes: Patient Identification, Record Location and Vocabulary Services. The OMG will provide bindings for these services, presumably as Web Services.
<b>ASC X12</b> <a href="http://www.x12.org/">http://www.x12.org/</a>	X12N/TC2 Healthcare Task Group  <a href="http://www.x12.org/x12org/subcommittees/sc_home.cfm?CFID=1006414&amp;CFTOKEN=32545267">http://www.x12.org/x12org/subcommittees/sc_home.cfm?CFID=1006414&amp;CFTOKEN=32545267</a>	This group is responsible for HIPAA Implementations Guides development as well as other healthcare transactions.
<b>ASTM</b> <a href="http://www.astm.org/cgi-bin/SoftCart.exe/index.shtml?E+mystore">http://www.astm.org/cgi-bin/SoftCart.exe/index.shtml?E+mystore</a>	E31.28 Subcommittee on Electronic Health Records  <a href="http://www.astm.org/cgi-bin/SoftCart.exe/COMMIT/COMMITTEE/E31.htm?L+mystore+fdfd7211">http://www.astm.org/cgi-bin/SoftCart.exe/COMMIT/COMMITTEE/E31.htm?L+mystore+fdfd7211</a>	This committee provides guidelines for consistent content elements and defines XML based packaging for electronic healthcare data including summaries of care.

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## Education Standards Initiatives as of October 20, 2005

<b>Standards Development Organization</b>	<b>Technical Committee/Working Group</b>	<b>Scope of Work</b>
<b>PESC</b> <a href="http://www.pesc.org">http://www.pesc.org</a>	Admission Application <a href="http://www.pesc.org/workgroups/admissionapp">http://www.pesc.org/workgroups/admissionapp</a>	The group defines a national XML standard for the application for admission.
<b>PESC</b> <a href="http://www.pesc.org">http://www.pesc.org</a>	High School Transcript <a href="http://www.pesc.org/workgroups/hstranscript/">http://www.pesc.org/workgroups/hstranscript/</a>	The group defines an XML based transcript standard that can be exchanged between and among secondary and postsecondary institutions.

10/24/2005

<b>Standards Development Organization</b>	<b>Technical Committee/Working Group</b>	<b>Scope of Work</b>
<b>PESC</b> <a href="http://www.pesc.org">http://www.pesc.org</a>	Data Transport <a href="http://www.pesc.org/workgroups/datatransport/">http://www.pesc.org/workgroups/datatransport/</a>	This group defines a data transport standard for the exchange of data between and among institutions, service providers, and all other suppliers within the higher education community.
<b>IMS</b> <a href="http://www.imsglobal.org">http://www.imsglobal.org</a>	IMS E-Portfolio <a href="http://www.imsglobal.org/ep/index.html">http://www.imsglobal.org/ep/index.html</a>	This group defines a standard utilizing XML and best practices for web services which is a method for digitized portfolios to be interoperable across different systems and institutions.
<b>IMS</b> <a href="http://www.imsglobal.org">http://www.imsglobal.org</a>	IMS Simple Sequencing <a href="http://www.imsglobal.org/simplesequencing/index.html">http://www.imsglobal.org/simplesequencing/index.html</a>	This group defines a standardized method for representing the intended behavior of an authored learning experience such that any learning technology system (LTS) can sequence discrete learning activities in a consistent way. The specification incorporates rules that describe the branching or flow of instruction through content according to the outcomes of a learner's interactions with content.
<b>IMS</b> <a href="http://www.imsglobal.org">http://www.imsglobal.org</a>	IMS QTI <a href="http://www.imsglobal.org/question/index.html">http://www.imsglobal.org/question/index.html</a>	This group defines a standard XML language for describing questions and tests. The specification has been produced to allow the interoperability of content within assessment systems. This will be useful for publishers, certification authorities, teachers, trainers, publishers and creators of assessments, and the software vendors whose tools they use.
<b>IMS</b> <a href="http://www.imsglobal.org">http://www.imsglobal.org</a>	IMS Content Packaging <a href="http://www.imsglobal.org/content/packaging/index.html">http://www.imsglobal.org/content/packaging/index.html</a>	This group defines a standard that leverages XML and a runtime service model it is used with to provide the functionality to describe and package learning materials, such as an individual course or a collection of courses, into interoperable, distributable packages (by addressing the description, structure, location of online learning materials and the definition of content types).

10/24/2005

<b>Standards Development Organization</b>	<b>Technical Committee/Working Group</b>	<b>Scope of Work</b>
<b>Schools Interoperability Framework Association (SIFA)</b>  <a href="http://www.sifinfo.org/index.asp">http://www.sifinfo.org/index.asp</a>	Vertical Reporting Task Force  <a href="http://groups.yahoo.com/group/SIF_VR/">http://groups.yahoo.com/group/SIF_VR/</a>	This group defines standards for interoperability in the movement of large, pre-specified data structures on a periodic basis from one education entity to another entity (e.g. Transcript to universities, Statistics to network managers).

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