

Commercial considerations in OMG technology adoption

1.0 Introduction

OMG wishes to encourage rapid commercial adoption of the technologies (specifications and support measures) it publishes. To this end, there must be neither technical, legal nor commercial obstacles to their implementation. Freedom from the first is largely judged through technical review by the relevant OMG Technology Committees; the second two are the responsibility of the OMG Business Committee. The BC also looks for evidence of a commitment by a submitter to the commercial success of products based on the submission.

2.0 Business Committee evaluation criteria

2.1 Viable to implement across platforms

While it is understood that final candidate OMG submissions often combine technologies before they have all been implemented in one system, the Business Committee nevertheless wishes to see evidence that each major feature has been implemented, preferably more than once, and by separate organisations. Pre-product implementations are acceptable. Since use of OMG specifications should not be dependant on any one platform, cross-platform availability and interoperability of implementations should be also be demonstrated.

2.2 Commercial availability

In addition to demonstrating the existence of implementations of the specification, the submitter must also show that products based on the specification are commercially available, or will be within 12 months of the date when the specification was recommended for adoption by the appropriate Task Force. Proof of intent to ship product within 12 months might include:

- A public product announcement with a shipping date within the time limit.
- Demonstration of a prototype implementation and accompanying draft user documentation.

Alternatively, and at the Business Committee's discretion, submissions may be adopted where the submitter is not a commercial software provider, and therefore will not make implementations commercially available. However, in this case the BC will require concrete evidence of two or more independent implementations of the specification being used by end-user organisations as part of their businesses.

Regardless of which requirement is in use, the submitter must inform the OMG of completion of the implementations when commercially available.

In the case of the proposed adoption of support measures, the BC needs to have proof of the intent to use or recommend such support measures within 12 months of the date when the support measures were recommended for adoption by the appropriate Task Force.

2.3 Access to Intellectual Property Rights

OMG will not adopt a specification or support measure if OMG is aware of any submitter, member or third party which holds a patent, copyright or other intellectual property right (collectively referred to in this policy statement as "IPR") which might be infringed by

implementation or recommendation of such specification or support measure, unless OMG believes that such IPR owner will grant a license to organizations (whether OMG members or not) on non-discriminatory and commercially reasonable terms which wish to make use of the specification or support measure. Accordingly, the submitter must certify that it is not aware of any claim that the specification or support measure infringes any IPR of a third party or that it is aware and believes that an appropriate non-discriminatory license is available from that third party. Except for this certification, the submitter will not be required to make any other warranty, and specifications will be offered by OMG for use "as is". If the submitter owns IPR to which an use of a specification or support measure based upon its submission would necessarily be subject, it must certify to the Business Committee that it will make a suitable license available to any user on non-discriminatory and commercially reasonable terms, to permit development and commercialisation of an implementation that includes such IPR.

It is the goal of the OMG to make all of its technology available with as few impediments and disincentives to adoption as possible, and therefore OMG strongly encourages the submission of technology as to which royalty-free licenses will be available. However, in all events, the submitter shall also certify that any necessary license will be made available on commercially reasonable, non-discriminatory terms. The submitter is responsible for disclosing in detail all known restrictions, placed either by the submitter or, if known, others, on technology necessary for any use of the specification or support measure.

2.4 Publication of the specification

Should the submission or support measures be adopted, the submitter must grant OMG (and its sublicensees) a world-wide, royalty-free licence to edit, store, duplicate and distribute both the specification and works derived from it (such as revisions and teaching materials). This requirement applies only to the written specification, not to any implementation of it.

2.5 Continuing support

The submitter must show a commitment to continue supporting the technology underlying the specification or support measure after OMG adoption, for instance by showing the BC development plans for future revisions, enhancement or maintenance.