



15 Patents in Standards

15.1 The committee shall make an initial determination that a patented item (a material, product, process, or apparatus or constituent thereof) is required for inclusion in a proposed or draft standard. The committee shall, prior to the initial ballot, make efforts to determine whether alternatives to the patented item exist. If an alternative(s) exists, no reference to the patented item will be made.

15.1.1 The committee shall include with the ballot a statement of willingness to consider alternatives and a request for identification of alternatives to patented items. If an alternative(s) is identified, the committee shall reconsider whether the patented item is required and, if not, reference to the patented item will be removed.

15.2 When an approved standard requires the use of a patented material, product, or apparatus, the standard shall include a footnote requesting interested parties to submit information regarding the identification of alternatives to the patented items. The committee will promptly consider all identified alternatives.

15.2.1 If the committee determines that an alternative exists, the reference to the patented item, by name and number, shall be deleted from the standard by ballot.

15.2.2 References to patented items in ASTM standards shall comply with Section F3 of the [Form and Style for ASTM Standards](#).

15.3 *Disclaimer of Liability as to Patented Inventions*— Neither ASTM nor any ASTM committee shall be responsible for identifying all patents under which a license is required in using an ASTM document or for conducting inquiries into the legal validity of those patents which are brought to the Society's attention. Where applicable, an ASTM document shall include a note worded as follows: ASTM International takes no position respecting the validity of any patent rights asserted in connection with any item mentioned in this standard.

Users of this standard* are expressly advised that determination of the validity of any such patent rights, and the risk of infringement of such rights, are entirely their own responsibility.

15.4 ASTM standards submitted to ANSI for approval as American National Standards shall conform to the ANSI patent policy. The ANSI patent policy may be obtained on the ANSI website.