

Instructions for Making Legal Requests to the IETF

Most IETF documents, including RFCs, Internet Drafts, mailing list archives, intellectual property rights disclosures, working group activity, working group session Blue Sheets (attendance) and Meeting Proceedings, are publicly available on the IETF web site.

If obtaining IETF documents from the public IETF web site is not sufficient for a party's needs, then it may request authenticated documents and other information directly from the IETF. The IETF has the ability to authenticate the content and publication dates of certain IETF documents, attendance at IETF meetings and working groups, correspondence via some IETF mailing lists, and other interactions with the IETF.

Requests for such information may be made either informally or formally through the issuance of a third-party subpoena or other legal order. Note that these instructions only apply with respect to requests for information in connection with respect to disputes and litigation to which IETF is not a party (i.e., third party requests). IETF offers no guidance or assistance whatsoever with respect to claims against IETF or which involve IETF as a party.

Informal Requests for Information

The IETF encourages parties to request documents and information informally, without the issuance of a subpoena. This procedure fosters a cooperative spirit between the requesting party and IETF and enables a productive and collaborative effort to meet the party's needs. In IETF's experience, Declarations and Affidavits issued through the informal processes outlined below are admissible in most judicial and administrative proceedings (including U.S. federal and state court, the International Trade Commission (ITC,) and the Patent Trial and Appeals Board (PTAB)).

To make an informal document or information request, please send an email message to legal@ietf.org stating:

- (1) the specific information requested,
- (2) whether the request pertains to a legal case or controversy and, if so, the jurisdiction and parties involved in the case,
- (3) the name and contact details of the person making the request and on whose behalf the request is made,
- (4) whether a response via electronic document is acceptable, or whether signed hard copy documents are required,
- (5) whether notarization of documents is required, and
- (6) the requested timeframe for response.

Upon receipt of such a request IETF legal counsel will follow-up with the requester to acknowledge receipt and to clarify any questions concerning the request. Usually, IETF counsel will work with the IETF to determine whether the requested information can be obtained and authenticated as needed. If it is determined that authentication is not possible (e.g., as is the case for certain older documents), then counsel will cooperate with the requester to determine alternative approaches.

Authentication of documents and publication dates is generally made through written Declarations signed by the relevant IETF record custodians. As currently structured, different individuals have custody of Internet-Drafts and RFCs, meaning that separate Declarations will be issued for these different document types. If greater formality is required, a notarized Affidavit may be issued upon the request of the requester.

Subpoenas

As noted above, IETF prefers informal requests to formal subpoenas, as document and publication date authentication can be provided via the informal channels outlined above. Nevertheless, if a party elects to issue a subpoena to IETF seeking information through written interrogatories, IETF will oppose or seek to quash any interrogatories that are excessively broad, burdensome, unrelated to the litigation, or which seek information that is publicly available and do not require authentication.

To serve a subpoena on IETF, the following address for service of process must be used:

**IETF Administrative Director
Internet Engineering Task Force
1775 Wiehle Ave, Suite 201
Reston, VA 20190 USA**

The IETF is an organized activity of the Internet Society, a District of Columbia non-profit corporation. In order to be valid, the named respondent in any subpoena issued to IETF must be the Internet Society.

Depositions

It is almost never the case that information sought from IETF will need to be obtained via oral deposition. IETF has very few full-time employees, and many services are performed by external contractors. Appearing at and defending a deposition places an undue strain on IETF's limited resources. Accordingly, IETF will oppose most deposition requests to the greatest extent possible.

In the event that a deposition is absolutely necessary, IETF will seek reimbursement of costs incurred by its contractors and counsel. If depositions are required, IETF requests that videoconferencing be used to the greatest extent possible in order to reduce expense and inconvenience. If in-person depositions are required, please be advised that in most cases the personnel possessing relevant information regarding IETF documents and business records will be employees of IETF's contractors based in Los Angeles, CA. These depositions should be scheduled in the Los Angeles area, or by telephone or video conference.

Physical Documents and the IETF Trust

In some cases, it may be necessary for a party to obtain copies of physical IETF records and documents (e.g., meeting blue sheets prior to mid-2012 and other non-digital documents). The IETF Trust has custody of certain physical meeting records. To request such documents, follow the procedures outlined above with respect to electronic IETF documents. IETF counsel will notify you if a separate request to the IETF Trust is required.

Subpoenas served on the IETF Trust should be delivered to the address specified above, but replacing the recipient with “IETF Trust”.

Document Retention

The IETF has a formal document retention policy under which certain types of documents are deleted from IETF records or destroyed after the lapse of certain time periods. Please consult this policy before requesting documents that may no longer be retained by IETF. The policy is available at <https://trustee.ietf.org/documents/IETF-Trust-Records-Retention-and-Management-Policy-3Jun16-Final.htm>.

Public Disclosure

Requesters should be aware that IETF is an open and transparent organization, and all requests and subpoenas provided to IETF, together with IETF’s responses will be published on the IETF web site. See: <https://iaoc.ietf.org/subpoenas.html>.

Fees

In order to defray administrative and legal costs associated with responding to requests for information and subpoenas, IETF charges modest fees and the recovery of expenses for responding to such requests. The IAOC has adopted a Fees Policy for Legal Requests that can be found here: <https://iaoc.ietf.org/fees-policy-06-09-2012.html>. Additional charges may apply if physical documents must be retrieved from off-site storage.