

Legal RFP 2017 Qs As 25 Sep 17

The following questions were received in response to the Legal Services RFP.

Q1. Would you please provide information about IETF's total legal expenditures last year?

The IETF and IETF Trust share one lawyer, who performs the work as described in the statements of work. Outside law firms are used as needed. The responses below regarding areas refer to the work that was typically performed by outside law firms.

a. Specifically, how much did IETF spend on outside counsel, and in which areas?

We do not disclose spending on legal matters.

Areas typically performed by outside counsel include privacy, visas, letters of invitation, VAT, deposition counseling; and for the Trust, trademark prosecution, and 501c3 application.

b. Were those fees billed on a fixed-fee basis or on an hourly basis?

Hourly basis.

c. How much (and what kind of) work, if any, did outside counsel provide on a pro bono basis?

None.

Q2. What is IETF's legal expenditures to date this year for the type of work covered by this RFP?

We do not disclose spending on legal matters.

Q3. How many IETF meetings per year do you expect your outside legal counsel to attend?

We anticipate 1 IETF meeting in 2018, and the two-day IAOC-Trust retreat; thereafter as needed.

- a. Where are these meetings held?

Schedule posted at: <https://www.ietf.org/meeting/upcoming.html>

Q4. Do you expect discrete projects to arise as a result of those meetings, and would they be subject to a fixed fee?

The meetings are predominantly technical. Counsel attends mostly because it's the only time when staff and committee members are in the same place.

Legal questions or special projects could arise from these meetings. Work not covered by a retainer will be priced at a fixed fee or hourly rate, as mutually-agreed.

Q5. How many nonparty subpoenas, on average, does IETF respond to on an annual basis? What kind of subpoenas are they (e.g., authentication of "prior art" publications vs. investigation of IETF internal proceedings)

Requests are posted at: <https://iaoc.ietf.org/subpoenas.html>
Almost all are prior art authentication.

Q6. How many contracts need review on an annual basis?

IETF meetings-related work include reviewing 10 hotel contracts and drafting 20 sponsorship memoranda of understanding per year.

Drafting other contracts - including software development contracts, and amendments, may occur throughout the year. See: <https://iaoc.ietf.org/contracts.html>

Q7. On average, how many amendments to IETF policies are prepared each year?

Fewer than one per year on average.

Q8. How many new policies does IETF expect to create over the next three years?

a. Does this include IETF's IPR policy?

The IPR policy was updated last year and is unlikely to be updated in the next 5 years

b. To what extent is outside counsel involved in the drafting of new policies-i.e., is counsel involved from start to finish or do you just ask them to review the final product?

Counsel was co-author of the IPR policy update and involved from the start

Q9. What kind of fee arrangement are you looking for. For example, a monthly retainer (with a defined scope), or a fixed fee for defined projects? If the latter, for how many projects, and what types, do you expect to hire outside counsel each year?

Preferably a fixed retainer.

Work not covered by a retainer will be priced at a fixed fee or hourly rate, as mutually-agreed.

Project work varies. Since 2015 there have been four projects, which included drafting IP Transition Agreements, iterating BCP 79 - Intellectual Property Rights in the IETF, and updating the subpoena procedures.

Q10. Could you please provide a copy of your Form 1023?

IETF Trust:

<https://trustee.ietf.org/documents/IETF-Trust-Form-1023-Final1.pdf>

Internet Society:

https://www.internetsociety.org/wp-content/uploads/2017/06/Form_1023_IRS.pdf

The IETF is an organized activity of the Internet Society, and is separate from, but the beneficiary of, the IETF Trust.