

Free IP – Frequently Asked Questions August 31, 2012

Why have you decided to make your standards and other HL7 IP available free-of-charge?

This policy is consistent with HL7's vision of making our collaborative and consensus-driven standards the most widely used in healthcare, and with our mission of achieving interoperability in ways that put the needs of our stakeholders first. Our primary aim is to maximize benefits to our members, the healthcare community, and all those who have contributed to make HL7 standards so successful. This move satisfies our goals in a number of ways, including:

- Making our standards and selected IP freely available is an important step toward wider global adoption of our standards. Charging for standards is a barrier to widespread adoption by physicians, nurses and other healthcare providers who are working to increase data sharing to improve care and reduce costs.
- There is increasing government demand for standards that do not require a licensing fee. This is particularly true of the U.S. Health Information Technology Standards Committee, which does not want to adopt standards when the cost could be a barrier to implementation.
- HL7 standards are created by volunteers, most of whom are paid by employers who use the standards. This decision should encourage continued participation of and provide additional value to those volunteers and the organizations that support them.
- HL7 standards are incorporated into and referenced in other standards and implementation profiles. This step will encourage and simplify the use and alignment of HL7 with the work of other standards development organizations and profile developers.

When will the policy go into effect? Why are you not making the standards free immediately?

Implementation of this important decision requires careful planning to ensure HL7 continues to maximize its benefits to HL7 members and the healthcare community. The planning process will include consultation with HL7 members and stakeholders, development of new models for membership, and specification of a framework that will ensure that HL7 can continue to develop and maintain high quality and relevant standards. This process is expected to take several months and needs to be completed before the policy comes into effect in the first quarter of 2013.

Will users be expected to pay for IP until this policy goes into effect?

Currently, HL7 members pay for membership, which includes access to and the right to use our standards, along with other benefits. Once we complete our review and analysis, we expect to transition directly from the current model of membership that includes the right to use our standards to a model in which use of our standards and select IP is independent of HL7 membership. Until then, use of HL7 standards will continue to be a member benefit.

What will happen in this interim period if people use HL7 standards and other IP without paying membership dues?

We are always concerned about ensuring that our IP is used legitimately in accordance with our licensing terms and we do not presently sell the rights to use our IP separate from membership. We currently license and will continue to license our IP, even as we review our licensing terms to support making our standards and other selected products freely available. Until then, those who wish to use our standards are expected to join HL7 to obtain the right to use our standards and enjoy the other benefits of HL7 membership.

Will HL7 standards be in the public domain?

No. Our standards and selected IP will be available free-of-charge under a licensing agreement under which HL7 will retain its copyright.

Will users be able to modify HL7 standards?

Not as such. HL7 will retain the copyright and will follow current processes to make any needed changes in the standards. Users will be freely able to study, implement and develop products based on HL7 standards and to create implementation profiles under the proposed licensing terms. The HL7 community will continue to develop and maintain HL7 standards and other HL7 products through HL7 International as an accredited standards development organization (SDO), and in collaboration with its international affiliates, which also produce realm localizations.

In addition to HL7 standards, what is the “selected IP” that will be made available free of charge?

This has not yet been finalized. We will evaluate the needs of our membership and the healthcare community and announce this information once a decision has been made.

What needs to be done to transition to free IP?

We will be conducting a thorough analysis of the ramifications of this new policy and an assessment of the policies and procedures needed to make it happen. As we move forward with the plan, we also will seek input from our members and others in the healthcare community to assess how HL7 can meet additional needs and add value for our stakeholders, both now and in the future.

What is the expected impact of licensing HL7’s IP free of charge in terms of membership?

We anticipate that the decision to remove cost barriers will increase membership within HL7. In the U.S., for example, HL7 standards are integral to Meaningful Use. The need for industry input on the HL7 standards selected for Meaningful Use Stage 2 is one significant factor that will help drive increases in both membership and HL7 member participation, which is crucial to making our standards easier to use.

Once the standards are available at no cost, why would your current members renew their membership?

There are many important benefits to HL7 membership beyond access to and the right to use our standards. These include: opportunities to collaborate with others in the field of HIT and standards development; input into and voting privileges on HL7 standards; access to implementation tools, HL7 meetings and other resources; and the right to run for and participate in elections of HL7 leadership positions.

We will also be reaching out to our members to assess how we can enhance the value of membership in the future. HL7 is the leader in the development of healthcare data interoperability standards and will remain responsive to the evolving needs of HIT. We are confident that our members are committed to ensuring the viability of HL7 going forward, maintaining HL7 standards and playing key roles in the important work of HL7 and its ongoing contribution to the quality and effectiveness of healthcare.

Will those who paid dues to get access to HL7 standards and other IP now be eligible for a refund?

No. It is important to remember that there are significant benefits to membership beyond access to our IP. We also will be consulting with all our members to determine what additional benefits we can offer to enhance their investment in HL7.

How might this decision impact the business model of HL7 affiliates?

While there may be some short-term impacts on both HL7 International and the affiliates, charging for use of HL7 IP is increasingly unacceptable to authorities in many affiliate countries. Making HL7 standards and other selected IP freely available is expected to increase rather than decrease the role and influence of both HL7 and its affiliates.

Like HL7 International, many HL7 affiliates offer a range of member benefits apart from access to the IP in HL7 standards, including strong local engagement and significant discounts for education and participation in the HL7 global community. As we move forward with this policy, HL7 International and its affiliates will work together to maximize the benefits they are able to offer to their respective membership and wider communities. The rights of affiliates in relation to IP that they jointly own will be respected.

How will HL7 retain its membership and its position as the leader in HIT interoperability if it makes its IP freely available?

The decision to make our IP freely available has met with overwhelming support from our members and other stakeholders. They understand the important role that HL7 plays in developing standards and that, although our IP will be free, the development of IP is not free. We expect not only to retain our current members, who are committed to playing a continuing role in the development of high quality standards, but also to attract new members who understand the importance of supporting this process.