

KHRONOS POLICY STATEMENT FOR US EXPORT CONTROL COMPLIANCE

All capitalized terms not defined herein refer to definitions in the Khronos Membership and Adopter Agreements.

1. Confidential Information

Unless explicitly marked otherwise, all Khronos Confidential Information should be treated as subject to US Department of Commerce (DoC) Export Administration Regulations (EAR) export controls.

Khronos shall retain all documentation related to US export control compliance for a minimum of five years or as otherwise required by the EAR.

2. Application for Membership from Companies on the Entity List

If an organization is on the Entity List as posted by the DoC Bureau of Industry and Security (BIS), and there are no additional BIS rules that in the sole determination of Khronos affect that organization's Khronos participation, then Khronos will not accept that organization's Membership Agreement.

3. Membership Suspension

If a Khronos Member is placed on the Entity List, and there are no additional BIS rules that in the sole determination of Khronos affect that Member's Khronos participation, and that Member does not voluntarily terminate their membership, then that Member's membership shall be suspended, becoming a *Suspended Member* and subject to the following policies:

a) a Suspended Member may be re-instated as a Member, at the same class of membership as at the time of their suspension, when they are removed from the BIS Entity List, or are affected by other BIS rules, by approval of the Khronos Board;

b) All Khronos membership privileges shall be immediately withheld from Suspended Members including: (i) no access to any Khronos member meeting in person or by teleconference, (ii) no voting rights in any Khronos member meeting, (iii) no access to any Khronos member-only resources, (iv) no access to any Khronos Confidential information;

c) The date on which the Suspended Member's membership renewal dues are to be paid will be delayed by the length of time that the member is suspended, which shall also become the annual due date for renewal membership dues in subsequent years;

d) Unless an Affiliate of a Suspended Member is a Member (see section 2e below), Suspended Members shall not grant any Reciprocal Licenses for any Ratified Specification that are ratified while they are suspended. If the Suspended Member is reinstated as a Member, they shall follow the same process as for new Members as defined in the Khronos IP Framework: a) granting Reciprocal licenses for, and issuing IP Disclosures against, any Ratified Specifications ratified during their suspension, and b) filing Working Group Exclusion Certificates for any Working Groups created during their suspension.

e) It is permitted for an Affiliate of a Suspended Member to become a Member, provided that: a) the Affiliate is not on the BIS Entity List; b) the Affiliate provides a Letter of Assurance, that is accepted by the Khronos Board, stating that (i) the Affiliate will strictly comply with all applicable laws and regulations including and not limited to all US export control laws, (ii) that the Affiliate shall not knowingly make Contributions for which the

Suspended Member owns Necessary Patent Claims, and (iii) the Affiliate will not disclose any information to the Suspended Member with the intent of enabling the Suspended Member to develop Necessary Patent Claims or otherwise target any Khronos Specification with patent filings; c) the Affiliate provides a unambiguous method to differentiate between employees of the Suspended Member and the Affiliate. During the Affiliate's membership, the Suspended Member will not grant a Reciprocal License for any Necessary Patent Claims for any Ratified Specification ratified during its suspension. When the Suspended Member is re-instated, the membership of the Affiliate must be immediately terminated and the previously Suspended Member will grant Reciprocal Licenses as in section 2d above. If the Suspended Member terminates its membership while suspended it shall grant Reciprocal Licenses for any Ratified Specifications ratified during the period in which they were suspended, and their Affiliate was a member. The membership renewal dues of the previously Suspended Member will be reduced by the calculated monthly membership dues of the Affiliate multiplied by the number of complete months unused by the Affiliate due to the termination of its membership.

f) It is permitted for a Suspended Member to become an Adopter for any Khronos specification, provided that the Adopters Package, including any conformance tests, are publicly available.

g) When a Suspended Member is reinstated, good standing calculations for the first two meetings of any member group following the date of reinstatement shall use the reinstated Member's attendance record before suspension as the record of previous attendance.

Last updated 30th June 2020