

Executive Committee Meeting Minutes

Date: 05/02/24

Attendees

- Dima Postnikov (Vice-Chair)
- Marie Jordan (Secretary)
- George Fletcher
- Mike Jones
- Elizabeth Garber
- Joseph Heenan
- Gail Hodges
- Mike Leszcz
- Tom Smedinghoff

Agenda

- IPR Policy & Process Document Update and Next Steps (Tom/subgroup)
- CFPB Open Letter Review (Mark/Joseph)
- CA DMV Hackathon Concept - September 2024 (Gail)
- Certification Progress to Date & New Models (Joseph/Mike L)
- March 2024 Budget Summary (Mike L)
- OIHF's Strategy for Potential Merger Opportunities (time permitting) (Gail)

Dima called the meeting to order at 3:06pm PT.

IPR Policy & Process Document Update and Next Steps (Tom/Gail/Subgroup)

- George mentioned that the group was looking at the patent promise for OpenID specs or if someone were to take the specs and significantly modify them, would the patent promise still apply. The implementation could be derived from the spec, but the open question is that covered by the patent promise? Gail mentioned an example of FDX taking the FAPI spec and modifying it.
- Mike J. stated that if new functionality is introduced into a derivative spec, the patent promise as it is written applies to the use of the functionality and therefore, would apply. If you are doing something that isn't in the spec, the promise would not apply.
- George stated that the concern is that because we are changing the IPR policy, we all have to go back to our legal teams, so the wording and intent is clear. Otherwise, there is the potential for legal teams to question the terms.
- Mike J. stated that the lawyers have already approved the existing text. If we put any change into any of the paragraphs of the patent promise, there will be issues. We should change as little as possible to reflect our current operating mode.

- George stated that in the conversation this week, any derivative work is covered, and items created outside of the specs isn't actually covered.
- Tom made some background comments that when we were discussing the copyright aspects of the specs, this is when the issues came up. Part of the issue of the patent promise is that it is not entirely clear how far things go. The initial question is how far should they go for the Foundation? Whatever we decide, we need to correct or make things clear in the document.
- Gail mentioned that unless anything has been brought up about the patent promise, even if there is better language, we are opening up more potential objections.
- Dima stated that some of the situations have been flagged as problems (like FDX), he asked if there is a way to set up a process if this does arise? This is more of a process of how to have a discussion with the Foundation rather than to have specific language. Each situation will be different. He stated that he would not want a situation where someone takes our open specs and makes them closed.
- Tom raised that another entity could take a final spec that has been published and revise it and call it their own. It could be derivative and keeps some of the copyright material but changes others. They could put their own name on it and calling it their spec. This is worth considering.
- Mike J. stated that anyone can do anything with copyright attribution. Tom stated that the text appears in the specs themselves but not in the IPR policy. To date, the changes made have been to make working groups processes better.
- Gail mentioned that this could be brought back up to the board for some notification. They have to vote on the final text. Tom stated that some terminology has been added so there has to be a vote. The Board will not be able to vote on this until the 29th of May because there needs to be 30 days notice, or we'd have to wait until September. For the process document, Tom mentioned we'd need a vote on that as well. The Subgroup will reconvene to discuss.

CFPB Open Letter Review (Tom/Joseph)

- Tom stated that the CFPB is in the process of developing new regulations around recognizing standard setting organizations that are qualified to be used in their open banking regs. The Foundation would like to be a part of that. The Director's comments, as well as a prior OMB Circular, provides some indication of what they will be looking for in terms of requirements. The requirements of openness, due process, etc. are not clearly defined. The Director's comments focused on anti-trust issues. Tom stated that for the most part the Foundation is in good shape but there are some areas where we may need to look at. Any changes will most likely occur in the process document, perhaps the by-laws, the anti-trust policy but it is unclear at this point exactly what should be done. It is probably best to wait and see what they come out with.
- Joseph stated that the CFPB is supposed to publish this within the next 2 months or so. They may be looking for an organization that has an end-to-end solution.
- Gail stated that there could be an impact to the IPR document to "stack the votes" in favor of one position or the other. This may just be a risk that the organization must take. This can also be brought up to the task force.
- George mentioned that unless there is something fundamentally flawed with the IPR process, we shouldn't change it. It may be better to just finish the documents that we have, and then determine which risk is bigger. We don't know what the CFPB will do.
- Tom mentioned that is more of a process risk. Some of the requirements around quorum voting could have an impact on this. The Director's comments were focused on anti-competitiveness and openness.

- Mike J. stated that we should share any comments to the Board and any other organizations that may have an interest.
- Joseph indicated that a copy should be ready next week to share with the Board.

CA DMV Hackathon Concept - September 2024 (Gail)

- There is a possibility that there will be a hackathon in the September timeframe. As this information comes out, Gail will provide it.

Certification Progress to Date & New Models (Joseph)

- Mastercard has raised concerns about the scalability of the certification program and perhaps engaging partners in the US that could assist. There could be some informal conversations at Identiverse. The existing licensing policy allows for 3rd party vendors. The concern is the number of banks in the US that might need to go through the program if the CFPB requires it.
- The conformance test pipeline meeting was held and there still needs to be an update to the pipeline document. The FAPI and Verifiable Credentials specs were discussed.
- A conversation was held with AWS, and they are interested in co-funding a FAPI reference implementation. They also want to assist in automating security analysis.
- Dima mentioned that he'd like to be a part of the conversation with AWS to deal with the implementation issues to the FAPI stack.
- Joseph mentioned that we should be careful calling anything a reference implementation. This group in AWS is quite academic and they are looking to apply their principles more widely. He recommended we move cautiously in this area. There are a lot of business questions around this. We will get a brief from them for exploration.

March 2024 Budget Summary (Mike L)

- There have been some interviews (4 candidates) for the Membership Director and feel there are strong ones in the process.
- Mike L. mentioned that we are in good order with the budget.

The meeting was adjourned at 4:07pm PT.