

## **ROC statement regarding IP for the Unique Product Identifier (UPI) System**

The ROC is issuing this statement to clarify how intellectual property rights are protected under the Unique Product Identifier (UPI) System and what are the ROC expectations on the provider of UPIs, in line with the CPMI-IOSCO technical guidance and FSB's governance arrangements for the UPI.

The ROC expects the Derivatives Service Bureau (DSB) as the appointed issuer of UPI to respect the intellectual property rights, where and to the extent that these rights subsist, of providers of instrument and benchmark identifiers as well as the rights of providers of instruments, indices, benchmarks, and price assessments (collectively referred to as "proprietary identifiers" in previous FSB and CPMI-IOSCO publications) and the corresponding reference data (collectively referred to as "proprietary data" in previous FSB and CPMI-IOSCO publications) maintained by those providers. These proprietary identifiers and proprietary data are contrasted with publicly known identifier data (*e.g.*, debt issuer name, index name, *etc.*).

The UPI System has been created to:

1. Allow market participants to use the identifiers to which they are accustomed to reduce the cost and operational complexity of integrating with the UPI System.
2. Take into consideration IP rights of the providers of proprietary identifiers and proprietary data.
3. Allow unrestricted access and use of UPI Codes as well as access and use of the UPI Reference Data in a manner that is sufficient to at least associate a specific OTC derivative product to its UPI Code in a timely manner as set forth in the FSB's *Governance Arrangements for the UPI*.

To meet these goals, which were supported by a wide variety of stakeholders, the DSB, under oversight of the ROC, restricts the use of any proprietary identifier submitted by market participants to identify the underlier of a derivative to only those parties that have the appropriate license in place with the provider of that proprietary identifier. This is without prejudice to proprietary identifiers for which the providers and DSB have made usage agreements.

Parties that do not have appropriate licensing can access only identifier data that the provider has released publicly (*e.g.*, debt issuer name, index name, *etc.*) and not any proprietary identifier associated with the publicly known identifier data. The DSB does not in any event collect any proprietary data such as index constituents or delivery points associated with a proprietary identifier. Parties with an appropriate license can access and use the proprietary identifier and its corresponding proprietary data based on the terms of their license with the relevant provider.

The ROC acknowledges and thanks the providers of proprietary identifiers who have allowed their customers to submit their proprietary identifiers to create or retrieve a UPI Code or UPI Reference Data.