§ 5.404 Area of operation.

Applications must specify, and the Commission will grant authorizations for, a geographic area that is inclusive of an institution's real-property facilities where the experimentation will be conducted and that is under the applicant's control. Applications also may specify, and the Commission will grant authorizations for, defined geographic areas beyond the institution's real-property facilities that will be included in clinical trials and monitored by the licensee. In general, operations will be permitted where the likelihood of harmful interference being caused to authorized services is minimal.

EFFECTIVE DATE NOTE: At 78 FR 25162, Apr. 29, 2013, §§ 5.404 was added. This section contains information collection and recordkeeping requirements and will not become effective until approval has been given by the Office of Management and Budget.

§ 5.405 Yearly report.

Medical testing licensees must file a yearly report detailing the activity that has been performed under the license. This report is to be filed electronically to the Commission's program experimental registration Web site and must, at a minimum, include:

(a) A list of each test performed and the testing period; and

(b) A Description of each test, including equipment tested; and

(c) The results of the test including any interference incidents and their resolution.

EFFECTIVE DATE NOTE: At 78 FR 25162, Apr. 29, 2013, §§ 5.405 was added. This section contains information collection and recordkeeping requirements and will not become effective until approval has been given by the Office of Management and Budget.

§ 5.406 Responsible party, "stop-buzzer," and notification requirements, and additional requirements related to safety of the public.

(a) Medical testing licensees must identify a single point of contact responsible for all experiments conducted under the license and must also identify a ''stop buzzer'' point of contact for all experiments, consistent with subpart E, §§ 5.307 and 5.308.

(b) Medical testing licensees must meet the notification and safety of the public requirements of subpart E, §§ 5.309 and 5.311.

EFFECTIVE DATE NOTE: At 78 FR 25162, Apr. 29, 2013, §§ 5.406 was added. This section contains information collection and recordkeeping requirements and will not become effective until approval has been given by the Office of Management and Budget.

§ 5.407 Exemption from station identification requirement.

Medical testing experimental licensees are exempt from complying with the station identification requirements of § 5.115.

Subpart G—Compliance Testing Experimental Radio Licenses

§ 5.501 Applicable rules.

In addition to the rules in this subpart, compliance testing experimental applicants and licensees must follow the rules in subparts B and C of this part. In case of any conflict between the rules set forth in this subpart and the rules set forth in subparts B and C of this part, the rules in this subpart shall govern.

§ 5.502 Eligibility.

Compliance testing experimental radio licenses may be granted to those testing laboratories recognized by the FCC as being competent to perform measurements of equipment for equipment authorization.

§ 5.503 Scope of testing activities.

The authority of a compliance testing experimental license is limited to only those testing activities necessary for device certification (including antenna calibration, test site validation, proficiency testing, and testing in an Open Area Test Site); *i.e.*, compliance testing experimental licensees are not authorized to conduct immunity testing.

§ 5.504 Responsible party.

Compliance testing licensees must identify a single point of contact responsible for all experiments conducted under the license, including ensuring compliance with all applicable FCC rules:

(a) The responsible individual will serve as the initial point of contact for

all matters involving interference resolution and must have the authority to discontinue any and all experiments being conducted under the license, if necessary.

(b) The name of the responsible individual, along with contact information, such as a phone number and email address at which he or she can be reached at any time of the day, must be identified on the license application, and this information will be listed on the license. Licensees are required to keep this information current.

EFFECTIVE DATE NOTE: At 78 FR 25162, Apr. 29, 2013, §§ 5.504 was added. This section contains information collection and recordkeeping requirements and will not become effective until approval has been given by the Office of Management and Budget.

§ 5.505 Exemption from station identification requirement.

Compliance testing experimental licensees are exempt from complying with the station identification requirements of § 5.115.

Subpart H—Product Development and Market Trials

§ 5.601 Product development trials.

Unless otherwise stated in the instrument of authorization, experimental radio licenses granted for the purpose of product development trials pursuant to § 5.3(k) are subject to the following conditions:

(a) All transmitting and/or receiving equipment used in the study shall be owned by the licensee.

(b) The licensee is responsible for informing all participants in the experiment that the operation of the service or device is being conducted under an experimental authorization and is strictly temporary.

(c) Marketing of devices (as defined in § 2.803 of this chapter) or provision of services for hire is not permitted.

(d) The size and scope of the experiment are subject to such limitations as the Commission may establish on a case-by-case basis. If the Commission subsequently determines that a product development trial is not so limited, the trial shall be immediately terminated.

(e) Broadcast experimental station applicants and licensees must also meet the requirements of § 5.205.

§ 5.602 Market trials.

Unless otherwise stated in the instrument of authorization, experimental radio licenses granted for the purpose of market trials pursuant to § 5.3(k) are subject to the following conditions:

(a) Marketing of devices (as defined in § 2.803 of this chapter) and provision of services for hire is permitted before the radio frequency device has been authorized by the Commission, subject to the ownership provisions in paragraph (d) of this section and provided that the device will be operated in compliance with existing Commission rules, waivers of such rules that are in effect at the time of operation, or rules that have been adopted by the Commission but that have not yet become effective.

(b) The operation of all radio frequency devices that are included in a market trial must be authorized under this rule section, including those devices that are designed to operate under parts 15, 18, or 95 of this chapter.

(c) If more than one entity will be responsible for conducting the same market trial *e.g.*, manufacturer and service provider, each entity will be authorized under a separate license. If more than one licensee is authorized, the licensees or the Commission shall designate one as the responsible party for the trial.

(d) All transmitting and/or receiving equipment used in the study shall be owned by the experimental licensees. Marketing of devices is only permitted as follows:

(1) The licensees may sell equipment to each other, *e.g.*, manufacturer to service provider,

(2) The licensees may lease equipment to trial participants for purposes of the study, and

(3) The number of devices to be marketed shall be the minimum quantity of devices necessary to conduct the market trial as approved by the Commission.

(e) Licensees are required to ensure that trial devices are either rendered inoperable or retrieved by them from trial participants at the conclusion of