

# INCITS RD-1

## Policies and Guidelines

Version: 2008.05.08



**REVISION HISTORY**

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**PREVIOUS VERSIONS OF THIS DOCUMENT, INCLUDING A “RED-LINED” VERSION OF THIS DOCUMENT SHOWING CHANGES FROM THE PREVIOUS VERSION, MAY BE FOUND IN THE “REFERENCE DOCUMENTS” SECTION OF THE INCITS WEB SITE.**

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## Introduction

The *INCITS/RD-1, Policy and Guidelines*, is both a listing of external and internal policies that affect INCITS and guidelines established to assist INCITS and its Subgroups in their programs of work. These policies and guidelines have been developed and approved either by the Information Technology Industry Council (ITI), the American National Standards Institute (ANSI), the JTC1 Technical Advisory Group (JTC1 TAG) or Accredited Standards Committee INCITS. The *INCITS/RD-1* should be used in conjunction with the *INCITS/RD-2, Organization, Rules and Procedures of INCITS*, since a number of established INCITS procedures refer the reader back to this document.

The *INCITS/RD-1* is meant to serve as a "living" document in that new policies and guidelines may be added over time. In this light, it is intended that the *INCITS/RD-1* provide a mechanism to ensure that the INCITS community will be made aware of documents and any revisions to existing practice that could affect INCITS, INCITS Subgroups and their memberships.

Suggestions and errata for this document should be forwarded to the Director, INCITS Secretariat, c/o ITI.

## 1.0 General

### 1.1 ITI Standards and Technology Policy

The Information Technology Industry Council (ITI) is the Secretariat for INCITS. ITI is a trade association that represents the leading U.S. providers of information technology products and services. In 2000, ITI member companies employed more than one million people in the United States and exceeded \$668 billion in worldwide revenues. ITI promotes understanding of the digital world and the global competitiveness of leading technology companies by advancing the policies identified on the ITI web site at <http://www.itic.org>.

## 2.0 Committee Management

### 2.1 Financial policies

#### 2.1.1 Policy for Collection and Accounting of Subgroup Funds

INCITS Subgroups often collect funds to pay for services to progress the work of the Subgroup. This section sets forth the policies used to establish, collect, disburse, maintain and account for such funds.

##### 2.1.1.1 Approved Uses of Subgroup Funds

Funds collected under this policy are restricted to the following use(s) for meetings of the subgroup:

- a. meeting room rental;
- b. meeting refreshments;
- c. current meeting document reproduction;
- d. audio-visual, computer and/or office equipment rental; and
- e. contracting for a professional meeting planner.

Additionally, funds may be collected for the following expenses:

- a. bonding fees, if needed, for the Subgroup Chair or Treasurer; and
- b. purchase of durable goods associated with the conduct of subgroup meetings or business (e.g. printers, LANs, routers). The use of all durable goods is restricted to subgroup use only. The current inventory of all durable goods shall be included in the Subgroup annual report.

The acquisition of other services or purchases not listed above which require Subgroup funding (for example, external editing services for specifications) shall be approved by the INCITS Secretariat prior to any funds being collected. Domestic Subgroup funding of approved U.S.-hosted ISO/TC and ISO/IEC JTC 1/SC plenary meetings requires the advance approval of the INCITS Executive Board before invitations are offered or funds are collected.

#### *2.1.1.2 Establishment of the Subgroup Fee*

A Subgroup shall only establish a Subgroup fee by issuing a 30-day letter ballot that explains the need for and use of a fee, along with the initial fee to be charged. The letter ballot establishing the fund shall also document the Subgroup procedures for collecting, disbursing and administering these funds; these Subgroup procedures must be consistent with the policies described in clause 2.1.1.5 below. The letter ballot shall pass by a two-thirds vote for the Subgroup fee to be established.

#### *2.1.1.3 Allocation of Fees*

When Subgroup fees are instituted to support meeting-related expenses, the fees should be determined based on the number of persons participating in the associated meeting. If a member has not paid all such fees for all principal and alternate members desiring to participate in a meeting, the member can be considered to have failed to attend the meeting. The member's voting privileges would then be subject to the "Termination of Membership" clause of the *INCITS/RD-2, Organization and Procedures*. The Subgroup may grant exceptions to this policy by Subgroup vote.

All subgroups shall implement a transparent and equitable policy for assessed meeting fees; in particular, the fees shall not be bundled with services not provided at the meeting, and the fees shall be appropriate for the meeting services/facilities actually used.

If the Subgroup fee is established specifically for the purchase of durable goods or bonding expenses, the fee shall be paid by all voting members. The total purchase amount should be divided equally among all voting members.

#### *2.1.1.4 Changes to the Fee*

Changes to an approved fee amount shall be further approved by a majority vote of the Subgroup at least thirty calendar days in advance of the assessment of any revised fee.

#### *2.1.1.5 Subgroup Fund Administration*

##### *2.1.1.5.1 Treasurer Appointment*

Any Subgroup establishing a Subgroup fee shall have a Chair-appointed Treasurer. The Chair shall not serve as the Treasurer. The Treasurer shall be a representative of an organization that is a voting member in good standing.

### 2.1.1.5.2 Reporting Requirements

#### 2.1.1.5.2.1 Subgroup Reporting

The Treasurer shall prepare a report following each meeting to be distributed with the minutes of that meeting. This report also shall be a standing agenda item of the Subgroup.

This report shall include:

- a. names of individual Subgroup members (and any other applicable parties) who have or have not paid their assessed fees;
- b. all disbursements made, including the purpose of the disbursement and name of the individual(s) and/or organization(s) receiving payments;
- c. a statement of any changes in the durable goods inventory;
- d. debts outstanding;
- e. receivables outstanding; and
- f. the current balance of the Fund.

#### 2.1.1.5.2.2 Annual Report

As part of its Annual Report, the Subgroup shall include a financial statement containing the following items:

- a. total receipts;
- b. receivables outstanding;
- c. total disbursements;
- d. debts outstanding;
- e. current balance of the Fund; and
- f. the current inventory of durable goods.

The Annual Report shall also include a copy of the procedures for administering the fund.

#### 2.1.1.5.3 Account Management

- a. Bank accounts shall be established for accrued funds that exceed \$500.00. Note: If funds are collected for a one-time purchase of durable goods, this is not considered an accrual of funds and establishing a bank account is not necessary.
- b. All subgroup bank accounts shall be established and maintained by ITI at a full service bank that is federally insured by the FDIC.
- c. Subgroup fund balances shall not exceed \$25,000.00, except when the expected expenses for a planned subgroup meeting may require a higher amount. In such cases, advance written permission to hold such higher balances shall be obtained from ITI, and further a higher bonding limit may be required by ITI for the Treasurer or Subgroup Chair.
- d. Bank accounts shall have ITI, the Treasurer and an elected officer as signatory authorities. Unless otherwise required by Subgroup resolution, only one signature is required for check signatures.
- e. Bank accounts being established shall use the ITI tax ID number for the account.
- f. Subgroups that are not required to establish a bank account shall institute procedures for handling any surplus funds remaining at the end of a meeting. The process for the distribution of excess funds arising from any meeting shall be included in the subgroup meeting minutes.

#### 2.1.1.5.4 Treasurer Duties

The Treasurer shall be responsible for the following:

- a. collection, disbursement and accounting of the Subgroup funds;
- b. maintain a file of all receipts, bank statements, invoices, interest and other pertinent documents. The period of retention for this file shall be in accordance with the INCITS file retention policies; and after the period of retention these records shall be transferred to the INCITS Secretariat. The file will be made available for inspection by any member of the Subgroup or the INCITS Secretariat upon request.
- c. control of all durable goods purchased on behalf of the Subgroup, including maintaining an inventory of durable goods and reporting the inventory to the Secretariat.

#### 2.1.1.5.5 Bonding

Any persons with signature authority over a Subgroup bank account shall be bonded in the minimum amount of \$25,000.00 each; a higher limit may be required if the Subgroup must accumulate a higher level of funds for planned meetings. Subgroups not using bank accounts may also have their Treasurer bonded. Bonding shall be obtained through ITI prior to the collection of any funds. Bonding fees shall be reimbursed from the subgroup funds.

#### 2.1.1.6 *Dissolution of the Subgroup Fund*

A fund shall be dissolved in one of three ways:

- a. by a Subgroup Letter Ballot receiving two-thirds approval;
- b. disbandment of the Subgroup; or
- c. Subgroup status is changed to maintenance.

In any case, a final financial statement shall be distributed to the Subgroup members and the INCITS Secretariat. Any remaining balance in the fund shall be transferred to ITI by the Subgroup Chair and/or Treasurer for deposit into the INCITS equity account.

If any durable goods are held by the Subgroup at the time the subgroup fund is dissolved, the Treasurer or an elected TC officer shall transfer them to the INCITS Secretariat; however, if the Subgroup dissolved the fund but did not disband, it may request approval from the INCITS Secretariat to retain the durable goods.

When the INCITS Secretariat obtains the durable goods from a Subgroup, it may offer the goods for use by other INCITS Subgroups, or it may dispose of the goods as it sees fit and deposit any proceeds into the INCITS equity account.

#### 2.1.2 INCITS Equity Account

The INCITS equity account was established to serve as a financial fund into which excess revenues (derived primarily from Secretariat Dues and Fees) over expenses could be deposited. Periodic review of the account is done through reports by the INCITS Secretariat to INCITS and ITI management.

The funds held in this account are to be used for such purposes as meeting expenses when such expenses exceed revenues in any given fiscal year(s), funding the INCITS Secretariat for a period of time in the event of INCITS's loss of sponsorship or items not anticipated within the current fiscal year budget. Use of the INCITS Equity Account funds shall require prior approval by INCITS and ITI management.

No set figure is required to be maintained within the INCITS equity account, however, if the account exceeds six months of INCITS Secretariat operating expenses or the account is depleted to a balance below two month's operating expenses, the equity account should be re-examined by INCITS in light of the current Secretariat Service Fees.

### 2.1.3 JTC 1 Reserve Account

The JTC 1 Reserve Account is a special asset account which holds funds used to support US-held Secretariats in JTC 1. Further information on the history of this account may be found in in060759, "*History of the JTC 1 Reserve Account*".

### 2.1.4 INCITS Sponsorship of Special INCITS Subgroup Activities and Events

#### 2.1.3.1 *Format of Business Plan to Obtain Approval of INCITS Sponsorship of Special INCITS Subgroup Activities and Events*

In order for the INCITS Secretariat to provide its recommendation and for INCITS to evaluate and grant its sponsorship of an INCITS Subgroup special activity/event, please provide a business plan answering the following questions.

1. Sponsoring INCITS Subgroup:
  - a. Other INCITS Subgroup(s) to be involved:
2. Title of the activity/event:
3. Activity/Event date:
4. Activity/Event location:
5. Type of activity/event (e.g., symposium, conference, publication, database):
6. Description and purpose of the activity/event:
7. Type and number of participants anticipated:
8. Expected benefits to participants:
9. Expected benefits to INCITS in sponsoring this activity/event:
10. What benefits/opportunities may be missed if INCITS does not sponsor/authorize this activity/event:
11. Who will oversee the planning of the activity/event:
12. Is this a single (one-time) or anticipated recurring event? (Note: A separate business plan and approval will be required for each occurrence)
13. Financial and Staffing Considerations
  - a. What expenses are anticipated for this activity/event:
  - b. Will this be a profit, loss or break-even event:
  - c. Who will fund the costs for this activity/event: (i.e., How much of the costs will be borne by the participants and how did you calculate this number? Do you request Secretariat funding? Do you have other funding?)
  - d. Is INCITS Secretariat time and personnel necessary for the activity/event:
  - e. If "YES", provide rationale for staff involvement (include estimate of staff time and travel expense):
  - f. Are there any provisions to cancel activity/event due to lack of interest:
  - g. If proceedings are published, what is the publication plan? (i.e., Who will print them? Who will sell them? Who will hold the copyright?)

#### 2.1.3.2 *Sample Business Plan*

INCITS Sponsorship of Special INCITS Subgroup Activities and Events

1. **Sponsoring INCITS Subgroup:** INCITS Data Base Study Group
  - a. Other INCITS Subgroup(s) to be involved:  
Other TCs having an interest in object-oriented systems standards. The Chairs of INCITSH2, Database, and X3T3, ODP, have indicated that their TCs are planning to participate.
2. **Title of the activity/event:** Objects in Data Management
3. **Activity/Event date:** January 14-15, 1991
4. **Activity/Event location:** Grand Hotel, Anaheim, CA
5. **Type of activity/event (e.g., symposium, conference, publication, database):** Conference
6. **Description and purpose of the activity/event:**  
The conference will bring together representatives of technical committees, other standards groups and developers of object-oriented database management systems. Through formal presentations of input papers, general discussion sessions and ad hoc groups, the participants will compare the directions of the various standards bodies relative to technological advances. Areas of potential divergence will be investigated and recommended actions will be identified.
7. **Type and number of participants anticipated:**  
Approximately 100 standards developers, implementors and users of object-oriented database systems.
8. **Expected benefits to participants:**  
The conference will provide the opportunity for individuals to present their contributions on object-oriented database technology and standardization, provide a forum for exchange of information and generally raise the participants awareness of current and planned standardization activities.
9. **Expected benefits to INCITS in sponsoring this activity/event:**  
In addition to the benefit of having INCITS's name associated with this conference, the conference will bring together various technical committee representatives (both from INCITS and other groups) to share plans, etc.
10. **What benefits/opportunities may be missed if INCITS does not sponsor/authorize this activity/event:**  
As the conference is intended to investigate areas of potential conflict among standards developing groups, this information, which could help avoid future problems in the standards approval process, would not otherwise be available.
11. **Who will oversee the planning of the activity/event:**  
The XYZ Corporation has volunteered to oversee the planning which includes making hotel arrangements, providing a conference coordinator prior to and during the conference, handling registration, processing input papers and publishing the proceedings of the conference. A letter from XYZ Corporation indicating their sponsorship of this event is attached.
12. **Is this a single (one-time) or anticipated recurring event?**  
(Note: A separate business plan and approval will be required for each occurrence)  
This is a one-time event. Future conferences may be planned on related or other topics based on the success of this conference. It is understood that separate business plans and approval will be required for any future events.
13. **Financial and Staffing Considerations**
  - a. *What expenses are anticipated for this activity/event:*  
The cost of meeting rooms, refreshments and copying at the meeting are the anticipated expenses. XYZ Corporation has agreed to cover other associated costs, e.g. conference coordinator, publication of proceedings, etc.
  - b. *Will this be a profit, loss or break-even event:*  
The event is intended to be break-even; however, subsequent sales of the proceedings could generate a profit. (See 13g.)
  - c. *Who will fund the costs for this activity/event: (i.e., How much of the costs will be borne by the participants and how did you calculate this number? Do you request Secretariat funding? Do you have other funding?)*  
The meeting expenses are intended to be covered by a registration fee. The meeting expenses will

be negotiated so that they can be covered by a registration fee of not more than \$100. The exact fee will be determined at the hotel registration cut-off date approximately two months prior to the event.

- d. *Is INCITS Secretariat time and personnel necessary for the activity/event:*  
No; however, arrangements will need to be made for the on-going sale of the proceedings after the conference.
- e. *If "YES", provide rationale for staff involvement (include estimate of staff time and travel expense):* Not applicable
- f. *Are there any provisions to cancel activity/event due to lack of interest:*  
At the time of the hotel registration cut-off date, a final decision will be made on holding the conference. The hotel will be made aware of this during arrangement negotiations.
- g. *If proceedings are published, what is the publication plan? (i.e., Who will print them? Who will sell them? Who will hold the copyright?)*  
XYZ Corporation will print the proceedings. It is anticipated that INCITS will hold the copyright and handle the sale and distribution of the proceedings through a currently utilized (or new) service bureau. The Secretariat should determine the best means for handling the sales and distribution.

## 2.2 Meetings

### 2.2.1 Use of ITI Meeting Rooms

It must be understood by those Subgroups using ITI facilities that, as guests, certain behavior on their part is expected:

- a. Treat all ITI employees and Secretariat staff with the courtesy and respect that is customary in a business setting. Everyone here is expecting to work with you in a courteous, timely and professional manner; the same is expected in return.
- b. No one is to "wander" back into ITI's and/or the Secretariats' work areas without first being announced by the receptionist on duty. This is a standard business practice that eliminates unwarranted work disruptions and better prepares the staff to meet a visitor's needs.
- c. Appointments with staff should be scheduled whenever possible. While Secretariat staff continues to be available for consultations as needed, our productivity suffers when unanticipated "visits" continually arise during a Subgroup's meeting.

Second, Subgroups must understand that we only provide those amenities mentioned above. The Secretariat is not here to provide secretarial support to any Technical Committee. This means that you should do the following prior to your arrival here at ITI:

- a. Mail your agenda and posted documents within the time periods set forth in the INCITS/SD-2. The Secretariat does not have any funds allocated for copying posted documents and it is expected that members be responsible enough to bring the documents they need.
- b. Any member carrying a document into the meeting should bring enough copies for all attendees.
- c. If there are documents that you anticipate but have not received, notify the Secretariat at the time you draft the agenda. While timely requests will be given due consideration, the normal duties and responsibilities of the Secretariat staff take precedence.
- d. Special equipment needs by a Technical Committee, from videotape cassette recorders and monitors to personal computers, are the responsibility the Technical Committee. Please do not expect Secretariat staff to turn over to any Technical Committee its own equipment!

Third, please book your rooms judiciously. This means both in terms of time and space.

- a. Since there is no charge for a meeting room, many INCITS and JTC1 TAG Subgroups like to meet here. The same holds true for ITI-related committees. We book on a "first-come, first-served" basis; so plan your schedules far enough in advance to make sure you get the date(s) your Subgroup wants.
- b. Only book the space you need! If your needs are such that you must have more than one room, request it in advance. Small Subgroups should be mindful of other committees' needs and avoid using multiple rooms whenever possible.

By keeping in mind that every Technical Committee is a guest of ITI and the Secretariat and by following these recommendations, all of our members should have meaningful and productive meetings that also minimize the impact upon the Secretariat's staff.

## 2.3 Other

### 2.3.1 Policy for File Retention

Retain for five years:

- INCITS numbered document
- JTC 1 TAG numbered documents
- All subgroup membership lists, minutes, and document registers
- INCITS and JTC 1 TAG standing documents

### 2.3.2 Policy Regarding Formal Interpretation of the INCITS Procedures (INCITS/RD-2)

Formal interpretation of the standing document on Organization, Rules and Procedures of INCITS ([INCITS/RD-2](#)) will be made by the Policy and Procedures Committee (PPC). Procedures for obtaining interpretations can be found in that standing document.

### 2.3.3 Policy Regarding INCITS Awards and Recognition Program

The purpose of this program is to provide recognition to the INCITS participants for their contributions to national and/or international standards work. There are two distinct types of awards classifications intended to fulfill distinct needs: Tier 1 establishes recognition throughout the year to an unlimited number of INCITS participants; and Tier 2 establishes recognition on an annual basis to a select number of INCITS participants.

Tier 1 provides recognition to INCITS participants throughout the year as applicable for:

- Officer Appointment
- Officer Training
- Officer Retirement
- Member Retirement
- Standard Adoption

Tier 2 recognizes those INCITS participants making exemplary contribution to the INCITS organization. These awards are presented annually, at the INCITS meeting in June. Listed below are the awards:

- **INCITS Chairman's Annual Award:**

This is an honorary award presented to one INCITS participant who has provided outstanding service to

the INCITS organization through committee work or duties assigned by the INCITS Chair. This individual is selected by the INCITS Chair. The award is presented at the annual meeting by the INCITS Chair.

- **INCITS Merit Award:**  
This is an honorary award presented to no more than four participants who have demonstrated continuous support for the work of INCITS.
- **INCITS Service Award:**  
This is an honorary award presented to no more than two participants who have provided outstanding service to the INCITS organization through committee work or duties.
- **The INCITS Gene Milligan Award for Effective Committee Management:**  
This is an honorary award presented to no more than four INCITS members holding an officer position within an INCITS Subgroup. It recognizes individuals holding an officer position, who, in their role, have provided outstanding leadership to the subgroup in its national and/or international work, have demonstrated proficiency in achieving consensus in the national and/or international arenas and have followed the approved procedures in an exemplary fashion.
- **INCITS Technical Excellence Award**  
This is an honorary award presented to no more than four participants to recognize their technical contributions and dedication to the technical program of work. This award is presented with the concurrence of the TC officers.
- **INCITS Award for Exceptional International Leadership**  
This is an honorary award presented to no more than two participants for their exceptional leadership of an international committee.
- **INCITS Team Award**  
This is an honorary award presented to no more than two teams of participants who have provided outstanding service to the INCITS organization through committee work or duties. Any team of INCITS participants meeting the meeting the following criteria is eligible for this award.
- **INCITS Lifetime Achievement Award:**  
This is an honorary award presented to no more than one INCITS participant annually who has demonstrated a career-long commitment to INCITS and its national and international standardization activities.

An INCITS Awards Selection Committee shall manage this program. This committee is comprised of the INCITS Chair, INCITS Vice-Chair, and volunteer members of INCITS. A representative from the INCITS Secretariat staff will serve as a non-voting member.

Responsibilities of this committee include:

- Establish procedures for managing the program.
- Ensure that a "call for nominations" is distributed to INCITS participants during the fourth quarter.
- Review nominations by the end of the first quarter.

- Make the final selection award recipients by the end of the first quarter.
- Ensure that awards are prepared and ready for presentation.
- Coordinate the presentation of the awards for the June meeting of INCITS.

*2.3.3.1 Recognition and Awards Structure*

**Tier 1**

| <b>Recognition</b>  | <b>Criteria</b>   | <b>Type and number of Awards</b>   | <b>Presented</b> |
|---------------------|---|--|------------------|
| Officer Appointment | Election to office  | Letter and Certificate   | As applicable    |
| Officer Training    | Successful completion of training   | Certificate  | As applicable    |
| Officer Retirement  | Carried out responsibilities in an ongoing professional manner. Served one term or less | Letter and certificate   | As applicable    |
|                     | Served two or more full terms   | Certificate on Plaque  | As applicable    |
| Member Retirement   | Long standing (10+ years) member of INCITS and/ or INCITS subgroup                      | Letter and Certificate on Plaque   | As applicable    |
| Standard Adoption   | Committee has successfully adopted a standard in a timely fashion                       | Letter to all Principals and Alternates.<br>The Project Editor will receive a special letter and a certificate | As applicable    |

**Tier 2 -- All Awards are presented at the Annual Awards Ceremony**

| <b>Recognition</b> | <b>Criteria</b> | <b>Type and number of Awards</b> |
|--------------------|-----------------|----------------------------------|
|--------------------|-----------------|----------------------------------|

|  |   |   |
|--|---|---|
| <p>INCITS Chairman's Annual Award</p>                                    | <p>Any INCITS participant meeting the following criteria is eligible for this award:</p> <ul style="list-style-type: none"> <li>• Provided outstanding service to the INCITS organization through committee work or duties assigned by the INCITS Chair</li> <li>• Assisted the Chair in progressing the work of INCITS</li> </ul>  | <p>Letter and Certificate on plaque;<br/>No more than 1</p> |
| <p>INCITS Merit Award</p>  | <p>Any INCITS participant meeting the following criteria is eligible for this award:</p> <ul style="list-style-type: none"> <li>• Long-standing (10+ years) member of INCITS and/or INCITS Subgroup</li> <li>• Demonstrated continuous support for the work of INCITS</li> <li>• Served on at least one management committee for one or more terms</li> <li>• Provided support to the Secretariat in progressing the work of INCITS</li> <li>• Served on at least two or more international committees</li> </ul> | <p>Letter and Certificate on plaque;<br/>No more than 4</p> |
| <p>INCITS Service Award</p>  | <p>Any INCITS participant meeting the following criteria is eligible for this award:</p> <ul style="list-style-type: none"> <li>• Provided outstanding service to the INCITS organization through committee work or duties assigned by INCITS during the past year</li> </ul>   | <p>Letter and Certificate on plaque;<br/>No more than 2</p> |
| <p>The INCITS Gene Milligan Award for Effective Committee Management</p> | <p>Any INCITS participant holding an officer position and meeting the following criteria is eligible for this award:</p> <ul style="list-style-type: none"> <li>• Provided leadership to the subgroup in its national and/or international activities</li> <li>• Demonstrated skill in achieving consensus in the national and/or international arenas</li> </ul>   | <p>Letter and Certificate on Plaque;<br/>No more than 4</p> |

|  |  |   |
|--|--|---|
| <p>INCITS Technical Excellence Award</p>                     | <p>This is an honorary award presented to no more than four participants to recognize their technical contributions and dedication to the technical program of work. This award is presented with the concurrence of the TC officers.</p> <ul style="list-style-type: none"> <li>• Minimum of three years of participation in a TC</li> <li>• Visible contributions to the work of the TC, nationally or internationally</li> <li>• Active participation on e-mail lists.</li> </ul>   | <p>Letter and Certificate on plaque;<br/>No more than 4</p>       |
| <p>INCITS Award for Exceptional International Leadership</p> | <p>This is an honorary award presented to no more than two participants for their exceptional leadership of an international committee.</p> <ul style="list-style-type: none"> <li>• At least four years of continuous leadership of an international working group or subcommittee</li> <li>• Tangible results in the form of published International Standards or Technical Reports</li> <li>• Timely completion of projects that open global markets</li> <li>• Chairing of meetings and maintenance of a cooperative committee environment in which the views of National Bodies and their experts are given due consideration.</li> </ul> | <p>Letter and Certificate on plaque;<br/>No more than 2</p>       |
| <p>INCITS Team Award</p>                                     | <p>This is an honorary award presented to no more than two teams of participants who have provided outstanding service to the INCITS organization through committee work or duties. Any team of INCITS participants meeting the meeting the following criteria is eligible for this award:</p> <ul style="list-style-type: none"> <li>• Outstanding teamwork in rapidly progressing the subgroup's national and/or international activities; demonstrated skill in developing technically sound standards.</li> </ul>  | <p>Letter and Certificate on plaque;<br/>No more than 2 teams</p> |

|  |   |   |
|--|---|---|
| <p>INCITS Lifetime Achievement Award</p> | <p>This is an honorary award presented to no more than one INCITS participant annually who has demonstrated a career-long commitment to INCITS and its national and international standardization activities.</p> <ul style="list-style-type: none"> <li>• Long-standing member of INCITS and/or INCITS Subgroup; Demonstrated continuous and outstandingly effective support for the development of ANSI standards; and meeting two or more of the following requirements:</li> <li>• Long-standing (10+ years) participation in INCITS as an officer of an INCITS board, TC, or TG;</li> <li>• Long standing participation (10+ years) in INCITS as a technical editor or key contributor;</li> <li>• Recipient of two or more INCITS awards;</li> <li>• Long-standing participation (10+ years) in international standards development.</li> </ul> | <p>Letter and Certificate on plaque;<br/>No more than 1</p> |
|--|---|---|

### 3. Membership

#### 3.1 Policy Regarding Determination of U.S. Domiciled Organizations

The ANSI *Procedures for U.S. Participation in the International Standards Activities of the ISO* (approved March 26, 1990) makes U.S. TAG membership open to "U.S. national persons (organizations, companies, government agencies, etc.)". Therefore, the *INCITS/RD-2, Organization & Procedures*, restricts the participation of non-U.S. domiciled organizations in certain INCITS activities devoted to U.S. TAG activities. In determining whether an organization is domiciled in the U.S., the Subgroup Chair should attempt to determine if the organization in question meets any of the following criteria:

- a. is the organization incorporated within the U.S. or its territories;
- b. is the organization headquartered in the U.S. or its territories; or
- c. is the organization's principal place of business within the U.S. or its territories.

If the organization does not meet at least one of these criteria, the organization is not U.S. domiciled and therefore ineligible to participate in the TAG portion of a Subgroup meeting (or the entire meeting if exclusively devoted to TAG business).

If the Chair's decision is challenged, the Chair shall allow the organization to attend and participate according to the rules of their membership status (e.g., member, observer, etc.). Upon completion of the meeting, the Chair shall immediately forward to PPC the challenge via the Director of the INCITS Secretariat. Statements supporting each position shall be included in order to assist PPC in rendering a decision.

Upon notification of a decision by PPC, the Director of the INCITS Secretariat will inform in writing the concerned parties regarding the outcome of the challenge. The Subgroup Chair shall announce the PPC decision and include the announcement in the minutes of the next scheduled meeting.

The PPC decision may be appealed directly to INCITS by requesting in writing that the issue be reviewed at INCITS's next scheduled meeting.

### 3.2 Policy Regarding Document Access and Membership Benefits

For the purpose of access to INCITS internal information, and to enhance the value of INCITS membership, the following three access categories are defined as of December 1, 2007:

- a. INCITS Member Organization
- b. "Friends of the Committee" (FoC) – any non-INCITS Member organization as defined and approved by an INCITS Technical Committee
- c. Public – any organization not in the above two categories

Access to INCITS internal information and certain membership benefits are authorized as shown in the following list. Document types not shown in this list are for internal INCITS use only and may not be distributed to non-Members.

- a. Public
  1. Organization structure
  2. Program of work
  3. Membership list (by organization only)
  4. Press releases
  5. Notification of new work, when approved
  6. Public TC home pages
  7. Draft proposed American National Standards (dpANS) for purchase
  8. Meeting Calendar
- b. Friends of the Committee (for TC outreach activity – it is not mandatory to establish any FoC)
  1. Draft proposed American National Standards (dpANS) to them at no charge (milestone 4, may be iterative)
  2. Notice of new work same time it is submitted to ANSI for Standards Action
  3. Access to public information as described above
  4. Information, as noted above (items B1 and B2), "pushed" from the TC chair or designee via the IT system's reflector
- c. Members
  1. Access to all documents and information for their specific committees
  2. Eligible to attend or participate at meetings
  3. Representatives of voting members may serve as delegates to international meetings
  4. Representatives of voting members may hold national and international offices

TCs wishing to identify any external organization as a FoC shall do so by a valid TC motion, recorded in the meeting minutes, and shall notify the INCITS Secretariat of any such action. There is no requirement for any TC to establish a FoC. TCs may begin to use this new FoC distribution mechanism as of December 1, 2007.

## **4. Drafting of American National Standards, technical reports, etc.**

### **4.1 ANSI Policy on Identification of Metric Standards**

ANSI has a normative policy on the use of Units of the International System of Units (SI), the modernized metric system. See *ANSI Essential Requirements*.

### **4.2 Drafts to be Published as American National Standards**

Please be advised that the Board of Standards Review, at its February 1, 1990 meeting, approved the following policy:

The official draft submitted with the BSR-9 form for approval as an American National Standard is the draft that will be published as the American National Standard.

### **4.3 Policy for Programming Language Standards Concerning Order of Expression Evaluation**

In all subsequent language standards, or revisions thereof, a statement will be included explaining the order of evaluation of expressions (whatever that order may be) and, if permitted by the language, a statement specifying allowable deviations from the order

### **4.4 Policy Statement on Standards Conformance**

JTC 1 Policy has an approved policy on Conformity Assessment (Annex C to the 4th edition):  
<http://www.jtc1.org/directives/annexc.htm>

### **4.5 Intra-Language Compatibility Guidelines**

This section includes guidelines for X3 for use in administering its work. After the development and approval of the initial standard for a programming or systems languages, the X3 Technical Committee responsible for carrying out that project must determine the future method to be used to support standardization of that programming or systems language. This method may be:

- a. To revise the current standard, thereby creating a new standard that will replace the currently existing standard, or to supplement the current standard such that change to the technical content is made.
- b. To develop a new "companion" or "supplemental" standard that will not replace or change the technical content of the currently existing standard, but rather is another in a family of standards for that particular programming or systems language.
- c. To reaffirm the current standard.
- d. To withdraw the current standard with no replacement.

Although a Technical Committee developing the initial standard for a programming or systems language should be aware of these Guidelines, they apply only to the method covered by paragraph "a" above.

As X3 Technical Committees revise programming and systems language standards, conflicts may arise between the following two goals:

- a. Upward compatibility to maintain programmer productivity and protect investment in existing software and programmers.
- b. Increased programmer productivity through improved programming technology, i.e., the new technology may not preserve compatibility.

The purpose of these Guidelines is to assist Technical Committees in balancing these goals as they revise standards for programming and systems languages. It is not to dissuade committees from adopting any incompatible change to a standard. These Guidelines provide an objective means to determine the effect of proposed incompatibilities with prior standards and variations from existing practice. Additional visibility of the decision process ensures that uniform and widely accepted criteria are applied by X3 Technical Committees as they develop and revise standards.

These Guidelines specify that the decisions for each incompatibility be documented using the following criteria:

- a. Rationale, with benefits and costs, for proposed change.
- b. Type of difference between versions.
- c. Conversion complexity.
- d. Breadth of impact of incompatibility or variation from existing practice.
- e. Conversion guidance, where appropriate.

#### 4.5.1 Scope and Applicability

These Guidelines apply whenever an X3 programming or systems language standard, language binding, appendix, or optional section is being revised.

#### 4.5.2 Analysis Requirements

For each addition, deletion or modification that represents a potential incompatibility from the last existing standard, X3 Technical Committees apply the following criteria:

- a. Rationale, with benefits and costs, for proposed change.
- b. Type of difference between versions.
- c. Conversion complexity.
- d. Breadth of impact of incompatibility or variation from existing practice.

#### 4.5.3 Rational for Proposed Change

The rationale for the changes includes:

- a. Specific benefits, and how the benefits result from the change.  
Benefits may fall into such categories as improved programming practice, better portability, better machine performance, elimination of ambiguity, or improved consistency and clarity of the language specification.
- b. Cost (other than those directly associated with compatibility; these are discussed in the next three subsections.).

Costs may fall into such categories as usability, performance, or ease of learning.

#### 4.5.4 Types of Difference Between Versions

The Technical Committee determines which of the following classifications best describes the way in which the original language feature may be adversely affected by the proposed change. The following are listed in order of decreasing severity.

##### 4.5.4.1 *Changes To Semantics of Well-Defined Feature*

The semantic specifications of a feature for which the original document guarantees a certain reasonably precise result are changed. The feature remains syntactically valid, but a program may now produce different results.

##### 4.5.4.2 *Deletion of Well-Defined Feature*

An originally well-defined feature is rendered invalid by the new specification.

##### 4.5.4.3 *Deletion of Ill-Defined Feature*

An originally ill-defined feature is rendered invalid by the new specification.

##### 4.5.4.4 *Clarification of Ill-Defined Feature*

This category covers the definition of a language construct whose interpretation was questionable under the base document. Strictly speaking, it is not an incompatibility, since no guarantee has been withdrawn, but it is included here for completeness.

##### 4.5.4.5 *Deletion of Unused Feature*

Deletion of a feature which was introduced in the current standard but has had few, if any, correct implementations, has had little or no correct use, and was an unfortunate mistake from the beginning.

##### 4.5.4.6 *Deletion of Obsolescent Feature*

A feature which has been designated as obsolescent in the current specification is deleted in the new specification.

Sections 4.6 and 4.7 do not apply to actions falling into the categories covered by paragraphs 4.5.4.5 and 4.5.4.6 above.

## 4.6 Conversion Complexity

The Technical Committee estimates the level of difficulty entailed in converting affected programs so as to conform to the new standard. At least four levels of difficulty may be distinguished. From the standardization point of view, the following are listed in order of decreasing conversion effort.

### 4.6.1 No Possible Translation

There is no feasible way to perform the original function using the new standard.

### 4.6.2 Semantic Transformation

The original function can still be performed using the language, but human translation, based on knowledge of the purpose of the program, is required.

### 4.6.3 Significant Syntactic Transformation

A mechanical translation is feasible, but it involves some analysis of the program structure as a whole, and/or a significant amount of code may be generated in place of the original code.

#### 4.6.4 Simple Syntactic Transformation

Old statements can be mechanically transformed to the new syntax with little or no knowledge of the rest of the program or its purpose. Changing user-defined identifiers because of the introduction of new reserved words falls into this category.

#### 4.7 Proportion of Program Affected

The Technical Committee includes in the draft standard (as an appendix):

- a. An explicit list of known incompatibilities with annotated examples, as appropriate.
- b. The analysis for each incompatibility based on the decision criteria in Section 4.5.2.
- c. The documentation required in paragraph 4.9 through 4.12.

#### 4.8 Action Requirements Table

A Technical Committee provides the documentation and takes the action specified by the sections referenced in the following table.

| Type of Difference            | Action        |
|-------------------------------|---------------|
| Change well-defined (4.5.4.1) | 4.10 and 4.11 |
| Delete well-defined (4.5.4.2) | 4.9 and 4.11  |
| Delete ill-defined (4.5.4.3)  | 4.9 and 4.12  |
| Clarify ill-defined (4.5.4.4) | 4.12          |
| Delete obsolescence (4.5.4.6) | 4.12          |

#### 4.9 Obsolescent Category

The deleted feature is placed in the obsolescent category, whereby the feature is included in the standard but with notification that it will be withdrawn in the next revision.

#### 4.10 Transition Semantics

The Technical Committee provides for the transition between the old and the new definitions of the same language feature in the following ways:

- a. The standard may recommend implementations to make both the old and new interpretations available to the user; e.g., through the use of a switch (which itself may or may not be part of the language).
- b. If the Technical Committee judges that the costs of such measures outweigh the benefits, it may simply adopt the new interpretation.

### 4.11 Provide Conversion Guidance

The Technical Committee provides written guidance for the conversion of programs to the new standard. For example:

- a. An algorithm that is simple but detailed enough to be understood by a reasonably informed user of the language.
- b. A narrative of the conversion process.
- c. In cases where a well-defined conversion process is not feasible, the Technical Committee must provide as much conversion information as possible.

### 4.12 No Further Action

The Technical Committee is not obliged to take any action beyond the inclusion of the change in the incompatibility list described in section 5.4.

### 4.13 Commercial terms and conditions

INCITS and its subgroups adhere to the American National Standards Institute (ANSI) policy for use of commercial terms and conditions (as prescribed in the ANSI Essential Requirements) when developing American National Standards.

## 5 Review and approval of standards, reports, etc.

### 5.1 ANSI Policy for Reaffirmation

ANSI Procedures address reaffirmations in the *ANSI Procedures* and the criteria for reaffirmation in clause 4.2.1.2.

## 6 Use of technology

No policies have yet been approved for use of technology in the work of INCITS other than the guidance developed by OMC and PPC in 1995. See <http://www.INCITS.org/help/x3950687.htm>

## 7 Participation in international projects, TAG responsibilities

### 7.1 Memorandum of Agreement

Technical Advisory Group (TAG) responsibilities to JTC 1 and its subcommittees, working groups and projects are conducted under the terms of the Memorandum of Agreement (MOA) posted to the web site of the JTC 1 TAG at <http://www.jtc1tag.org/moa.htm>

### 7.2 JTC 1 TAG Sponsorship of SC Plenary Meetings

The JTC 1 TAG does not fund SC Plenary meetings. For the JTC 1 TAG procedures regarding the hosting of international meetings, see <http://www.jtc1tag.org/td1.htm#section5.6>

### 7.3 Policy Regarding Conflict of Interest in International Standards Activities

In order to avoid conflicts of interest, a U.S. convenor of a WG cannot also act as Head of Delegation or chief spokesperson to that WG or to its parent SC.

## 8 Intellectual property rights

### 8.1 ITI Publications and Copyright Policy

In March 1997, INCITS approved a preliminary policy. No further action has been taken. ITI uses this as guidance in its actions related to documents copyrighted by ITI on behalf of INCITS:

#### INCITS Preliminary Copyright Policy

As the old ASC X3 metamorphoses into INCITS - the National Committee on Information Technology Standards - it is becoming more conscious of its responsibility concerning copyrights of material developed by its members. That responsibility must address the somewhat conflicting goals of allowing timely development of standards (without burdening everyone with a lot of legalese) while at the same time protecting the content of the published documents from unauthorized reproduction and possible misuse. This dichotomy is further complicated by the fact that future availability of documents is likely to be via electronic means in addition to the usual paper.

Towards these ends, the March INCITS meeting approved the following 5-point policy with respect to copyrights. Please note that while the general policy has been approved there much work yet to be done in its implementation. Further questions should be addressed to Lynn Barra, at [lbarra@itic.org](mailto:lbarra@itic.org).

#### *INCITS Preliminary Copyright Policy*

1. INCITS shall establish procedures that result in a valid copyright in its documents.
2. The copyright shall be held and administered by ITI on behalf of INCITS.
3. Copyright of all works created during the standards process shall be solely for INCITS's benefit.
4. Pre-existing works shall be submitted with a non-exclusive license permitting the work to be used in the standard development process, incorporated into a final standard, published, and copies in any medium or form of the standard may be sold or given away at INCITS's discretion.
5. TC participants may freely make copies of all works covered in 3 and 4 to carry out the standards development process but shall not make copies for any other purpose.

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Any requests to reproduce INCITS documents in a manner other than expressly granted, whether in whole or in part, should be submitted in writing to Lynn Barra, Associate Director, ITI Standards Operations.

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## 8.2 Web privacy statement

INCITS does not collect identifying information about people visiting this web site. Only summary information about the **number of visitors** to particular sections of our web site is collected. If you decide to send personally-identifiable information to the Webmaster, it will not be disclosed to third parties without your consent. See [http://www.INCITS.org/INCITS\\_privacy.htm](http://www.INCITS.org/INCITS_privacy.htm) for further information.

NOTE: The INCITS Standards Store is a separate operation and has different practices for both security and privacy.

For further information on privacy, please see “ITI’s Privacy Principles” in the document *Protection of Personal Data in Electronic Commerce*.

## 8.3 ANSI Permission for Reproduction of ISO/IEC Copyrighted Materials

Permission to reprint ISO publications must be obtained from ANSI. The INCITS Secretariat has permission to redistribute international documents with the following notices:

For DIS/FDIS etc.:

*"Permission is granted by ANSI to electronically reproduce this draft International Standard for the purpose of review and comment related to the preparation of the U.S. position, provided this notice is included. All other rights are reserved."*

For Published standards:

*"Permission is granted by ANSI to reproduce this International Standard for the purpose of review and comment related to the preparation of a U.S. position, provided this notice is included. All other rights are reserved."*

## 8.4 The ANSI Patent Policy

*Annex I*

*ANSI's Patent Policy*

*I.1 Inclusion of patents in American National Standards*

*There is no objection in principle to drafting a proposed American National Standard in terms that include the use of a patented item, if it is considered that technical reasons justify this approach.*

*If the Institute receives a notice that a proposed American National Standard may require the use of a patented invention, the procedures in Clause I.2 through I.5 shall be followed.*

*I.2 Statement from patent holder*

*Prior to approval of such a proposed American National Standard, the Institute shall receive from the patent holder (in a form approved by the Institute) either: assurance in the form of a general disclaimer to the effect that the patentee does not hold and does not anticipate holding any invention that its use would be required for compliance with the proposed American National Standard or assurance that:*

*a) A license will be made available without compensation to applicants desiring to utilize the license for the purpose of implementing the standard; or*

*b) A license will be made available to applicants under reasonable terms and conditions that are demonstrably free of any unfair discrimination.*

*The terms and conditions of any license shall be submitted to ANSI for review by its counsel, together with a statement of the number of independent licensees, if any, which have accepted or indicated their acceptance of terms and conditions of the license.*

### *I.3 Record of statement*

*A record of the patent holder's statement (and a statement of the basis for considering such terms and conditions free of any unfair discrimination) shall be placed and retained in the files of the Institute.*

### *I.4 Notice*

*When the Institute receives from a patent holder the assurance set forth in I.2(a) or I.2(b), the standard shall include a note as follows:*

*NOTE - The user's attention is called to the possibility that compliance with this standard may require use of an invention covered by patent rights.*

## **8.5 Policy Statement on Patent Statements in INCITS Standards**

Every INCITS Standard must carry text from one of the two options below.

### **Option 1 (when notice and commitment to license exist):**

*CAUTION: The developers of this standard have requested that holders of patents that may be required for the implementation of the standard disclose such patents to the publisher. However, neither the developers nor the publisher have undertaken a patent search in order to identify which, if any, patents may apply to this standard.*

*As of the date of publication of this standard, following calls for the identification of patents that may be required for the implementation of the standard, notice of one or more such claims has been received.*

*By publication of this standard, no position is taken with respect to the validity of this claim or of any rights in connection therewith. The known patent holder(s) has (have), however, filed a statement of willingness to grant a license under these rights on reasonable and nondiscriminatory terms and conditions to applicants desiring to obtain such a license. Details may be obtained from the publisher.*

*No further patent search is conducted by the developer or publisher in respect to any standard it processes. No representation is made or implied that this is the only license that may be required to avoid infringement in the use of this standard.*

**Option 2 - (when neither the developer nor the publisher had notice at the time of publication)**

*CAUTION: The developers of this standard have requested that holders of patents that may be required for the implementation of the standard disclose such patents to the publisher. However, neither the developers nor the publisher have undertaken a patent search in order to identify which, if any, patents may apply to this standard.*

*As of the date of publication of this standard and following calls for the identification of patents that may be required for the implementation of the standard, no such claims have been made. No further patent search is conducted by the developer or publisher in respect to any standard it processes. No representation is made or implied that licenses are not required to avoid infringement in the use of this standard.*

**8.6 Guidelines for Implementation of the ANSI Patent Policy**

Guidelines for Implementation of the ANSI Patent Policy --- An Aid to More Efficient and Effective Standards Development In Fields that May Involve Patented Technology

**I Purpose**

These Guidelines are intended to assist voluntary standards developers, and those that participate in the standards development process, in understanding and implementing the ANSI Patent Policy (the "Patent Policy"). Drafted by a task force formed by ANSI for the purpose of studying the Patent Policy, the Guidelines seek to encourage the early disclosure and identification of patents that may relate to standards under development, so as to thereby promote greater efficiency in standards development practices.

**II An Overview of the ANSI Patent Policy**

The Patent Policy is set forth in Appendix I to ANSI's "Procedures for the Development and Coordination of American National Standards" (the "ANSI Procedures"). Compliance (or non-compliance) with the Patent Policy is one of the criteria to be considered by ANSI's Board of Standards Review ("BSR") in determining whether to approve (or withdraw approval of) an American National Standard. See ANSI Procedures SS 1.3.4, 1.3.6.

As set for in Appendix I:

**I.1 Inclusion of patents in American National Standards**

There is no objection in principle to drafting a proposed American National Standard in terms that include the use of a patented item, if it is considered that technical reasons justify this approach.

If the Institute receives a notice that a proposed American National Standard may require the use of a patented invention, the procedures in Clause I.2 through I.5 shall be followed.

**I.2 Statement from patent holder**

Prior to approval of such a proposed American National Standard, the Institute shall receive from the patent holder (in a form approved by the Institute) either: assurance in the form of a general disclaimer to the effect that the patentee does not hold and does not anticipate holding any invention that use would be required for compliance with the proposed American National Standard or assurance that:

a) A license will be made available without compensation to applicants desiring to utilize the license for the purpose of implementing the standard; or

b) A license will be made available to applicants under reasonable terms and conditions that are demonstrably free of any unfair discrimination.

The terms and conditions of any license shall be submitted to ANSI for review by its counsel, together with a statement of the number of independent licensees, if any, which have accepted or indicated their acceptance of terms and conditions of the license.

### *III Possible Procedures for Implementing the Policy*

#### A - Early Disclosure of Patent Rights

Experience has indicated that early disclosure of patents is likely to enhance the efficiency of the process used to finalize and approve standards. Early disclosure permits notice of the patent to the standards developer and ANSI in a timely manner, provides participants the greatest opportunity to evaluate the propriety of standardizing the patented technology, and allows patent holders and prospective licensees ample time to negotiate the terms and conditions of licenses outside the standards development process itself.

Accordingly, during the development period, standard developers may wish to adopt procedures whereby on or more request are made to participants for the disclosure of patents that may be required for use of the standards in progress. Such a request could be made, for example, by including it on letter ballots used in connection with the development of a proposed standard. Alternatively, other means could be adopted so that requests are repeated throughout the course of the standards development process -- e.g., by a semi-annual notice mailed to each participant in the development process or appropriate working group(s).

This is not to suggest that a standards developer should require any participant in the development process to undertake a patent search of its own portfolio or of any other. The objective is to obtain early disclosure concerning the existence of patents, where known.

A standards developer may also consider taking steps to make it clear that any participant in the process -- not just patent holder -- is permitted to identify or disclose patents that may be required for implementation of the standard. Generally, it is desirable to encourage disclosure of as much information as possible concerning the patent, including the identify of the patent holder, the patent's number, and information regarding precisely how it may relate to the standard being developed. Further, to assist in international standardization, a standards developer may deem it appropriate to encourage the disclosure of relevant unexpired foreign patents.

Similarly, a standards developer may wish to encourage participants to disclose the existence of pending U.S. patent applications relating to a standards under development. Of course, in such a situation the extent of any disclosure may be more circumscribed due to the possible need for confidentiality and uncertainty as to whether an application will mature into a patent and what its claimed scope will ultimately be.

#### B - Early Indication of a Willingness to License

The early identification of relevant patents should also increase the likelihood of an early indication from the patent holder that is willing to license its invention, that it is prepared to do so on reasonable terms and conditions demonstrable free of unfair discrimination, or that the patent in question is not required for compliance with the proposed standard. A patent holder may have a strong incentive to provide an early assurance that the terms and conditions of the license will be reasonable and demonstrably free of unfair discrimination because of its inherent

interest in avoiding any objection to the standardization of its proprietary technology. As a consequence, patent holders and prospective licensees would be provided greater opportunities to negotiate acceptable license terms.

It should be reiterated, however, that the determination of specific license terms and conditions, and the evaluation of whether such license terms and conditions are reasonable and demonstrable free of unfair discrimination, are not matters that are properly the subject of discussion or debate at a development meetings. Such matters should be determined only by the prospective parties to each license or, if necessary, by an appeal challenging whether compliance with the Patent Policy has been achieved.

It should also be emphasized that, notwithstanding the incentive for patent holders to indicate any early willingness to license, it may not be possible for potential patent holders to give such an assurance until the standards development process has reached a relatively mature stage. It might be that only at that time will the patent holder be aware that its patent may be required for use of the proposed standard. This should not, however, preclude a patent hold from giving an assurance that if its patent is required for use of the standard it will license on reasonable terms and conditions demonstrable free of unfair discrimination.

Thus, standards developers may wish to adopt procedures that would permit and encourage the early indication by patent holders of their willingness to comply with the Patent Policy by providing one of the assurances specified therein. Such encouragement might take the form of simply advising participants in the development effort that assurances may be made at an early stage, explaining the advantages of early negotiations, or through other means. While participants in the standards development effort might consider a refusal to provide assurances (Or a refusal to provide assurances ( or a refusal to commit to offer acceptable licensing terms and conditions) as a ground for favoring an alternative technology, the patent holder is only required to provide assurances called for by the Patent Policy prior to the final approval of the proposed standard as an American National Standard.

#### C - Subsequently Discovered Patents

By its terms, the Patent Policy applies with equal force to situations involving (1) the discovery of patents that may be required for the use of a standard subsequent to its adoption and (2) the initial issuance of a patent after adoption. Once disclosure is made, the holder is obligated to provide the same assurances to ANSI as are required in situations where patents exist or are known prior to approval of a proposed standard as an American National Standard.

Thus, if notice is given of a patent that may be required for use of an already approved American National Standard, a standard developer may wish to make it clear to its participants that the ANSI Procedures require that patent holder to provide the assurances contained in the Patent Policy or suffer the withdrawal of ANSI's approval of the standard as an American National Standard.

#### *IV Conclusion*

Good standards development is often time consuming and demands considerable effort by those participating in the process. In fields that may involve the use of patented technology in a standard, therefore, it is particularly important that a patent holder's willingness and intention to comply with ANSI's Patent Policy be ascertained as soon as possible. Doing so, however, does not require participants in standards development meetings to become involved in negotiating the terms and conditions of a possible license with the patent holder. To the contrary, what is required is the use of effective procedures designed to assure an understanding of the Patent Policy and to foster prompt compliance with it.

## 8.7 INCITS Policy on the National Adoption of ISO/IEC JTC 1 and ISO Standards

INCITS currently functions as the Technical Advisory Group to most of the subcommittees and working groups under ISO/IEC/JTC 1, Information Technology, and to some of the technical committees, subcommittees and working groups of ISO. As noted in ANSI procedures, INCITS and its technical committees perform the following functions on behalf of the U.S. National Body:

- Recommend registration of the U.S. as a P or O member on international committees or recommend a change in U.S. membership
- Initiate and approve U.S. proposals for new work items for consideration by an international committee
- Initiate and approve U.S. working drafts for consideration as committee drafts
- Determine the U.S. position on an ISO/IEC or ISO draft international standard, draft technical report, committee drafts, etc.

Given the responsibilities and the expenditures associated with U.S. participation in the international standards activities, INCITS considers participation as a "P" member a declaration of support for the technical work. Accordingly, INCITS will adopt as national standards all ISO/IEC or ISO standards that fall within its program of work. Similarly, INCITS will withdraw as a national standard all ANSI/ISO/IEC or ANSI/ISO standards that have been withdrawn as international standards. Exceptions will be made, on a case by case basis, provided that a case for the exception has been demonstrated to INCITS.

Implementation: As this is INCITS's policy, the additional processing steps will be assigned to INCITS Secretariat staff, who will initiate the public reviews, respond to the commenters, and advise INCITS of the results. Technical comments will be forwarded to the TAGs for consideration in the development of future U.S. positions.