

# **Consumer Technology Association**

**Technology & Standards Procedures Manual**

**CTA-EP-23-S**

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**Consumer  
Technology  
Association™**

**Consumer Technology Association™ (CTA)**

**TECHNOLOGY & STANDARDS  
PROCEDURES  
MANUAL  
EP-23-S**

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## CTA TECHNOLOGY & STANDARDS PROCEDURES MANUAL

### 1 Scope

This document defines the organizational and procedural requirements for Consumer Technology Association™ (**CTA**) standards activities.

### 2 Definitions

**amendment** - An **amendment** is a document that describes limited **substantive** changes to a **standard** or **bulletin**. **Substantive** changes made in an **amendment** do not require revision of the parent document. However the parent document shall incorporate any **amendments** into its next revision. **Amendments** can be submitted to **ANSI** if the parent document is an **ANS**.

**adoption of an ISO/IEC standard** - An **adoption of an ISO/IEC standard** shall comply with the requirements set forth in the *ANSI Procedures for the National Adoption of ISO or IEC Standards as American National Standards*.

**ANSI** - American National Standards Institute, the national accreditation body ([www.ansi.org](http://www.ansi.org)).

**ANS** - American National Standard.

**BSR** - The Board of Standards Review is the **ANSI** body responsible for the approval of American National Standards (with the exception of those proposed American National Standards submitted by **ANSI** Audited Designators).

**bulletin - Bulletins** are documents that are informative in nature and shall not contain any normative requirements. **Bulletins** shall not be included as normative references in standards. A **bulletin** may be called a “guideline,” a “recommended practice,” a “bulletin,” or something similar.

**CTA** - Consumer Technology Association™.

**consensus** - A substantial agreement among **members**. Although unanimity is desirable, it is not required to produce a work product. **Consensus** is achieved through a process of discussion, correspondence, draft contributions, and revision, all leading to the final result. **Consensus** requires that all views and objections be considered and that an effort be made toward their resolution.

**consensus body** - The group that approves the content of a **standard**, and whose vote demonstrates evidence of **consensus**. The **members** of a **CTA** Technology & Standards committee or subcommittee that are eligible to vote form a **consensus body**.

**errata** - An **errata** is a document that describes **substantive** errors in a **standard** or **bulletin** that were clearly not the intent of the committee or subcommittee that adopted the document. It also describes the corrections for these errors. An **errata** shall not be used as a means to update a document, it shall only be used to correct things that were clearly mistakes.

**essential patent** - A patent that is or may be required for compliance with the **normative elements** of a **standard**.

**IEC** - International Electrotechnical Commission ([www.iec.ch](http://www.iec.ch)).

**IP proffer** – A statement from a patent holder in the form set forth in Annex B (Normative).

**ISO** - International Organization for Standardization ([www.iso.ch](http://www.iso.ch)).

**meeting** - Includes face-to-face **meetings**, audio-, video-, or web teleconferences.

NOTE - In instances where requirements differ based on the type of **meeting**, those differences are specified.

**meeting vote** –A vote on a **standard** or **bulletin** intended for final approval that is conducted at a **meeting**.

**member** – A company or individual that has fulfilled the requirements to participate in the **CTA standards** program. See 5.2, Membership Criteria.

**normative elements** – Elements that describe the scope of the document, and which set out requirements.

**other documents** - Technical reports (including white papers), and other materials can be approved by committees and subcommittees to provide technical information as needed.

**representative** – An individual appointed by a **member** that participates in a committee, subcommittee or subgroup. An individual cannot represent more than one **member** in any one committee, subcommittee, or subgroup **meeting**.

**standard - Standards** are documents that describe technical requirements for equipment design, processes, procedures or practices. Generally a **standard** should contain at least one normative requirement. A **standard** shall not include a **bulletin** as a normative reference. A **standard** may be called a “standard,” a “specification,” or something similar.

**substantive** - A **substantive** change in a proposed **standard** or **bulletin** that directly and materially affects the use of the **standard**. Examples of **substantive** changes are below:

- “shall” to “should” or “should” to “shall”;
- addition, deletion or revision of requirements, regardless of the number of changes;
- addition of mandatory compliance with referenced **standards**.

### 3 References

#### 3.1 Normative Reference List

These procedures contain provisions that, through reference in the text, constitute normative references of these procedures. At the time of publication the editions indicated were valid. All **standards** are subject to revision, and parties to agreements based on these procedures are encouraged to investigate the possibility of applying the most recent editions of the **standards** listed in 3.1.

ANSI:

- Essential Requirements, 2015
- ANSI Procedures for the National Adoption of ISO or IEC Standards as American National Standards, 2007

CTA:

- EP-24, Manual for Organization and Style of Standards and Bulletins, July 2013
- CTA Legal Guides
- CTA Bylaws

Robert's Rules:

Robert's Rules of Order (Newly Revised, 11th Edition)

#### 3.2 Normative Reference Acquisition

ANSI:

- American National Standards Institute, New York, NY Internet: <http://www.ansi.org/>

CTA:

- Consumer Technology Association, 1919 S, Eads St, Arlington, VA 22202, Phone 703-907-7600;; Internet: <http://www.CTA.tech>. For more information, email [standards@cta.tech](mailto:standards@cta.tech).

Robert's Rules of Order:

- [www.robertsrules.com](http://www.robertsrules.com)

#### 4 Technology & Standards Council (TSC)

The Technology & Standards Council is responsible for overseeing **CTA's standards** programs. It is a council formed in accordance with **CTA's** corporate bylaws, and its operations are governed by those bylaws and not by the operational requirements for **CTA standards** committees described in this document. This document describes only the TSC membership criteria and its organizational structure.

##### 4.1 TSC Membership

The TSC shall consist of the chairs or co-chairs of each **CTA standards** committee and subcommittee, the **CTA**-appointed chairs of each joint committee and subcommittee, up to ten at-large **members** consisting of individuals, and no more than one ex officio (non-voting) **representative** from the **CTA** Board of Directors or the **CTA** Executive Board. Each of these individuals shall be appointed to their positions by the TSC chair in consultation with the **CTA** vice president responsible for Technology & Standards activities. Individuals serving on the TSC should have technical backgrounds and be able to advise **CTA** on technology and **standards** policy matters.

At-large **members** should offer a broader, more policy oriented view, and be willing to participate actively in TSC activities. At-large **members** shall be appointed for two year terms which can be renewed by the TSC chair in consultation with the **CTA** vice president responsible for Technology & Standards activities.

In the event that a **CTA** committee or subcommittee has co-chairs, both co-chairs shall be **members** of the TSC, but together they shall have only one vote on TSC matters.

Multiple individuals from the same company may be appointed as at-large **members**, but when this happens they shall collectively have only one vote on TSC matters. The one company one vote rule does not apply to situations where an at-large **member** is from the same company as a committee or subcommittee chair because committee and subcommittee chairs represent the interests of their committees and subcommittees and not the interests of their companies.

At-large TSC **members** may select another individual from their respective company to attend TSC **meetings** in their stead. Committee and subcommittee chairs can select another individual from their respective committee or subcommittee to attend the TSC **meeting** in their stead.

##### 4.2 TSC Organization

The TSC shall have a chair and a vice chair, both of whom shall be elected by the TSC for one year terms, and shall serve up to a maximum of two consecutive terms in a position.

#### 5 Standards Committees

**CTA standards** committees are created by the TSC. An organization chart of the **standards** committees can be found on **CTA's** web site.

**CTA standards** committees may be disbanded by the TSC, but only after all of their **standards** and **bulletins** have been either withdrawn or had maintenance responsibility reassigned to, and accepted by, another group.



## **5.1 Leadership**

The chair of a committee, subcommittee, or working group is responsible for the conduct of the group's activities in accordance with the procedures prescribed in EP-23 and the **CTA** Legal Guides, and consistent with the group's scope. Additionally, each committee chair is responsible for overseeing subcommittees and working groups operating under a committee's auspices.

Chairmanship attaches to a specific individual rather than a *member*.

Committees and subcommittees may have one vice chair each. A vice chair may fulfill a chair's duties when the chair is unavailable.

In all other sections of this document, including the rest of this section, references to "chair" shall mean "chair or vice chair."

### **5.1.1 Committee and Subcommittee**

#### **5.1.1.1 Committee and Subcommittee Chair Eligibility**

Candidates for chairs should be selected from among committee or subcommittee *representatives* of *members*. Candidates should demonstrate a high level of activity and leadership skills consistent with the group's scope.

#### **5.1.1.2 Nominations of Committee and Subcommittee Chairs**

Nominations shall be accepted from voting *member* companies of the committee or subcommittee. Candidates may self-nominate with written support from at least one other *representative* of a *member*. Willingness to serve as a chair shall be verified. Nominations may also be accepted from the SC Chair, the parent committee chair (where applicable), in consultation with the **CTA** vice president responsible for Standards activities. The nomination period shall be at least 28 days. The day notification is sent soliciting nominations shall not count toward the 28 day period.

#### **5.1.1.3 Committee and subcommittee chair terms**

The chair of a committee or subcommittee is elected by its members to a one year term. Except as noted in 5.1.1.3, Exception to Term Limits, a chair shall serve no more than two consecutive terms of the same committee or subcommittee.

#### **5.1.1.4 Exception to Term Limits**

If after the announcement of an election and the solicitation of nominations pursuant to Section 5.1.1, there are no candidates for Chair, the existing Chair may continue to serve as the 'acting' chair for up to one year. During this one year period, an election will be held if a nomination for a chair position is received. If no nominations are received during this year, the 'acting' chair is then eligible to be nominated.

#### **5.1.1.5 Elections of Committee and Subcommittee Chairs**

Chairs shall be elected by the committee or subcommittee *members*.

Elections shall be conducted via confidential ballot and shall have a minimum response time of 28 calendar days. A brief CV shall be provided to voting *members* for each candidate during the balloting process. If there is only one candidate for the role of Chair, there is no election required and the candidate is approved by declaration.

Each voting *member* can only cast a vote for a single candidate and a no response is equal to an abstain vote. The candidate with the most votes shall be approved. In the event of a tie, the Chair shall be determined by a vote of the SC chair, SC Vice-Chair and the **CTA** Vice President responsible for Standards activities.

### 5.1.2 Working Group

Working group chairs shall be appointed by the chair of the parent committee or subcommittee and **CTA** Standards staff with approval of the **CTA** vice president responsible for Standards activities. There are no limits on the length of time an individual can serve as a chair of a working group.

## 5.2 Membership Criteria

Committee membership, and membership on any subcommittee, working group or ad hoc group is open to anyone with a direct and material interest in the committee's subject matter, except members of the press who are excluded from all **CTA** standards activities in order to encourage free and open discussion during **standards** development. **Representatives** should have a technical background relating to the subject area and shall declare their **member** affiliation.

### 5.2.1 Fees

CTA may charge a fee for participation in any of its **standards** groups. Fee waivers may be granted to prospective **members** who demonstrate a need for a waiver, and who provide valuable contributions to the group. Waiver requests may be made in writing addressed to the **CTA** vice president responsible for Technology & Standards activities.

## 5.3 Quorum

A simple majority of **standards** committee or subcommittee **members** with voting rights constitutes a quorum.

A simple majority is defined as more than half.

When a new committee or subcommittee is formed two **members** constitutes a quorum for the first three **meetings**.

## 5.4 Voting Rights

**Standards** committee or subcommittee **members** may earn and then retain voting rights by participating in committee or subcommittee **meetings**. For a **member** to obtain voting rights on a committee or subcommittee any **representative** of the **member** must attend two out of three consecutive **meetings** and will be eligible to vote at the conclusion of the second of these **meetings** attended. Missing two out of three consecutive **meetings** results in a loss of voting rights, after which voting rights may be regained by attending two out of three consecutive **meetings** again.

If a new **member** joins a committee or subcommittee and was present as a guest at any of the committee or subcommittee's previous three **meetings** then this attendance shall count toward voting rights.

Voting rights are assigned to **members** and not **representatives**. If a **representative** of a **member** with voting rights changes jobs and begins representing a **member** that does not have voting rights, new voting rights must be earned. Voting rights do not transfer with the individual. This same principle applies to independent consultants who begin representing new clients.

The attendance record in each set of **meeting** minutes shall serve as the official basis for acquiring, retaining and losing voting rights.

When a new committee or subcommittee is formed every **member** on the group shall have voting rights until the end of the third **meeting**, at which time the 'two out of three consecutive **meetings**' rule applies.

## 5.5 Balance

The total number of **members** with voting rights on a **standards** committee or subcommittee who belong to any particular interest category should be less than a majority of the total number of **members** with

voting rights on the committee. **Members** from diverse interest categories shall be sought with the objective of achieving balance. **Members** shall be asked to select an interest category when they join a committee or subcommittee. If the interest category changes during their participation, the **member** shall notify **CTA** Technology & Standards staff of the change.

**Producer:** Producers are **members** who use the **standards, bulletins, amendment, errata** or **other documents** in question to manufacture or implement products or services.

**User:** Users are **members** who acquire from Producers equipment or services to which the **standards, bulletins, or other documents** apply.

**General Interest:** General Interest **members** are neither Producers nor Users. This category may include regulatory agencies (state and federal), researchers, other organizations and associations, and consumers.

### 5.6 Voting

Votes may be conducted by ballot or at a **meeting**. Votes conducted by ballot shall have a minimum response time of 14 days. The minimum response time is longer for ballots to approve **standards, bulletins, amendments, errata, or other documents** (see 6.7.4, Ballot).

For a committee or subcommittee to approve a **CTA standard, bulletin, errata, amendment, or other document** at least two thirds of those voting **members** casting "yes," "yes with comment" or "no with comment" voters must vote "yes" or "yes with comment." Abstentions are not included. For a committee or subcommittee to approve any other action a simple majority of those voting **members** casting "yes," "yes with comment" or "no with comment" voters must vote "yes" or "yes with comment." Whenever any vote is taken the total number of "yes" votes plus the total number of "yes with comment" votes plus the total number of "no with comment" votes plus the total number of abstentions must meet the quorum requirement in 5.3. [Quorum](#).

All votes shall be conducted on a one **member** one vote basis. It is the responsibility of a **member** with multiple **representatives** on a committee to coordinate the voting activities of its **representatives**.

### 5.7 Meeting Notices

This section describes the requirements for distribution of **meeting** notices for committees, subcommittees, working groups, and other groups. A **meeting** notice is a written communication of the time, date, and place of a **meeting**.

#### 5.7.1 Committees and Subcommittees

**Meeting** notices for all committee and subcommittee **meetings** shall be distributed at least 28 days before the **meeting**.

#### 5.7.2 Working Groups and Other Groups

**Meeting** notices for face-to-face **meetings** of working groups and other groups shall be distributed at least 28 days before the **meeting**. **Meeting** notices for electronic **meetings** of working groups and other groups shall be distributed at least six days before the **meeting**.

### 5.8 Meeting Agendas

A preliminary agenda shall be distributed with each **meeting** notice. Agenda items related to voting on **standards, bulletins, amendments** and **errata** shall comply with the notice requirements in 6.7.3.

### 5.9 Meeting Minutes

Minutes shall be taken for each committee or subcommittee **meeting**.

### 5.10 Meeting Conduct

All **meetings** shall be conducted in compliance with EP-23 and **CTA** Legal Guides. Committee and subcommittee **meetings** shall be conducted in compliance with Robert's Rules of Order.

### 5.11 Meeting Recording

Recording of **meetings**, teleconferences, or webconferences via audio/video or electronic means shall not be permitted during committee, subcommittee, or working group **meetings** without the prior unanimous consent of all **members** at the **meeting**. This does not preclude note taking or capturing an occasional screen shot during the **meeting** for personal use.

### 5.12 Liaisons

Committees and subcommittees may establish liaisons with external groups. **CTA** encourages liaisons with external groups to avoid unnecessary duplication of efforts. A committee or subcommittee considering a liaison with an external group shall coordinate with the **CTA** Technology & Standards staff in advance.

### 5.13 Committee Communications to Outside Parties

All communications from a committee or subcommittee to people or organizations outside of the committee or subcommittee shall come from the committee or subcommittee chair, from the appropriate **CTA** staff person, or through an appropriate liaison **representative**. Formulation of positions related to **standards** shall be approved by the committee or subcommittee. Liaison communications shall not conflict with formal **CTA** positions.

### 5.14 Joint Standardization

**CTA standards** committees may engage in joint standardization efforts with other organizations. Before such work begins, an agreement between **CTA** and the other organization(s) shall be established in an official Memorandum of Understanding (MOU). The MOU shall include the synchronization of process and approval by **CTA** legal counsel.

#### 5.14.1 With ANSI Accredited SDOs

If the other organization is accredited by **ANSI** then a determination shall be made upon initiation of the effort concerning which organization's standardization procedures shall govern, which organization shall be responsible for maintaining committee membership information, and which organization shall provide other secretariat services for the effort. As an alternative, **CTA** and the other organization may agree to rotate responsibility in these areas.

#### 5.14.2 With SDOs Not Accredited by ANSI

For **standards** developing organizations not accredited by **ANSI**, a determination shall be made upon initiation of the effort concerning which organization's standardization procedures shall govern, which organization shall be responsible for maintaining committee membership information, and which organization shall provide secretariat services for the effort. As an alternative, **CTA** and the other organization may agree to rotate responsibility in these areas. If the **standard** is intended to be an **ANS**, **CTA's** procedures shall be used either in parallel with the other organization's or on its own.

#### 5.14.3 With Organizations That Are Not SDOs

If the other organization is not a **standards** developing organization then the standardization activity shall be conducted in accordance with the procedures described in this document.

### 5.15 Subcommittees and Working Groups

Subcommittees or working groups may be formed by vote (**meeting** or ballot) approval of the parent committee or subcommittee. In between **meetings** a committee or subcommittee chair may form a working group, but the formation of the working group must then be approved by the committee or

subcommittee at its next **meeting**. When such a group is established, the parent committee/subcommittee shall approve a scope for the group. The parent committee/subcommittee chair, in consultation with the **CTA** vice president responsible for Technology & Standards activities and staff, shall appoint a chair.

When a working group is disbanded it shall be disbanded by the parent committee or subcommittee. Subcommittees shall be disbanded by approval of the parent committee.

#### **5.15.1 Subcommittees**

Subcommittees have the same operational requirements as committees, except that they are created by their parent committees and not the TSC, and dissolved by their parent committees and not the TSC. Subcommittees may create their own working groups and ad hoc groups.

#### **5.15.2 Working Groups**

Working groups may be established by committees or subcommittees for specific purposes. When a working group is established, the group that creates it shall approve a scope for it. The chair of the group that creates it, in consultation with the **CTA** vice president responsible for Technology & Standards activities and staff, shall appoint a chair.

Working groups develop recommendations to their parent group by **consensus** and do not take formal votes as part of the **consensus** building process. Therefore there are no voting rights in working groups and no voting maintenance requirements. Straw polls may be used to gauge **consensus** in a working group. It is up to the chair of each working group, in consultation with **CTA** Technology & Standards staff if necessary, to determine when **consensus** has been reached.

Informal **meeting** reports shall be produced for each working group **meeting**. Formal minutes are not required.

#### **5.15.3 Ad Hoc Groups**

Committees, subcommittee and working groups may form their own ad hoc groups by **consensus**. Ad hoc groups shall have chairs, appointed by the chair of the parent group. They shall also have scope statements and report back to the parent group on a regular basis. Ad hoc groups are formed to address specific short terms tasks and shall be disbanded when their task is complete.

#### **5.16 Discovery Groups**

Discovery Groups are short-term groups created and dissolved by a committee or subcommittee or by the TSC as needed to explore new areas of **standards** development such as new technologies or new product areas. Discovery groups should complete their evaluation within 6 months of their first **meeting**. Membership is open to anyone with a direct and material interest in the subject matter.

### **6 Document Development and Publication**

This section describes requirements for the development of **CTA standards, bulletins, amendments** and **errata**. It does not apply to development of **other documents**. Figure 1 (informative) illustrates the process.

#### **6.1 Investigation Stage**

Before a project is formally initiated by a committee or subcommittee, an investigation may be conducted by a committee, subcommittee, or working group. The investigation stage could include the creation of use case scenarios, requests for proposals or information (RFPs or RFIs), and decisions regarding the scope of the proposed project.

## 6.2 Project Initiation

A project is any action that results in a new, revised, reaffirmed, stabilized or withdrawn **CTA standard, bulletin, amendment** or **errata**. All projects shall be initiated by majority vote (**meeting vote** or ballot) of a committee or subcommittee along with an accompanying title and scope statement. A committee or subcommittee chair may authorize the start of work on a project, but the initiation of the project must then be approved by the committee or subcommittee by vote at the next **meeting** or by ballot before the next meeting. For projects intended to result in an **ANS** this intent shall be indicated during project initiation and an **ANSI** Project Initiation Notification System (PINS) form shall be submitted to **ANSI** following committee or subcommittee approval of project initiation.

The types of projects that may be initiated include **standards, bulletins, errata**, and **amendments**.



### 6.2.1 Discontinuance of a Standards Project

The committee, subcommittee, or committee chair, in consultation with **CTA** Technology & Standards staff, upon review of open projects, may propose that a project be discontinued when necessary. Such a discontinuance shall be made via consensus of the formulating body. Reasons could include lack of activity, a decision by the committee to move in a different direction, or a safety hazard-related or legal issue.

Upon discontinuance of a proposed new or revised **ANS** or portion thereof, **CTA** will notify **ANSI** immediately of such action, which **CTA** will request be announced in *ANSI Standards Action*.

### 6.2.2 Assertions of Conflict or Duplication

For projects intended to result in **ANSI/CTA standards**, if written comments are received within 30 days from the publication date of a PINS announcement in *ANSI Standards Action*, and the comments assert that a proposed **CTA standard** duplicates or conflicts with an existing **ANS** or a proposed **ANS** that has been previously announced in *Standards Action*, a mandatory deliberation of the members from the relevant stakeholder groups shall be held within 90 days from the *Standards Action* comment deadline. Such a deliberation shall be organized by **CTA**, and shall be concluded before **CTA** submits a proposed **standard** for public review. The deliberation shall take place within the 90-day period. **CTA** shall maintain evidence to demonstrate that it has made a good faith effort to schedule and otherwise organize the deliberation.

### 6.2.3 PINS Deliberation Report

As required by ANSI Essential Requirements Clause 2.5.1.3., the outcome of a PINS deliberation (the "Deliberation Report") shall be conveyed in writing to the commenter and to ANSI within 30 days after the conclusion of the deliberation by **CTA**. Upon submission of the Deliberation Report, **CTA** will submit the proposed standard for public review. If additional deliberations take place, they should not delay the submission of the proposed standard for public review, and an updated Deliberation Report shall be conveyed within 30 days after each deliberation. **CTA** shall ensure that any actions agreed upon from the deliberations are carried out within 90 days following the deliberation. Should **CTA** ultimately submit the subject standard to ANSI for approval, **CTA** shall include all of the Deliberation Report(s) with the BSR-9 submittal.

## 6.3 Style Guide

To minimize the number of editorial comments all drafts should comply, to the extent practical, with the editorial guidance contained in EP-24, *Manual for Organization and Style of Standards and Bulletins*.

## 6.4 Metric Policy

Units of the International System of Units (SI), the modernized metric system, are the preferred units of measurement in **CTA** and **ANSI/CTA standards, bulletins, amendments, errata, and other documents**.

## 6.5 Pre-vote Comments

A pre-vote comment period is required before a draft document may be submitted to a committee or subcommittee for vote. During this pre-vote comment period, the committee or subcommittee **members** shall be asked to submit written comments accompanied by suggested alternative language.

A document may have multiple pre-vote comment periods. The first comment period shall always be initiated at least 14 days before the deadline for submitting comments. Subsequent pre-vote comment periods shall last at least seven days. The day the email is sent shall not be considered part of the 14 day or seven day period.



When it is intended to submit a **standard** for consideration as an **ANS** this intention shall be noted when the document is distributed for pre-vote comments.

**CTA** legal counsel and Technology & Standards staff may provide comments on publications for consideration by committees and subcommittees. Any **CTA** staff comments should be submitted in a timely manner for consideration by committees or subcommittees.

### 6.6 Response to Pre-vote Comments

All pre-vote comments that are received shall be reviewed by the group that drafted the document.

If a comment is accepted and reflected in a subsequent draft of the document then this is sufficient acknowledgement of the comment. If a comment is rejected then the commenter shall be notified and provided with a brief reason for the rejection.

All pre-vote comments shall be reviewed and either accepted or rejected before a document may proceed to the next stage of the development process. A comment chart of all comments received and their respective resolutions shall be kept.

### 6.7 Vote

Votes may be conducted by ballot or at a **meeting**.

Only **members** with voting rights on a committee or subcommittee may vote. The voting options shall be:

Yes	This indicates approval of the document.
Yes with comment	This indicates approval of the document and includes an accompanying comment. Approval of the document shall not be contingent on acceptance of the comment.
No with comment	This indicates disapproval of the document. All no votes shall be accompanied by a comment. Comments shall relate to the document under vote to which changes to the document could resolve the comment. No attempt shall be made by the committee to resolve or recirculate unactionable comments. Sufficient detail shall be provided by the commenter to understand the issue and facilitate the resolution. Alternate wording should be provided by the commenter such that the wording, if incorporated, would cause the “no with comment” voter to change his vote to yes, yes with comment, or abstain.
Abstain	This indicates acknowledgement of the vote and expresses no opinion concerning the outcome of the vote.

The **CTA** legal counsel shall respond to comments relating to legal concerns. **CTA** Technology & Standards staff shall respond to comments relating to concerns regarding the **ANSI** or **CTA standards** development procedures. Comments relating to legal concerns and **standards** development procedures shall not be recirculated. The committee or subcommittee with input from **CTA** Technology & Standards staff shall address scope concerns.

For a document to be approved, a quorum shall be achieved. Approval is achieved when at least two thirds of the voters voting “yes,” “yes with comment,” or “no with comment” have voted “yes” or “yes with comment.”

#### 6.7.1 Consideration of Views and Objections

In connection with an objection articulated during a public comment period, or submitted with a vote, an effort to resolve all expressed objections accompanied by comments related to the proposal under consideration shall be made, and each objector shall be advised in writing of the disposition of the objection and the reasons therefor. If resolution is not achieved, each objector shall be informed in writing of their right to appeal, as documented in Clause 6.8, Appeals. The comment is resolved if the

commenter's vote changes to something other than "no with comment" in writing. This may happen as a result of changes to the document, or without changes to the document. "No with comment" votes that are accompanied by comments that are unactionable, as defined in the "No with comment" paragraph above, shall be converted to an abstain for purposes of the vote tally. Note: It is recorded as an unresolved No vote without comment in the **ANSI** BSR-9 form.

### 6.7.2 Recirculation Vote

A recirculation vote is required if **substantive** changes are made to a document after it is released for vote. A recirculation vote is also required if attempts to resolve a "no with comment" vote are unsuccessful. Recirculation votes shall be limited in scope to any **substantive** changes that are made after the document is released for vote. Each unresolved objection and attempt at resolution, and any substantive change made in a proposed American National Standard shall be reported to the consensus body in order to afford all members of the consensus body an opportunity to respond, reaffirm, or change their vote. Recirculation votes may be conducted via **meeting vote** or ballot at the discretion of the committee or subcommittee chair and **CTA** Technology & Standards staff. Voting options during a recirculation vote are the same as during an initial vote.

When a recirculation vote is required the document shall be considered approved if no new, **substantively** different "no with comment" votes are received during the recirculation vote and the two thirds threshold described in 6.7 is met. If new, **substantively** different "no with comment" votes are received during the recirculation vote, then the committee or subcommittee shall attempt to resolve them and conduct another recirculation vote following the procedure described above. All substantive changes shall be submitted to ANSI via the BSR-8 for further public review.

### 6.7.3 Meeting Vote

When a vote on a **document** intended for final approval is to be conducted at a **meeting** it should be listed on the **meeting** agenda as early as possible. If it is not listed on the earliest version of the agenda it shall be listed on a subsequent, revised agenda that is circulated to the committee or subcommittee **members** at least 28 days before the scheduled vote. The day the email is sent shall not count toward the 28 day period.

If a **standard** is proposed to become an **ANSI/CTA standard** then this shall be indicated on the agenda. **ANSI** public review should be initiated at this time if the **standard** is intended to be an **ANSI/CTA standard**.

#### 6.7.3.1 14 Day Draft

A draft of the proposed document highlighting revisions made after it was last circulated to the committee or subcommittee for pre-vote comments shall be distributed to the committee or subcommittee at least 14 days before the scheduled vote. This draft is called the "14-day draft." The day the email is sent shall not be considered part of the 14 day period although the day of the **meeting vote** is.

#### 6.7.3.2 Absent Voter Ballot

**Members** with voting rights who are not present at the time of a vote on a document shall be given an opportunity to vote after the **meeting**. **CTA** Technology & Standards staff shall notify the absent **members' representatives** via email of any **substantive** changes made to the **standard** subsequent to its last distribution to the committee or subcommittee, and shall advise the absent **members' representatives** of the deadline for submitting their absent voter ballots. The minimum response time for absent voter ballots shall be seven days. The day the email is sent shall not be included in the seven day period. Absent voting **members** who do not respond to the absent voter ballot shall be listed as "no response," which shall have the same effect as an abstention when determining if the **standard** is approved or not.

Participation in an absent voter ballot shall not count as **meeting** attendance for the purposes of maintaining voting rights.

#### 6.7.4 Ballot

Ballots shall be distributed to all **representatives** of a committee or subcommittee. Votes shall be accepted from **members** with voting rights only.

If a **standard** is proposed to become an **ANSI/CTA standard** then this shall be indicated on the ballot. **ANSI** public review should be initiated at this time if the **standard** is intended to be an **ANSI/CTA standard**.

Initial ballots for final approval of a **standard, bulletin, amendment, errata, or other document** shall have a minimum response time of 28 calendar days. All other ballots except for absent voter ballots shall have a minimum response time of 14 calendar days. At the discretion of the committee or subcommittee chair a ballot period may be extended in order to achieve a quorum. A new ballot may be considered if quorum was not reached. If quorum cannot be reached it is up to the committee or subcommittee chair to decide whether to continue or terminate the project.

A ballot shall be closed at its designated closing time. Votes on ballots can be changed up until ballot deadline.

**CTA** Technology & Standards staff shall acknowledge receipt of ballots either to individual voters as they are received or to the committee or subcommittee as a whole after the ballot closes. In the event of a dispute concerning receipt of a particular ballot, it is up to the voter to provide evidence that the ballot was submitted before the ballot period expired.

The results of the ballot vote shall be reported to the committee or subcommittee.

#### 6.8 Appeals

Once the voting process is complete, **CTA** documents should not be published until the window for filing appeals has closed.

Whenever attempts to resolve “no with comment” votes or public review comments are unsuccessful, the commenter shall be notified in writing of the right to appeal.

##### 6.8.1 Right of Appeal

Persons with a direct or material interest in a **CTA** document who have been or will be adversely affected by the document may appeal procedural actions or inactions taken during the **CTA standards** process.

##### 6.8.2 Appeal Initiation

Appeals shall be written and filed with the **CTA** vice president responsible for Technology & Standards activities within 28 calendar days after the date of the action being appealed or at any time with respect to inaction. The appeal shall state the nature of the objection(s) including the adverse effects on the appellant, the section(s) of these procedures or the **standard(s)** at issue, action(s) or instances of inaction at issue, and the specific remedial action(s) that would satisfy the appellant’s concerns. Previous efforts to resolve the objection(s) and the outcome of each shall be noted.

**CTA** may charge a reasonable fee for filing an appeal. Fee waivers can be requested in writing of the **CTA** vice president responsible for Technology & Standards activities. **CTA’s** fee will be \$500 per appeal.

##### 6.8.3 Response to an Appeal

Upon receipt of an appeal, the relevant committee or subcommittee chair, or a representative of the **CTA** Technology & Standards Department, shall first attempt to informally resolve the appeal within 14 calendar days. If this is successful, then the relevant committee or subcommittee chair, or a

representative of the **CTA** Technology & Standards Department, shall respond to the appellant in writing addressing each allegation of fact in the appeal within 28 calendar days of receipt of the appeal.

If the appeal cannot be resolved informally, then **CTA** Technology & Standards staff shall schedule a hearing with an appeals panel on a date agreeable to all participants that is within 42 calendar days of the date the appeal was received, giving at least ten calendar days' notice.

#### **6.8.4 Composition of Appeals Panel**

If an appeals panel is necessary, it shall consist of three individuals who have not been directly involved in the matter in dispute, and who (knowingly in good faith) will not be materially or directly affected by any decision made in the dispute. At least two individuals shall be acceptable to the appellant and at least two shall be acceptable to the **CTA** Technology & Standards Department. In the event the appellant does not wish to select a panelist or a third panelist cannot be agreed upon, the **CTA** Technology & Standards Department shall appoint these individuals to the panel (noting this action in the findings) in order to hold a hearing.

#### **6.8.5 Conduct of Hearing**

If an appeals panel is necessary, it shall convene at **CTA's** offices unless another mutually agreed site is selected. The appeals panel shall select a presiding officer from among the panel.

The appellant has the burden of demonstrating adverse effects, improper actions or inactions, and the efficacy of the requested remedial action. The **CTA** Technology & Standards Department has the burden of demonstrating that the **CTA** entity in question took all actions in compliance with its operating procedures and that the requested remedial action would be ineffective or detrimental. Each party may make other pertinent arguments, and members of the appeals panel may address questions to the appellant and **CTA** representatives.

#### **6.8.6 Appeals Panel Decision**

An appeals panel shall render a written decision within 28 calendar days following the close of the hearing. This decision shall state findings of fact, conclusions, and the reasons for the conclusions. Decisions shall be determined by a two thirds majority of the appeals panel. A record of the appeal shall be kept by **CTA** and made available to the involved parties.

If the appeals panel finds for the appellant, it should describe with specific facts how fair and equitable action was not taken and remand the matter to the Technology & Standards Council with an explanation of the recommended corrective action.

If the appeals panel finds for the respondent, it should describe with specific facts how fair and equitable action was taken with respect to the appellant and the appellant's objections.

If the appeals panel finds that new, **substantive** evidence has been introduced, it should describe this evidence and remand the matter to the responsible **CTA** entity for appropriate reconsideration.

**CTA** shall not publish a document for which there is an unresolved pending appeal.

**CTA** shall maintain all documents pertaining to **CTA** attempts to resolve the appeal pending the completion of all **CTA** and **ANSI** appeals or for the period specified in Section 6.13.4, Appeals, whichever is longer. These documents may be used in any further appeals proceedings.

#### **6.8.7 Right to Appeal: Appeals at ANSI**

If the appellant is not satisfied with the outcome of the **CTA** appeal, the appellant may appeal procedural action or inaction to **ANSI**.

## 6.9 ANSI Approval

**Standards** that are intended to become ANS shall be submitted for public review through the **ANSI** BSR-8 process.

### 6.9.1 Public Review Comments

Responsible **CTA** staff shall receive, collect and acknowledge receipt of all public review comments, regardless of their nature. Editorial, technical and scope-related comments shall be forwarded to the responsible committee or subcommittee for review and response. Comments addressing legal concerns shall be forwarded to **CTA** legal counsel for review and response. Comments addressing the **CTA standards** development process shall be addressed by responsible **CTA** Technology & Standards staff. Vague comments shall be returned to the commenter with a request for expeditious clarification.

Comments received during **ANSI** public review are comments only, they are not votes.

When addressing **substantive** (non-editorial) comments, if **substantive** (non-editorial) changes are made to the document, the committee or subcommittee shall conduct a recirculation vote and an additional **ANSI** public review. If a public review comment remains unresolved and no **substantive** changes are made as a result, a recirculation vote shall be conducted but a second public review need not be conducted. Each unresolved objection and attempt at resolution, and any substantive change made in a proposed **ANS** shall be reported to the consensus body in order to afford all members of the consensus body an opportunity to respond, reaffirm, or change their vote.

After a response to an **ANSI** public review comment has been developed, responsible **CTA** staff shall provide the response to the commenter in writing and shall include with this response a description of the **CTA** and **ANSI** appeals process. The commenter shall be given 14 calendar days after response to accept or reject the response. If no response is received from the commenter, responsible **CTA** staff shall send a final written response to the commenter noting the lack of response. The commenter's comments shall then be recorded as unresolved and circulated to the committee or subcommittee.

**CTA** staff shall retain all correspondence related to the comment, the response, and the commenter's response (or lack thereof) and provide this information to **ANSI** when seeking approval for the **standard**.

### 6.9.2 Request for ANSI Approval

After approval by the **CTA** committee or subcommittee, and once the **ANSI** public review period for the **standard** has closed and any comments received during this period have been addressed, the responsible **CTA** staff person shall request approval of the **standard** as an **ANS** by **ANSI**.

Evidence of attempts to resolve unresolved public review comments and unresolved "no with comments" votes shall be submitted as needed.

### 6.9.3 Response from ANSI

If the **ANSI** Board of Standards Review approves the **standard**, responsible **CTA** staff will be notified and may then move forward with the rest of the publication process.

If the **ANSI** Board of Standards Review does not approve the **standard** for process-related reasons then responsible **CTA** staff shall address the **ANSI** comments. If the **ANSI/BSR** does not approve the **standard** for reasons related to comment resolution then the responsible committee or subcommittee shall address the **ANSI** comments. If the **ANSI/BSR** comments are resolved and the **standard** is approved responsible **CTA** Technology & Standards staff may then move forward with the rest of the publication process. If the **ANSI/BSR** comments cannot be resolved the **standard** shall be returned to the responsible committee or subcommittee for further **ANSI** comment resolution or cancellation. The committee or subcommittee may appeal the actions of the **ANSI/BSR**.

### 6.10 Editorial Privilege Revision

The committee or subcommittee chair, the chair's designated representative, and **CTA** Technology & Standards staff shall have authority to make non-**substantive** revisions to the document without further review by the committee or subcommittee for a period of 30 days after the final vote on the document. For a **meeting vote**, this date shall be 30 days after the date of the **meeting**. For a ballot (full ballot or recirculation), it shall be 30 days after the ballot closing date.

### 6.11 Document Maintenance

All published documents other than stabilized and reaffirmed documents shall be reaffirmed, revised or withdrawn by the committee or subcommittee responsible for them not more than five years from the date of publication. Reaffirmed documents shall be reaffirmed, revised, stabilized or withdrawn not more than five years from their date of publication or most recent reaffirmation. Stabilized documents shall be reaffirmed, revised, stabilized or withdrawn not more than ten years from their most recent date of stabilization. Documents should be:

Reaffirmed if their content is valid and it is believed they should be reviewed again in five years;

Revised if their technical content is valid but needs to be updated or otherwise revised;

Stabilized if they have been reaffirmed at least once and at least ten years have passed since their approval or last revision, and if their technical content is valid, addresses mature technology or practices, is not likely to require revision, is not safety or health related, and is required for use in connection with existing implementations or for reference purposes; or

Withdrawn if their technical content is no longer valid.

If a recommendation is made at any time by a materially affected and interested party that a document maintained under the stabilized maintenance option requires revision or should be withdrawn then that recommendation shall be considered in the same manner as a new proposal but within a maximum of 60 days from receipt. A recommendation should include rationale to begin a revision, and shall not be dismissed due to the fact that it does not necessarily suggest a specific revision. The submitter of such a recommendation shall receive a written response within 60 days of the receipt of the recommendation and shall be advised of the decision relative to the maintenance status of the document.

A document that is maintained under the stabilized maintenance option shall include a clear statement of the intent to consider requests for change, and information on how to submit such requests.

A document designated as a national adoption of an IEC standard shall follow the *ANSI Procedures for the National Adoption of ISO and IEC Standards as American National Standards*. See Section 8, Review of International Standards, for more information.

The procedural requirements for reaffirming, revising, stabilizing or withdrawing a document are the same as for creating a new document.

### 6.12 Interpretations

Official interpretations concerning the material in **CTA** or **ANSI/CTA** documents shall be made by the committee or subcommittee responsible for the document, using the same procedures that are used to approve a **CTA** or **ANSI/CTA standard, bulletin, amendment, errata, or other document**. **CTA** Technology & Standards staff shall arrange legal review prior to issuing the interpretation. A request for an interpretation must be made in writing. **CTA** Technology & Standards staff shall provide a written response, including a copy of the interpretation made by the committee or subcommittee responsible for the document, to the party requesting the interpretation.

Interpretations shall be posted on the **CTA** Technology & Standards publications page. Interpretations on file should be considered during the next revision of the document.

### 6.13 Record Retention

Records associated with **standards** development shall be maintained as described in this section.

#### 6.13.1 New, Revised, or Reaffirmed Documents

Records shall be retained for a minimum of five years or until approval of the subsequent revision or reaffirmation of the complete document.

#### 6.13.2 Stabilized Documents

Records shall be retained until the document is reaffirmed, revised, or subsequently reviewed in connection with its stabilized maintenance.

#### 6.13.3 Withdrawn Documents

Records shall be retained for at least five years from the date of withdrawal.

#### 6.13.4 Appeals

Materials associated with the conduct of appeals shall be retained for a minimum of five years, or until such time as the document that was the subject of the appeal has been withdrawn, whichever is longer.

### 7 Legal Issues

All committees and subcommittees shall adhere to the general rules applicable to all **CTA** activities, noting specifically Intellectual Property Rights (IPR) in accordance with **CTA** Legal Guides in all matters pertaining to **CTA** and its standardization programs. When developing an **ANSI/CTA standard ANSI's** legal guidelines in the **ANSI** Essential Requirements shall be followed.

The **CTA** Legal Guides shall govern all **standards** development activities conducted by **CTA** Technology & Standards committees and subcommittees. The **CTA** Legal Guides are included in Annex A of these procedures or on the **CTA** website ([www.cta.tech](http://www.cta.tech)).

#### 7.1 Disclosure of Essential Patents

There is no objection in principle to drafting a proposed **CTA standard** or **ANS** in terms that include the use of a patented item, if it is considered that technical reasons justify this approach. If the committee or subcommittee receives notice that a proposed **standard** may require the use of a patented invention, the patent holder shall provide the **IP proffer** to a **CTA** Technology & Standards staff representative, prior to **meeting vote** or ballot.

The standards development and approval process is made more efficient if the existence of essential patents (and essential pending patents) is made known as early as possible in the development work. Conversely, the discovery at the final stages of standards development of an **essential patent** (or pending patent) that is not available for licensing under reasonable terms and conditions may result in the loss of years of committee or subcommittee effort. It is therefore required that committee and subcommittee **representatives** disclose any knowledge they may have of existing **essential patents** (or an intent to patent items whenever appropriate) affecting the work. Chairs and **CTA** Technology & Standards staff should remind committee and subcommittee **representatives** of this responsibility.

#### 7.2 General Patent Policy Guidelines

Discussion of a pending or existing patent does not constitute an acknowledgment of the validity of the patent since validity is based on prior art and determination of who first made application or discovered the technique or process. Discussion, if any, shall concern whether the patent's technical content is suitable for, or applies to, the standardization effort at hand.

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

Thus, if notice is given of a patent that may be required for use of an already approved **CTA standard**, **CTA** may wish to make it clear to all **representatives** that the **CTA** procedures require the patent holder to provide the assurances contained in the patent policy or suffer the withdrawal of **CTA** approval of the document as a **CTA standard** and ultimately as an **ANS**.

### 7.3 CTA and ANSI Patent Policies

Reasonable efforts shall be made to notify **representatives** that they are required to identify **essential patents** at the earliest point in standards development. The **IP proffer** should be provided no later than seven days prior to the vote to approve. These efforts shall include a call for **IP proffers** on all draft **standards**. In addition, calls for disclosure may be made during **meetings**.

While committee and subcommittee **representatives** are obligated to disclose knowledge they may have of **essential patents**, they are not obligated to conduct a patent search for such patents.

Requirements in **CTA standards** that are known to call for use of a patented item or process may not be knowingly considered by committees and subcommittees unless the responsible chair and **CTA** Technology & Standards staff have received a statement from the patent applicant or holder indicating compliance with the **CTA** intellectual property rights policy by stating one of the following:

- a) a license shall be made available without charge to applicants desiring to use the patent for the purpose of implementing the **standard(s)** under reasonable terms and conditions that are demonstrably free of any unfair discrimination, or
- b) a license shall be made available with charge to applicants under reasonable terms and conditions that are demonstrably free of any unfair discrimination.

The statement from the patent holder should be stated in Annex B, Patent Holder Statement (Normative). **CTA** will not accept statements which are conditional or which reveal the terms of licensing.

The statement shall indicate that the patent holder (or third party authorized to make assurances on its behalf) will include in any documents transferring ownership of patents subject to the assurance, provisions sufficient to ensure (i) that the commitments in the assurance are binding on the transferee<sup>\*1</sup>, and (ii) that the transferee will similarly include appropriate provisions in the event of future transfers with the goal of binding each successor-in-interest.

The statement shall also indicate that it is intended to be binding on successors-in-interest regardless of whether such provisions are included in the relevant transfer documents.

Notwithstanding the foregoing, IP owners are under no duty to license their IP or to license on reasonable terms and conditions that are demonstrably free of any unfair discrimination.

Statements from the patent holders shall be submitted to the **CTA** legal counsel for review. **CTA** does not have the expertise to evaluate each patent, application or license, and relies on the applicant's or holder's statement.

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<sup>1</sup> Patent holders or applicants may comply with (i) and (ii) by including a general statement in the transfer or assignment documents that the patent claim(s) being transferred or assigned are subject to any encumbrances, e.g., a RAND licensing obligation, that may exist as of the effective date of such documents.



In addition, **CTA** shall not be responsible for identifying any patents for which a license may be required by a **CTA** or **ANSI/CTA standard**, or for conducting inquiries into the legal validity or scope of those patents that are brought to its attention.

In general, **CTA** and **ANSI** have similar patent policies. Both **CTA** and **ANSI** patent policies were designed to balance the rights of the patent holder to exploit its legal monopoly in connection with its technology and the rights of readers of the **standard** to have access to technology that is essential to implement the **standard**. **CTA** and patent holders both have responsibilities in connection with **CTA's** and **ANSI's** patent policies. **CTA** shall respond to any assertion by a patent holder, request that the holder by some date certain state definitively whether the holder's technology is "essential", and if so, ask the holder if it is willing to license the technology on reasonable terms and conditions demonstrably free from unfair discrimination.

When a **CTA standard** is developed for submission to **ANSI** as an **ANS** the **ANSI** Essential Requirements shall control to the extent there is any inconsistency with **CTA's** rules and procedures.

Each **CTA** or **ANSI/CTA standard** shall carry the following notification in its "Notice":

*Standards and Publications are adopted by CTA in accordance with American National Standards Institute (ANSI) patent policy. By such action, CTA does not assume any liability to any patent owner, nor does it assume any obligation whatever to parties adopting the Standard or Publication. CTA takes no position with respect to the validity of any claimed patent rights relating to this standard. CTA is not responsible for identifying patents for which a license may be required in order to comply with any CTA standard.*

When the committee or subcommittee receives an **IP proffer** from a patent holder, the **standard** shall include a note as follows:

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

*By publication of this standard, no position is taken with respect to the validity of this claim or of any patent rights in connection therewith. The patent holder has, 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.*

If the patent holder chooses not to make its technology available and the technology is essential to implementation of the **CTA** or **ANSI/CTA standard** then it may be necessary to revise or withdraw the **standard**. A copy of all identified statements from patent holders received by **CTA** shall be forwarded to **ANSI**.

#### **7.4 Copyrighted Material**

If, in developing a document, a committee or subcommittee proposes to incorporate verbatim material from a publication copyrighted by a non-**member** such as another organization then a committee or subcommittee **member** or **CTA** Technology & Standards staff shall obtain written permission from the owner of the copyright for **CTA** to reprint the material, forward the letter granting permission to **CTA** legal counsel, and include an appropriate reference to such permission in the **standard** as a footnote.

The following copyright statement shall be provided for any written contribution intended for inclusion in a **CTA** document (for which the contributor possesses a copyright):

*The contributor grants a free, irrevocable license to CTA to incorporate text or other copyrightable material contained in this contribution and any modifications thereof in the creation of a CTA document; to copyright and sell portions of this contribution; and at CTA's sole discretion, to*

*permit others to reproduce in whole or in part such contributions or the resulting CTA document. The contributor will grant licenses under such copyrights to third parties on reasonable, non-discriminatory terms and conditions, if appropriate, including the right to develop derivative works by CTA and implementers of the CTA document that incorporates this text.*

Reference to such permission shall be noted in the **standard**.

If a committee or subcommittee proposes to incorporate verbatim material, in whole or in part, from an **ISO/IEC standard**, the chair shall consult appropriate **CTA** Technology & Standards staff for appropriate procedures and further details.

### 7.5 Contributions

Committee, subcommittee, and working group **members** agree that, as a condition of their participation, copyright of any new material created during the course of a **CTA meeting** will be held by **CTA Representatives** who contribute material to be used in a **CTA** document agree to provide a free, irrevocable license to use the contribution in any **CTA** publication (no license is necessary where the information is not subject to copyright protection,).

Contributions made by anyone participating in **CTA standards** activities shall be free of "proprietary," "company confidential," or other similar claims. Copyrighted material may be shared with a committee or subcommittee for information purposes only provided the contributor specifically identifies the copyrighted material when it is presented.

### 7.6 Commercial Terms and Conditions

Provisions involving business relations between buyer and seller such as guarantees, warranties, and other commercial terms and conditions shall not be included in a document. The appearance that a document endorses any particular products, services or companies must be avoided. Therefore, it generally is not acceptable to include proper names, trademarks, service marks, certification marks, manufacturer lists, service provider lists, or similar material in the text of a **standard** or in an annex (or the equivalent). Where a sole source exists for essential equipment, materials or services necessary to comply with or to determine compliance with the document, it is permissible to supply the name and address of the source in a footnote or informative annex as long as the words "or the equivalent" are added to the reference. Where reference to a trademark, service mark or certification mark is necessary or desirable, it is permissible to reference the mark as long as a license or permission has been obtained from the owner of the mark, if necessary, and the words "or the equivalent" are added to the reference. In connection with documents that relate to the determination of whether products or services conform to one or more **standards**, the process or criteria for determining conformity can be standardized as long as the description of the process or criteria is limited to technical and engineering concerns and does not include what would otherwise be a commercial term.

## 8 Review of International Standards

It is the policy of the U.S. National Committee (USNC) **IEC** Council to coordinate United States involvement in the **IEC** and other electrotechnical bodies associated with the **IEC**. The main focus of the council is to manage policy and strategic issues and to improve the overall effectiveness of the USNC's interface with the **IEC**. It also coordinates USNC activities with appropriate standards boards to promote consistency between those international and national activities that fall within the scope of the **IEC**. Commonality between **IEC standards** and **CTA standards** shall also be an objective. During the development of a **CTA standards** proposal, the **CTA** committee or subcommittee should conduct a review and compare the **standards** proposal with any similar **IEC** or **ISO standard**. When similar **IEC** or **ISO standards** exist, a determination should be made regarding the extent to which the **CTA standards** proposal is based on an existing international **standard**. When similar **IEC** or **ISO standards** do not exist, it shall be recognized during the development of the **CTA standards** proposal that the resulting **standard** may represent a basis for a U.S. position in the development of an international **standard**.

## **Annex A CTA Legal Guides**

### **PART I: GENERAL RULES APPLICABLE TO ALL CTA ACTIVITIES**

- Section A. Antitrust Principles
- Section B. Procedures for Conducting Activities

### **PART II: SPECIAL GUIDES APPLICABLE TO STANDARDIZATION PROGRAMS**

- Section A. Limitations on Standardization Programs
- Section B. Statement of Policy
- Section C. Basic Rules for Conducting Programs
- Section D. Selecting a Program
- Section E. Notice of Meetings
- Section F. Special Rules for Conducting Standardization Programs
- Section G. Procedures for Commenting on Military Specifications and Products

### **PART III: SPECIAL GUIDES APPLICABLE TO MARKETING DATA REPORTING PROGRAMS**

- Section A. Selection and Approval of Program
- Section B. Reporting Data on Completed and Future Transactions
- Section C. Compilation and Distribution of Data
- Section D. Rules for Participation
- Section E. Policing Reports
- Section F. Distribution of Reports
- Section G. Adherence to Reports
- Section H. Discussions at Meetings

*Published for the guidance of members and staff of the Consumer Technology Association in the conduct of CTA activities.*

## **FOREWORD**

In promoting these interests, CTA engages in numerous activities conducted through its committees, sections, divisions, departments, and Board of Directors. These activities are conducted under strict policies designed to promote and stimulate our free enterprise system and to make sure that laws for maintaining and preserving this system are vigorously followed. These guides constitute an important means for accomplishing this purpose and to assure that CTA's legitimate objectives are achieved by lawful means.

These Guides reflect the best judgment of the standards of conduct and legal restraints which must be observed to protect against violations of the law. Experience has shown that questions and situations will arise from time to time which are not covered by these Guides but which nonetheless will require legal advice in order to make sure that the activity is legally proper and avoids embarrassment to CTA and participating members. Such questions must be addressed in a timely and thorough manner.

Gary Shapiro, President & CEO  
John J. Kelly, General Counsel

July \_\_, 2015

## **PART I: GENERAL GUIDES APPLICABLE TO ALL CTA ACTIVITIES**

This Part I includes general guides applicable to all Consumer Technology Association activities. They are required to be read and followed by all members of CTA and staff, chairmen and members of all committees, sections, divisions, and other CTA-sponsored groups.

**Section A. ANTITRUST PRINCIPLES** CTA activities or programs relating to any of the following subjects are improper and are not permitted:

- (1) Restraint of Trade Agreements. The establishment of prices, production quotas, or uniformity of conduct, the allocation of customers or markets, standard terms or conditions of sale, boycotts, or other competitive restraints are improper activities. Therefore, any activities within, or in conjunction with, CTA meetings relating to any of these matters are improper and committee chairmen, staff and participants should take affirmative action to assure that no such discussions are initiated or pursued.
- (2) Prices and Pricing Policies. Any consideration or discussion of product prices or industry pricing policies is improper and therefore not permitted. This applies to all discussions and casual remarks relating to individual company prices, changes in prices, or general price levels whether involving formal or informal exchanges between participating representatives. Such discussions are improper and must be avoided.
- (3) Terms and Conditions of Purchase and Sale. Any discussion at, or in conjunction with, CTA meetings of terms and conditions of purchase and sale, including but not limited to warranty and warranty periods, discounts, allowances, or terms of credit, or the formulation of uniform or standard terms and conditions of purchase for sale, uniform basing points or zoning prices, or the recommendation thereof for voluntary use by the membership also is improper and is prohibited. It is usually proper, however, to discuss and propose comments and recommendations to Government agencies relating to general contract provisions, or modifications thereof, or other procurement practices or policies proposed or adopted by such agencies.
- (4) Costs. Programs or activities involving the exchange of information relating to individual company costs of production or distribution and any formulas for computing such costs are improper. Discussions at CTA meetings of industry costs are normally not permitted.
- (5) Future Plans. Programs involving the exchange of company information relating to future plans affecting the design, research and development, production, and distribution or marketing of products are also improper. Any discussions at CTA meetings relating to such programs are not permitted.
- (6) Boycotting Customers or Products. Any activity involving the black-listing or boycotting of customers, competitors, suppliers, or others or establishment of patterns of uniform dealing is improper. Therefore, there shall be no activities relating to any form of boycotting or any activity which may be interpreted as such.

### **Section B. PROCEDURES FOR CONDUCTING ACTIVITIES**

- (1) Notices and Agendas. Notices and agendas for CTA meetings shall be prepared in advance and distributed prior to the date of the meeting. Agendas shall not include any subjects which are stated as improper for consideration or discussion under the rules established in these Legal Guides. All agendas otherwise shall be in conformity with rules established by the General Counsel or shall be specifically approved by the General Counsel. Whenever feasible, background information which would be helpful in the consideration of items on the agenda should be distributed in advance of meetings.
- (2) Conduct of Meetings. All meetings shall be conducted in such a way as to assure ample opportunity and freedom in the exchange of ideas and an equal voice in all decisions. Committee chairmen and CTA staff personnel shall make sure that all actions and discussions at meetings are kept within the bounds of proper CTA activity. Committee chairmen should immediately rule out of order discussion deemed improper or questionable under the policies set forth herein until the propriety of such discussion has been determined by the General Counsel. If any doubt exists concerning the propriety of a

program, either from a legal or policy point of view, it shall not become final or effective until after review by the General Counsel. Committee chairmen should follow the published agenda and not depart therefrom except for a good and legitimate reason, in which event the minutes should record the reasons for such departure.

(a) Voting in Committees. All Committees shall adopt rules consistent with these Guides to insure that each company represented shall be entitled to vote in a manner which will give equal weight to the vote of each company represented on the Committee, regardless of the number of representatives from any one company, if there should be more than one.

(3) Preparation and Review of Minutes. Detailed minutes of all meetings shall be taken and recorded. Minutes shall include the time and place of the meeting, a list of all committee members and non-members attending, a statement of all matters discussed and actions taken with appropriate reasons therefore, and a record of all voting.

All minutes of meetings shall be approved by the General Counsel before distribution. Upon approval, they should be distributed to all members of the committee and any other CTA members desiring or requesting copies.

(4) Duty of Good Faith. CTA members and committee, discovery group and working group participants, especially members of any Board, have a duty of good faith to CTA. This duty extends to maintaining confidentiality and disclosing any non-obvious conflicts of interest. Members have a duty to avoid specific interests that might prevent progress by CTA-sponsored groups and, if a conflict of interest arises, each member has a duty to disclose the conflict to the other members of the group and to CTA staff.

(5) Duty of Confidentiality. CTA members have a duty to keep information that is disclosed in CTA meetings in confidence. Confidential information is any visual, oral or written information that is designated as confidential or that a reasonable person would understand from the context to be confidential. CTA members must not disclose confidential information to any non-member or third-party, including the media. Issues discussed and agreed upon in CTA meetings should be disclosed to media only through CTA offices.

## **PART II: SPECIAL GUIDES APPLICABLE TO STANDARDIZATION PROGRAMS**

This PART II contains legal policies applying specifically to the operations and conduct of all CTA standardization and related programs. It details the general policies of CTA and supplements the procedures contained in the Technology & Standards Department "Manual of Organization and Procedure." In addition to the rules established in this PART II, all standardization programs are required to be conducted in accordance with the rules set forth in PART I of these Legal Guides.

### **Section A. LIMITATIONS ON STANDARDIZATION PROGRAMS**

CTA standardization programs shall be confined to the formulation of standards within the rules set forth in this PART II defining or describing the dimension, quality, reliability, operating characteristics, performance, nomenclature, or any combination of these, and similar factors relating to electronics and related products, processes, systems, and procedures. These programs include not only those sponsored or initiated by CTA and its members but also those recommended by Government agencies.

### **Section B. STATEMENT OF POLICY**

The following statement of policy, reflecting the basic objectives of all standardization programs, shall be included in all CTA standards:

CTA standards are designed to serve the public interest by eliminating misunderstandings between manufacturers and purchasers, facilitating interchangeability and improvement of products, and assisting the purchaser in selecting and obtaining with minimum delay the proper product for this particular need. Existence of such standards shall not in any respect preclude any member or non-member of CTA from manufacturing or selling products not conforming to such standards.

Standards are proposed or adopted by CTA without regard to whether their proposal or adoption may in any way involve patents on articles, materials, or processes. By such action, CTA does not assume any liability to any patent owner, nor does it assume any obligation whatever to parties adopting CTA standards.

In all cases, however, specific requirements and restraints expressed elsewhere in these Guides must govern.

### **Section C. BASIC RULES FOR CONDUCTING PROGRAMS**

All CTA standardization programs shall be conducted in accordance with the following basic rules:

- (1) They shall be carried on in good faith under policies and procedures which will assure fairness and unrestricted participation;
- (2) Participation shall be extended to all technically qualified members of the industry, including representatives of user groups where appropriate, irrespective of membership in CTA;
- (3) Each program shall be shown to serve one or more of the public interest objectives as provided in Section D of this PART II;
- (4) They shall not involve any agreement, expressed or implied, to adhere, or require adherence to a standard or the use of any coercion, directly or indirectly, with respect thereto;
- (5) They shall not be proposed for or indirectly result in effectuation of a price fixing arrangement, facilitating price uniformity or stabilization, restricting competition, giving a competitive advantage to any manufacturer, excluding competitors from the market, limiting or otherwise curtailing production, or reducing product variations except where required to meet one or more of the objectives set forth in section D of this PART II; and
- (6) Personnel participating in such programs as the representatives of members of the industry should be technical personnel who shall not have primary responsibility for marketing or for management of marketing personnel.
- (7) See clause 7.3, CTA and ANSI Patent Policies, of CTA-EP-23, Technology & Standards Procedures Manual.

### **Section D. SELECTING A PROGRAM**

All standardization programs must be shown to serve a legitimate public interest objective and that objective should be specifically stated in the context of the standard. To assure this, the program should relate to the achievement of one or more of the following objectives:

- (1) Promotion of interchangeability or improvement of products;
- (2) Elimination of misunderstandings or confusion between manufacturers and buyers with respect to the products;
- (3) Providing assistance to the purchaser in selecting and obtaining with minimum delay a suitable product for his particular need; or
- (4) Serve a declared governmental or public interest.

### **Section E. NOTICE OF MEETINGS**

Advance notice shall be given to all participating representatives as to the matter to be considered for standardization and the nature of the action being contemplated. Procedures should provide reasonable means for making available all data, specifications, and other technical information relating to a product proposed for standardization to all persons participating in or contributing to the program

involved irrespective of their membership in CTA. Committee activities should be limited to discussions of the engineering and technical aspects of standardization or the procedures relating thereto.

## **Section F. SPECIAL RULES FOR CONDUCTING STANDARDIZATION PROGRAMS**

- (1) Voluntary Adherence to Standards. Adherence to standards shall be entirely voluntary and within the discretion of individual manufacturers. Any agreement, expressed or implied, or any coercion, direct or indirect, to adhere or to require or compel adherence to a standard is not permitted.
- (2) Technology & Standards and Technical Considerations. All standardization activity shall be confined to the technical and engineering considerations in the establishment of a standard and these considerations shall relate to one of the legitimate objectives as provided in Section D of this PART II.
- (3) Commercial Standards. Standardization relating to the commercial aspects of products, such as conditions or terms defining commercial relationships between manufacturer and buyer with respect to engineering standards is not permitted. This type of standardization activity, involving bargaining among manufacturers, distributors or dealers, and including but not limited to matters of uniform warranties, conditions of acceptance and rejection, and terms or conditions of transaction is the proper concern of each interested company acting individually and is not a proper CTA activity. (See Section A(3), PART I of these Guides).
- (4) Standards Involving Quality or Performance. Generally, standards relating to quality or performance of products should not specify or describe the characteristics of such products in terms of maximum quality or maximum performance. This does not preclude standards stated in terms of maximum or minimum-maximum characteristics which are prescribed for the sole purpose of indicating that the product meets certain limited requirements and is designed to serve limited technical functions and purposes. Such standards generally involve product differentiation as distinguished from product quality. Standards may include suggested specific AQL's (Acceptable Quality Level) for guidance purposes with the actual AQL to be agreed upon between the manufacturers and the user, or include ranges of AQL's for the same purpose.
- (5) Revision of Standards. Any revision of an existing standard shall conform to the same procedures and policies applicable to the initiation of the original standard. Such revision should be clearly justified as to legitimacy of objective and that objective should be stated in the revision.
- (6) Interpretation of Standards. The interpretation of standards, insofar as it may relate to a specific product or manufacturer, is a proper matter for individual company concern and should not be undertaken by CTA staff members or any person acting in the capacity of a CTA committee member. CTA staff comments, if any, shall be limited to an explanation or clarification of technical language or provisions in a standard but not related to its application to specific products or manufacturers.
- (7) Acceptability of Standards. All proposed standards recommended by CTA Technology & Standards committees or subcommittees shall be submitted for final review and approval to industry members in accordance with the CTA Technology & Standards Department's Procedures Manual. No standard shall be recommended for adoption unless it receives substantial industry acceptance.
- (8) Final Adoption. Final adoption of proposed standards shall be in accordance with the Technology & Standards Department's Procedures Manual. In the process of adopting a standard, consideration shall be given to all comments of industry and user interests where applicable irrespective of CTA membership, and if there is substantial opposition to the adoption of a proposed standard, the program involving such standard should be abandoned or referred to an appropriate committee or task group for further consideration.

## **Section G. PROCEDURES FOR COMMENTING ON MILITARY SPECIFICATIONS AND PRODUCTS**

In offering comments or recommendations to elements of the DOD on Military standardization documents, the following procedures shall be followed:

- (1) Participation shall be unrestricted and extended to all companies that have made known their interest regardless of membership in CTA or on the cognizant committee(s) or subcommittee(s);

- (2) Adequate notice of meetings shall be given all committee or subcommittee members and all other companies or representatives known to have an interest and shall include all issues to be discussed;
- (3) Comments and recommendations shall be offered merely as such, limited to the technical aspects of the specifications, and shall reflect any divergency of views among those participating;
- (4) Comments and recommendations shall be made available to all company representatives known to have an interest, as prescribed in the CTA Technology & Standards Procedures Manual.
- (5) All submissions to military departments shall contain a statement that the comments and recommendations reflect only the views of the group participating; and
- (6) They shall be reviewed and submitted by CTA staff in accordance with the established procedures.

### **PART III: SPECIAL GUIDES APPLICABLE TO MARKETING DATA REPORTING PROGRAMS**

This PART III sets forth specific rules for conducting marketing data programs by the CTA Market Research Department under the general jurisdiction of the Market Research Policy Committee. In addition to the rules established in this PART III, all marketing data programs are subject also to the rules set forth in PART I of these Guides.

#### **Section A. SELECTION AND APPROVAL OF PROGRAM**

All new marketing data programs shall be subject to legal review and approval of the General Counsel prior to adoption. No program shall be undertaken involving the collection and reporting of data relating to activities, programs, or purposes which are not permitted in PART I of these Guides.

A recommended program involving the collection, dissemination, and distribution of marketing data, should be evaluated carefully before it is put into effect to assure it achieves a legitimate objective by proper means. Generally, it shall be a program designed to provide participating members with information determined to be useful in producing more intelligent competition based upon increased knowledge of market conditions. A marketing data program shall not be conducted for purposes designed to stabilize or fix prices, divide or limit markets among program participants, control production, or otherwise restrict competition.

#### **Section B. REPORTING DATA ON COMPLETED AND FUTURE TRANSACTIONS**

CTA marketing data programs involving the submission of individual company data shall be confined to the reporting of completed transactions in past periods. Programs for the collection and reporting of summary data involving estimates of individual company future production or sales or purchases are not permitted. Moreover, no program for the collection and reporting by companies of their industry-wide estimates of future production or sales is to be permitted unless its usefulness is clearly justified as serving a proper business purpose and the program is specifically approved by the General Counsel.

#### **Section C. COMPILATION AND DISTRIBUTION OF DATA**

Information in individual company reports shall be kept in complete confidence by the originator and involved CTA staff. The collection and dissemination of reports shall be made in an isolated security area and only staff members of the CTA Market Research Department shall have access to this area. Individual company reports and working papers must remain in locked files within the security of the area of that department. Under no circumstances may the reports or the information therein be divulged to anyone other than staff members in the department except in the form of the official summary report released to industry participants under established procedures. Each individual company report either should be returned to the reporting company or destroyed within a reasonable time after verification and consolidation.



In compiling data for reporting purposes, no report of data should be released when less than three companies have participated. Reports involving participation by three companies or more, under circumstances in which the report of one company shows it exceeds fifty per cent of the total, shall not be released unless permission is obtained of the company reporting in excess of such fifty per cent. Also, no report shall be distributed in which individual company figures can be identified either directly or indirectly.

#### **Section D. RULES FOR PARTICIPATION**

Participation in marketing data programs shall be extended to all members of the industry regardless of CTA membership. Whether members or non-members should be charged for defraying the expenses of conducting a program is a question of policy. However, any such charges should bear a reasonable relationship to the total costs of conducting the program and fairly represent a proportionate share of such costs allocable to the participant.

Decisions to participate in marketing data programs shall be left entirely within the discretion of individual companies. While participation may be encouraged, there should be no threats or coercion, directly or indirectly, to force eligible industry members to participate.

#### **Section E. POLICING REPORTS**

Reports of participating companies should not be questioned by CTA staff except for purposes of clarification or for correcting apparent mistakes in reporting. There shall be no activity directed at policing the accuracy of individual reports through staff audits of participating company books or other similar means.

#### **Section F. DISTRIBUTION OF REPORTS**

Marketing reports shall be distributed to all members of the industry participating in the program involved regardless of CTA membership. They also shall be made available to any other persons having a legitimate interest therein. Copies of all reports may be distributed to the U.S. Department of Commerce, Federal Communications Commission, the Federal Reserve Board, and to any other agency of Federal or State Government requesting such reports.

Marketing information also shall be published in news releases at such intervals as deemed desirable and appropriate.

All published reports to industry participants shall contain the following statement:

Caution: This report is published by the CTA as a service to the electronics industry and is distributed to participants for their individual company use. The specific data contained in any report shall not be the subject of discussion with other members of the industry either within or outside committee meetings. Any use of this information by members of the industry as part of an agreement or other undertaking in restraint of trade, either expressed or implied, is not authorized.

#### **Section G. ADHERENCE TO REPORTS**

There shall be no activity directed at suggesting or requiring adherence to any action or policy in the light of reported data. There also shall be no coercion by CTA or its staff, or by members of the industry suggesting or requiring such adherence.

#### **Section H. DISCUSSIONS AT MEETINGS**

Discussions at marketing data or other committee meetings shall be limited to the propriety of recommending or continuing a particular program, the format or design of a report, the procedure for developing the data therefor, and the general rules for conducting the program. There shall be no discussions of individual company data. Any discussions of reported information shall be permitted only in a general abstract sense and limited to industry-wide data as they relate to the over-all health and economic condition of the industry. There shall be no discussions with respect to any published data

leading to any understandings in restraint of trade, expressed or implied, nor shall there be any discussions relating to the use of such data for forecasting or predicting future trends. There shall be no discussion whatsoever of prices or pricing practices or other terms or conditions of distribution or sale.

**Annex B Patent Holder Statement (Normative)**

STATEMENT FROM PATENT HOLDER

Date: \_\_\_\_\_

Reference Document: \_\_\_\_\_  
(refer to ANSI/CTA or CTA Standard (including Amendments)) (One form per document)

Patent or Patent Application Number(s): \_\_\_\_\_

Company Name: \_\_\_\_\_

Address: \_\_\_\_\_

\_\_\_\_\_

Contact \_\_\_\_\_

Phone \_\_\_\_\_

Email \_\_\_\_\_

With respect to any relevant patents held or controlled by the company, pending or anticipated to be filed necessary to implement the above document (mark with an "X" those applicable):

The company states:

\_\_\_ It does not hold and does not anticipate holding any patented invention the use of which would be required for compliance with the proposed CTA Standard (including Amendments)

OR

The company states one of either:

\_\_\_ (i) A license will be made available without compensation to applicants desiring to utilize the license for the purpose of implementing the proposed CTA Standard (including Amendments);

or

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

AND

The company (or third party authorized to make assurances on its behalf) will include in any documents transferring ownership of patents subject to the assurance, provisions sufficient to ensure (i) that the commitments in the assurance are binding on the transferee<sup>2</sup>, and (ii) that the transferee will similarly include appropriate provisions in the event of future transfers with the goal of binding each successor-in-interest. The documents shall also indicate that the provisions are intended to be binding on successors-in-interest regardless of whether such provisions are included in the relevant transfer documents..

Agreed, on behalf of the above company:

\_\_\_\_\_  
(Signature)

\_\_\_\_\_  
(Name printed)

\_\_\_\_\_  
(Date)

<sup>2</sup> Patent holders or applicants may comply with (i) and (ii) by including a general statement in the transfer or assignment documents that the patent claim(s) being transferred or assigned are subject to any encumbrances, e.g., a RAND licensing obligation, that may exist as of the effective date of such documents.

**Annex C Statement from Copyright Holder (Normative)**

Contact person regarding patents and intellectual property matters:

Name: \_\_\_\_\_

Title: \_\_\_\_\_

Company: \_\_\_\_\_

Address: \_\_\_\_\_

\_\_\_\_\_

Telephone: \_\_\_\_\_ Fax: \_\_\_\_\_

E-mail: \_\_\_\_\_

On behalf of the above company, and being authorized by the company to make such representations, we indicate the following:

\_\_\_\_\_ (Company Name, hereinafter "company") hereby grants a free, irrevocable license to the Consumer Technology Association (CTA) to incorporate text or copyrightable material contained in any company contributions and any modifications thereof in the creation of a CTA standards publication; to copyright and sell in CTA's name any CTA standards publication even though it may include portions of the contribution; and at CTA's sole discretion to permit others to reproduce in whole or in part such contributions or the resulting CTA standards publication. The company will also be willing to grant licenses under such copyrights to third parties on reasonable, non-discriminatory terms and conditions, if appropriate.

Agreed, on behalf of the above company:

\_\_\_\_\_  
(Signature)

\_\_\_\_\_  
(Name/title, printed)

\_\_\_\_\_  
(Date)