

Consumer Technology Association™ (CTA)

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

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CTA TECHNOLOGY & STANDARDS PROCEDURES MANUAL

1 Scope

This document defines the organizational and procedural requirements for Consumer Technology Association™ (CTA) technical projects, including standards activities.

2 Definitions and Acronyms

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. Amendments can be submitted to ANSI if the parent document is an ANS.

ANSI – American National Standards Institute (www.ansi.org).

ANS – American National Standard.

BSR – The Board of Standards Review is the ANSI body responsible for the approval of ANS.

Bulletin – Bulletins are documents that are solely informative in nature and do not contain any normative text. A bulletin may be called a “guideline,” a “recommended practice,” a “bulletin,” or something similar.

Canvass Committee – A Group as defined in Section 5.

CTA Technology & Standards Senior Staff – CTA Technology & Standards staff that is identified as director level or above.

Committee – A Group as defined in Section 5.

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, Subcommittee, or Technical Project Group that are eligible to vote form a Consensus Body.

Errata – A document that describes and corrects errors in a standard or bulletin that were clearly not the intent of the group that adopted the document. An errata is not to be used as a means to update a document.

Essential Patent – A patent or a published or unpublished patent application that includes one or more Essential Patent Claims.

Essential Patent Claim – A claim to an Essential Patent, which is reasonably believed to be essential for the implementation of the normative elements of a standard.

Group – Groups, for the purpose of this document, include Standards Committees, Subcommittees, Working Groups, Canvass Committees, Technical Project Groups and Advisory Groups as defined below.

IP Proffer – A statement from a patent holder using the “Patent Holder Statement” form.

Member – A company or individual that has fulfilled the requirements to participate in the CTA standards program. See Section 7, Membership Criteria.

Normative Elements – Elements that describe the scope of the document, and which set out requirements.

Other Documents – Documents other than Bulletins and Standards, such as technical reports and white papers, that can be approved by Committees and Subcommittees to provide technical information as needed.

Representative – An individual appointed by a member that participates in a group. An individual cannot represent more than one member in any one group meeting.

Standard – Standards are documents that describe technical requirements for equipment design, processes, procedures or practices. Generally, a Standard contains at least one normative requirement. A Standard may be called a “standard,” a “specification,” or something similar.

Subcommittee – A Group as defined in Section 5.

Substantive – A 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.

Technical Project Group – A Group as defined in Section 5.

Unactionable Comment – A comment which is out of scope of the ballot, merely repeats a comment previously addressed, or that cannot be addressed by changing text.

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 Section 3.1.

ANSI:

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

CTA:

- EP-24, Manual for Organization and Style of Standards and Bulletins
- CTA Legal Guides
- CTA By-Laws

Robert's Rules:

- Robert's Rules of Order

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; <http://www.CTA.tech>. For more information, email standards@cta.tech.

Robert's Rules of Order:

- www.robertsrules.com

4 Governance Groups

The following groups are responsible for the oversight of CTA's technical program, including standards activities. These groups, in conjunction with CTA Technology & Standards staff, have responsibility for the review and maintenance of

Technology & Standards Procedures Manual (EP-23) and Manual for Organization and Style of Standards and Bulletins (EP-24).

4.1 Standards Council (SC)

4.1.1 SC Mission

The Standards Council (SC) is the technical advisory body of the CTA standards program. In accordance with CTA By-Laws, it provides strategic direction and technical guidance to the CTA Standards Committees and facilitates communication between them.

The SC approves the creation of new Standards Committees and the disbanding of existing Standards Committees. The SC does not create standards but may recommend that a standards project be undertaken by a Standards Committee. The SC may also create scope statements for Standards projects, as recommendations to Standards Committees.

4.1.2 SC Structure & Membership

The SC shall consist of the chairs, vice-chairs, and co-chairs of each CTA Standards Committee and Subcommittee, up to ten at-large members consisting of individuals, and no more than one ex officio (non-voting) representative from the Technology Council, the CTA Board of Industry Leaders or the CTA Executive Board. Each of these individuals shall be appointed to their positions by the SC chair in consultation with the CTA Technology & Standards Senior Staff. Individuals serving on the SC should have technical backgrounds and be able to advise CTA on technology and standards policy matters.

At-large members should offer breadth and perspective not available from chairs, vice-chairs, and co-chairs of Standards Committees and Subcommittees and be willing to participate actively in SC activities. At-large members shall be appointed for two-year terms which can be renewed by the SC chair in consultation with the CTA Technology & Standards Senior Staff.

A CTA Committee or Subcommittee may have multiple SC representatives in the form of chair and vice-chair or co-chairs, but representatives from any one Committee or Subcommittee together shall have only one vote on SC matters. At-large members also have only one vote on SC 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 SC 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 SC members may select another individual from their respective company to attend SC meetings in their stead. Committee and Subcommittee chairs can select another individual from their respective Committee or Subcommittee to attend the SC meeting in their stead.

4.1.3 SC Leadership

The SC shall have a chair and a vice chair, both of whom shall be elected by the SC for one year terms, starting on January 1, and shall serve up to a maximum of two consecutive terms in a position and shall be elected in accordance with the policy outlined in Section 6.1.1.5.

4.2 Technology Council (TC)

4.2.1 TC Mission

The TC comprises senior industry technology executives who demonstrate thought leadership in assessing change and shaping the direction of the industry. The TC assesses needs driven by the ever-changing technology landscape and develops actionable guidance on work plans and projects to address these changes. The TC maintains a business focus on solutions to facilitate growth in ways that help consumers and CTA members alike.

The TC discusses a wide range of industry needs from the viewpoint of those charged with understanding and applying technology in the consumer technology industry. The Council takes action by (1) developing documents such as white

papers and industry studies that may include work plans with milestones for emerging topics affecting the industry; (2) identifying and managing Technical Project Groups (Section 5.2) where the goals and activities are technical in nature but fall outside CTA's Standards Committees; and (3) scoping individual standards projects for recommendation to the SC.

4.2.2 TC Structure & Membership

The TC is open to up to 20 representatives from companies who are CTA members in good standing. The TC will strive to maintain a balance of representatives across the industry. The Council may allow a limited number of non-voting observer positions on the Council for representatives from subgroups of the Council as needed.

TC representatives should be accomplished C-level or equivalent technical executives for their company. Representatives should have broad technical experience and background in the relevant industries. TC representatives should be able to fully represent the industry's interest and be empowered to make decisions on behalf of their companies. Representatives must recognize the importance of separating "industry" from "company" position and should, to the extent possible, act in the interest of industry as a whole.

Representatives can be removed from the TC at the discretion of the CTA Technology & Standards Senior Staff for due cause. Due cause includes but is not limited to lack of participation (e.g., meeting attendance).

4.2.3 TC Leadership

The TC chair shall oversee the operation and activities of the Council and preside over all meetings. It is the responsibility of the chair working in conjunction with CTA staff to maximize productivity during each meeting. CTA Technology & Standards Senior Staff in consultation with the TC chair may appoint a vice chair to assist with assigned duties.

The TC chair shall be appointed annually by the CTA Technology & Standards Senior Staff. The Chair shall serve for a one-year term to begin January 1 of the following year and may serve no more than two consecutive full terms unless otherwise approved by the TC.

5 Groups

Groups for the purpose of this document include Standards Committees, Subcommittees, Canvass Committees, Working Groups, Technical Project Groups and Advisory Groups as defined below. Other subgroups, such as Ad Hoc Groups, can be formed in order to address action items and tasks.

5.1 Standards Committees

CTA Standards Committees are created under the direction of the SC. Standards Committees have primary responsibility for the creation and development of standards including American National Standards. Scope, goals, and proposed leadership shall be cleared defined and communicated to the SC. All Standards Committees shall be initiated by consensus of the SC. The SC chair may authorize the creation of a new Standards Committee, but the initiation of the Standards Committee must then be approved by the SC by vote at the next meeting or by ballot before the next meeting.

CTA Standards Committees may be disbanded under the direction of the SC.

All Standards Committees shall communicate directly with the SC regarding work items and, when requested, shall provide a status report on activities.

Standards Committees and their associated subgroups are intended to exist for a significant period of time and are responsible for the development and maintenance of CTA standards.

5.1.1 Subcommittees

Standards Committees can create Subcommittees that have the same operational requirements as Committees (including serving as Consensus Bodies), except that they are created by their parent Committees and not the SC and dissolved by their parent Committees and not the SC. Subcommittees may create their own working groups.

The creation of a Subcommittee should be completed in conjunction with CTA Technology & Standards staff and should have a clearly defined mission, scope, and consensus body.

5.1.2 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.

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.

5.2 Canvass Committee

CTA Canvass Committees are specified purpose committees that may be used for the review and maintenance of CTA Standards or the approval of National Adoptions of International Standards.

Canvass Committees are created by consensus of the SC. The SC chair may authorize the creation of a new Canvass Committee, but the initiation of the Canvass Committee must then be approved by the SC by vote at its next meeting or by ballot before its next meeting. Approval by the Standards Committee to form a Canvass Committee shall take place prior to any ballots taking place in the Canvass Committee.

A Canvass Committee shall operate under the direction of the SC and shall have limited timeframe and scope. The scope, goals, and proposed leadership, if any, of a Canvass Committee shall be clearly defined and communicated by the SC.

A Canvass Committee shall be automatically terminated at the time of completion of its assigned task or sooner under the direction of the SC.

5.3 Technical Project Groups

CTA Technical Project Groups (TPGs) are created under the direction of the TC. TPGs shall be initiated by consensus of the TC. The TC chair may authorize the creation of a new TPG, but the initiation of the TPG must then be approved by the TC by vote at the next meeting or by ballot before the next meeting.

The scope, goals, membership, and leadership of the TPG shall be clearly defined and communicated to the TC at the initiation of the TPG. The termination of a TPG is at the discretion of the TC.

TPGs may develop technical documents including white papers but should not be responsible for the development of American National Standards. In the case that the need to develop an American National Standard is identified, the TPG should transfer the project to an appropriate Standards Committee.

All TPGs shall communicate directly with the TC regarding work items and when requested shall provide a status report on their activities.

5.3.1 Advisory Groups

Advisory Groups may be established by the TC or TPGs for specific purposes. When an Advisory Group is established, the Group that creates it shall approve a scope for it.

Advisory 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 advisory 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.

5.3.2 Technical Project Groups: Steering Committee

Where necessary and approved by the CTA Technology & Standards Senior Staff, a TPG can create a Steering Committee. Steering Committees can serve as a TPG; in this case all the requirements outlined for TPGs (see Section 5.2) shall be applied.

In the case that a TPG is serving as a Steering Committee, its formation shall be approved by the TC. If the Steering Committee is formed by the TPG, it shall be approved by that TPG.

The scope and purpose of a Steering Committee (when serving as a subgroup of a TPG) shall be clearly defined. Membership of the Steering Committee, including membership eligibility, is at the discretion of CTA Technology & Standards Senior Staff and can be limited if the eligibility criteria are clearly defined and publicly available.

6 Leadership

This section addresses the leadership of Groups as defined in Section 5. For information regarding the leadership of Governance Groups (SC and TC) please see Section 4.

The chair of a Group is responsible, in conjunction with CTA Staff, 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 group 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.

6.1.1 Committee, Subcommittee and Technical Project Groups

Committees, Subcommittees and TPGs may have one chair and 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."

6.1.1.1 Chair Eligibility

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

6.1.1.2 Nominations of Chairs

Nominations shall be accepted from voting member companies or with support of a voting member 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 or the parent Committee chair (where applicable), in consultation with the CTA Technology & Standards Senior Staff. The nomination period shall be at least 28 calendar days. The day notification is sent soliciting nominations shall not count toward the 28-calendar day period.

6.1.1.3 Chair Terms

The chair is elected by its members to a two-year term. Except as noted in Section 6.1.1.4, Exception to Term Limits, a chair shall serve no more than two consecutive terms of the same group.

6.1.1.4 Exception to Term Limits

If after the announcement of an election and the solicitation of nominations pursuant to Section 6.1.1.5, 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.

6.1.1.5 Elections of Chairs

Chairs shall be elected by the group voting 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.

In the case of a ballot, 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.

6.1.2 Canvass Committee

For the purpose of helping to drive consensus, a Chair may be identified for a Canvass Committee. If identified, the Chair of the Canvass Committee shall be approved by CTA Technology & Standards Senior Staff. If no Chair is identified, CTA Technology & Standards Staff can serve in this role. Chairs of Canvass Committees do not automatically receive a seat on the SC.

6.1.3 Working Group/Advisory Group

Working group and advisory group chairs shall be appointed by the chair of the parent group and CTA Standards staff with approval of the CTA Technology & Standards Senior Staff. There are no limits on the length of time an individual can serve as a chair of a working group or advisory group.

7 Membership Criteria

With the exception of Steering Committees, which may have a limited membership as defined in Section 5.3.2, Group (as defined in Section 5) membership is open to anyone with a direct and material interest in the Group's subject matter. Members of the press are excluded from all CTA technical project activities including standards in order to encourage free and open discussion during document development. Representatives should have a technical background relating to the subject area and shall declare their member affiliation.

7.1 Fees

CTA may charge a fee for participation in any of its Groups (as defined in Section 5). 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 Technology & Standards Senior Staff.

7.2 Balance

CTA strives to maintain a balance with respect to depth and diversity of participants across all Groups.

Members from diverse interest categories shall be sought with the objective of achieving balance. For Standards Committees and Subcommittees, no single interest category should be more than the majority of the total number of members with voting rights.

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. Interest categories used by Standards Committees or Subcommittees are as follows:

- **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, academia, other organizations and associations, and consumers.

8 Voting and Consensus

Where possible, all Groups seek to use consensus methods for approval of decisions and documents. In the case where the Group is developing an American National Standard, a formal ballot process (as defined in Section 8.4) is required.

8.1 Quorum

Quorum consists of a simple majority of members with voting rights within the SC, TC, a Standards Committee, a Standards Subcommittee or a TPG. A simple majority is defined as more than half. When a new Group is formed, two members constitutes a quorum for the first three meetings.

Quorum is required for a meeting to be deemed official and therefore allowing for the group to make decisions via consensus. Quorum is not required for working group or advisory group meetings.

8.2 Voting Rights

Standards Committee/Subcommittee members may earn and then retain voting rights by participating in the group's meetings. Voting rights are not required for participation in working groups or advisory groups.

For a member to obtain voting rights in a Standards Committee/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.

All members who join a Canvass Committee will automatically receive voting rights for the limited scope and timeframe of the work of the Canvass Committee. The voting rights will be terminated upon the dissolution of the Canvass Committee.

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 for the meeting shall serve as the official basis for acquiring, retaining and losing voting rights in Standards Committees/Subcommittees.

When a new Standards Committee or Subcommittee is formed, every member of 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.

8.3 Consensus

Consensus is defined as substantial agreement, generally more than a majority, but not necessarily unanimity, among members. Consensus requires that all views and objections be considered and that an effort be made toward their resolution. Group leaders are responsible for determining when Consensus has been achieved.

A Consensus process should be used for the approval of meeting reports and meeting agendas, creation of a new project, creation of a new subgroup, discontinuance of a project, discontinuance of a subgroup, and resolution of comments. The Consensus process shall not be used for the approval of an American National Standard (for which a Voting process is used) but in some cases can be used for the approval of a document by the TC or a TPG.

8.4 Voting

Votes shall be conducted by ballot.

A ballot shall be used for the final approval, reaffirmation, or withdrawal of an American National Standard, CTA standard, bulletin, amendment, errata, or other document developed within a Standards Committee and Subcommittee. A ballot should be used for the approval of all documents developed by the Technology Council and TPGs. Additional ballots may be used for seeking consensus on other items (e.g., projects) in between meetings. The purpose of the ballot shall be clearly stated to all members.

Ballots shall be distributed to all representatives of a Standards Committee, Subcommittee or Canvass Committee. Votes shall be accepted from members with voting rights only.

Initial ballots for the approval of a standard bulletin, amendment, errata, or other document shall have a minimum response time of 28 calendar days. All other ballots shall have a minimum response time of 14 calendar days. At the discretion of the Standards Committee, Subcommittee or Canvass Committee Chair or CTA staff, a ballot period may be extended to achieve a quorum. A new ballot may be considered if quorum (as defined in Section 8.1) 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.

For a Standards Committee, Subcommittee, Canvass Committee or TPG to approve a CTA standard, bulletin, errata, amendment or other document via ballot, 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 and “no without comment” are not included.

For a Standards Committee, Subcommittee, Canvass Committee or TPG to approve any other action a simple majority of those voting members casting “yes”, “yes with comment”, “no with comment” or “no without comment” voters must vote “yes” or “yes with comment.” Whenever any vote is taken the total number of votes received must meet the quorum requirement in Section 8.1, Quorum.

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

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

The results of the ballot vote shall be reported to the Committee, Subcommittee or Canvass Committee.

8.4.1 Ballot Response

The voting options shall be:

Yes	This indicates approval of the document.
Yes with comment(s)	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(s)	This indicates disapproval of the document. 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.
No w/o comments	This indicates disapproval of the document but is not required to be recirculated. The vote is however recorded as a negative without comment on the BSR-9 during submittal to ANSI.
Abstain	This indicates acknowledgement of the vote and expresses no opinion concerning the outcome of the vote.

Abstain with comment(s) This indicates acknowledgement of the vote and expresses no opinion concerning the outcome of the vote and includes an accompanying comment. Approval of the document shall not be contingent on acceptance of the comment.

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.

The document shall be considered approved, and the voting process closed, if no substantive changes are made to the document after it is released for vote or during comment resolution and no “no with comment” votes were received during the vote. The Group via consensus is responsible for determining whether a change is categorized as substantive.

Comments received during the ballot that are unactionable or are determined non-pertinent may be handled as a new proposal. If comments are deferred for a new proposal, the commenter shall be informed in writing.

8.4.1.1 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 Section 13, Appeals. The comment is resolved if the commenter’s vote changes to something other than “no with comment” in writing. This may happen because of changes to the document, or without changes to the document. A public review commenter shall be considered resolved if no further objection is received prior to an identified date.

8.4.2 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.

Comments that are repeat comments or are determined non-pertinent may be handled as a new proposal. If comments are deferred for a new proposal, the commenter shall be informed in writing.

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 to afford all members of the Consensus Body an opportunity to respond, reaffirm, or change their vote. Recirculation votes shall be conducted via ballot. 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 Section 8.4 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.

9 Meeting Management

9.1 Meeting Notices and Agendas

This section describes the requirements for distribution of meeting notices for all Groups. A meeting notice is a written communication of the time, date and place of a meeting.

9.1.1 Standards Committees, Subcommittee, Technical Project Groups

Meeting notices for all Standards Committee, Subcommittee, and TPG meetings should be distributed at least 28 calendar days before the meeting. A preliminary agenda shall be distributed with each meeting notice.

9.1.2 Working Groups and Advisory Groups

Meeting notices for face-to-face meetings of working groups and advisory groups should be distributed at least 28 calendar days before the meeting. Meeting notices for exclusively virtual meetings of working groups and other groups should be distributed at least six calendar days before the meeting. An agenda for WG meetings should be distributed to WG members at least one week prior to the meeting.

9.2 Meeting Minutes

Minutes shall be taken for each Committee, Subcommittee, or TPG meeting. Meeting Minutes shall be approved by the associated group chair and CTA Legal Counsel.

Meeting Minutes are not required for working groups, Canvass Committees or advisory groups. For these groups, a high-level meeting report should be created and distributed to all group members.

9.3 Meeting Conduct

All meetings shall be conducted in compliance with EP-23, CTA Legal Guides and the CTA Code of Conduct. Committee and Subcommittee meetings shall be conducted in compliance with Robert's Rules of Order.

9.4 Meeting Recording

Recording of meetings, teleconferences, or web conferences 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.

10 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.

10.1 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.

10.2 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) in conjunction with CTA Legal Guides. The MOU shall include the synchronization of process and approval by CTA legal counsel.

11 Document Development and Publication

This section describes requirements for the development of CTA standards, bulletins, amendments, errata and other documents.

11.1 Project Initiation

A project is any action that results in a new, revised, reaffirmed, stabilized or withdrawn CTA standard, bulletin, amendment, errata or other document. All projects shall be initiated by consensus of the responsible group (or via ballot in between meetings) of a Group along with an accompanying title and scope statement. A Group chair may authorize the start of work on a project, but the approval of the project must then be confirmed by the Group via consensus 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. ANSI Project Initiation Notification System (PINS) form shall be submitted to ANSI following Committee or Subcommittee approval of project initiation for new and revised ANSs.

11.1.1 Discontinuance of a Standards Project

The Group or Group 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 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.

11.1.2 Assertions of Conflict or Duplication and PINS Deliberation Report

CTA will apply the process for Assertions of Conflict or Duplication and PINS Deliberation Report described in Section 2.5.1.2 and 2.5.1.3 of the ANSI Essential Requirements.

For projects intended to result in ANSI/CTA standards, if written comments are received within 30 calendar 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 calendar 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-calendar day period. CTA shall maintain evidence to demonstrate that it has made a good faith effort to schedule and otherwise organize the deliberation.

11.1.2.1 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 calendar 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 calendar days after each deliberation. CTA shall ensure that any actions agreed upon from the deliberations are carried out within 90 calendar days following the deliberation. Should CTA ultimately submit the subject standard to ANSI for approval shall include all the Deliberation Report(s) with the BSR-9 submittal.

11.2 ANSI Approval

Standards that are intended to become ANS shall be submitted through the ANSI PINS (where applicable), ANSI BSR-8, and BSR-9 processes.

11.2.1 Public Review Comments (BSR-8 Process)

Responsible CTA staff shall submit the BSR-8 form to ANSI for publication in Standards Action. BSR-8 shall be submitted at the creation of a new project for a reaffirmation, stabilization, or withdrawal.

During the Public Review Process, the 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 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, including the resolution and the reasons therefore, 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 and that the comment will be considered resolved.

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.

11.2.2 Request for ANSI Approval (BSR-9 Process)

After approval by the CTA Committee, Subcommittee, or Canvass Committee, 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.

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.

11.3 Legal Review

CTA legal counsel and Technology & Standards staff may provide comments on publications for consideration by Groups prior to publication. Any CTA staff comments should be submitted in a timely manner for consideration by Committees, Subcommittees or Canvass Committees.

11.4 Editorial Privilege Revision

The Group 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 Group for a period of 30 calendar days after the final vote on the document.

12 Document Maintenance

All documents (excluding technical reports and white papers) shall be reaffirmed, revised or withdrawn by the Group responsible for them or by a Canvass Committee no more than five years from the date of publication or the 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 calendar 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 calendar 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 1, Review of International Standards, for more information.¹

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

In accordance with ANSI Essential Requirements Section 4.2.1.3.2, CTA can withdraw the approval of an American National standard without the vote of a Consensus Body.

13 Appeals

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

13.1.1 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 technical projects process. CTA does not review appeals associated with the technical content of any documents.

13.1.2 Appeal Initiation

Appeals shall be written and filed with the CTA Technology & Standards Senior Staff 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 document(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 Technology & Standards Senior Staff. CTA’s fee is \$500 per appeal.

13.1.3 Response to an Appeal

Upon receipt of an appeal, the relevant Group 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 appellant does not respond within 14 calendar days, the appeal will be considered resolved.

If the appellant is responsive but 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 45 calendar days of the date the appeal was received, giving at least ten calendar days’ notice.

1

https://share.ansi.org/Shared%20Documents/Standards%20Activities/American%20National%20Standards/Procedures,%20Guides,%20and%20Forms/National_Adoption_Procedures_Jan3107.pdf

13.1.4 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.

13.1.5 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.

13.1.6 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 in writing.

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 13, Appeals, whichever is longer. These documents may be used in any further appeals proceedings.

14 Other Policies

14.1 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*.

14.2 Metric Policy

Units of the International System of Units (SI), the modernized metric system, are the preferred units of measurement in CTA documents.

14.3 Interpretations

Official interpretations concerning the material in CTA or ANSI/CTA documents shall be made by the Group responsible for the document, using the same procedures that are used to approve a CTA or ANSI/CTA standard, bulletin,

amendment, errata, or another 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 publicly available. Interpretations on file should be considered during the next revision of the document.

14.4 Record Retention

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

14.4.1 New, Revised, or Reaffirmed Documents

Records shall be retained for one complete cycle or until the standard is revised.

14.4.2 Stabilized Documents

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

14.4.3 Withdrawn Documents

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

14.4.4 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.

15 Legal Issues

All Groups 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 ANS, ANSI's legal guidelines in the ANSI Essential Requirements shall be followed.

The CTA Legal Guides (attached) shall govern all technical projects including standards development activities conducted by CTA Technology & Standards Groups.

15.1 Disclosure of Essential Patents

There is no objection in principle to drafting a proposed, revised, or approved CTA document in terms that include the use of an Essential Patent Claim (one whose use would be required for compliance with that standard), if it is considered that technical reasons justify this approach. If the Group receives notice that a proposed document may require the use of an Essential Patent, the patent holder shall provide the IP proffer to a CTA Technology & Standards staff representative, prior to a ballot.

The standards development and approval process is made more efficient if the existence of Essential Patents (including 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 Group 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 Group representatives of this responsibility.

15.2 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 Patent Claims that may be required for use of a document after 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 Patent Claims exist or are known prior to approval of a proposed CTA document.

Thus, if notice is given of an Essential Patent Claim that may be required for use of an already approved CTA document, 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.

15.3 CTA and ANSI Patent Policies

Reasonable efforts shall be made to notify representatives that they are required to identify Essential Patent Claims at the earliest point in standards development. The IP proffer should be provided no later than seven calendar 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 Group representatives are obligated to disclose knowledge they may have of Essential Patent Claims, they are not obligated to conduct a patent search for such patents.

Requirements in CTA documents that are known to call for use of an Essential Patent Claim may not be knowingly considered by Groups 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) assurance in the form of a general disclaimer to effect that such party does not hold and does not currently intend holding any Essential Patent Claim(s),
- a) a license shall be made available without charge, to applicants desiring to use the patent for the purpose of implementing the document(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 provided in the Patent Holder Statement form. 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 transferee², 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.

² 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 nor ANSI shall not be responsible for identifying Essential Patents or Essential Patent Claims for which a license may be required by a CTA document, or for conducting inquiries into the legal validity or scope of those patents or claims 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 document to have access to technology that is essential to implement the document. 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 document including ANS 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, neither CTA nor ANSI assumes any liability to any patent owner, nor does either organization assume any obligation whatever to parties adopting the Standard or Publication. CTA and ANSI take no position with respect to the validity of any Essential Patent Claim relating to this standard. Neither CTA nor ANSI is responsible for identifying patents for which a license may be required in order to comply with any CTA or ANS standard.

When the Committee or Subcommittee receives an IP proffer from a patent holder, the document 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 Essential Patent.

By publication of this standard, no position is taken with respect to the validity of this Essential Patent Claim. 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 document including ANS, then it may be necessary to revise or withdraw the document. Copies of all identified statements from patent holder received by CTA's files and made publicly available on its website.

15.4 Copyrighted Material

If, in developing a document, a Group proposes to incorporate verbatim material from a publication copyrighted by a non-member such as another organization then 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 document 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 document.

If a Group 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.

15.5 Contributions

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 technical projects 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.

15.6 Commercial Terms and Conditions

CTA has adopted the ANSI Commercial Terms and Conditions Policy as described in Section 3.2 of the ANSI Essential Requirements.

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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
Suzanna Kang, General Counsel
January 19, 2022

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. IMPROPER ACTIVITIES AND PROGRAMS

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. 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 not permitted, as is any suggestion of what prices should be. 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 information relating to a company's future plans for 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 must 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 must be prepared in advance and distributed prior to the date of the meeting. Agendas will not include any subjects that are stated as improper for consideration or discussion under the rules established in these Legal Guides. All agendas will otherwise be in conformity with rules established by the CTA Legal

Department or will be specifically approved by the CTA Legal Department. Whenever feasible, background information that could be helpful in the consideration of items on the agenda should be distributed in advance of meetings.

(2) Conduct of Meetings. All meetings will 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 will 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 CTA Legal Department. If any doubt exists concerning the propriety of a program, either from a legal or policy point of view, it will not become final or effective until after review by the CTA Legal Department. Committee chairmen should follow the published agenda and not depart from it without a good and legitimate reason, in which event the minutes should record the reasons for such departure.

(a) Voting in Committees. All Committees will adopt rules consistent with these Guides to ensure that each company represented is 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 must be taken and recorded. Minutes will 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 must be approved by the CTA Legal Department 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.

(6) Prohibited Participation by Entity List Organizations. CTA's bylaws specifically prohibit any company on the U.S. Department of Commerce Entity List ("Entity List"), or its majority-owned affiliate(s), from being members of CTA and participating in CTA activities. Qualified non-member companies on the Entity List and their majority-owned affiliates are similarly prohibited from participating in CTA activities.

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 will 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 consumer technology 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, will 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 will not 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 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 will be conducted in accordance with the following basic rules:

- (1) They will be carried on in good faith under policies and procedures that will assure fairness and unrestricted participation;
- (2) Subject to PART I, Section B.6, participation will 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 will be shown to serve one or more of the public interest objectives as provided in Section D of this PART II;
- (4) They will 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 will 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 do not have primary responsibility for marketing or for management of marketing personnel.

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 will 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 will 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 will be confined to the technical and engineering considerations in the establishment of a standard and these considerations will 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 will 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, will 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 will be submitted for final review and approval to industry members in accordance with the CTA Technology & Standards Department's Procedures Manual. No standard will be recommended for adoption unless it receives substantial industry acceptance.

(8) Final Adoption. Final adoption of proposed standards will be in accordance with the Technology & Standards Department's Procedures Manual. In the process of adopting a standard, all comments of industry and user interests, where applicable, will be considered irrespective of CTA membership. 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 will be followed:

- (1) Participation will 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 will include all issues to be discussed and be given to all committee or subcommittee members and all other companies or representatives known to have an interest;
- (3) Comments and recommendations will be offered merely as such, limited to the technical aspects of the specifications, and will reflect any divergency of views among those participating;

- (4) Comments and recommendations will 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 will contain a statement that the comments and recommendations reflect only the views of the group participating; and
- (6) They will 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 will be subject to legal review and approval by the CTA Legal Department prior to adoption. No program will 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 should 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 must 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 will 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. Additionally, 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 CTA Legal Department.

Section C. COMPILATION AND DISTRIBUTION OF DATA

Information in individual company reports will be kept in complete confidence by the originator and involved CTA staff. The collection and dissemination of reports will be made in an isolated security area and only staff members of the CTA Market Research Department will 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 contained within 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, will not be released unless permission is obtained of the company reporting in excess of such fifty percent. Also, no report will be distributed in which individual company figures can be identified either directly or indirectly.

Section D. RULES FOR PARTICIPATION

Subject to PART I, Section B.6, participation in marketing data will 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 will 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 will 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 will be distributed or available to all members of the industry participating in the program involved regardless of CTA membership. They also will 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 may be published in news releases at such intervals as deemed desirable and appropriate.

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

Caution: This report is published by the CTA as a service to the consumer technology industry and is distributed to participants for their individual company use. The specific data contained in any report will 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 will be no activity directed at suggesting or requiring adherence to any action or policy in light of the reported data. CTA, its staff, or members of the industry will not coerce or suggest such adherence is required.

Section H. DISCUSSIONS AT MEETINGS

Discussions at marketing data or other committee meetings will be limited to recommending or continuing a particular program, the format or design of a report, the procedure for developing the data for the program, and the general rules for conducting the program. There must be no discussions of individual company data. Any discussions of reported information will be permitted only in a general abstract sense and limited to industry-wide data as they relate to the overall health and economic condition of the industry. There must be no discussions with respect to any published data leading to any understandings in restraint of trade, expressed or implied, nor will there be any discussions relating to the use of such data for forecasting or predicting future trends. There must be no discussion whatsoever of prices or pricing practices or other terms or conditions of distribution or sale.