Risks of Tort Liability for SDOs Involved in Standards Setting

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Bases of SDO Liability

- Voluntary Rescue Doctrine
- Authority to Control
- Duty Arising from “Fairness”
Voluntary Rescue Doctrine

- Undertaking to provide services to another necessary for protection of a third person
- Failure to exercise reasonable care increases risk of harm or
- Undertaking to perform a duty owed by the other to a third person or
- Harm suffered because of reliance of the other – or the third person – upon the undertaking
Nikko Principle