

WORLD STANDARDS WEEK 2023

AGENDA ANSI LEGAL ISSUES FORUM: COPYRIGHT IMPLICATIONS IN A CHANGING LANDSCAPE Thursday, October 12, 2023

In-person

Ronald Reagan Building and International Trade Center (Pavilion Room)
1300 Pennsylvania Avenue NW, Washington DC

Virtual

via Zoom

Advance Registration Required: www.ansi.org/wsweek

ANSI's 2023 Legal Issues Forum (LIF) will focus on two hot topics for the standards community: the copyright implications of incorporating standards by reference into legislation (IBR), and the copyright implications of using AI in standards (and standards in AI). The LIF is expected to draw a broad group of legal experts, standards professionals, corporate leaders, and other stakeholders interested in the intersection of copyright, innovation, and standardization.

Time	Discussion and Speakers
10:00 am	Registration Opens
11:00-11:05	Welcome Patricia Griffin , Senior Vice President and General Counsel, American National Standards Institute
11:05-11:25	Keynote Cary Coglianese , Professor of Law and Political Science; Director, Penn Program on Regulation, University of Pennsylvania
11:25-1:10	Panel: What SDOs Need to Consider as the Incorporated by Reference (IBR) Legal Landscape Changes <i>In a recent decision, the U.S. Court of Appeals for the DC Circuit determined that, in the particular factual circumstance presented in the case, the non-commercial dissemination of the standards-at-issue that were incorporated by reference into federal regulations by a non-profit group constituted "fair use" under the copyright laws. What does the decision mean for the U.S. standards system and</i>

	<p><i>government reliance on standards developed by U.S. standards developing organizations? This panel will examine this legal challenge, as well as pending court cases that have called into question the copyrightability of IBR'd standards.</i></p> <p>Moderator: J. Kevin Fee, Esq., Partner, DLA Piper, LLP</p> <p>Panelists:</p> <p><u>Org members</u></p> <ul style="list-style-type: none"> • Stephanie Reiniche, Director of Technology, ASHRAE • Michael A. Lindsay, Partner, Dorsey & Whitney LLP (representing IEEE) <p><u>Gov members</u></p> <ul style="list-style-type: none"> • Elise Owen, Standards Executive, U.S. Environmental Protection Agency • Miriam Vincent, Acting Director of Legal Affairs and Policy, Office of the Federal Register <p><u>Legal expert</u></p> <ul style="list-style-type: none"> • Roy Kaufman, Managing Director, Business Development and Government Relations, Copyright Clearance Center <p><i>Audience Q&A to follow.</i></p>
1:10-2:10	Lunch
2:10-3:55	<p>Panel: What are the Copyright Implications of Using AI to Develop Standards?</p> <p><i>What unique legal issues are raised by the intersection of copyright and AI—and who, if anyone, owns the copyright of AI-generated content? This panel will explore the potential perils of feeding standards content into AI tools and engines, as well as the opportunities of using generative AI to create content for standards. The session will also explore how standards developing organizations are currently using AI-generated content and how they can protect copyright in AI-generated content used in standards development.</i></p> <p>Moderator: Justin Pierce, Esq., Partner and Co-Chair, Intellectual Property Division, Venable</p> <p>Panelists:</p> <p><u>Legal representatives/experts</u></p> <ul style="list-style-type: none"> • Jonathan Band, Copyright and Policy Lawyer, policybandwidth • Ivy Estoesta, Director, Sterne Kessler, Goldstein, & Fox P.L.L.C. <p><u>Standards Organizations</u></p> <ul style="list-style-type: none"> • Michael A. Lindsay, Partner, Dorsey & Whitney LLP (representing IEEE) • Hussain Hadi, Head of Publishing, International Organization for Standardization (ISO) <p><i>Audience Q&A to follow.</i></p>
3:55-400	<p>Closing and Adjournment</p> <p>Patricia Griffin, ANSI</p>