

Copyright Protection for Codes and Standards is Essential to Public Health, Safety and Security

For more than a century, voluntary codes and standards (standards) created by non-profit standard development organizations (SDOs) have protected public health, safety, and security, constituted a backbone of commerce, provided the building blocks for innovation, and served as the basis for quality and interoperability. Standards help ensure that everything from elevators to products on store shelves are safe, a light bulb fits in a socket, and you can use any ATM anywhere in the world.

Voluntary Consensus Standards Development Requires Substantial Resources

SDOs, including organizations listed here, develop and update standards through a rigorous, but also resource-intensive, multi-sector consensus process, which includes convening multi-day meetings of numerous experts from government, industry, non-profits, and academia; expending many thousands of person-hours in compiling, editing, and distributing several rounds of comments on standards drafts and amendments; and involving significant expenditures on IT infrastructure, workspace, and personnel.

Federal Policy Supports Reliance on Voluntary Consensus Standards

Policymakers have considered voluntary standards so critical that federal law, supplemented by OMB Circular A-119, directs federal agencies to use voluntary consensus standards wherever possible in their procurement and regulatory activities in lieu of expending public resources developing government-unique standards. Current policy recognizes that

reliance on voluntary consensus standards protects public health and safety, saves taxpayers money, encourages long-term growth for U.S. businesses, and promotes the global competitiveness of American enterprise.

Copyright Protection is Essential to the Continued Creation of Voluntary Consensus Standards

Copyright protection is critical to the continuation of the private sector-led system for the creation and maintenance of standards. SDOs support their standards development activities through revenues derived from the publication, sale, and licensing of standards – primarily to the regulated industries that use them – made possible by the protection of the copyright laws.

The Current Copyright-Based Standards System Works

This system has served our nation well. Congress should continue to support the balanced public policy reflected in OMB Circular A-119 by protecting copyrights of standards. Without copyright protection for standards, resource-limited government agencies would have to undertake the difficult and expensive task of replicating the SDO system. Alternative models might place matters of public health and safety solely in the hands of the parties to be regulated. The current system operates with openness, transparency and balance, and has been highly effective in protecting public health and safety.

Congress should preserve and promote the U.S.'s public-private standards development partnership.

