

# American National Standards (ANS) Process: National Adoption Procedures & Contractual Requirements

Presenters: **Leanne Lowry & Anne Caldas**

- The webinar will start at 2pm Eastern
- All participants are muted for the duration of the webinar
- Slides will be distributed to all
- Please use the CHAT option to submit a question to EVERYONE so all can view Q&A
- This session will be recorded and the recording *may* be available at a later date



## *Before we get started...*

- On behalf of ANSI, thanks very much for joining us today – we hope that you and yours are safe and well
- A huge thank you to those of you who are already involved in standards...you literally make the world a better place
- Goal for the next 60-90 minutes:
  - ANSI's requirements for the “national adoption” of ISO, IEC or ISO/IEC JTC1 documents as American National Standards
    - ✓ Procedural requirements: [psa@ansi.org](mailto:psa@ansi.org)
    - ✓ Contractual requirements: Leanne Lowry, [lloewry@ansi.org](mailto:lloewry@ansi.org)

# Just a reminder...Select ANSI Staff

- Fran Schrotter, ANSI Sr VP & COO - NY
- Patty Griffin, ANSI Sr VP & General Counsel – NY
- **Leanne Lowry – National Adoption Contractual Issues - [llowry@ansi.org](mailto:llowry@ansi.org)**
- Procedures & Standards Administration - NY
  - Anne Caldas – NY – 212-642-4914, [acaldas@ansi.org](mailto:acaldas@ansi.org)
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  - Jay Moskowitz – NY – 8925, [jmoskowitz@ansi.org](mailto:jmoskowitz@ansi.org)
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  - Mary Weldon – NY – 4908, [mweldon@ansi.org](mailto:mweldon@ansi.org)
  - [psa@ansi.org](mailto:psa@ansi.org) = PSA Department common email box

*ANSI Essential Requirements: Due process requirements for American National Standards: [www.ansi.org/essentialrequirements](http://www.ansi.org/essentialrequirements)*

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*ANSI Procedures for the National Adoption of ISO and IEC Standards as American National Standards: [www.ansi.org/nationaladoption](http://www.ansi.org/nationaladoption)*



# Summary Background...

- As the U.S. member body to ISO, and through the USNC to IEC, ANSI has the right to nationally adopt ISO and IEC documents
  - But ANSI is not a standards developer...
- ANSI *delegates* national adoption rights in accordance with the *ANSI Policy Regarding Rights to Nationally Adopt IEC and ISO Standards, updated 2021(ANSI Policy)*
  - U.S. TAG Administrators may adopt if they are an ANSI-Accredited Standards Developer (ASD) or if not, they may choose to delegate to an ASD

# Summary Background

- In the usual case, the right to nationally adopt is delegated to
  - whichever TAG Administrator is responsible for the final U.S. position on the ISO, IEC or JTC1 standard
  - unless a different ANSI-Accredited Standards Developer is the copyright owner of the original document

# National Adoption Basics

- What constitutes a national adoption?
  - The processing of an **identical** or **modified** ISO, IEC or ISO/IEC JTC1 standard as an American National Standard
    - Any other use/incorporation of ISO, IEC or ISO/IEC text is not considered a national adoption
- What procedures and policies govern national adoptions?
  - *ANSI Procedures for the National Adoption of ISO and IEC Standards as American National Standards (2007)*
  - *ANSI Policy Regarding Rights to Nationally Adopt IEC and ISO Standards or Otherwise Use IEC and ISO Material (ANSI Policy) – Updated 2021*
  - *ANSI Essential Requirements: Due process requirements for American National Standards (current year)*



# National Adoption Basics

- Who may adopt?
  - Only an ANSI-Accredited Standards Developer (ASD) may adopt an ISO, IEC or ISO/IEC JTC-1 standard as an ANS
  - A TAG Administrator may only adopt, if it is an ASD
- What deliverables are possible?
  - An American National Standard (ANS) is the only form of national adoption recognized by ANSI
  - The adopted document must be an identical or modified version of the document being adopted (see definitions)
- How many national adoptions of ISO, IEC or ISO/IEC documents exist?
  - About 2,400



# National Adoption Basics

- National Adoptions Require:
    - Compliance with the *ANSI Policy* prior to adoption
    - License agreement with ANSI (*contact Leanne Lowry*) prior to adoption
    - Proper processing as an ANS
      - Via ANSI-Accredited Procedures
        - Possible use of “expedited procedures” (more later...)
      - PINS, BSR-8, BSR-9 (*select the right project intent and provide necessary details...more later*)
- ***NOTE: Simply submitting a PINS does not mean that an ASD is eligible to adopt the ISO, IEC or ISO/IEC JTC1 standard***



# **ANSI Procedures for the National Adoption of ISO and IEC Standards as American National Standards**

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**Issue date:** January 31, 2007

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# ANSI Procedures for the National Adoption of ISO and IEC Standards as American National Standards (2007)

[www.ansi.org/nationaladoption](http://www.ansi.org/nationaladoption)

- 1.0 General
- 2.0 Requirements Associated with the Identical or Modified Adoption of an ISO or IEC Standard as an American National Standard
- 3.0 Expedited Procedures for the Identical Adoption of an ISO or IEC standard as an American National Standard
  - 3.1 Public notice and public review
  - 3.4 Notice of Action and Right to Appeal
  - 3.5 Approval of an ISO or IEC Standard as an American National Standard
- 4.0 Periodic Review
- Annex A: Definitions of Levels of Equivalency of National Adoptions of ISO or IEC Standards (based on Guide 21) – IDT, MOD, NEQ
- Annex B: Designation, Maintenance, and Publication of a National Adoption of an ISO or IEC Standard (based on Guide 21)

# Identical (IDT) (See Annex A & Guide 21-1)

The regional or national standard is identical to the ISO or IEC standard under the following conditions:

- the regional or national standard is identical in technical content, structure and wording (or is an identical translation), or
- the regional or national standard is identical in technical content, although it may contain the following minimal editorial changes:
  - substitution of decimal point for a decimal comma;
  - correction of any misprints (e.g., spelling errors) or pagination changes;
  - deletion of text in one or several languages from a multilingual ISO or IEC standard;
  - inclusion of any technical corrigenda or amendments issued to the ISO or IEC standard;
  - changes to the title to be consistent with an existing regional or national series;
  - substitution of “this regional/national standard” for “this ISO or IEC Standard”;
  - inclusion of any regional or national informative material (e.g., informative annexes that do not alter, add to or delete from the provisions of the ISO or IEC standard); examples of informative material are advice to users, training guidance or suggested forms or reports;
  - deletion of informative preliminary material from the ISO or IEC standard;
  - changes in wording, i.e., use of synonyms to reflect common language use in the region or country adopting the ISO or IEC standard, such as the use of “elevators” for “lifts” in certain countries;
  - addition, for informative purposes, of recalculated values of quantity units where a different measurement system is used in an adopting country.

# Identical (IDT) (See [Annex A & Guide 21-1](#))

and...

**The “vice versa principle” is fulfilled.** (Vice versa principle: principle whereby anything that is acceptable under the terms of the ISO or IEC Standard is acceptable under the regional or national standard and vice versa, and thus compliance with the ISO or IEC Standard also means compliance with the regional or national standard.)

## Modified - MOD (See Annex A & Guide 21-1)

The regional or national standard is modified in relation to the ISO or IEC standard under the following conditions.

- Technical deviations are permitted provided they are clearly identified and explained.
- The regional or national standard reflects the structure of the ISO or IEC Standard.
- Changes to the structure are only permitted if an easy comparison of the content and structure of the two standards continues to be possible.

For transparency and traceability, it is strongly recommended that a national standard adopts only one single ISO or IEC standard. Under certain circumstances, it may be appropriate to adopt several ISO or IEC standards within one national standard. However, this is only practicable for the user if an easy comparison of the content is provided in a list identifying and explaining the changes. Modified standards may also include the changes permitted under identical correspondence.

**The “vice versa principle” is not fulfilled.**

## Modified - MOD (See Annex A & Guide 21-1)

A **modified standard** can include such cases as the following:

- “The regional or national standard **contains less.**” The regional or national standard only applies a subset of the available choices in the ISO or IEC Standard, has less stringent requirements, etc.
- “The regional or national standard **contains more.**” The regional or national standard adds aspects or types, has more stringent requirements, includes additional tests, etc.
- “The regional or national standard **alters a part of the ISO or IEC Standard.**” Part of the content is identical, but both the regional or national standard and the ISO or IEC Standard contain some differing requirements.
- “The regional or national standard **provides an alternative choice.**” The regional or national standard provides a provision of equal status, which may be used as an alternative to that given in the ISO or IEC Standard.

**(Note: See Annex A of the *ISO Guide 21* for examples of lists of technical deviations and their explanation.)**



# Modified...continued

- A regional or national standard can include an ISO or IEC Standard **in its totality** and can contain **additional technical provisions**, which are not part of the ISO or IEC Standard.
  - In this case, the degree of correspondence to the ISO or IEC Standard is either “**modified**” or “**not equivalent**”, depending on whether or not the differences are clearly indicated and technical deviations are listed and explained, although the part composed of the included ISO or IEC Standard may not have been subject to any modifications.

## Not equivalent - NEQ (See Annex A & Guide 21-1)

- The regional or national standard is **not equivalent** to the ISO or IEC Standard in technical content and structure and the changes have not been clearly identified.
- This also can include the case where only a minority in number or significance of the ISO or IEC provisions remains in the regional or national standard.
- *This degree of correspondence does not constitute an adoption.*
- ✓ *A contract with ANSI is required for the use of text.*

## 2.0 Requirements Associated with the Identical or Modified Adoption of an ISO or IEC Standard as an ANS

- Clearly identify during the ANS development and submittal process that it is the intent of the standards project to adopt a specific ISO or IEC standard and provide notice in compliance with current ANSI requirements, as modified by clause 3.0;
- Designate and publish the final approved American National Standard in compliance with applicable ANSI procedures; and
- Comply with the *ANSI Policy Regarding Rights to Nationally Adopt IEC and ISO Standards or Otherwise Use IEC and ISO Material* and submit evidence of compliance (such as a confirmation from the ANSI staff responsible for such contractual arrangements) as part of the formal submittal of the candidate American National Standard for approval.

### 3.0 Expedited Procedures for the **Identical** Adoption of an ISO or IEC standard as an ANS

- ASD may use the **expedited process** for **identical** national adoptions if allowed in its accredited procedures **and**
  - the US TAG voted or will vote in the affirmative; and
  - no claims of conflict or duplication with an existing American National Standard have been made (at the PINS or BSR-8 stage).
- *Note: for all other circumstances, the developer's accredited procedures shall apply.*

## 3.0 Expedited National Adoption Process (an option)

- Use of the expedited process **must be noted in ASD's procedures** (or ANS annex)
  - If your accredited procedures need to be revised to include this option, please revise and submit to [psa@ansi.org](mailto:psa@ansi.org) for reaccreditation

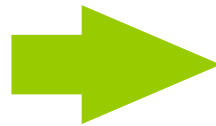
# 3.0 Expedited Identical National Adoption Only

U.S. voted or will vote in affirmative; no claims of conflict or duplication; ASD's procedures include provision/notice of use of this option (See slides 23-31)

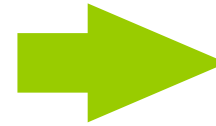


AT THE START...

- Ensure eligibility and right to nationally adopt;
- Initiate contract process;
- PINS Announcement



- Public Review – ID “National Adoption”
- Consensus vote, which may be a minimum of 2-weeks

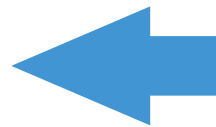


- Consideration of Views & Objections;
- Recirculation of votes and comments only – no attempted resolution is required;
- Share with TAG for their information
- Notify CB members and public commenters in writing of final action and of right to appeal
- Complete ASD Appeals

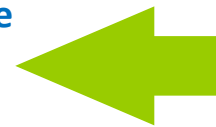
*NOTE: a draft cannot be nationally adopted – it must be final by BSR-9 time*



Approval;  
ANSI Appeals;  
Publication &  
Maintenance



- ANSI Review of Due Process Requirements (Good practice to note use of expedited procedures)
- Final contract must be in place



## 3.1 PINS (Required)

If claim of conflict or duplication is lodged in response to a PINS published for a proposed national adoption

- then expedited process must cease and routine ANS procedures apply



## 3.1 Public review & 3.3 Comments (Required, but streamlined)

- Whenever possible, public review (BSR-8) of the proposed identical adoption should occur before or concurrent with balloting by the consensus body.
  - ASD has to align process/choose timeframe
- The ASD undertaking the national adoption shall provide **all public review comments to the US TAG for consideration, but is not required to inform the commenters of how the TAG disposed of those comments.**
- With respect to the national adoption, all comments received **shall be provided to the consensus body** (if other than the TAG) for consideration in determining its position.

## 3.1 Public review - streamlined

- The consensus body is *not required to provide detailed responses to the comments* unless a claim of conflict or duplication with an existing American National Standard is made.
  - In that case, the developer shall follow its accredited procedures and shall not utilize these expedited procedures.
- In any event, the ASD shall inform public commenters whether or not the identical adoption was approved for submission to ANSI.

## 3.2 Consensus body vote – may be streamlined

- Consensus body vote may use minimum ballot period as specified in the ASD's procedures or may vote to establish a minimum ballot period of at least two weeks
  - Consensus vote is yes/no/abstain
  - Comments circulated, but attempts to resolve not required, unless there is a claim of conflict or duplication (see 3.3)
    - If so, then expedited procedures may not continue

## 3.3 Comments

- Comments received from either the consensus body or public review period shall also be referred to the appropriate U.S. TAG

## 3.4 Notice of Action & Right to Appeal

Prior to the submittal to ANSI (via BSR-9) the ASD shall notify **consensus body members and public commenters** in writing of

- the intended final action on the standard; and
- if there are unresolved objections, that **an appeals process exists within the accredited procedures used by the adopting ASD**

## 3.5 ANS Processing & Right to Appeal

A candidate national adoption (proposed ANS) that is submitted as a result of the implementation of the expedited procedures

- ✓ shall be processed in the same manner as a standard that is submitted without objections
  - ANSI BSR review by ballot is not routinely required, so the approval process can be quicker
- ✓ however, the right to appeal its approval as an ANS to ANSI is available

# Remember...

- Before an ASD submits a BSR-9 in support of the approval of a document as an ANS
  - ✓ A contract must be in place with ANSI
    - **Leanne Lowry** ([lloewry@ansi.org](mailto:lloewry@ansi.org)) is the ANSI staff contact for such contracts



# 4.0 Periodic Review

Maintenance requirements:

- An ANS that is an **identical** adoption of an ISO or IEC standard does not have to be reaffirmed according to the schedule applicable to other American National Standards
  - ✓ but rather may be reaffirmed **at the same time that the corresponding ISO or IEC standard is reaffirmed by the respective organization (i.e., ISO, IEC or JTC-1)**
- If the ISO or IEC standard has been withdrawn, revised or superseded
  - ✓ similar action shall be considered by the adopting SDO within **six months** of the international action.

## 4.0 Periodic Review – REMINDER!

- If the ASD no longer has the rights under the *ANSI Policy Regarding Rights to Nationally Adopt IEC and ISO Standards or Otherwise Use IEC and ISO Material* with regard to the ISO or IEC standard
  - then the related ANS shall be withdrawn
  - ✓ if your organization sponsors national adoptions, please take a look to make sure they reflect the current ISO, IEC or ISO/IEC JTC1 version

# QUESTIONS?

## Annex A: Definitions of Levels of Equivalency of National Adoptions of ISO or IEC Standards (Based on Guide 21)

- **A.1 Identical (IDT) – see earlier slide**
- **A.2 Modified (MOD) – see earlier slide**
- **A.3 Not Equivalent (NEQ) – see earlier slide**



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## **GUIDE 21-1**

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**Regional or national adoption of  
International Standards and other  
International Deliverables —**

**Part 1:  
Adoption of International  
Standards**



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## GUIDE 21-2

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**Regional or national adoption of  
International Standards and  
other International  
Deliverables —**

Part 2:  
**Adoption of International  
Deliverables other than  
International Standards**

## Annex B: Designation, Maintenance, and Publication of a National Adoption of an ISO or IEC Standard (Normative)

- Based on ISO/IEC Guide 21 (*Download at <https://isotc.iso.org/livelink/livelink/Open/8389141>*)
- Intent is to advise User that the ANS is a national adoption
- B.2 Designation and Publication
  - Methods of adoption notice
    - Endorsement Method
    - **Republication Method**
- B.3 Designating national standards that are identical adoptions of ISO or IEC Standards
  - Clearly identify the ISO or IEC reference number
- B.4 Maintenance of national adoptions



# Annex B - Note

- If changes are made to an ISO or IEC standard during the course of the development of consensus for its approval as an ANS and those changes are not reflected in the final ISO or IEC version of the standard
  - the resulting standard shall not bear the ISO or IEC standard designation.
    - In such case, the standard will be considered a national/harmonized standard and **is not an identical adoption.**
    - It shall be processed in accordance with the developer's procedures **once the appropriate copyright permission is received from ANSI for use of the ISO or IEC material.**

# Republication

- a regional or national **identifier of the organization adopting** the ISO or IEC standard **shall appear on the cover page and all other pages of the regional or national standard.**
- the **degree of correspondence** to the ISO or IEC standard shall be stated in a prominent position and **shall include the ISO or IEC reference number and year, and international title if different from the national title.**
- Examples: title is the same – Identical to ISO 11111: 2000; title is different – Modified adoption of ISO 11111: 2000, Widgets.

# Annex B – Designation Examples

- *All National Adoptions are to include the ISO or IEC or ISO/IEC designation and be identified by a “project intent” on a PINS/BSR-8/BSR-9/BSR-10/BSR-11 as relating to a “National Adoption”*
- **Single-line numbering:** The national letters may be separated from the ISO or IEC reference number (letters and number) by a space or a slash:
  - ANSI/ISO/ASD 1234:2020
- **Two-line dual numbering:** The national letters followed by the ISO or IEC reference number on a separate line or on one line using a slash to separate them:
  - ANSI/ASD 331:2019
  - ISO 1234:2020or
  - ANSI/ASD 331:2019/ISO 1234:2020

# **ANSI Policy Regarding Rights to Nationally Adopt IEC and ISO Standards or otherwise Use IEC and ISO Material (2021)**

*Who is eligible to adopt and what are the commercial provisions?*

*See slides 40-48*

***Policy** is maintained by the ANSI Executive Committee of the ANSI Board of Directors*

**ANSI Policy Regarding  
Rights to Nationally Adopt IEC and ISO Standards or  
Otherwise Use IEC and ISO Material<sup>1</sup>**

ExCo 1121

**1. Background:**

1.1 ISO or IEC, as a matter of policy, asserts the copyright on ISO or IEC Documents and delegates exploitation rights to ISO member bodies and IEC National Committees respectively.

1.2 As the U.S. member body to ISO, and through the USNC to IEC, ANSI may grant exploitation rights in the United States to standards developers and other distributors to sell and/or distribute ISO and IEC Documents. In addition, consistent with ISO and IEC policy, ANSI, as the U.S. member body to ISO and (through the USNC) IEC, has exploitation rights in connection with ISO and IEC Documents when they are nationally adopted as American National Standards.

1.3 This policy shall supersede the 2003 edition of the *ANSI Policy Regarding Rights to Nationally Adopt IEC and ISO Standards or Otherwise Use IEC and ISO Material*. This policy shall become effective July 1, 2021.

**2. National Adoption of ISO or IEC Documents as American National Standards:**

2.1 ANSI may share its rights in connection with the national adoption of an ISO or IEC Document ("NAIS") with an ANSI-accredited standards developer (ASD) as set forth below. It is important to note that any and all ASDs wishing to nationally adopt an ISO or IEC Document, regardless of the attendant circumstances, must first enter in a written agreement with ANSI.

2.2 The general rule for defining a national adoption of an ISO or IEC Document for purposes of this policy is that (1) the national adoption must be processed and approved as an American National Standard and (2) the national adoption must be either identical to the ISO or IEC Document or be modified versions of such a Document in a manner consistent with ISO/IEC Guide 21 "Adoption of International Standards as Regional or National Standards" ("Guide 21"). Any other use of ISO or IEC material shall be decided on a case-by-case basis, and an ASD or other entity wishing to use such material first must enter into an agreement with ANSI.

2.3 Except for those copyright situations covered separately under Section 3 below, whichever TAG Administrator is responsible for the final U.S. position on the ISO or IEC Document will have the right to nationally adopt that ISO or IEC Document as an American National Standard. If the TAG Administrator is an ASD, it can process the adoption itself. The U.S. TAG Administrator may share this right with one or more other ASDs for purposes of a joint adoption subject to entering into a national adoption license agreement with ANSI. Additionally, instead of nationally adopting a specific ISO or IEC Document(s) itself or jointly with one or more other ASDs, the U.S. TAG Administrator may choose to assign this right to another ASD (or other ASDs for purposes of a joint adoption). Under this scenario, the ASD(s) receiving such assigned rights from the U.S. TAG Administrator must enter into a national adoption license agreement with ANSI.

2.4 If no TAG Administrator is responsible for the final U.S. position on the ISO or IEC Document, then an ASD can request the right to adopt such a Document, without forming a TAG, by contacting ANSI and obtaining preliminary approval to process the Document through its ANSI-accredited procedures as an ANS. In such a case, the requesting ASD's proposed national adoption shall be published through the PINS process to determine whether any objections to the national adoption exist. Any

<sup>1</sup> Update to July 29, 2003 edition approved at March 24, 2021 Executive Committee Meeting.

ExCo 1121

comments or objections received shall be provided to the ANSI Secretary of the BSR. ANSI staff shall consider any such comments or objections and present a recommendation to the ANSI Executive Committee of the Board who shall make a final determination, approving or denying the national adoption.

2.5 If ANSI serves as the TAG Administrator responsible for the final U.S. position on the ISO or IEC Document, then an ASD can request the right to adopt such a Document by contacting ANSI, in its role as the TAG Administrator, and obtaining preliminary approval to process the Document through the ASD's ANSI-accredited procedures as an ANS. In such a case, the requesting ASD's proposed national adoption shall be both (i) published through the PINS process and (ii) furnished by ANSI to the U.S. TAG - to determine whether any objections to the national adoption exist. Any comments or objections received shall be provided to the ANSI Secretary of the BSR. ANSI staff shall consider any such comments or objections and present a recommendation to the ANSI Executive Committee of the Board who shall make a final determination, approving or denying the national adoption.

2.6 An ASD who currently is responsible for maintaining a national adoption may retain such responsibility until the relevant ISO and IEC Document is revised, reaffirmed or withdrawn as long as the ASD enters into a revised agreement with ANSI. If such ASD is not the TAG Administrator responsible for the final U.S. position on the related ISO or IEC Document, it must obtain such TAG Administrator's consent as set forth in Section 2.3 herein if the ASD wishes to nationally adopt a revised or reaffirmed version of the related ISO or IEC Document.

**3. American National Standards or other Standards Adopted as International Standards by ISO or IEC:**

3.1 If an ASD previously developed a standard which is later adopted by ISO and/or IEC and the resulting ISO and/or IEC Document is identical to the ASD's standard or is a derivative work thereof, then that ASD shall have the rights to the ISO or IEC Document for purposes of national adoptions and the following conditions shall apply:

- The ISO or IEC Document can be nationally adopted as long as (a) the U.S. did not vote negatively on the ISO or IEC Document or (b) if there was a negative vote, the related U.S. TAG consents to allowing the Document to be processed as a national adoption.
- If the ASD adopts and sells the nationally adopted (American National Standard) version of the ISO or IEC Document in either hard copy or electronic format, there is no royalty due to ANSI, but a processing fee shall apply. In addition, a written agreement must first be entered into with ANSI.
- If the ASD's standard had been previously approved as an American National Standard prior to its identical adoption by ISO or IEC, then the ASD can continue to sell its original copyrighted American National Standard under the ASD nomenclature and title without going through a formal re-adoption process. A notation can be made on the cover and/or in the document that the ISO or IEC standard is identical to the ASD's standard. Under this scenario, there is no royalty due to ANSI in connection with sales of this version of the Document.

# ANSI's Right (Standing) to Nationally Adopt ISO and IEC Publications

- As the **U.S. member body** to ISO, and through the USNC to IEC,
  - **ANSI** has exploitation rights in connection with ISO and IEC Documents when they are nationally adopted as American National Standards

# ANSI's Delegation of National Adoption Rights to U.S. TAGs

- ANSI delegates national adoption rights to the U.S. TAG Administrator for a given ISO or IEC or JTC-1 standard
- ANSI does so in accordance with the *ANSI Policy Regarding Rights to Nationally Adopt IEC and ISO Standards* (2021)
  - **ANSI's policy** in this area is under the ANSI Executive Committee of the Board of Directors – it is not a procedure, under the ANSI ExSC's or ANSI USNC's jurisdiction



# Who Can Adopt?

## “First” Right of Adoption of ISO and IEC Standards (Section 3.0)

- “DNA owner” has first right of adoption:
  - If an ANSI-Accredited Standards Developer previously developed a standard which is later adopted by ISO and/or IEC; and
  - If the resulting ISO or IEC document is *identical* to the ASD’s original document, or is a *derivative work* thereof ;
  - Then, that ASD shall have the right to nationally adopt that ISO or IEC standard subject to further provisions in Section 3.1



# Who Can Adopt?

## “Second” Right of Adoption of ISO and IEC Standards (*Most common*)

- If there is no “DNA owner”
  - the TAG Administrator responsible for the final U.S. position on the ISO or IEC standard will have the right to nationally adopt the ISO or IEC standard.
- If the TAG Administrator is an ANSI-Accredited Standards Developer (ASD), it can process the adoption itself
- The TAG Administrator may also:
  - share this right with one (or more) ASDs for purposes of a joint adoption (such ASDs must enter into a license agreement with ANSI); or
  - assign this right to another ASD; or
  - decide not to assign its rights

# 2021 Updates to ANSI Policy on National Adoptions

- Additional text that addresses these cases:
  - ✓ a U.S. TAG does not exist; or
  - ✓ ANSI itself serves as the U.S. TAG Administrator.

# Situation Where a U.S. TAG Does Not Exist

- In a situation where there is **no TAG administrator** (Section 2.4) an ASD wishing to nationally adopt must:
  - Seek **preliminary approval from ANSI** to process the standard as an ANS;
  - Announce the proposed national adoption via the **PINS** process to determine if objections exist; and
  - Submit any comments or objections to ANSI for further review.
- Prior to making a final decision, ANSI staff shall consider any such comments or objections and present a recommendation to the **Executive Committee** for final determination.

# Situation Where ANSI Itself Serves as the TAG Administrator

Add new paragraph, Section 2.5.

- In a situation where ANSI serves as the TAG administrator (Section 2.5), an ASD wishing to nationally adopt must:
  - Seek preliminary approval from ANSI (as TAG Administrator) to process the standard as an ANS;
  - Announce the proposed national adoption via the PINS process (while ANSI simultaneously furnishes the proposal to the U.S. TAG) to determine if objections exist; and
  - Submit any comments or objections to ANSI for further review.
- Prior to making a final decision, ANSI staff shall consider any such comments or objections and present a recommendation to the Executive Committee for final determination.

# ASD Obligations Pursuant to a National Adoption Agreement with ANSI

- Compliance with ANSI Policy
  - ✓ Authorization to adopt secured
- Maintenance of the national adoption as an ANS
- Copyright protection of nationally adopted standard(s)
  - Watermarking requirements
- Payment of royalties to ANSI on sales of nationally adopted standard(s)
  - See next slide for further details

# Contractual Requirements...

Leanne Lowry

Director, Licensing and Business  
Development

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# Sales Rights and Royalties on Sale of Nationally Adopted Standards

- ASD may sell nationally adopted standard(s) in paper and PDF format only and may share such right with resellers provided resellers also sell the ASD's NAIS standards only in paper or PDF formats.
- Conversion to XML and other formats is prohibited by ISO & IEC policies.
- Sales may be as individual user sales or as networking sales.
  - Royalties are due to ANSI regardless of the format and whether the ASD or a reseller sells the nationally adopted standard(s).

# Sales Rights and Royalties on Sale of Nationally Adopted Standards

- Royalty rates vary. Factors are taken into consideration when negotiating royalty rates including price of original standard(s) and distribution level of original standard(s)
- No royalty due for sale of nationally adopted standard(s) for which ASD was the “DNA holder” for the original ISO and/or IEC standard



# Copyright to Nationally Adopted Standard(s)

- Although the ASD is to place its copyright on the nationally adopted standard, the rights of ISO and IEC, as copyright holders of the adopted text, must be respected.
- Copyright language required to be placed on a nationally adopted standard is as follows:

*“These materials are subject to copyright claims of ISO (or IEC) and ASD. No part of this publication may be reproduced in any form, including an electronic retrieval system, without the prior written permission of ASD. All requests pertaining to the [INSERT NAME OF DOCUMENT] Standard should be submitted to ASD;”*

# Copyright to Nationally Adopted Standard(s)

- The copyright of a nationally adopted standard, and the copyright language to be placed on such standard(s), is fluid with respect to the national adoption of ISO, IEC and ISO/IEC standards as ANS and may change in the future.

# QUESTIONS?

## Where can I find information related to national adoptions?

### [www.ansi.org/asd](http://www.ansi.org/asd)

1. List of ANSI-Accredited Standards Developers (ASD) with a scope and contact
2. Lists of **proposed** and **approved** ANS – **including national adoptions (point-in-time)**

### [www.ansi.org/StandardsAction](http://www.ansi.org/StandardsAction)

1. Public review announcements, approvals and link to ANS reports

### [www.ansi.org/isotags](http://www.ansi.org/isotags)

1. List of ANSI-Accredited U.S. TAGs with TAG Administrator contacts

# Upcoming ANS-Related Webinars

**All sessions begin at 2pm Eastern – on Thursdays and last 60-120 minutes:**

- **July 14, 2022 (Thursday at 2pm Eastern):** ANS Process: Focus on Votes & Public Comments

Register in advance for this webinar:

<https://goansi.webex.com/goansi/onstage/g.php?MTID=e5e4c6e79289c69d7deb45adb98d5299a>

- **July 21, 2022 (Thursday at 2pm Eastern):** ANS Forms

Register in advance for this webinar:

<https://goansi.webex.com/goansi/onstage/g.php?MTID=e57cc2d7de066db098e39f4af18ccd380>

- **July 28, 2022 (Thursday at 2pm Eastern):** Procedural Appeals – ASD and ANSI Appeals Processes

Register in advance for this webinar:

<https://goansi.webex.com/goansi/onstage/g.php?MTID=e5fefa6472f59d75dffe176fc57e5910d>

# Thanks for joining us today...

- ✓ Exit survey – 2 quick questions, please complete them:
  - ❖ Was this webinar useful?
  - ❖ How can we improve it?

Hope we'll see you at World Standards Week  
2022:  
October 10 -14, 2022

<https://www.ansi.org/events/standards-events/world-standards-week>

# American National Standards Institute

## Procedural questions:

**Anne Caldas**

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