National Adoption of ISO, IEC or ISO/IEC Standards as American National Standards

Questions? psa@ansi.org
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 to ANSI-accredited standards developers (ASDs)

- ANSI does so in accordance with the ANSI Policy Regarding Rights to Nationally Adopt IEC and ISO Standards, dated July 29, 2003
Before we review the policy, let’s review the procedures that govern National Adoptions

- The ANSI Essential Requirements are the overarching framework for American National Standards
  - however, the ANSI National Adoption Procedures are the unique procedures that apply to the national adoption of ISO, IEC and ISO/IEC (JTC-1) documents as American National Standards (ANS)
    - [www.ansi.org/essentialrequirements](http://www.ansi.org/essentialrequirements)
    - [www.ansi.org/nationaladoption](http://www.ansi.org/nationaladoption)
National Adoption Basics

- What constitutes a national adoption?
  - The processing of an identical or modified ISO, IEC or ISO/IEC 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 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/TAG Administrator, if it is not an ASD, may not adopt

- **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 2000*
National Adoption Basics

National Adoptions Require:

- Compliance with the ANSI Policy prior to adoption
- License agreement with ANSI (contact Rose Maginniss rmaginni@ansi.org) 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)
ANSI Procedures for the National Adoption of ISO and IEC Standards as American National Standards (2007)

- 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)
- Annex B: Designation, Maintenance, and Publication of a National Adoption of an ISO or IEC Standard (based on Guide 21)
2.0 Requirements Associated with the Identical or Modified Adoption of an ISO or IEC Standard as an American National Standard

- 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 American National Standard

- 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.
Expedited National Adoption Process

- 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 for reaccreditation

- PINS & Public Review Requirements Apply:
  - If claim of conflict or duplication is lodged, then expedited process must cease and routine ANS procedures apply
Expedited National Adoption Process

- Public review process streamlined
  - Whenever possible, public review of the proposed identical adoption should occur before or concurrent with balloting by the consensus body.
  - With respect to international approval, the SDO undertaking 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.
Expedited National Adoption Process

- Public review process 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 SDO shall inform public reviewers whether or not the identical adoption was approved for submission to ANSI.
Expedited process

- Consensus body vote may use *minimum ballot period as specified in procedures* or a *minimum of at least two weeks*
  - Consensus vote is yes/no
  - Comments circulated, but attempts to resolve not required, unless there is a claim of conflict or duplication
    - If so, then expedited procedures may not continue
  - Maintenance schedule mirrors international schedule
Right to Appeal

3.4 Notice of Action and Right to Appeal

Prior to the submittal to ANSI (via BSR-9) the developer 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 standards developer.
Right to Appeal

3.5 Approval of an ISO or IEC Standard as an American National Standard

A candidate American National Standard 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. However, the right to appeal its approval as an ANS to ANSI is available.
Periodic Review (4.0)

- 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.

- 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.
Periodic Review (4.0)

- If the standards developer 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
Annex A: Definitions of Levels of Equivalency of National Adoptions of ISO or IEC Standards

- Based on Guide 21
  - Identical (IDT)*
  - Modified (MOD)
  - Not Equivalent (NEQ)

- *Vice versa principle is fulfilled: anything that is acceptable under the terms of the ISO or IEC Standard is acceptable under ANS and vice versa, and thus compliance with the ISO or IEC Standards also means compliance with the ANS
Annex B: Designation, Maintenance, and Publication of a National Adoption of an ISO or IEC Standard

- Based on Guide 21

- **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**

Who is eligible to adopt and what are the commercial provisions?
ANSI’s Right 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 ANSI-accredited SDOs

- ANSI delegates national adoption rights to ANSI-accredited SDOs;
Who Can Adopt?
“First” Right of Adoption of ISO and IEC Standards

- “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 standards developer’s original document, or is a *derivative work* thereof (i.e. the vice versa principle is fulfilled);
  - Then, that standards developer shall have the right to nationally adopt that ISO or IEC standard under certain additional conditions (see next slides).
Who Can Adopt? “Second” Right of Adoption of ISO and IEC Standards

- 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 (ASDs), it can process the adoption itself;
- The TAG Administrator may also:
  - share this right with one (or more) other ASDs for purposes of a joint adoption; and
  - assign this right to another ASD.
SDO Obligations Pursuant to a National Adoption Agreement with ANSI

- Compliance with ANSI Policy
- SDO (or, if applicable, the TAG Administrator authorizing the SDO to nationally adopt the ISO or IEC Standard(s) pursuant to the ANSI Policy) continues to provide support to the U.S. TAG for the nationally adopted ISO or IEC Standard(s)
- Copyright protection of nationally adopted standard(s)
  - For nationally adopted ISO Standards includes watermarking requirements
- Payment of royalties to ANSI on sales of nationally adopted standard(s) (see next slide for further details)
Sales Rights and Royalties on Sale of Nationally Adopted Standards

- SDO may sell nationally adopted standard(s) in paper and PDF format only and may share such right with resellers provided resellers also sell the SDO’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. (royalty are due to ANSI regardless of the format and whether the SDO or a reseller sells the nationally adopted standard(s))

- 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 SDO was the “DNA holder” for the original ISO and/or IEC standard
Copyright to Nationally Adopted Standard(s)

- Although the SDO may 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 SDO. No part of this publication may be reproduced in any form, including an electronic retrieval system, without the prior written permission of SDO. All requests pertaining to the [INSERT NAME OF DOCUMENT] Standard should be submitted to SDO;”

- 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.