

From: Michael Atlass <matlass@qualcomm.com>
Sent: Friday, December 20, 2019 2:39 PM
To: Anne Caldas <acaldas@ansi.org>; Jim Thompson <Jthomps@ansi.org>
Cc: Monica Barone <mbarone@qualcomm.com>
Subject: RE: • ExSC_096_2019: Proposed revisions to section 3.2 Commercial terms and conditions within the ANSI Essential Requirements (www.ansi.org/essentialrequirements)

Hi Anne,

I spoke with you and Neil Bogatz at the last ANSI IPRSC meeting about this and am submitting the following for public comment. Please let me know if it needs to go somewhere else to be recognized.

Section 3.2.3 Conformity Assessment, Testing and Training language changes seem to me to have missed consideration of certification programs that ASDs might use to ensure proper application of their certification trademarks.

Specifically, the highlighted phrase does not permit control needed to ensure that only approved conformity assessment bodies will be used, and thus undermines the potential for an ASD to control the quality of the goods or services associated with the granting of a certification mark by the ASD.

3.2.3 Conformity Assessment, Testing and Training

... include(*ing*)e a generic requirement for third-party, *i.e.*, independent, conformity assessment, testing or training. ANS
shall not dictate the use or non-use of a particular conformity-assessment body, testing facility or training organization.

A solution for this might be to add the phrase – *except to the extent necessary to establish legal control over the use of a certification mark by an ASD associated with the ANS* – immediately after the highlighted phrase.

Thanks for your review of my concern.

Best regards,

Michael.

From: Michael Atlass
Sent: Wednesday, November 20, 2019 10:04 AM
To: Anne Caldas <acaldas@ansi.org>; Monica Barone <mbarone@qualcomm.com>; Jim Thompson <Jthomps@ansi.org>
Subject: RE: • ExSC_096_2019: Proposed revisions to section 3.2 Commercial terms and conditions within the ANSI Essential Requirements (www.ansi.org/essentialrequirements)

Hi Anne, Thanks very much for your reply.

These ANSI redlines seem to address business engagements / endorsements to avoid conflict of interest or the appearance thereof, or to ensure that the public is allowed to go to different sources wherever possible. I think that is a worthy goal.

What I don't understand is whether the potential for impacts on an SDO certification program and certification mark (if any) was considered. As an example, if an ASD has a certification mark and it insists on specific testing houses to do the testing because they have ensured that they can be sure those houses meet the ASD's requirements for using the certification mark, I don't think the requirement to allow for "or equivalent" houses to be OK, because such a requirement might jeopardize their ability to control their certification mark program, and jeopardize the value of their certification mark.

If this was not considered, I would like to provide public comment, but perhaps it was, and there was a reason for the resulting language. Knowing that may help me fashion any potential public comment to the benefit of ANSI and the public interest.

Could you let me know? If a call with you or Jim would be preferable, I can make myself available this week.

Thanks.

Michael.



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From: Anne Caldas <acaldas@ansi.org>

Sent: Wednesday, November 13, 2019 3:29 AM

To: Monica Barone <mbarone@qualcomm.com>

Cc: Michael Atlass <matlass@qualcomm.com>; Anne Caldas <acaldas@ansi.org>; Jim Thompson <Jthompso@ansi.org>

Subject: RE: • ExSC_096_2019: Proposed revisions to section 3.2 Commercial terms and conditions within the ANSI Essential Requirements (www.ansi.org/essentialrequirements)

CAUTION: This email originated from outside of the organization.

Good morning –

Attached is a copy of the proposed revision that was recently announced in Standards Action. The ExSC will review public comments received in relation to it as part of its February 2020 meeting agenda.

Any questions or comments related to the content of the proposal should be submitted as public comments per the instructions on the announcement.

I'm happy to speak with Michael or anyone else, but I likely will not be able to answer specific questions about the content of the proposal. I'd recommend that if any of the text is unclear, related questions and comments be submitted as public comments.

I hope this helps –

Best,
Anne

Anne Caldas
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