

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

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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 ANSI ISO/IEC Standards Sales and Exploitation Rights Policy, as Revised. This policy shall become effective January 1, 2004.

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 SDO as set forth below. It is important to note that any and all SDOs 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 SDO 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 SDO, it can process the adoption itself. The U.S. TAG Administrator may share this right with one or more (for purposes of a joint adoption) other SDOs 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 SDOs, the U.S. TAG Administrator may choose to assign this right to another SDO (or other SDOs for purposes of a joint adoption). Under this scenario, the SDO(s) receiving such assigned rights from the U.S. TAG Administrator must enter into a national adoption license agreement with ANSI.

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<sup>1</sup> Approved at July 29, 2003 Executive Committee Meeting

2.4 If no TAG Administrator is responsible for the final U.S. position on the ISO or IEC Document, then an SDO can request the rights to adopt such a Document without forming a TAG by processing it through its accredited national consensus approval process.

2.5 An SDO who currently is responsible for maintaining a national adoption standard may retain such responsibility until the relevant ISO and IEC Document is revised, reaffirmed or withdrawn as long as the SDO enters into a revised agreement with ANSI. If such SDO 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 SDO wishes to nationally adopt a revised or reaffirmed version of the such related ISO or IEC Document.

### 3. American National Standards or SDO Standards Adopted as International Standards by ISO or IEC:

3.1 If an SDO 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 SDO's standard or is a derivative work thereof, then that SDO 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 SDO 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 SDO's standard had been previously approved as an American National Standard prior to its identical adoption by ISO or IEC, then the SDO can continue to sell its original copyrighted American National Standard under the SDO 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 SDO's standard. Under this scenario, there is no royalty due to ANSI in connection with sales of this version of the Document.