

CHANGE 1
[IEEE-SA Standards Board Operations Manual]
(Approved by ProCom: March 2006)
(Approved by SASB: July 2006)
[Note: Change 4 also addresses 5.2]

IEEE-SA Standards Board Operations Manual

2. Related documents

American National Standards Institute, *Procedures for the Development and Coordination of American National Standards*, (current edition).

IEEE Standards Association Operations Manual.

IEEE-SA Standards Board Bylaws.

~~IEEE-SA Standards Board Working Guide for Submittal of Project Authorization Request (PAR) and PAR Form. (Known as the IEEE-SA Standards Board PAR Submittal Guide.)~~

IEEE-SA Standards Board Working Guide for Submittal of Proposed Standards and Form for Submittal of Proposed Standards. (Known as the IEEE-SA Working Guide for the Submittal of Proposed Standards.)

IEEE Standards Style Manual.

Robert's Rules of Order, Newly Revised (current edition).

4.2.2 New Standards Committee (NesCom)

This committee shall examine Project Authorization Requests (PARs) and make recommendations to the IEEE-SA Standards Board regarding their approval. Such forms shall be reviewed in detail to make certain that all necessary information has been properly provided ~~[see the IEEE-SA Standards Board Working Guide for the Project Authorization Request (PAR) Form].~~

5.2 Project authorization

No formal activity shall take place after six months from the day of the first meeting of the working group without formal submittal of a PAR to the IEEE-SA Standards Board and assignment of a project number (see 5.1.2).

The Sponsor shall submit the original signed copy of the PAR, ~~in accordance with the provisions of the most current version of the IEEE-SA Standards Board Working Guide for the Project Authorization Request (PAR) Form,~~ to the NesCom Administrator. This original PAR shall be submitted prior to the submittal deadline specified. For the first three quarterly meetings of the

year, the submittal deadline shall be at least 40 days before the meeting of the IEEE-SA Standards Board. For the last quarterly meeting of the year, the submittal deadline shall be at least 50 days before the meeting of the IEEE-SA Standards Board. The individual signing the PAR shall be an IEEE-SA member.

At the time of PAR submission, the Sponsor shall state the type of balloting group that will be formed to approve or disapprove the standard (see 5.4.1).

Any PAR that includes a change in sponsorship shall be submitted to the NesCom Administrator, accompanied by letters of agreement from both the Sponsor ceding sponsorship and the Sponsor accepting sponsorship.

After the PAR has been approved by the IEEE-SA Standards Board, the PAR form becomes an important part of the project file for the standard and is referred to at the time that a standard is submitted for IEEE-SA Standards Board approval. It is important for standards-writing committees to examine the approved PAR periodically in order to make certain that its information is current as shown on the form. This will minimize delays in obtaining approval of final submittals.

For standards and their amendments that may be submitted to international standards-developing organizations, the project chair should supply a coordination plan to the IEEE-SA Standards Board during the draft development of the standard that will illustrate the plan they will follow to coordinate the necessary multiple approvals.

If a standards project has not been completed by the four-year deadline authorized in the PAR and the Sponsor determines that the project should remain active, the Sponsor shall complete the IEEE-SA Standards Board Extension Request Form and submit it to the NesCom Administrator. NesCom will make a recommendation to the IEEE-SA Standards Board whether or not to approve the extension to the PAR. A PAR extension may be granted for one or more years.

If the Sponsor does not submit an IEEE-SA Standards Board Extension Request Form and the standards project has reached the deadline authorized in the PAR approval letter or a previous extension approval letter, the standards project shall be subject to administrative withdrawal.

RATIONALE:

Since the PAR Form will now be the output of a web-based process, the instructions that were previously in the Working Guide are now contained directly on the web pages that the user fills out. Hence, there is no longer a need to maintain this document separately from the PAR Form itself.

CHANGE 2
[IEEE-SA Standards Board Operations Manual]
(Approved by ProCom: June 2006)
(Approved by SASB: July 2006)
[Note: Change 9 also addresses 5.1.2]
[Note: Change 6 also addresses 5.3.5]

IEEE-SA Standards Board Operations Manual

5.1.2 Duties of the Sponsor

Supervision of a standards project by the Sponsor includes the following mandatory requirements:

- a) Submit a properly completed Project Authorization Request (PAR) for IEEE-SA Standards Board approval within six months of the first decision to initiate the project. Forms and information may be obtained from the NesCom Administrator (see 5.2).
- b) After approval of the project, work with the IEEE Standards Department Staff to give notice of the project in appropriate publications and to appropriate entities, for the purpose of soliciting an expression of interest in the work of the sponsoring committee.
- c) Ensure that mandatory coordination requirements are accomplished (see 4.2.3.2 and 5.3.1).
- d) Organize the technical development work on the standard.
- e) Notify persons who have expressed interest in the time and the place of meetings as specified in the P&P of the Sponsor (see 5.1.1).
- f) Ensure that all meetings involving standards are open to all interested parties.
- g) Conduct the standards ballot in accordance with these procedures.
- h) Submit the proposed standard together with the submittal form to the IEEE-SA Standards Board.
- i) Submit annually to the IEEE Standards Department an electronic roster of individuals participating on standards projects.
- j) Without exception, the Sponsor and all of its standards development committees (e.g., working groups, task groups) shall submit annual financial reports. Those groups operating without treasury are required to submit an annual declaration thereof via the report (see 5.3.6).

5.1.3 Annual report of the Sponsor

The Sponsor shall submit an annual status report on its standards activities, unless the Sponsor is a committee of an IEEE Society and that Society has a common set of policies and procedures for standards development that is applicable to all Sponsors in that Society.

5.3 Standards development meetings

5.3.5 Annual financial report

All IEEE standards development committees are required to submit an annual report (IEEE Form L50-S) detailing financial activity for the previous fiscal year. The report will be due within four months of the completion of the previous fiscal year. Failure to submit this report may result in action from the IEEE-SA BOG.

The existing 5.3.5 and subsequent 5.3.x clauses will be renumbered.

RATIONALE: The L50-S reporting requirement was launched in January 2006 with the approval of the IEEE-SA BOG. The wording change codifies the existing requirement in the policies and procedures. {Similar wording added to the *IEEE Standards Association Operations Manual*.}

CHANGE 3
[IEEE-SA Standards Board Operations Manual]
(Approved by ProCom: June 2006)
(Approved by SASB: July 2006)

IEEE-SA Standards Board Operations Manual

8.1.2 Amendments and corrigenda

Amendments and corrigenda are independent ~~documents~~ **projects** and are processed with a separate PARs and balloted independently in accordance with the requirements of these procedures, including submission to the IEEE-SA Standards Board.

~~When proposed amendments and corrigenda to an existing IEEE standard are submitted, it is permissible to conduct the ballot on only the proposed changes, provided they are accompanied by sufficient information (generally the existing text, the proposed text, and the reasons for the change) to permit adequate review.~~ All amendments and corrigenda shall follow the style conventions for indicating changes defined in the *IEEE Standards Style Manual* (see clause 21 and annex C of that document).

Sponsor ballots of amendments and corrigenda shall also include access to the approved base standard and any approved amendments and corrigenda in order to provide sufficient information to the ballot group.

Up to three amendments can be approved before the standard shall be revised, unless the base standard has been approved or reaffirmed within the past three years. In the latter case, multiple amendments may be added until the base standard is three years old or three years have elapsed since the most recent reaffirmation of the standard. After the three-year period, RevCom shall defer consideration of additional amendments or corrigenda until a revision or a two-year extension request is approved by the IEEE-SA Standards Board. The standard shall not be reaffirmed if three or more amendments to the base standard exist.

If, for any extenuating circumstances, an exception to these rules is required, the Sponsor shall take its request for a two-year extension to RevCom. A project plan outlining the rationale for the request, as well as a schedule for the revision, also shall be submitted. RevCom will review the request and make a recommendation to the IEEE-SA Standards Board.

During the two-year extension period, Sponsors can submit additional amendments and corrigenda for approval consideration. However, after this period, RevCom shall defer consideration of additional amendments or corrigenda until a revision is approved by the IEEE-SA Standards Board.

Since the schedule for a standard's maintenance is based upon the publication date of the base standard, an amendment or a corrigendum may have been available for less than five years when it is subject to a maintenance action. Rules concerning the procedures for updating amendments are covered in clause 9.

RATIONALE:

RevCom submittal review has uncovered the need for balloters to have access to the base standard when reviewing amendments and corrigenda.

CHANGE 4
[IEEE-SA Standards Board Operations Manual]
(Approved by ProCom: June 2006)
(Approved by SASB: July 2006)
[Note: Change 1 also addresses 5.2]

IEEE-SA Standards Board Operations Manual

5.2 Project authorization

No formal activity shall take place after six months from the day of the first meeting of the working group without formal submittal of a PAR to the IEEE-SA Standards Board and assignment of a project number (see 5.1.2). **Only the NesCom Administrator has the authority to assign project numbers (see the IEEE-SA Project Numbering Policy).**

The Sponsor shall submit the original signed copy of the PAR to the NesCom Administrator. This original PAR shall be submitted prior to the submittal deadline specified. For the first three quarterly meetings of the year, the submittal deadline shall be at least 40 days before the meeting of the IEEE-SA Standards Board. For the last quarterly meeting of the year, the submittal deadline shall be at least 50 days before the meeting of the IEEE-SA Standards Board. The individual signing the PAR shall be an IEEE-SA member.

At the time of PAR submission, the Sponsor shall state the type of balloting group that will be formed to approve or disapprove the standard (see 5.4.1).

Any PAR that includes a change in sponsorship shall be submitted to the NesCom Administrator, accompanied by letters of agreement from both the Sponsor ceding sponsorship and the Sponsor accepting sponsorship.

After the PAR has been approved by the IEEE-SA Standards Board, the PAR form becomes an important part of the project file for the standard and is referred to at the time that a standard is submitted for IEEE-SA Standards Board approval. It is important for standards-writing committees to examine the approved PAR periodically in order to make certain that its information is current as shown on the form. This will minimize delays in obtaining approval of final submittals.

For standards and their amendments that may be submitted to international standards-developing organizations, the project chair should supply a coordination plan to the IEEE-SA Standards Board during the draft development of the standard that will illustrate the plan they will follow to coordinate the necessary multiple approvals.

If a standards project has not been completed by the four-year deadline authorized in the PAR and the Sponsor determines that the project should remain active, the Sponsor shall complete the IEEE-SA Standards Board Extension Request Form and submit it to the NesCom Administrator. NesCom will make a recommendation to the IEEE-SA Standards Board whether or not to approve the extension to the PAR. A PAR extension may be granted for one or more years.

If the Sponsor does not submit an IEEE-SA Standards Board Extension Request Form and the standards project has reached the deadline authorized in the PAR approval letter or a previous extension approval letter, the standards project shall be subject to administrative withdrawal.

RATIONALE

The IEEE-SA Project Numbering Policy is not noted in the P&P. The proposed changes elevate and make visible the IEEE-SA Project Numbering Policy.

CHANGE 5
[IEEE-SA Standards Board Operations Manual]
(Approved by ProCom: June 2006)
(Approved by SASB: July 2006)
[Note: Changes 7 and 12 also address 5.1.1.1]

IEEE-SA Standards Board Operations Manual

4.2.4 Audit Committee (AudCom)

This committee shall make routine reviews and inspections to assure that each standards-developing entity, through its Sponsor policies and procedures (P & P), is adhering to the procedures described in the *IEEE-SA Standards Board Bylaws* and the *IEEE-SA Standards Board Operations Manual*. It will make recommendations as appropriate to advise the standards-developing entities of changes that are needed. The committee shall periodically issue reports to the IEEE-SA Standards Board, summarizing its findings and making recommendations as appropriate for Standards Board action.

The committee shall develop sets of basic Sponsor operating procedures for standards development and shall use such operating procedures as a baseline when performing audits of Sponsor P & P.

5.1.1.1 AudCom review of Sponsor P & P

The Sponsor shall ensure that its P & P have been reviewed and accepted by AudCom. A Sponsor's P & P shall be visibly under development or accepted by AudCom before performance of any standards work (new, revision, reaffirmation, interpretations, etc.) by that Sponsor is authorized by the IEEE-SA Standards Board to commence. NesCom will not review new PARs from a Sponsor if AudCom informs NesCom that standards development by that Sponsor is not supported by AudCom due to the status of the Sponsor's P & P.

AudCom will ensure that **any each** Sponsor **using the entity method of standardization** has based its **entity Sponsor procedures P & P** on the **entity appropriate s**Sponsor procedures **(e.g., individual, entity, SCC Type 1, or SCC Type 2)** available from the IEEE-SA.

Sponsor P & P shall be subject to review by AudCom every five years to ensure currency. However, if a Sponsor revises its P & P prior to its next scheduled AudCom review, the Sponsor shall immediately submit its revised P & P to AudCom for review and acceptance.

RATIONALE:

[Yellow] To comply with the motion from the March 2006 IEEE-SA Standards Board meeting:

Move to approve that a P&P document shall be visibly under development or accepted by AudCom before performance of any standards work by the society or the Sponsor (new, revision, reaffirmation, interpretations, etc.) is authorized by the SASB.

[Green] To comply with the motion from the March 2006 IEEE-SA Standards Board meeting:

The IEEE-SASB delegates to AudCom

- 1) The responsibility to develop and establish sets of model Sponsor procedures for IEEE-SA standards development
- 2) The responsibility to use the appropriate set of procedures when it audits IEEE standards Sponsors in accordance with the *IEEE-SA Standards Board Operations Manual*.

CHANGE 6
[IEEE-SA Standards Board Operations Manual]
(Approved by ProCom: September 2006)
(Approved by SASB: September 2006)
[Note: Change 2 also addresses 5.3.5]

IEEE-SA Standards Board Operations Manual

5.3 Standards development meetings

5.3.5 Annual financial report

All IEEE standards development committees are required to submit an annual report (IEEE Form L50-S) detailing financial activity for the previous fiscal year. The report will be due within four months of the completion of the previous fiscal year. Failure to submit this report ~~shall~~ **may** result in action from the IEEE-SA ~~Standards Board BOG. Actions shall include, but not be limited to, suspension of all activities until the report is filed and accepted as complete.~~

5.3.6 Bank accounts

It is the policy of IEEE that all bank accounts for IEEE meetings provide for the signatures of at least two volunteers (~~who shall be IEEE Member grade or higher in good standing~~) and the signature of the IEEE Staff Director-Financial Services or designee. For IEEE Standards meetings, the IEEE Staff designee shall be the Managing Director of IEEE Standards. In addition, the term "IEEE-SA" or "IEEE" shall be included in any bank account description.

Bank accounts shall be closed six months after the standards development activity has ceased and if further projects are not planned. Closing bank statement(s) shall be submitted to the IEEE-SA BOG and the relevant IEEE Society with the final budget report.

5.3.7 Auditing of finances

All IEEE Standards Sponsor committees with actual or budgeted ~~meeting~~ income or expenses of US \$100,000 or more per year shall be audited by a professional independent source, outside the sponsoring organizational unit. The IEEE-SA BOG may select an outside accounting firm, another fully qualified resource, or the IEEE Operations Audit Department to arrange for and perform the audit. The selection of such auditors should avoid any conflict of interest with members of the relevant IEEE Standards Sponsor committees.

IEEE Standards Sponsor committees with more than US \$25,000 but less than US \$100,000 in ~~meeting~~ income or expenses per year will be audited on a rotational basis. The IEEE Operations Audit Department will schedule and arrange for the audits of these Standards activities. For those committees not scheduled for an Operations Audit review in a given year, an informal review should be conducted by a committee composed of individuals who have no direct or indirect responsibility for the financial transactions of the committee.

IEEE Standards meetings with a non-IEEE organizational unit, when the IEEE share of annual meeting revenues or expenses is expected to exceed US \$100,000 per year, are required to participate in the audit process. If the cooperating organizational units agree to the audit but refuse to share in the audit fee, the IEEE Sponsor will be assessed an audit fee of no more than 50% of the standard fee rate.

Audit fees shall be incorporated in the budgets of IEEE Standards Sponsor committees and displayed as a separate line on budget reports.

The IEEE Operations Audit staff will assure that committee financials are audited in accordance with the guidelines developed for this purpose.

RATIONALE:

The proposed changes:

- State the penalty for failure to submit the annual financial report (L50-S).
- Per the advice of Operations Audit and Accounting, the \$100K audit threshold will be extended to any activity, not just meetings.
- Add the requirement for IEEE Membership for bank account signature authority to comply with IEEE guidelines.

CHANGE 7
[IEEE-SA Standards Board Operations Manual]
(Approved by ProCom: September 2006)
(Approved by SASB: September 2006)
[Note: Changes 5 and 12 also address 5.1.1.1]

IEEE-SA Standards Board Operations Manual

5.1.1.1 AudCom review of Sponsor P & P

A Sponsor's P & P shall be visibly under development or accepted by AudCom before performance of any standards work (new, revision, reaffirmation, interpretations, etc.) by that Sponsor is authorized by the IEEE-SA Standards Board to commence.

AudCom will ensure that each Sponsor has based its P & P on the-appropriate Sponsor procedures (e.g., individual, entity, SCC Type 1, or SCC Type 2) available from the IEEE-SA.

Sponsor P & P shall be subject to review by AudCom every five years to ensure currency. However, if a Sponsor revises its P & P prior to its next scheduled AudCom review, the Sponsor shall immediately submit its revised P & P to AudCom for review and acceptance.

The IEEE Standards Sponsor P & P document accepted by AudCom shall be the official policies of that Sponsor and shall reside online on the IEEE-SA Standards Board AudCom website. No other copy shall be designated as the official copy. Links to the IEEE-SA Standards Board AudCom website are encouraged.

RATIONALE:

At its June meeting, the SASB approved the following motion:

"Move that the IEEE-SA Standards Board include the following in the *IEEE-SA Standards Board Operations Manual*:

The IEEE Standards Sponsor policy and procedure document accepted by AudCom shall be the official policies of that Sponsor and shall reside online on the IEEE-SA Standards Board AudCom website. No other copy shall be designated as the official copy. Links to the IEEE-SA Standards Board AudCom website are encouraged."

CHANGE 8
[IEEE-SA Standards Board Operations Manual]
(Approved by ProCom: September 2006)
(Approved by SASB: September 2006)

IEEE-SA Standards Board Operations Manual

Insert new 5.3.3 and renumber subsequent headings, move and renumber current 5.3.13 through 5.3.15 as follows:

5.3.3 Standards development meetings

Standards development meetings are to be conducted consistent with the principle of openness. Working group participants may include members and non-members when the requirements to gain membership are specified in Sponsor or working group P & P. A 'meeting' includes any convening for which notice was required to be given or for which membership-credits or other participation rights are either earned or exercised. Meetings may be in-person or may be via electronic means, as appropriate.

5.3.3.1 Disclosure of affiliation

Each participant's affiliation shall be disclosed at any working group or project meeting. The chair or the chair's delegate shall inform the meeting of the requirement for disclosure of affiliation (see 5.2.1.5 of the IEEE-SA Standards Board Bylaws). This shall be via a sign-in (e.g., sign-in sheet, electronic sign-in, verbal disclosure, or electronic communication) that provides for disclosure of employer and any other affiliation, a reminder of the definition of affiliation, and possible penalties for non-compliance.

Whenever an individual is aware that the ownership of his or her employer or other affiliation may be material to the process, or when the Sponsor or the IEEE-SA Standards Board requests, that individual shall also declare the "ultimate parent entity" of their affiliation. The ultimate parent entity is an entity that directly or indirectly, through one or more intermediaries, controls the entity identified as the individual's affiliation. For the purposes of this definition, the term "control" and its derivatives, with respect to for-profit entities, means the legal, beneficial or equitable ownership, directly or indirectly, of more than fifty percent (50%) of the capital stock (or other ownership interest, if not a corporation) of an entity ordinarily having voting rights. "Control" and its derivatives, with respect to nonprofit entities, means the power to elect or appoint more than fifty percent (50%) of the Board of Directors of an entity.

The minutes of each working group or project meeting shall record a list of attendees and the disclosed affiliation of each attendee.

5.3.3.2 False or misleading disclosure

A meeting attendee who fails to disclose affiliation shall not accrue any membership rights, including rights of or towards voting membership, until such disclosures have been made. The

chair shall review the adequacy of disclosures. Failure to disclose affiliation, or materially false or misleading disclosure of affiliation, shall result in loss of membership privileges and may also result in loss of other participation privileges within the IEEE-SA for such participants and any affiliated entities.

The Sponsor of the project shall, when appropriate, review the adequacy of disclosures and, if deemed inadequate, may direct corrective action(s). In the absence of effective corrective action(s) by the Sponsor, the IEEE-SA Standards Board may impose further corrective action(s).

5.3.13 5.3.3.3 Job recruiting

Job recruiting at IEEE Standards meetings is inappropriate and is actively discouraged. However, posting of notices of job opportunities by employers and of notices of jobs sought may be permitted at IEEE Standards meetings only if approved by the IEEE Standards Sponsor.

5.3.14 5.3.3.4 Audio recording, video recording, and photography

IEEE Standards Sponsor committees may apply restrictions on the use of audio recording, video recording, or photography equipment where they may impede free discussion, where they compromise commercial value, or where they are disruptive. Such restrictions should be clearly identified, in advance, to attendees.

5.3.15 5.3.3.5 Press attendance

Normally, individuals from the press are not encouraged to attend standards meetings. If the press is in attendance, the chair should announce press attendance. Normal meeting fees are not expected to be waived for the press.

5.3.3.6 Commercial activities

Exhibits of vendor products, distribution of literature, sales presentations, and similar activities are discouraged at standards meetings as they detract from and compete with the normal standards development process.

RATIONALE:

Add disclosure of affiliation.

CHANGE 9
[IEEE-SA Standards Board Operations Manual]
(Approved by ProCom: September 2006)
(Approved by SASB: September 2006)
[Note: Change 2 also addresses 5.1.2]

IEEE-SA Standards Board Operations Manual

5.1.2 Duties of the Sponsor

Supervision of a standards project by the Sponsor includes the following mandatory requirements:

- a) Submit a properly completed Project Authorization Request (PAR) for IEEE-SA Standards Board approval within six months of the first decision to initiate the project. Forms and information may be obtained from the NesCom Administrator (see 5.2).
- b) After approval of the project, work with the IEEE Standards Department Staff to give notice of the project in appropriate publications and to appropriate entities, for the purpose of soliciting an expression of interest in the work of the sponsoring committee.
- c) Ensure that mandatory coordination requirements are accomplished (see 4.2.3.2 and 5.3.1).
- d) Organize the technical development work on the standard.
- e) Notify persons who have expressed interest in the time and the place of meetings as specified in the P&P of the Sponsor (see 5.1.1).
- f) Ensure that all meetings involving standards are open to all interested parties.
- g) Conduct the standards ballot in accordance with these procedures.
- h) Submit the proposed standard together with the submittal form to the IEEE-SA Standards Board.
- i) Submit annually to the IEEE Standards Department an electronic roster of individuals participating on standards projects.
- j) Without exception, the Sponsor and all of its standards development committees (e.g., working groups, task groups) shall submit annual financial reports. Those groups operating without treasury are required to submit an annual declaration thereof via the report (see 5.3.5).
- k) Monitor standards developing committees for signs of dominance by any single interest category, individual, or organization. If dominance is suspected, the Sponsor shall promptly notify the IEEE-SA Standards Board and shall immediately address the concern with the standards developing committee leadership.

RATIONALE:

Add Sponsor duty to monitor for dominance.

CHANGE 10
[IEEE-SA Standards Board Bylaws]
(Approved by BOG: November 2006)

IEEE-SA Standards Board Bylaws

5.2.1.3 Dominance

The standards development process shall not be dominated by any single interest category, individual, or organization.

Dominance is normally defined as the exercise of authority, leadership, or influence by reason of superior leverage, strength, or representation to the exclusion of fair and equitable consideration of other viewpoints. Dominance can also be defined as the exercise of authority, leadership, or influence by reason of sufficient leverage, strength, or representation to hinder the progress of the standards development activity. Dominance in a working group (or subgroup) may occur if an unduly high proportion of individual participants are from, employed by, or otherwise represent a single entity (including its affiliates), particularly when the participants do not, or do not expect to, substantively participate in the group. Such dominance can be is contrary to open and fair participation by all interested parties and, if so, would be is unacceptable.

If evidence of dominance exists, corrective action shall be initiated. If the Sponsor's official P&P contain corrective action(s), the Sponsor shall implement such action(s) and promptly notify the IEEE-SA Standards Board. If the Sponsor's official P&P do not contain corrective actions, the Sponsor shall initiate corrective action(s), but only after such action(s) have been approved by the IEEE-SA Standards Board.

In the absence of effective corrective action(s) by the Sponsor, the IEEE-SA Standards Board shall implement either the corrective action specified in 5.2.1.3.1 or, at its discretion, an alternative corrective action [e.g., withdrawal of the PAR, limiting the number of voting members, one vote per organization, etc.]. The IEEE-SA Standards Board may impose further corrective action(s) if previous corrective action(s) prove to be insufficient.

5.2.1.3.1 Default corrective action

Fees for committee voting membership

The IEEE-SA Standards Board shall instruct the Sponsor to implement an organization fee for any individual wishing to maintain voting rights in the standards development committee. Frequency of collection and duration of voting rights covered by collected fees shall be decided by the IEEE-SA Standards Board, which shall work in conjunction with the Sponsor. An individual's status as representing an organization shall be based on self-disclosure of affiliation in compliance with the IEEE-SA policy on Disclosure of Affiliation and on other information that may be available to the IEEE-SA Standards Board and the Sponsor.

All fees collected shall be forwarded to the IEEE Standards Association and are non-refundable.

This corrective action shall remain in force until withdrawn or amended by the IEEE-SA Standards Board.

5.2.1.4 Openness

Openness is defined as the quality of being not restricted to a particular type or category of participants. All meetings involving standards development shall be open to all interested parties. Each individual participant in IEEE Standards activities shall disclose his or her affiliations when requested. A person who knows, or reasonably should know, that a participant's disclosure is materially incomplete or incorrect should report that fact to the Secretary of the IEEE SA Standards Board and the appropriate Sponsor(s).

5.2.1.5 Disclosure of Affiliation

Every member and participant in a working group, Sponsor ballot, or other standards development activity shall disclose his or her affiliation. An individual is deemed "affiliated" with any individual or entity that has been, or will be, financially or materially supporting that individual's participation in a particular IEEE standards activity. This includes, but is not limited to, his or her employer and any individual or entity that has or will have, either directly or indirectly, requested, paid for, or otherwise sponsored his or her participation. Failure to disclose every such affiliation may result in complete or partial loss of rights to participate in IEEE-SA activities. An individual is not excused from compliance with this policy by reason of any claim of a conflicting obligation (whether contractual or otherwise) that prohibits disclosure of affiliation.

A person who believes that a participant's disclosure is materially incomplete or incorrect should report that fact to the Secretary of the IEEE-SA Standards Board and the appropriate Sponsor(s).

RATIONALE:

Dominance and affiliation ad hoc recommendations.

CHANGE 11
[IEEE-SA Standards Board Operations Manual]
(Approved by ProCom: December 2006)
(Approved by SASB: December 2006)

IEEE-SA Standards Board Operations Manual

4.2.3.2 Review of draft standards

The RevCom Administrator shall distribute a copy of each proposed standard to the members of RevCom, together with the submittal form and any other pertinent information, for review. An IEEE-SA Standards Board member or the liaison representative may request a copy of the proposed standard from the RevCom Administrator. RevCom members are responsible for reviewing the documents and submitting comments to the RevCom Administrator. All comments and objections with reasons shall be distributed by the RevCom Administrator to RevCom members and the liaison representative of the Sponsor.

All requests for approval of a standard shall be reviewed by RevCom to ensure that the submittal is complete and that appropriate IEEE procedures are followed completely and correctly (see the IEEE-SA Working Guide for Submittal of Proposed Standards).

Examples of some of the points that must be carefully analyzed are given in the following paragraphs:

- *Title of Document.* The title on the draft document and submittal form shall be within the scope as stated on the most recently approved PAR, or action(s) shall be taken to ensure this.
- *Scope and Purpose of Document.* For new and revision projects, the scope and purpose of the draft document submitted to RevCom shall match the scope and purpose stated in the approved PAR.
- *Coordination.* Mandatory coordination comments shall be addressed. If the Sponsor believes that satisfying specific mandatory coordination comments will impede the utility of the draft standard, appropriate documentation of this position shall be presented to RevCom.
- *Ballot Summary.* A ballot summary of the vote of the members is required, e.g., showing the classification of members of the balloting group and including comments accompanying unresolved negative ballots. For complete details, see 5.4.1 and 5.4.3.2.
- *Balloting Group.* The balloting group shall be formulated according to 5.4.1.
- *Classification of Balloting Body.* Classification of the balloting body shall be in accordance with 5.4.1.

RATIONALE:

The Ad Hoc Group examining issues related to the Title, Scope, and Purpose of draft documents vs. those stated on the PAR Form recommends the proposed text as a means to ensure that Sponsors develop documents within the scope of work stated in the approved PAR.

CHANGE 12
[IEEE-SA Standards Board Operations Manual]
(Approved by ProCom: December 2006)
(Approved by SASB: December 2006)
[Note: Changes 5 and 7 also address 5.1.1.1]

IEEE-SA Standards Board Operations Manual

5.1.1.1 AudCom review of Sponsor P & P

A Sponsor's P & P shall be **determined by AudCom to be** visibly under development or accepted by AudCom before performance of any standards work (new, revision, reaffirmation, interpretations, etc.) by that Sponsor is authorized by the IEEE-SA Standards Board to commence.

<snip>

RATIONALE

The proposed change clarifies who determines when a Sponsor's P&P are visibly under development.

CHANGE 13
[IEEE-SA Standards Board Operations Manual]
(Approved by ProCom: December 2006)
(Approved by SASB: December 2006)

[To be implemented in conjunction with patent policy changes [Changes 14-15]; scheduled for May 2007]

IEEE-SA Standards Board Operations Manual

5.3.10 Legal compliance and other issues~~Compliance with laws~~

All Standards meetings shall be conducted in compliance with all applicable laws. In the course of IEEE standards development, communications that relate to the following shall be avoided:

- ~~– The validity, terms, or cost of specific patent use~~
- ~~– Ongoing litigation~~
- ~~– Pricing or issues that would violate antitrust laws~~

5.3.10.1 Compliance with laws

All IEEE-SA standards meetings shall be conducted in compliance with all applicable laws, including antitrust and competition laws. In the course of IEEE standards development, participants shall not engage in fixing product prices, allocating customers, dividing sales markets, or other conduct that violates antitrust or competition laws.

5.3.10.2 Discussion of litigation, patents and licensing

No discussions or other communications regarding the following topics shall occur during IEEE-SA working group standards-development meetings or other duly authorized IEEE-SA standards-development technical activities:

- The status or substance of ongoing litigation
- The essentiality, interpretation, or validity of patent claims
- Specific patent license terms or other intellectual property rights, other than distribution of accepted letters of assurance as permitted under the IEEE-SA patent policy (see 6.2 of the *IEEE-SA Standards Board Bylaws*)

5.3.10.3 Discussion of relative cost/benefit analyses

When comparing different technical approaches in IEEE-SA standards development technical activities, participants may discuss the relative costs (in terms for example of percentage increases or decreases) of different proposed technical approaches in comparison with the relative technical performance increases or decreases of those proposals. The relative costs may include any potentially Essential Patent Claims, but not the price at which compliant products may or will be sold. Technical considerations should be the main focus of discussions in IEEE-SA standards development technical activities.

RATIONALE:

Recommendations of compliance/antitrust ad hoc.

CHANGE 14
[IEEE-SA Standards Board Bylaws]
(Approved by BOG: December 2006)

[To be implemented in conjunction with Changes 13 and 15]; scheduled for May 2007]

IEEE-SA Standards Board Bylaws

6. Patents

6.1 Definitions

The following terms, when capitalized, have the following meanings:

“Accepted Letter of Assurance” and *“Accepted LOA”* shall mean a Letter of Assurance that the IEEE-SA has determined is complete in all material respects and has been posted to the IEEE-SA web site.

“Affiliate” shall mean an entity that directly or indirectly, through one or more intermediaries, controls the Submitter, is controlled by the Submitter, or is under common control with the Submitter. For the purposes of this definition, the term “control” and its derivatives, with respect to for-profit entities, means the legal, beneficial or equitable ownership, directly or indirectly, of more than fifty percent (50%) of the capital stock (or other ownership interest, if not a corporation) of an entity ordinarily having voting rights. “Control” and its derivatives, with respect to nonprofit entities, means the power to elect or appoint more than fifty percent (50%) of the Board of Directors of an entity.

“Blanket Letter of Assurance” shall mean a Letter of Assurance that applies to all Essential Patent Claims for which a Submitter may currently or in the future (except as otherwise provided for in these *Bylaws* and in the *IEEE-SA Standards Board Operations Manual*) have the ability to license.

“Enabling Technology” shall mean any technology that may be necessary to make or use any product or portion thereof that complies with the [Proposed] IEEE Standard but is neither explicitly required by nor expressly set forth in the [Proposed] IEEE Standard (e.g., semiconductor manufacturing technology, compiler technology, object-oriented technology, basic operating system technology, and the like).

“Essential Patent Claim” shall mean any Patent Claim the use of which was necessary to create a compliant implementation of either mandatory or optional portions of the normative clauses of the [Proposed] IEEE Standard when, at the time of the [Proposed] IEEE Standard’s approval, there was no commercially and technically feasible non-infringing alternative. An Essential Patent Claim does not include any Patent Claim that was essential only for Enabling Technology or any claim other than that set forth above even if contained in the same patent as the Essential Patent Claim.

“*Letter of Assurance*” and “*LOA*” shall mean a document, including any attachments, stating the Submitter’s position regarding ownership, enforcement or licensing of Essential Patent Claims, for a specifically referenced IEEE Standard, submitted in a form acceptable to the IEEE-SA.

“*Patent Claim(s)*” shall mean one or more claims in issued patent(s) or pending patent application(s).

“*Reasonable and Good Faith Inquiry*” includes, but is not limited to, a Submitter using reasonable efforts to identify and contact those individuals who are from, employed by or otherwise represent the Submitter and who are known to the Submitter to be current or past participants in the development process of the [Proposed] IEEE Standard identified in a Letter of Assurance, including, but not limited to, participation in a Sponsor Ballot or Working Group. If the Submitter did not or does not have any participants, then a Reasonable and Good Faith Inquiry may include, but is not limited to, the Submitter using reasonable efforts to contact individuals who are from, employed by, or represent the Submitter and who the Submitter believes are most likely to have knowledge about the technology covered by the [Proposed] IEEE Standard.

“*Statement of Encumbrance*” shall mean a specific reference to an Accepted LOA or a general statement in the transfer or assignment agreement that the Patent Claim(s) being transferred or assigned are subject to any encumbrances that may exist as of the effective date of such agreement. An Accepted LOA is an encumbrance.

“*Submitter*” when used in reference to a Letter of Assurance shall mean an individual or an organization that provides a completed Letter of Assurance. A Submitter may or may not hold Essential Patent Claims.

6.2 Policy

IEEE standards may be drafted in terms that include the use of Essential Patent Claims. If the IEEE receives notice that a [Proposed] IEEE Standard may require the use of a potential Essential Patent Claim, the IEEE shall request licensing assurance, on the IEEE Standards Board approved Letter of Assurance form, from the patent holder or patent applicant. The IEEE shall request this assurance without coercion.

The Submitter of the Letter of Assurance may, after Reasonable and Good Faith Inquiry, indicate it is not aware of any Patent Claims that the Submitter may own, control, or have the ability to license that might be or become Essential Patent Claims. If the patent holder or patent applicant provides an assurance, it should do so as soon as reasonably feasible in the standards development process. This assurance shall be provided prior to the Standards Board’s approval of the standard. This assurance shall be provided prior to a reaffirmation if the IEEE receives notice of a potential Essential Patent Claim after the standard’s approval or a prior reaffirmation. An asserted potential Essential Patent Claim for which an assurance cannot be obtained (e.g., a Letter of Assurance is not provided or the Letter of Assurance indicates that assurance is not being provided) shall be referred to the Patent Committee.

A Letter of Assurance shall be either:

- a) A general disclaimer to the effect that the Submitter without conditions will not enforce any present or future Essential Patent Claims against any person or entity making, using, selling, offering to sell, importing, distributing, or implementing a compliant implementation of the standard; or
- b) A statement that a license for a compliant implementation of the standard will be made available to an unrestricted number of applicants on a worldwide basis without compensation or under reasonable rates, with reasonable terms and conditions that are demonstrably free of any unfair discrimination. At its sole option, the Submitter may provide with its assurance any of the following: (i) a not-to-exceed license fee or rate commitment, (ii) a sample license agreement, or (iii) one or more material licensing terms.

Copies of an Accepted LOA may be provided to the working group, but shall not be discussed, at any standards working group meeting.

The Submitter and all Affiliates (other than those Affiliates excluded in a Letter of Assurance) shall not assign or otherwise transfer any rights in any Essential Patent Claims that are the subject of such Letter of Assurance that they hold, control or have the ability to license with the intent of circumventing or negating any of the representations and commitments made in such Letter of Assurance.

The Submitter of a Letter of Assurance shall agree (a) to provide notice of a Letter of Assurance either through a Statement of Encumbrance or by binding any assignee or transferee to the terms of such Letter of Assurance; and (b) to require its assignee or transferee to (i) agree to similarly provide such notice and (ii) to bind its assignees or transferees to agree to provide such notice as described in (a) and (b).

This assurance shall apply to the Submitter and its Affiliates except those Affiliates the Submitter specifically excludes on the relevant Letter of Assurance.

If, after providing a Letter of Assurance to the IEEE, the Submitter becomes aware of additional Patent Claim(s) not already covered by an existing Letter of Assurance that are owned, controlled, or licensable by the Submitter that may be or become Essential Patent Claim(s) for the same IEEE Standard but are not the subject of an existing Letter of Assurance, then such Submitter shall submit a Letter of Assurance stating its position regarding enforcement or licensing of such Patent Claims. For the purposes of this commitment, the Submitter is deemed to be aware if any of the following individuals who are from, employed by, or otherwise represent the Submitter have personal knowledge of additional potential Essential Patent Claims, owned or controlled by the Submitter, related to a [Proposed] IEEE Standard and not already the subject of a previously submitted Letter of Assurance: (a) past or present participants in the development of the [Proposed] IEEE Standard, or (b) the individual executing the previously submitted Letter of Assurance.

The assurance is irrevocable once submitted and accepted and shall apply, at a minimum, from the date of the standard's approval to the date of the standard's withdrawal.

The IEEE is not responsible for identifying Essential Patent Claims for which a license may be required, for conducting inquiries into the legal validity or scope of those Patent Claims, or for determining whether any licensing terms or conditions are reasonable or non-discriminatory.

Nothing in this policy shall be interpreted as giving rise to a duty to conduct a patent search. No license is implied by the submission of a Letter of Assurance.

In order for IEEE's patent policy to function efficiently, individuals participating in the standards development process: (a) shall inform the IEEE (or cause the IEEE to be informed) of the holder of any potential Essential Patent Claims of which they are personally aware and that are not already the subject of an existing Letter of Assurance, owned or controlled by the participant or the entity the participant is from, employed by, or otherwise represents; and (b) should inform the IEEE (or cause the IEEE to be informed) of any other holders of such potential Essential Patent Claims that are not already the subject of an existing Letter of Assurance.

RATIONALE:

Total re-write of patent policy.

CHANGE 15
[IEEE-SA Standards Board Operations Manual]
(Approved by SASB: December 2006)

[To be implemented in conjunction with Changes 13-14]; scheduled for May 2007]

IEEE-SA Standards Board Operations Manual

6.3 Patents

The patent policy is set forth in clause 6 of the *IEEE-SA Standards Board Bylaws* and is incorporated herein by reference.

Letters of Assurance are to be e-mailed (preferred), faxed, or mailed to the IEEE Standards Association (to the attention of the PatCom Administrator). The PatCom Administrator shall record both the date on which the IEEE receives and the date the IEEE accepts the Letter of Assurance. Completed Letters of Assurance are accepted by the PatCom Administrator or by PatCom upon referral from the PatCom Administrator. The IEEE may request a Letter of Assurance from Affiliates specifically excluded on another Letter of Assurance.

Unless the Letter of Assurance is received from an individual within the issuing organization who has clear authority for intellectual property and legal matters, the IEEE Standards Association (PatCom Administrator) shall send a certified letter, return receipt requested, to the General Counsel or other appropriate representatives of the issuing organization to confirm receipt of the Letter of Assurance and to ensure that the Letter of Assurance is factually correct and was submitted by an appropriate individual within the issuing organization. No response to this letter, other than the return receipt, is required.

Upon written request, the IEEE will make available copies of any Accepted Letter of Assurance and its attachments. Letters received after 31 December 2006 shall be posted on the IEEE-SA website.

6.3.1 Public notice

The following notice shall appear when the IEEE receives assurance from a claimed patent holder or patent applicant prior to the time of publication that a license will be made available to all applicants either without compensation or under reasonable rates, with reasonable terms and conditions that are demonstrably free of any unfair discrimination.

Attention is called to the possibility that implementation of this standard may require use of subject matter covered by patent rights. By publication of this standard, no position is taken with respect to the existence or validity of any patent rights in connection therewith. A patent holder or patent applicant has filed a statement of assurance that it will grant licenses under these rights without compensation or under reasonable rates, with reasonable terms and conditions that are demonstrably free of any unfair discrimination to applicants desiring to obtain such licenses. Other Essential Patent Claims may exist for which a statement of assurance has not been received. The IEEE is not responsible for identifying Essential Patent

Claims for which a license may be required, for conducting inquiries into the legal validity or scope of Patents Claims, or determining whether any licensing terms or conditions are reasonable or non-discriminatory. Further information may be obtained from the IEEE Standards Association.

If the IEEE has not received Letters of Assurance prior to the time of publication, the following notice shall appear:

Attention is called to the possibility that implementation of this standard may require use of subject matter covered by patent rights. By publication of this standard, no position is taken with respect to the existence or validity of any patent rights in connection therewith. The IEEE is not responsible for identifying Essential Patent Claims for which a license may be required, for conducting inquiries into the legal validity or scope of Patents Claims or determining whether any licensing terms or conditions are reasonable or non-discriminatory. Further information may be obtained from the IEEE Standards Association.

6.3.2 Call for patents

The chair or the chair's delegate of an IEEE standards-developing working group or the chair of an IEEE standards Sponsor shall be responsible for informing the members of the working group that if any individual believes that Patent Claims might be Essential Patent Claims, that fact should be made known to the entire working group and duly recorded in the minutes of the working group meeting. This request shall occur at every standards-developing meeting.

The chair or the chair's delegate shall ask any patent holder or patent applicant of a Patent Claim that might be or become an Essential Patent Claim to complete and submit a Letter of Assurance in accordance with Clause 6 of the *IEEE-SA Standards Board Bylaws*. Information about the draft standard will be made available upon request.

6.3.3 Withdrawn standards

All active IEEE standards are subject to periodic review for reaffirmation, revision, stabilization, or withdrawal every five years. Thus, any standard that incorporates patented technology may at some point in time be withdrawn. Clause 6 of the *IEEE-SA Standards Board Bylaws* contains policies concerning the period of validity for any Letter of Assurance received from a party regarding an Essential Patent Claim.

6.3.4 Multiple Letters of Assurance and Blanket Letters of Assurance

A Submitter may provide the IEEE with a Blanket Letter of Assurance for a specific [Proposed] IEEE Standard that covers all Essential Patent Claims the Submitter may currently or in the future have the ability to license. A Submitter may submit separate Letters of Assurance providing different licensing positions for different potential Essential Patent Claims.

Over time, a Submitter may also provide multiple assurances for a given Patent Claim by submitting multiple Letters of Assurance for such claim. For Essential Patent Claims, each such

Letter of Assurance shall be binding on the Submitter. Each potential licensee may choose to invoke the terms of any applicable Letter of Assurance accepted by the IEEE, with one exception: If a Submitter has signed and submitted a Letter of Assurance specifically identifying a Patent Claim before or concurrently with signing and submitting a Blanket Letter of Assurance, the Blanket Letter of Assurance cannot be invoked as to the specified Patent Claim. (The Submitter, however, may submit a separate specific Letter of Assurance offering the Blanket Letter of Assurance terms for the specified Patent Claim.) The intention of this paragraph is to permit the Submitter to offer alternative assurances, and to permit the potential licensee to choose from among the alternative assurances offered.

If, after providing a Blanket Letter of Assurance, the Submitter acquires an Essential Patent Claim or a controlling interest in an entity that owns or controls an Essential Patent Claim, the existing Submitter's Blanket Letter of Assurance shall apply to such acquired Essential Patent Claims unless the acquired entity or the prior holder of the acquired Essential Patent Claim has submitted a Letter of Assurance before the acquisition. Any Blanket Letter of Assurance submitted by the acquired entity or the prior holder of the acquired Essential Patent Claim before the acquisition shall continue to apply to acquired Essential Patent Claims covered by such assurance (but not to the acquirer's Essential Patent Claims). Letters of Assurance covering specified Essential Patent Claims shall continue to apply to specified Essential Patent Claims, whether acquired in the acquisition or held by the acquirer before the acquisition, as provided in this Operations Manual. Nothing in this paragraph shall prevent an acquiring party from asking a seller of an acquired Essential Patent Claim or an acquired entity to submit additional Letters of Assurance before closing of the acquisition.

6.3.5 Applicability of Letters of Assurance to Amendments, Corrigenda, Editions, or Revisions

An Accepted Letter of Assurance referencing an existing standard, amendment, corrigendum, edition, or revision will remain in force for the application of the Essential Patent Claim(s) to the technology specified in another amendment, corrigendum, edition, or revision of the same IEEE Standard but only if (a) the application of the technology required by the amendment, corrigendum, edition, or revision of the same IEEE Standard has not changed from its previous usage and (b) the same Essential Patent Claims covered by the prior Accepted Letter of Assurance remain Essential Patent Claims in the same IEEE Standard or revision thereof.

The Working Group Chair shall initiate a request for a new Letter of Assurance from a known Submitter when re-using portions of or technologies specified in an existing [Proposed] IEEE Standard, amendment, corrigendum, edition, or revision referenced in an Accepted Letter of Assurance in a different [Proposed] IEEE Standard.

RATIONALE:

Total re-write of patent policy.