

CHANGE 1
[IEEE-SA Standards Board Operations Manual]
(Approved by ProCom: March 2007)
(Approved by SASB: March 2007)

IEEE-SA Standards Board Operations Manual

5.4.1.1 Balloting group made of entities

Several distinct rules apply to Sponsor ballots by entities. For each balloting group, each such entity shall name one primary voting representative and, at the entity's option, one alternate voting representative to the Sponsor. Only a ballot from one of these representatives shall be accepted. If ballots are received from other parties, they shall not be counted; if ballots are received from both the primary voting representative and the alternate voting representative, only the vote from the primary voting representative shall be counted.

Each primary and alternate voting representative can ballot for only one entity; no one representative can represent the interests of more than one entity. Each representative shall declare what entity he or she represents and that their voting shall be independent of any other entity.

It is desirable to have representation of the materially interested and affected parties when reviewing the balance of the balloting group. Sponsors shall ensure balance prior to conducting a Sponsor ballot. Balloting groups shall have at least five members to ensure adequate balance.

The following qualify as entities for balloting purposes:

- *Corporation:* An entity that has a controlling body, such as a Board of Directors, that does not report to another controlling body. Except for purposes of casting an instructed vote for a consortium, vendor-specific user group, professional society, or another standards-developing organization, in order to be a voting member in a particular Sponsor ballot, each corporation's representative shall declare that the interests of that corporation are not knowingly represented by another member of the ballot body in that Sponsor ballot and that the corporation is not knowingly funding directly or indirectly the participation of another person in that Sponsor ballot for the purposes of influencing the outcome of the vote.
- *Government agency or subdivision:* An entity that reports to its parent or executive, legislative, or judicial branch of a government. Except for purposes of casting an instructed vote for a consortium, vendor-specific user group, professional society, or another standards-developing organization, in order to be a voting member in a particular Sponsor ballot, each agency's representative shall declare that the interests of that agency are not knowingly represented by another member of the ballot body in that Sponsor ballot and that the agency is not knowingly funding directly or indirectly the participation of another person in that Sponsor ballot for the purposes of influencing the outcome of the vote.

- *Partnership or association:* An entity comprised of two or more principal members. Except for purposes of casting an instructed vote for a consortium, vendor-specific user group, professional society, or another standards-developing organization, in order to be a voting member in a particular Sponsor ballot, each partnership or association shall declare that it does not represent the interests of another person of any type participating in that Sponsor ballot for the purposes of influencing the outcome of the vote. Any partnership or association that cannot make such a declaration shall not be able to be a voting member in that particular Sponsor ballot.
- *Consultant:* An entity whose principal source of revenue is derived from providing consulting services for other institutions. Except for purposes of casting an instructed vote for a consortium, vendor-specific user group, professional society, or another standards-developing organization, in order to be a voting member in a particular Sponsor ballot, each consultant shall declare that it does not represent the interests of another person of any type participating in that Sponsor ballot or that its participation is not funded directly or indirectly by any person that is already participating in that Sponsor ballot for the purposes of influencing the outcome of the vote. Any consultant that cannot make such a declaration shall not be able to be a voting member in that particular Sponsor ballot.
- *Academic institution:* An educational entity that has a controlling body, such as a Board of Regents or a Board of Governors. Except for purposes of casting an instructed vote for a consortium, vendor-specific user group, professional society, or another standards-developing organization, in order to be a voting member in a particular Sponsor ballot, each institution's representative shall declare that the interests of that institution are not knowingly represented by another member of the ballot body in that Sponsor ballot and that the institution is not knowingly funding directly or indirectly the participation of another person in that Sponsor ballot for the purposes of influencing the outcome of the vote.

In the event that, through merger or acquisition or other similar event, an entity member of IEEE-SA has its assets totally or substantially transferred to another entity, membership in the Sponsor ballot body may be transferred to the new entity, provided that the new entity is not already a member of the Sponsor ballot body.

RATIONALE: The added text harmonizes the Operations Manual with the approved baseline procedures for an entity-sponsored project. This change has been reviewed and approved by the IEEE-SA Corporate Advisory Group.

CHANGE 2
[IEEE-SA Standards Board Operations Manual]
(Approved by ProCom: March 2007)
(Approved by SASB: March 2007)

IEEE-SA Standards Board Operations Manual

5.3.8 Auditing of finances

All IEEE Standards Sponsor committees with actual or budgeted 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 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 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.

All audit fees, **as determined by the IEEE Operations Audit Department**, 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:

To state explicitly that fees will be determined and assessed by the IEEE Operations Audit Department.

CHANGE 3
[IEEE-SA Standards Board Operations Manual]
(Approved by ProCom: June 2007)
(Approved by SASB: June 2007)

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 ensure the submission of ~~submit an~~ annual financial report(s) for the operation of the Sponsor and all of its standards development committees (e.g., working groups, task groups). Those groups operating without treasury are required to submit an annual declaration thereof via the report (see 5.3.6).
- 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.

5.3.6 Annual financial report

All ~~IEEE standards development committees~~ Sponsors 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 result in action from the IEEE-SA Standards Board. Actions shall include, but not be limited to, suspension of all activities until the report is filed and accepted as complete.

Rationale: The IEEE-SA has received several requests from Sponsors to elevate this requirement so their working group chairs are not contacted. In addition, a large portion of the L50-S reports have been from Sponsors submitting on behalf of their working groups. Finally, elevating the requirement will streamline the process for both staff and volunteers as it will reduce the number of reports expected and the number of contacts that must be made in order to fulfill this requirement.

CHANGE 4
[IEEE-SA Standards Board Operations Manual]
(Approved by ProCom: June 2007)
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IEEE-SA Standards Board Operations Manual

4.1.1.5 Confidentiality Statements and Copyright Notices on Communications

The IEEE-SA Standards Board and its committees operate in an open manner. To that end, no material submitted to the IEEE-SA Standards Board or its committees will be accepted or considered if it contains any statement that places any burden on the recipient(s) with respect to confidentiality or copyright. Any communication, including electronic mail, containing language with such restrictive wording will not be accepted or considered.

It should be noted that this policy does not apply to IEEE copyrighted materials, such as draft standards, or to materials to or from IEEE counsel appropriately classified as attorney-client privileged. In the event that copyrighted materials are to be incorporated in an IEEE standard, an acceptable copyright release or assignment must be obtained from the copyright owner prior to approval of the standard by the IEEE-SA Standards Board.

RATIONALE: The changes will alleviate concerns related to confidentiality statements on communications with IEEE counsel.

CHANGE 5
[IEEE-SA Standards Board Bylaws]
(Approved by ProCom: June 2007)
(Approved by SASB: July 2007)
(Approved by BOG: August 2007)

IEEE-SA Standards Board Bylaws

5.2.2 Sponsor

A sponsor shall be made up of any of the categories of membership described in IEEE Bylaw I-403. This sponsor shall have a professed interest in the development of standards (either by direct participation or by the process of review) in technological areas that fall under the general scope of interest to the IEEE.

All IEEE standards development shall be based on projects that have been approved by the IEEE-SA Standards Board, and each project shall be the responsibility of a Sponsor. Sponsors of IEEE standards projects are committees that are responsible for the development and coordination of the standards project and the maintenance of the standard after approval of the standard by the IEEE-SA Standards Board.

The Sponsor shall be one of the following:

- a) A Technical Committee within an IEEE Society/Council
- b) A Standards Committee or Standards Coordinating Committee of an IEEE Society/Council
- c) A Standards Coordinating Committee established by the IEEE-SA Standards Board
- d) A Standards Subcommittee organized by or reporting to one of the above
- e) Other organizations as recommended by the IEEE-SA Standards Board and approved by the IEEE-SA BOG

The IEEE-SA Standards Board is not a Sponsor, but provides oversight and guidance to assist Sponsors when necessary.

5.2.2.1 Creation of Sponsors

Sponsors formed under rule (d) in 5.2.2 shall be officially recognized by the IEEE-SA Standards Board only after a 75% approval by the creating committee. Once formed, Sponsors automatically assume duties ~~and receive balloting rights~~ according to 5.1.1 of the *IEEE-SA Standards Board Operations Manual*.

RATIONALE: The IEEE-SA Standards Board has asked that the issue of whether or not it is considered to be a Sponsor be addressed in the P&P.

The change in **blue** removes some outdated language, as subcommittees can no longer be the designated [closed] Sponsor balloting group. This provision was removed from other parts of our P&Ps quite a few years ago. This section was missed.

CHANGE 6
[IEEE-SA Standards Board Bylaws and Operations Manual]
(Approved by ProCom – September 2007)
(Approved by SASB: December 2007)
(Approved by BOG: January 2008)

IEEE-SA Standards Board Bylaws

5.4 Appeals

Persons who have directly and materially affected interests and who have been, or could reasonably be expected to be, adversely affected by a standard within the IEEE's jurisdiction, or by the lack of action in any part of the IEEE standardization process, shall have the right to appeal ~~substantive technical or~~ procedural actions or inactions ~~of the committee~~, provided

- a) ~~That~~ the appellant shall have first exhausted the appeals procedures of any relevant subordinate committees ~~prior to or body before~~ filing an appeal with the IEEE-SA Standards Board.;
- b) ~~That technically based appeals, or~~ All technical decisions elements of appeals, shall be resolved ~~made~~ at or below the Sponsor level; and the IEEE-SA Standards Board shall not consider appeals of technical decisions based on technical grounds. Any person dissatisfied with a technical decision shall follow the procedures of the body that has made the decision and that body's Sponsor, including, but not limited to, making a technical comment during the applicable comment submission period.
- e) ~~That claims~~ The IEEE-SA Standards Board shall not consider any claim that is either based solely on ethical considerations will not be considered by the IEEE-SA Standards Board or that does not seek to amend or reverse a decision of a lower body relating to the development or approval of a standard. The appellant shall be advised to bring such claims to the attention of the IEEE Ethics and Member Conduct Committee or the IEEE-SA Standards Conduct Committee, as appropriate.

Further instructions concerning appeals procedure can be found in subclause 5.8 of the *IEEE-SA Standards Board Operations Manual*.

IEEE-SA Standards Board Operations Manual

3. Abbreviations and acronyms

AdCom: IEEE-SA Standards Board Administrative Committee

ANSI: American National Standards Institute

ASC: Accredited Standards Committee

AudCom: IEEE-SA Standards Board Audit Committee

IEEE: Institute of Electrical and Electronics Engineers

NesCom: IEEE-SA Standards Board New Standards Committee

PAR: Project Authorization Request

PatCom: IEEE-SA Standards Board Patent Committee

ProCom: IEEE-SA Standards Board Procedures Committee

RevCom: IEEE-SA Standards Board Standards Review Committee

TC: Technical Committee

SASB: IEEE-SA Standards Board

SCC: Standards Coordinating Committee

SDO: Standards-Developing Organization

WG: Working Group

5.8 Appeals

5.8.1 Appeals pool

At the first IEEE-SA Standards Board meeting of the year, the chair of the IEEE-SA Standards Board shall select, subject to ratification by the IEEE-SA Standards Board, six to nine members of the IEEE-SA Standards Board to serve as the appeals pool. The Past Chair of the IEEE-SA Standards Board shall serve as the SASB Vice Chair for Appeals.

If the SASB Vice Chair for Appeals has a conflict regarding the subject matter of an appeal, the IEEE-SA Standards Board Chair shall appoint another member of the IEEE-SA Standards Board to serve as the SASB Vice Chair for Appeals for that particular appeal.

5.8.2 Appeal brief

The appellant shall file a written appeal brief with the Secretary of the IEEE-SA Standards Board within 30 days after the date of notification of action of the IEEE-SA Standards Board or at any time with respect to inaction or following an appeal panel final decision from a subordinate committee. The appellant shall first have exhausted the appeals procedures of any relevant subordinate committees prior to filing an appeal with the IEEE-SA Standards Board. The appeal brief shall state the nature of the objection(s) including any adverse effects, the clause(s) of the procedures or the standard(s) that are at issue, actions or inaction that are at issue, and the specific remedial action(s) that would satisfy the appellant's concerns. Previous efforts.

including all subordinate appeals, to resolve the objection(s) and the statement of outcome/decision of each, including a sequence of events of these efforts, shall be provided noted. The appellant shall include complete documentation of supporting all statements in the appeal brief.

All issues regarding the action or inaction of the SASB shall be filed together in one appeal.

Within 20 days of receipt of the appeal brief, the Secretary shall send the appellant a written acknowledgment of receipt of the appeal brief, shall send within five working days of such receipt. The IEEE-SA Standards Board Chair and the SASB Vice Chair for Appeals ("SASB Appeal Officers") shall review the appeal brief and determine within ten days of receipt of the appeal brief whether the appeal should be heard by the IEEE-SA Standards Board or should be referred to the IEEE-SA BOG or should be returned to the appellant with instructions to file the appeal as follows: (i) if the appeal deals with ethical issues, with the IEEE Ethics and Member Conduct Committee or IEEE-SA Standards Conduct Committee, as appropriate; (ii) if the appeal deals with technical issues, with the Sponsor of the body that made the decision; or (iii) if the appellant has not exhausted the appeals procedures of a relevant subordinate committee, then with such subordinate committee. If the IEEE-SA Standards Board Chair has a conflict regarding the subject matter of the appeal, the SASB Chair shall appoint a non-conflicted member of AdCom to serve as the second Appeal Officer.

If the SASB Appeal Officers determine that the IEEE-SA BOG should hear the appeal, the Secretary of the IEEE-SA Standards Board shall notify the appellant and the appellee (the chair of the committee at issue) of that fact within five days of receipt of the notice from the SASB Appeal Officers that the IEEE-SA BOG will be hearing the appeal. The appeal shall be referred to the IEEE-SA BOG and adjudicated according to IEEE-SA BOG processes (see subclause 4.4 of the *IEEE Standards Association Operations Manual*). If the IEEE-SA BOG hears an appeal that originated from a referral from the IEEE-SA Standards Board, the results of that appeal shall be reported to the Secretary of the IEEE-SA Standards Board.

If the SASB Appeal Officers determine that the IEEE-SA Standards Board should hear the appeal, the Secretary shall, within 20 days of receipt of the appeal brief, send the appellee a copy of the appeal brief and acknowledgment, and shall send the appellant and the appellee parties a written notice of the time and location of the hearing ("hearing notice") with the Appeals Panel.

The hearing with the Appeals Panel shall be scheduled at the location set for, and during the period of, the first IEEE-SA Standards Board meeting series that is at least 60 days after mailing of the hearing notice by the Secretary. New evidence meeting the requirements of 5.8.5 shall be provided at least two weeks before the date of the Appeal Panel hearing.

5.8.3 Reply brief

Within 45 days after of receipt of the hearing notice, the appellee should may send the appellant and Secretary a written reply brief, which specifically and explicitly addressing each allegation of fact in the appeal brief to the extent of the appellee's knowledge. If the appellee furnishes a

reply brief, the brief shall include complete documentation supporting all statements contained in the reply brief.

5.8.4 Appeals pPanel

The IEEE-SA Standards Board Chair shall appoint from the appeals pool an aAppeals pPanel consisting of a chair and two other members who have not been directly involved in the matter in dispute, and who will not be materially or directly affected by any decisions made or to be made concerning the dispute ("Appeal Panel"). At least two members shall be acceptable to the appellant and at least two shall be acceptable to the appellee. If the parties to the appeal cannot agree on an aAppeals pPanel within a reasonable amount of time, the matter shall be referred to the IEEE-SA Standards Board, which shall appoint the members of the aAppeals pPanel. If an Appeal Panel member resigns or is removed from the Appeal Panel at any time before the appeal hearing, then the IEEE-SA Standards Board Chair shall appoint a replacement from the appeals pool. The replacement shall be subject to the acceptability criteria described above.

5.8.5 Conduct of the hearing

The number of participating (i.e., speaking) representatives for each of the parties to the appeal is limited to a maximum of three (3). Other individuals may attend the hearing, but will not be permitted to address, or be addressed by, the Appeal Panel or either of the parties to the appeal at any time (including during the question and answer period). No recordings or verbatim transcriptions of the hearing are allowed, except by the IEEE-SA at its sole discretion.

The Appeal Panel may call an Executive Session before, during the course of, or following an appeal hearing to consider its action on a specific appeal.

No party to an appeal may communicate with any member of the Appeal Panel regarding the appeal while the matter is pending (i.e., from the time of filing of the appeal brief to finalization of the Appeal Panel decision).

The appellant has the burden of demonstrating adverse effects, improper action(s) or inaction, and the efficacy of the requested remedial action. ~~The appellee has the burden of demonstrating that all actions relative to the appeal were taken in compliance with its procedures and that the requested remedial action would be ineffective or detrimental.~~ Each party may adduce other pertinent arguments, and members of the aAppeals pPanel may address questions to individuals. The aAppeals pPanel shall only consider documentation included in the appeal brief and reply brief, unless

- a) Significant new evidence has come to light; and
- b) Such evidence reasonably was not available to the appellant or appellee, as appropriate, at the time of filing; and
- c) Such evidence was provided by the appellant or appellee, as appropriate, to the other parties as soon as it became available.

This information shall be provided at least two weeks before the date of the appeals panel

hearing.

Prior to the hearing, the members of the Appeal Panel may convene to review the ground rules before the participants appear.

Robert's Rules of Order (latest edition) shall apply to questions of parliamentary procedure for the hearing not covered herein.

5.8.6 Appeals pPanel decision

The aAppeals pPanel shall not consider technical or make findings with respect to ethical rules issues, but shall limit its consideration to procedural matters. The aAppeals pPanel shall render its decision, based upon majority vote of the Appeal Panel (Appeal Panel members shall vote to find in favor of the appellant or the appellee and shall not abstain), in writing within 30 days of the hearing, stating findings of fact and conclusions, with reasons therefore, based on a preponderance of the evidence. Consideration may be given to the following positions, among others, in formulating the decision:

- a) Finding for the appellant, remanding the action to the appellee, with a specific statement of the issues and facts in regard to which fair and equitable action was not taken;
- b) Finding against the appellant, with a specific statement of the facts that demonstrate that appellant failed to meet its burden to demonstrate that fair and equitable treatment of the appellant was not taken and the appellant's objections;
- c) Finding that new, substantive evidence has been introduced, and remanding the entire action to the appropriate committee for reconsideration.

The Appeal Panel Chair, through the Secretary, shall notify the appellant, the appellee, and members of the IEEE-SA Standards Board in writing of the decision of the Appeal Panel.

If an Appeal Panel member resigns or is removed after a hearing, then the remaining two members of the Appeal Panel may issue a decision if their decision is unanimous. If it is not unanimous, then the IEEE-SA Standards Board Chair shall appoint a replacement from the appeals pool and a re-hearing shall be conducted during the next IEEE-SA Standards Board meeting series.

5.8.7 Request for re-hearing of the Appeal Panel decision

The decision of the aAppeals pPanel shall become final 30 days after it is issued, unless one of the parties files a written notice of request for re-hearing prior to that date with the Secretary, based on new evidence, provided such new evidence existed at the time of the hearing, but was not reasonably available to either the appellant or appellee, as appropriate, at the time of the hearing. In whisuch case, the decision of the aAppeals pPanel shall be stayed pending review by the IEEE-SASB Appeal Officers within 20 days of receipt of the written request Standards Board at its next meeting. At that time, the IEEE-SA Standards Board The review shall decide

- a) To adopt the report of the aAppeals pPanel, and thereby deny the request for re-hearing;

or

- b) To direct the Appeals Panel to conduct a re-hearing; or,
- c) At its discretion, to ask the IEEE-SA Standards Board to consider the matter.

Only one re-hearing can be conducted per appeal.

If the appeal ~~brief~~ was delegated to the IEEE-SA Standards Board ~~from by~~ the IEEE-SA BOG, the decision shall also be sent to the Secretary of the IEEE-SA BOG. ~~Further a~~ Appeals from a decision of the SASB Appeal Officers to deny the request for a re-hearing or from the decision of the Appeal Panel after a re-hearing shall be referred to the IEEE-SA BOG.

5.8.8 BOG appeal

The SASB Appeal Panel's final decision can be appealed to the IEEE-SA BOG in writing to the Secretary of the IEEE-SA BOG within 30 days after the Appeal Panel decision becomes final on the basis of a perceived error in the Appeal Panel process or of a perceived error in the Appeal Panel decision. Such appeal shall proceed in accordance with the *IEEE Standards Association Operations Manual*.

5.8.9 Informal settlement

The IEEE-SA encourages settlement of disputes at any time if the settlement is consistent with the objectives of the IEEE-SA Policies and Procedures. Any settlement (to which the parties agree in writing) that is consistent with these P&P, or an agreement to withdraw the appeal, will terminate the appeal process.

RATIONALE: These changes to the appeals P&P are recommended by the Standards Board Appeals ad hoc group.

CHANGE 7
[IEEE-SA Standards Board Bylaws]
(Approved by ProCom – September 2007)
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(Approved by BOG: December 2007)

IEEE-SA Standards Board Bylaws

5.2 Standards-development process

5.2.1.2 Membership requirements for standards developed under the entity method

Chairs of IEEE standards working groups developing standards under the entity method shall be representatives of entity IEEE-SA members ~~and shall also be either IEEE members of any grade or IEEE affiliates~~. Designees (those designated to manage the Sponsor ballot) in the IEEE Standards Sponsor entity ballot process shall be representatives of entity IEEE-SA members.

Each entity participating in an IEEE-SA entity standards working group is required to pay the IEEE-SA entity per-project participation fee established by the IEEE-SA BOG. Any entity that does not pay this fee shall not be entitled to voting rights in that IEEE-SA entity standards working group.

RATIONALE: This change was originally proposed to the IEEE-SA Standards Board in March 2006. At that time, it was not accepted because the only means to hold someone accountable to the IEEE Code of Ethics was if they were an IEEE member (who would then be accountable to the IEEE Ethics and Member Conduct Committee). Based on those initial discussion of this change, it became clear that there was then no way to hold participants in IEEE-SA working groups or ballot groups who were not members of IEEE accountable as well.

So throughout 2006, the IEEE-SA Standards Board worked on creating a method to determine a means of accountability to IEEE's ethical behavior policies for all participants in IEEE-SA activities. That was achieved through the approval and inclusion in 2007 of clause 6.6 in the *IEEE Standards Association Operations Manual*, 'Suspension or revocation of IEEE-SA privileges.'

With this clause now in place, chairs of IEEE-SA entity working groups would be held accountable to its conditions, and the requirement that entity working group chairs also be IEEE individual members is no longer necessary.

This change is recommended to make entity participation fully reflective of the entity process; that is, that all participants are required to represent entity IEEE-SA members, but are not required to obtain individual IEEE types of membership.

CHANGE 8
[IEEE-SA Standards Board Operations Manual]
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IEEE-SA Standards Board Operations Manual

5.3.10 Legal compliance and other issues

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 **or threatened** 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*)

RATIONALE: [1] **Threatened litigation should also be an off limits discussion topic for meetings.** [2] **The PatCom slide set has always included both ongoing and threatened litigation as off limits discussion topics on the slide ‘Other guidelines for Working Group meetings’.**

CHANGE 9
[IEEE-SA Standards Board Operations Manual]
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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 chair or the chair's delegate of an IEEE standards-developing working group or the chair of an IEEE standards Sponsor shall request a Letter of Assurance from Affiliates specifically excluded on an other Accepted 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.

RATIONALE: The proposed changes will require WG Chairs to seek LoAs from Affiliates excluded on previously Accepted LoAs.

CHANGE 10
[IEEE-SA Standards Board Bylaws and Operations Manual]
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IEEE-SA Standards Board Bylaws

6. Patents

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 provided in connection with submission of a Letter of Assurance, if any, or in any licensing agreements 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.

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 accept each Letter of Assurance that is complete and is received from an individual within the issuing organization whose title suggests authority for intellectual property and legal matters. The PatCom Administrator's duties with regard to Letters of Assurance shall be purely ministerial (i.e., without regard to or exercise of the PatCom Administrator's discretion regarding the content of the Letters of Assurance received). For each Accepted Letter of Assurance, the PatCom Administrator shall record the date on the signed Letter of Assurance and the date upon which the IEEE accepted such. ~~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 Accepted 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 **provided in connection with submission of a Letter of Assurance, if any, or in any licensing agreements** 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 **provided in connection with submission of a Letter of Assurance, if any, or in any licensing agreements** are reasonable or non-discriminatory. Further information may be obtained from the IEEE Standards Association."

RATIONALE: These changes state that the:

- PatCom Administrator's role is purely ministerial
- IEEE takes no position on any terms and conditions included in an LoA

CHANGE 11
[IEEE-SA Standards Board Operations Manual]
(Approved by PatCom – September 2007)
(Approved by SASB: November 2007)

IEEE-SA Standards Board Operations Manual

6.3 Patents

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. **Users of this standard are expressly advised that determination of the validity of any patent rights, and the risk of infringement of such rights, is entirely their own responsibility.** 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. **Users of this standard are expressly advised that determination of the validity of any patent rights, and the risk of infringement of such rights, is entirely their own responsibility.** Further information may be obtained from the IEEE Standards Association.

RATIONALE: These changes were made at the request of the IEEE-SA Risk Management Analyst and legal counsel.

CHANGE 12
[IEEE-SA Standards Board Bylaws and Operations Manual]
(Approved by ProCom – December 2007)
(Approved by SASB: December 2007)
(Approved by BOG: January 2008)

IEEE-SA Standards Board Bylaws

2.2 Purpose of IEEE standardization

IEEE standards provide a common ground for communication in some specific area of electrotechnology. They also provide criteria for measuring the acceptable performance of equipment or materials pertinent to the field of electrotechnology.

The purpose of the review by the IEEE-SA Standards Board is to ensure that IEEE standards represent a consensus of interests from those that are materially affected by these standards and that proper procedures have been followed during the development of these standards.

An IEEE standard gives an authoritative reference ~~to the state of the art~~ that is kept up to date through review at least every five years by the Sponsor responsible for its preparation.

Alternatively, IEEE standards may be stabilized. These standards are considered for continued stabilization through review at least every ten years.

5.2.5 Notification of action on standards

Following each meeting of the IEEE-SA Standards Board, the IEEE Standards Department shall issue a statement, available to all interested parties, which shall detail the actions taken at the last meeting of the IEEE-SA Standards Board on approval, reaffirmation, stabilization, and withdrawal of standards documents and authorization of new standards projects. This may be in the form of the minutes of the IEEE-SA Standards Board meeting.

5.3 Review cycles

All IEEE standards ~~shall should~~ be updated reviewed as often as new information is available or in accordance with the established cycle set by the IEEE-SA Standards Board, but no later than five years from the date of publication or, in the instance of stabilized standards, ten years from the initial approval or last revision or amendment. When an IEEE standard has been in effect for four years, the Secretary of the IEEE-SA Standards Board shall notify the standards liaison representative of the Sponsor that the standard must be updated reviewed for a maintenance action within the next year. The entire document shall be reviewed; amendments cannot be substituted for the five-year review.

The Sponsor has the option of

- a) Reaffirmation
- b) Revision

- c) Withdrawal
- d) Stabilization

The entire document shall be reviewed; supplements cannot be substituted for the five-year review.

6. Patents

IEEE standards may include the known use of essential patents and patent applications provided the IEEE receives assurance from the patent holder or applicant with respect to patents whose infringement is, or in the case of patent applications, potential future infringement the applicant asserts will be, unavoidable in a compliant implementation of either mandatory or optional portions of the standard [essential patents]. This assurance shall be provided without coercion. The patent holder or applicant should provide this assurance as soon as reasonably feasible in the standards development process. This assurance shall be provided no later than the approval of the standard (or reaffirmation or stabilization when a patent or patent application becomes known after initial approval of the standard). This assurance shall be either

- a) A general disclaimer to the effect that the patentee will not enforce any of its present or future patent(s) whose use would be required to implement either mandatory or optional portions of the proposed IEEE standard against any person or entity complying with the standard; or
- b) A statement that a license for such implementation will be made available without compensation or under reasonable rates, with reasonable terms and conditions that are demonstrably free of any unfair discrimination.

This 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.

IEEE-SA Standards Board Operations Manual

1.2 Types of IEEE standards

IEEE standards include but are not limited to:

- * Lists of terms, definitions, or symbols, applicable to any field of science or technology within the scope of the IEEE.
- * Expositions of scientific methods of measurement or tests of the parameters or performance of any device, apparatus, system, or phenomenon associated with the art, science, or technology of any field within the scope of the IEEE.
- * Characteristics, performance, and safety requirements associated with devices, equipment, and systems with engineering installations.
- * Recommendations reflecting current state-of-the-art in the application of engineering principles to any field of technology within the scope of the IEEE.

IEEE standards are classified as:

- * *Standards*: documents with mandatory requirements.
- * *Recommended practices*: documents in which procedures and positions preferred by the IEEE are presented.
- * *Guides*: documents in which alternative approaches to good practice are suggested but no clear-cut recommendations are made.
- * *Trial-Use documents*: publications ~~that are in~~ effective for not more than two years. They can be any of the categories of standards publications listed above. (See 5.7.)

The IEEE standards development process may result in one or more of the following documents:

- * *New*: A document that does not replace or modify another standard.
- * *Revision*: A document that updates or replaces an existing IEEE standard in its entirety.
- * *Amendment*: A document that contains new material to an existing IEEE standard and may contain technical corrections to that standard.
- * *Corrigendum*: A document that only contains technical corrections to an existing IEEE standard.
- * *Erratum*: A document that contains only grammatical corrections to, or errors introduced during the publishing process of, an existing IEEE standard.

IEEE Standards Project Editors can assist Sponsors in determining whether an amendment or revision is appropriate.

IEEE standards may be in one of four states of activity:

- * *Developing*: Standards projects that have not yet been approved as standards.
- * *Active*: Approved standards that are subject to the requirements for regular maintenance. (See clause 9).
- * *Stabilized*: Approved standards that
 - a) Are not health or safety standards
 - b) Address mature technologies or practices
 - c) Are required for use in connection with existing implementations or for reference purposes
 - d) Contain no identified significant erroneous information
 - e) Are not likely to require revisions ~~are still in use by industry but that are no longer subject to the requirements for interpretation and periodic maintenance.~~ (See 9.3).
- * *Withdrawn*: Standards that are no longer maintained and may useful or contain significant obsolete or erroneous information. (See 9.4).

5.4.1 Balloting group

The balloting group shall meet the criteria in subclause 5.2.2.3 of the *IEEE-SA Standards Board Bylaws*. Balloting group members vote on the acceptability of a new, ~~or~~ revised, or stabilized standard based on their interest in and commitment to reviewing and voting on a specific proposed standard. The balloting group shall provide for the development of consensus by all interests significantly affected by the scope of the standard. This is achieved through a balance of

such interests in the balloting group membership. Balance is defined as the avoidance of dominance by any single interest category.

No balloter shall have more than one vote.

The *IEEE-SA Standards Board Bylaws* allow for the participation of invited individual experts in ballots of specific standards projects upon approval of the IEEE-SA Standards Board. An invited individual expert is a non-IEEE-SA member who has been invited by a Sponsor to ballot on a specific standards project for the purpose of providing his or her technical expertise to improve the quality of that document. The Sponsor shall provide the following information to the IEEE-SA Standards Board when requesting the participation of an invited individual expert in a particular balloting group:

- a) A rationale as to why the invited individual expert is needed
- b) Brief background information on each invited individual expert, including qualifications
- c) A statement explaining the detrimental impact if the invited individual expert does not participate
- d) The total number of individual experts invited to participate in this balloting group
- e) The contact information for the individual

Balloters are required to classify their relationship to the balloting group relative to the scope of standards activity (for example, producer, user, and general interest). Where appropriate, additional classifications, such as "testing laboratory" or "academic," may be added by the Sponsor. This decision should be based on the effect the standard may have on participants not already recognized by the primary classifications. Individuals classify themselves based on their technical background, which may be related to their employment, job functions, or experience. IEEE-SA entity balloters are classified based on their entity interest as it relates to the scope of the standards project (for example, producer, consumer, general interest). No group (classification) is permitted to constitute 50% or more of the balloting group membership. Care shall be taken to ensure that all classes of interest are represented to the extent possible.

It is desirable to have representation of the materially interested and affected parties when reviewing the balance of the balloting group. Sponsors shall ensure balance prior to conducting a Sponsor ballot. Balloting groups should have at least 10 members to ensure adequate balance.

Interested or affected persons who pay the appropriate fees associated with voting privileges may join the balloting group for a specific standards project. Once the ballot has begun, the balloting group is closed to additional participants. Even if IEEE-SA membership status changes during the balloting period or recirculation period, there shall be no change to the voting status of the balloter with respect to that ballot.

Persons may also purchase the ballot draft for information only. Such persons may submit comments on the draft within the balloting period. However, they may not vote to approve, disapprove, or abstain on the proposed standard, nor are they entitled to receive any material other than the revised draft and responses to their comments.

Comments from persons who are not members of the balloting group shall be given due consideration and an appropriate response.

6.3.3 Withdrawn standards

All active IEEE standards are subject to periodic review for reaffirmation, revision, ~~stabilization,~~ or withdrawal every five years, ~~and for stabilization every ten 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 assurance received from a party claiming a patent, issued or under application.

9. Maintenance of IEEE standards

Sponsors are required to undertake a maintenance action within five years of the date of a standard's publication. Subsequent maintenance actions on active standards are required within five years of the IEEE-SA Standards Board approval date of the previous maintenance action. For standards with amendments or corrigenda, the maintenance schedule for all components of the standard is based on the schedule for the base document. ~~Standards that meet the criteria for stabilization (see 1.2) can be transferred to the stabilized standards process, where the document is subject to the requirement of maintenance action every ten years. Established standards that no longer have development activity associated with them can be transferred to the stabilized standards process, in which they will no longer be subject to the requirement of maintenance action.~~

A maintenance action on an active standard can be an approved PAR for revision; an initiated reaffirmation ballot; an initiated Sponsor withdrawal ballot; or a request to stabilize. If the Sponsor does not undertake a maintenance action by the end of a standard's five-year maintenance cycle, ~~or ten-year maintenance cycle for stabilization,~~ the RevCom Administrator shall notify the Sponsor that the standard will be submitted to RevCom with a default recommendation of withdrawal. RevCom or the IEEE-SA Standards Board may decide to alter the default recommendation.

9.1 Reaffirmation

Standards that ~~continue to reflect the state of the art and~~ contain no ~~identified~~ significant obsolete or erroneous information may be submitted by the Sponsor for reaffirmation when accompanied by a ballot indicating approval by at least 75% of the interested and affected parties. When the Sponsor ballots a standard for reaffirmation, the entire document, including amendments, is open to review by its balloters. Objections may indicate the need to revise the standard rather than to reaffirm it.

Sponsors shall not conduct a reaffirmation ballot for standards with three or more amendments. In such situations, the Sponsor shall revise the standard instead. (See 8.1.2.)

9.3 Stabilized standards

A stabilized standard is a standard that is still in use by industry but that has reached a state of maturity not warranting continuous maintenance by the Sponsor. Sponsors do not need to reaffirm stabilized standards. The Sponsor is not obligated to address interpretation requests made of stabilized standards.

The Sponsor, or other party, may propose the change of status of a standard to stabilized. All requests for stabilized standards status shall be reviewed by RevCom, which will make a recommendation to the IEEE-SA Standards Board. At the time a standard is proposed for stabilized standards status, it shall have been a full-use standard for at least five years and it shall not have any current revision or amendment activity associated with it.

A standard meeting the criteria for stabilization (see 1.2) is eligible for stabilization if the standard has been reaffirmed at least once, and at least ten years have passed since the initial approval (in instances where no subsequent changes were made to the standard), or last revision or amendment of the standard.

An initial stabilization ballot is required before the standard can be submitted to the IEEE-SA Standards Board for approval as a stabilized standard. The ballot shall meet all the criteria of 5.4 and shall be conducted so that balloters can confirm that the standard meets the criteria for stabilization. Prior to the initial stabilization ballot, a Mandatory Editorial Coordination review of the document to ensure eligibility for stabilization is required.

If the stabilization ballot is completed successfully, the Sponsor will be able to submit a request for stabilization and applicable ballot results to RevCom, which will make a recommendation to the IEEE-SA Standards Board. Upon approval, notification shall be made informing interested parties of the stabilization action. Stabilized standards are required to be confirmed by stabilization ballot on a routine ten-year cycle.

Recommendations to change the status of a stabilized standard may be submitted at any time by any materially affected and interested party. Any recommendations that are submitted should include a rationale as to why a revision or withdrawal is required. However, a recommendation shall not be dismissed due to the fact that the recommendation does not necessarily suggest a specific revision or change to the standard. All recommendations shall be submitted or confirmed in writing to the Secretary of the IEEE-SA Standards Board, who shall forward the request to the appropriate Sponsor.

If a recommendation is made at any time to revise or withdraw a stabilized standard, then that recommendation shall be considered by a designated group identified by the Sponsor within a maximum of 60 days from receipt. The submitter of such a recommendation shall be responded to in writing by the Sponsor within 60 days of the receipt of the recommendation and advised of the decision relative to the maintenance status of the standard. A copy for IEEE records shall be forwarded to the Secretary of the IEEE-SA Standards Board, together with a list of the members of the designated group that considered the recommendations.

If the Sponsor is unable to reach consensus on a stabilization response, the Sponsor can respond to the requestor that the recommendation will be forwarded for consideration during the next

stabilization ballot. It should be noted that, if the Sponsor cannot issue a response, this area of the standard should be considered for revision and shall be highlighted during the next required stabilization ballot if a revision is not completed.

If the stabilization recommendation requires an interpretation, the interpretation process shall be used to develop a response.

If maintenance of a stabilized standard is justified, a revision project shall be initiated. The stabilized standard shall be superseded upon IEEE-SA Standards Board approval of the active, revision standard.

9.4 Withdrawal

Standards that are no longer useful or contain significant obsolete or erroneous information should be recommended for withdrawal by the Sponsor. A recommendation for withdrawal shall be supported by a ballot with a 50% return and at least a 75% approval.

When the Sponsor fails to show any action to revise, reaffirm, withdraw, or stabilize an active IEEE standard at the end of its ~~current five-year~~ maintenance cycle, the Secretary of the IEEE-SA Standards Board shall, upon the recommendation of the IEEE-SA Standards Board, send a 30-day ballot to the members of the IEEE-SA Standards Board on the question of withdrawing the standard. Notice of the proposed withdrawal shall be sent to all liaison representatives. Withdrawals shall be approved by a ballot of the IEEE-SA Standards Board with at least a 50% return and 100% approval.

A standard remains in effect until it is officially withdrawn by the IEEE-SA Standards Board. When a standard is withdrawn, its amendments and corrigenda are also withdrawn. After a standard is withdrawn, the Sponsor is no longer obligated to respond to interpretation requests concerning it.

CHANGE 13
[IEEE-SA Standards Board Operations Manual]
(Approved by ProCom – December 2007)
(Approved by SASB: December 2007)

IEEE-SA Standards Board Operations Manual

5.1.1.1 AudCom review of Sponsor P&P

AudCom recommends to the IEEE-SA Standards Board the following actions concerning IEEE-SA Sponsor P&P:

- Accepted
- Not accepted
- Visibly under development

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 (including but not limited to: PAR actions, new, revision, reaffirmation Sponsor ballot actions, interpretations, etc.) by that Sponsor is authorized by the IEEE-SA Standards Board to commence.

After a Sponsor's P&P have been submitted to AudCom and an AudCom member is assigned as mentor to review the document, the P&P may be determined by AudCom to be visibly under development. The P&P will remain in such a state until AudCom is either satisfied that they are complete and acceptable or that the Sponsor is no longer responsive to AudCom and that the P&P are not acceptable.

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.

CHANGE 14
[IEEE-SA Standards Board Operations Manual]
(Approved by ProCom – December 2007)
(Approved by SASB: December 2007)

IEEE-SA Standards Board Operations Manual

5.3.7 Bank accounts

All IEEE standards development committees that have or intend to have bank accounts shall use the IEEE Concentration Banking Program as their only bank account. It is the policy of the 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.

RATIONALE: In support of section 11.3.A.2 (Financial Matters, Asset/Liability Management) of the *IEEE Policies* and in order for the IEEE-SA to ensure financial compliance and control for the committees it governs, it is deemed that the IEEE Concentration Banking Program will provide the greatest level of oversight currently available for the SA. Therefore, this is the only program available for standards development committees wishing to maintain a bank account. This requirement is in line with the continuum of financial activities, e.g., auditing, L50-S requirements and now banking.

Additional information via a Frequently Asked Questions and Answers section will also be available. It will be linked to 'Concentration Banking' in the first paragraph.

Update for December 2007 ProCom Meeting:

Questions raised:

1. Should an entity-based project want to have a bank account, do the signatories need to be IEEE member grade in good standing? YES
2. What if the group is outside the US, can a non-US account be set up? NO, only in the US with Wachovia.
3. The L-50-S process will capture all other "financial" transactions taking place.

CHANGE 15
[IEEE-SA Standards Board Operations Manual]
(Approved by ProCom – December 2007)
(Approved by SASB: December 2007)

IEEE-SA Standards Board Operations Manual

4.2.3.2 Review of draft standards

[Add to the list of review items]

— *Comment responses.* All comments shall receive consideration and response in accordance with 5.4.3.2.

5.4.3 Conduct of ballot

A standards ballot shall be conducted by the Sponsor or Sponsor designee via the IEEE Standards Balloting Center when a proposed standard is ready for Sponsor balloting. Ballot group participants shall submit votes and comments in a manner and in a format compatible with approved IEEE Standards Balloting Center balloting tools. Sponsors shall provide evidence of the consideration of each comment via approved IEEE Standards Balloting Center tools.

5.4.3.2 Resolution of comments, objections, and negative votes

The Sponsor shall consider all comments and objections received before the close of ballot; and make a reasonable attempt to resolve all ~~comments, objections, and~~ negative votes that are accompanied by comments. Comments that advocate changes in the document, whether technical or editorial, may be accepted, revised, or rejected.

Comments addressing grammar, punctuation, and style, whether attached to an affirmative or a negative vote, may be referred to the publications editor for consideration during preparation for publication. It should be borne in mind that documents are professionally edited prior to publication.

Comments received before the close of ballot from persons who are not in the balloting group, including from the mandatory coordination entities, require acknowledgement sent to the commenter and shall be presented to the comment resolution group for consideration. The Sponsor shall send an explanation of the disposition of the mandatory coordination comments to the commenter.

Comments received after the close of ballot will be forwarded to the Sponsor for consideration at the next update of the standard. If a comment is received as a result of a public review process, that comment will be addressed by the Sponsor and a disposition returned to the commenter, along with information concerning their right of appeal.

Negative voters may indicate acceptance of the response to any or all comments associated with their negative vote. In order for a negative vote to be changed to an affirmative vote, the Sponsor shall obtain written confirmation from each voter (by letter, fax, or electronic mail) that indicates concurrence with any change of his or her vote. If the negative vote is not satisfied, either entirely or in part, the negative voter shall be informed of the reasons for the rejection and be given an opportunity to review comment responses and either to change his or her vote to “approve” or to retain his or her negative vote during a recirculation ballot.

Changes may be made in the document to resolve negative votes that are accompanied by comments or for other reasons. All substantive changes made since the last balloted draft shall be identified and recirculated to the Sponsor balloting group. All unresolved negative votes with comments shall be recirculated to the Sponsor balloting group. The verbatim text of each comment, the name of the negative voter, and a rebuttal by the members conducting the resolution of comments shall be included in the recirculation ballot package. Responses to comments should include sufficient detail for ballot group members to understand the rationale for rejection of the comment or revision of the change proposed by the commenter.

During a recirculation ballot, balloting group members shall have an opportunity to change their previously cast ballots. A change to “do not approve,” which is submitted with comments, shall be based only on the changed portions of the balloted document, clauses affected by the changes, or portions of the balloted document that are the subject of the unresolved negative votes. If a change to “do not approve” is based solely on comments concerning previously approved portions of the balloted document, the balloter shall be informed that the comments are not based on the changed portion of the balloted document. Such and, therefore, those comments may need not be addressed in the current ballot and may be considered for a future revision of the standard. If the balloter does not agree to change the negative ballot, the ballot may be submitted to RevCom shall be recorded as an unresolved negative without comment.

Further resolution efforts, including additional recirculation ballots, shall be required if negative votes with new comments within the scope of the recirculation result. Once all required recirculations have been completed and 75% approval has been achieved, the IEEE requirements for consensus have been met. Efforts to resolve negative votes may continue for a brief period; however, should such resolution not be possible in a timely manner, the Sponsor should forward the submittal to RevCom because the IEEE has an obligation to the majority to review and publish the standard quickly.

Copies of all unresolved negative votes, together with the reasons given by the negative voters and the rebuttals by the Sponsor, shall be included with the ballot results submitted to RevCom. Copies of the written confirmations from voters that indicate concurrence with the change of their votes from negative to affirmative shall be included in the submittal to RevCom.

The Sponsor shall, if not included in a recirculation package, provide to the negative voter and to RevCom an explanation why any comments associated with a negative vote were not required to be recirculated. In order for a negative vote to be changed to an affirmative vote, the Sponsor shall obtain and provide to RevCom written confirmation from each voter (by letter, fax, or electronic mail) that indicates concurrence with any change of his or her vote. Any negative vote

with comment that RevCom is to consider as a negative without comment shall be explained to RevCom.

Proposed standards receiving a significant number of unresolved negative votes should be considered by the Sponsor for trial-use (see 5.7).

Rationale

RevCom is observing a number of projects across IEEE-SA where either the technical committee or ballot participants are not submitting comments through the myBallot system. Issues devolving from this include:

- a. Submittal of bulk comment files to myBallot – Comments may be a mix of approve and disapprove comments. The recirculation package (unresolved disapprove comments) are therefore obscured as are the responses to those comments.
- b. Submittal of comments to a WG commenting system – May either result in some participants being counted as Disapprove without comment or even greater obscurity of comments and responses in a recirculation.
- c. It is difficult for RevCom to review that all recirculation requirements have been met.

In addition, comment processing requirements can be clarified within the *IEEE-SA Standards Board Operations Manual*:

- a. The determination by the BRC or Sponsor that a comment is invalid can be considered by the ballot group during a recirculation, except when no recirculation is required
- b. myBallot does not support allowed cases to treat a negative with comment as a negative without comment, so that has been moved as an optional action for submittal to RevCom.

CHANGE 16
[IEEE-SA Standards Board Operations Manual]
(Approved by ProCom – December 2007)
(Approved by SASB: December 2007)

IEEE-SA Standards Board Operations Manual

5.6 Adoption

The IEEE is a focal point for various technologies and is willing to share its expertise with standards developers worldwide. One method for doing this is through adoption.

Adoption of IEEE standards by national, regional, and international standards organizations is encouraged. This adoption shall be a formal process that may include a reciprocal agreement between the IEEE and the organization adopting the IEEE standard. The following subclauses discuss the methods for processing adoption requests.

5.6.1 Process for adoption of IEEE Standards

Arrangements for non-IEEE organizations to adopt IEEE standards are established in binding memoranda of understanding. These memoranda of understanding shall be executed by the Managing Director, Standards, and the responsible person in the other organization. IEEE staff shall have responsibility for negotiating the terms and conditions of these agreements. Requests for adoption of IEEE standards shall be forwarded to the Contracts-Senior Administrator-Business Development, IEEE Standards Department.

Adopting organizations are encouraged to participate in future updates of the originating IEEE standard.

5.6.2 Process for adoption of non-IEEE Standards

5.6.2.1 Sponsor identification

A Sponsor, as defined by subclause 5.2.2 of the *IEEE-SA Standards Board Bylaws*, shall assume responsibility for coordinating the adoption of the a non-IEEE standard by the IEEE SA Standards Board. The Sponsor shall be responsible for the standard upon adoption and until withdrawal in accordance with all IEEE Standards policies and procedures.

5.6.2.2 Project initiation

A Sponsor shall submit a PAR for the adoption of a non-IEEE standard to the IEEE-SA Standards Board to initiate an adoption. At the same time, the Sponsor shall contact the Contracts-Senior Administrator-Business Development, IEEE Standards Department, to initiate copyright negotiations.

5.6.2.3 Draft development

The adoption of a non-IEEE standard shall not include any revisions or changes to the actual document being adopted. However, IEEE exceptions addressing any differences between the IEEE adoption and the non-IEEE standard may be added to either the front matter of the document or in an annex.

5.6.2.34 Sponsor ballot

While a non-IEEE standard, if adopted, shall be adopted without revisions, there are several options available to address any exceptions between the non-IEEE standard and the needs of the balloters.

The ballot shall include a cover letter explaining the reasons for the adoption to balloters, the options available to the balloters when casting their votes, and the provisions for consideration of comments by the developer of the non-IEEE standard originating organization. The Sponsor ballot shall meet the requirements outlined in 5.4.

If there are no negative ballots, the non-IEEE standard can be adopted according to IEEE procedures. Negative comment resolution shall be handled in either of the following ways:

- a) — IEEE exceptions can be added to the front matter of the document addressing the differences, or those exceptions can be summarized in a section of the document such as an annex. Whichever method of presentation is selected, this clause shall be recirculated to the balloting body to provide the opportunity for voters to change their votes if desired.
- b) — If the negative comments do not diminish the technical validity of the document, the negative voter shall be informed that his or her Ballot comments and any Sponsor responses shall be forwarded to the developer of the non-IEEE standard originating organization for their consideration at the time of the revision of the document. These comments shall also be recirculated to the balloting body to provide the opportunity for voters to change their votes if desired.

Negative comments may indicate that the document is unacceptable without revisions that are more substantive than a list of exceptions would allow. The decision to make substantive revisions to the document requires notification to the balloters and application for a PAR. Additionally, the Sponsor shall notify the Contracts Administrator, IEEE Standards Department, to negotiate a copyright agreement.

5.6.2.4 Approval

Submission to RevCom for recommendation of approval by the IEEE-SA Standards Board shall be accompanied by

- a) A submittal form
- b) The ballot results
- c) Ballot resolution rebuttals and RevCom documentation
- d) The address and name of the contact person from the developing organization that will handle the negative comments forwarded by the IEEE Sponsor to their IEEE Standards Staff Liaison for transmission to the originating organization

5.6.3 Designation of a standard adopted by the IEEE

Unless otherwise instructed by the copyright holder, the adopted document shall, as a minimum, contain the IEEE standard designation and date and the standard designation and date of the non-IEEE standards developer. For further information, see the *IEEE Standards Style Manual*.

RATIONALE:

The proposed changes clarify the procedure for the adoption of a non-IEEE standard. In particular, the handling of exceptions during draft development is addressed.

Clause 5.6.2.4 is being deleted as it is repetitive and item d) will be moved to the RevCom submittal form and instructions

Clause 5.6.3 is being deleted as standards designations are handled by the NesCom Administrator in conjunction with the publishing staff.

CHANGE 17
[IEEE-SA Standards Board Bylaws and Operations Manual]
(Approved by PatCom – December 2007)
(Approved by SASB: January 2008)
(Approved by BOG: January 2008)

IEEE-SA Standards Board Bylaws

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 **once the PAR is approved by the IEEE-SA Standards Board**. 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.

IEEE-SA Standards Board Operations Manual

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 once the PAR is approved by the IEEE-SA Standards Board.

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.

RATIONALE:

Defines the timeframe for both receipt of LoAs and for Calls for Patents.