

# **CGA Procedures for the Development of American National Standards**



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**Foreword**

These procedures were approved by the American National Standards Institute's Executive Standards Council on June 12, 2007.

Proposed changes to these procedures should be emailed to [cga@cganet.com](mailto:cga@cganet.com).

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## 1 Introduction

These procedures outline the method by which the Compressed Gas Association (CGA) implements the *ANSI Essential Requirements: Due Process Requirements for American National Standards* (referred to as the *Essential Requirements*) for the approval, reaffirmation, revision, and withdrawal of American National Standards (ANS).

These procedures have been developed to comply with the 2007 version of the *Essential Requirements* and are designed to provide guidance to those involved in the development of a CGA ANS. Participation in the development of a CGA ANS is open to all persons who are directly and materially affected by the standard.

## 2 Organization and roles

### 2.1 CGA Standards Council

CGA's Standards Council ("the council") approves all CGA positions. The council has final approval over all standards development activities including approval, reaffirmation, revision, and withdrawal of CGA ANSs. The council approves the formation and closure of CGA ANS ad hoc committees.

### 2.2 CGA ANS ad hoc committee

A CGA ANS ad hoc committee ("ANS committee") evaluates proposed standards and published standards that have been approved by the council for consideration as ANSs. They also review and approve CGA ANSs for the purpose of revision, reaffirmation, or withdrawal. The ANS committee is considered the consensus body according to the *Essential Requirements*.

### 2.3 CGA ANS committee chairman

The chairman (and vice chairman, if needed) shall be approved by the council and shall be an employee of a CGA member company. The chairman is responsible for chairing ANS committee meetings and working with CGA staff to ensure that these procedures are followed.

### 2.4 CGA staff

CGA staff provides administrative and technical support to ANS committees and maintains these procedures. CGA staff is responsible for records retention (see 5.3).

### 2.5 ANSI-Accredited U.S. Technical Advisory Group

ANSI-Accredited U.S. Technical Advisory Groups ("U.S. TAG") establish the U.S. consensus position on ISO standards and issues. U.S. TAGs are organized by ISO committee and subcommittee.

## 3 Process for CGA ANSs

The process for CGA ANSs is described in detail below, and includes committee formation, notification of project initiation, development of committee membership, review of draft standard, consideration/incorporation of comments (if needed), committee vote, resolution of objections and recirculation (if needed), council approval, public review, appeals, submittal to ANSI, and 5-year review. A flow chart is provided in Appendix A.

### 3.1 Formation of ANS committee

The council approves the formation of an ANS committee upon review and approval of an ANS committee application (see Appendix B). Completed applications submitted to CGA staff at least 30 days before a council meeting will be considered by the council. A draft standard (or reference to a published standard that CGA has the rights to use in the creation of an ANS) should be included with the application.

### 3.2 Notification of project initiation

Upon approval of the formation of a CGA ANS committee or action to revise an ANS, CGA staff shall provide a PINS form to ANSI for announcement in ANSI's *Standards Action*. Decisions to develop or revise an ANS shall be recorded in committee minutes for audit purposes.

In addition, CGA staff shall notify the CGA membership that an ANS committee has been formed with instructions on how to join the committee and notice will be posted on the CGA public website to invite participants. If CGA receives written comments within 30 days from the publication date of a PINS announcement in *Standards Action* and said comments assert that a proposed standard duplicates or conflicts with an existing American National Standard (ANS) or a proposed ANS that has been announced previously in *Standards Action*, a mandatory deliberation of representatives from the relevant stakeholder groups shall be held within 90 days from the comment deadline. Such a deliberation shall be organized by CGA and shall be concluded before CGA may submit a draft standard for public review. If the deliberation does not take place within the 90-day period and CGA can demonstrate that it has made a good faith effort to schedule and otherwise organize it, then CGA will be excused from compliance with this requirement. The purpose of the deliberation is to provide the relevant stakeholders with an opportunity to discuss whether there is a compelling need for the proposed standards project. The outcome of such a deliberation shall be conveyed in writing by CGA (with a copy to the commenter) to the ANSI Board of Standards Review (BSR) for consideration should the developer ultimately submit the related proposed standard to ANSI for approval.

### 3.3 Development of ANS committee membership

Membership on an ANS committee is open to any directly and materially affected person in accordance with the *Essential Requirements*. Membership in the Compressed Gas Association is not a requirement to join an ANS committee.

CGA staff works with a committee chairman to develop the membership of an ANS committee and ensures that the committee is not dominated by a single interest category, individual, or organization. Dominance means a position or exercise of dominant authority, leadership, or influence by reason of superior leverage, strength, or representation to the exclusion of fair and equitable consideration of other viewpoints.

There is no fee to join an ANS committee. However, if it becomes necessary to charge an administrative fee, CGA will inform ANS committee members (and potential members) of administrative fees.

#### 3.3.1 Interest categories

The committee membership shall consist of at least four interest categories. No interest category shall constitute more than one third of the committee membership to provide balance in the ANS committee. Interest categories shall be discretely defined, cover all materially affected parties, and differentiate each category from the other categories. Definitions of the interest categories will be made available by CGA staff upon request. Interest categories shall include at least the following:

- producer;
- user;
- general interest; and
- one additional interest category.<sup>1</sup>

Those joining the ANS committee shall notify CGA staff in writing which interest category they represent.

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<sup>1</sup> Further interest categories that may be used to categorize directly and materially affected persons consist of, but are not limited to, the following: a) Consumer; b) Directly affected public; c) Distributor and retailer; d) Industrial/commercial; e) Insurance; f) Labor; g) Manufacturer; h) Professional society; l) Regulatory agency; j) Testing laboratory; k) Trade association.

### 3.3.2 Voting status

Voting status is assigned to each member of an ANS committee when the committee is formed. No individual shall represent more than one organization or entity on the consensus voting body. No entity shall have more than one voting representative on the committee although alternates are permitted. A vote submitted by an alternate will be counted only if the voting member fails to vote.

A CGA member who wishes to stay informed of ANS committee progress may join the committee as a non-voting member. They may attend committee meetings as an observer and will receive all committee correspondence. For audit purposes, non-voting members are not considered part of the official roster of the ANS committee.

### 3.4 Review of proposed ANS

Once the ANS committee membership has been established, CGA staff will notify the committee, CGA membership, applicable U.S. Technical Advisory Groups (TAGs), and the public via the CGA public website of the availability of the proposed ANS.<sup>2</sup> CGA staff shall submit a BSR-8 form to ANSI for the public review.

Proposed changes are submitted to CGA electronically via the CGA website [www.cganet.com](http://www.cganet.com) or email. The CGA cut-off date for proposed changes ("PC cut-off date") will be the same as the call for comment deadline published in *Standards Action* (typically 45 days when the draft standard is available electronically; 60 days when the draft is available only in hard copy).

If no comments are submitted by the PC cut-off date, the proposed ANS shall be sent by letter ballot to the ANS committee for approval. If the standard is an existing CGA ANS, the ANS committee will vote on the reaffirmation of the standard concurrent with notice in *Standards Action* of the proposed reaffirmation.

Reaffirmations shall be accomplished without any substantive change to the main text of the standard. All non-substantive changes in the main text of the standard shall be explained, or noted, in a foreword. An ANS undergoing an update of normative references shall be processed as a revision unless the updated reference is only a reaffirmation. Any substantive change in such references requires processing as a revision.

### 3.5 Consideration of proposed changes/comments

Prompt consideration shall be given to the written views of all commenters within 90 days after the close of the PC cut-off date.<sup>3</sup>

The ANS committee chairman shall be responsible for review and decisions on all proposed changes/comments. The chairman may select members of the committee to assist in this task. The committee chairman is not required to consider comments unrelated to the proposal under consideration.

Once the proposed changes/comments have been reviewed and responses recorded for each, CGA staff will circulate the comments and responses and an updated draft to the ANS committee. Disposition of public comments shall be communicated in writing to the commenters with information on CGA's appeals policy.

### 3.6 Committee vote

An ANS committee shall vote on a candidate ANS by letter ballot or at a committee meeting. The voting method shall be decided by CGA staff and the committee chairman.

#### 3.6.1 Letter ballot

If a committee letter ballot is determined as the voting method, CGA staff will send a ballot to the committee electronically and request that votes be submitted electronically within 30 days.

<sup>2</sup> It is possible for a candidate ANS to be made available for review before the ANS committee membership has been established, especially if it is a published standard. If it is not a published standard, a draft may be made available to allow potential committee members to evaluate their participation based on the content of the draft.

<sup>3</sup> The ANS committee chairman shall communicate delays to the council in writing, and include reason for delay and new date by which all comments shall be considered.

CGA is not required to consider negative votes accompanied by comments not related to the proposal under consideration, or negative votes without comments. The letter ballot shall indicate conspicuously that negative votes must be accompanied by comments related to the proposal and that votes unaccompanied by such comments will be recorded as “negative without comments” without further notice to the voter. If comments not related to the proposal are submitted with a negative vote, the comments shall be documented and considered in the same manner as submittal of a new proposal. If clear instruction is provided on the ballot, and a negative vote unaccompanied by comments related to the proposal is received notwithstanding, the vote may be counted as a “negative without comment” for the purposes of establishing a quorum and reporting to ANSI. However, such votes (i.e., negative vote without comment or negative vote accompanied by comments not related to the proposal) shall not be factored into the numerical requirements for consensus. CGA is not required to solicit any comments from the negative voter. CGA is not required to conduct a recirculation ballot of the negative vote. CGA is required to report the “no” vote as a “negative without comment” when making final submittal to the BSR.

### **3.6.2 Committee meeting**

If a committee meeting is determined as the forum for the vote, CGA will notify committee members a minimum of 30 days before the meeting, however meetings may be held with less than 30 days notice by approval of 100% of the voting committee members. The meeting may be held by teleconference or face-to-face at the discretion of CGA staff and the committee chairman. Meetings shall be held in accordance with the CGA Antitrust Compliance Guidelines and, when necessary, managed according to *Robert's Rules of Order*.

Quorum at a meeting is one more than half of all voting members on the committee to ensure that consensus can be reached (see 3.6.4).

Committee members who cast a negative vote at the meeting shall provide written justification for their vote to CGA staff within 5 business days following the meeting. If comments are not submitted within 5 business days following the meeting, the vote will be changed to “negative without comments” and considered an abstention for the purpose of determining consensus (see 3.6.4).

Committee members absent from the meeting who wish to vote shall notify CGA staff within 3 business days following the meeting. CGA staff will make available the draft and proposed change list after receiving their request. The committee member shall submit a vote within 5 business days after the draft and proposed change list are made available to them.

If the final outcome of the committee meeting includes unresolved objections (see 3.7.1), a recirculation of the draft and comments is required in accordance with 3.7.2.

### **3.6.3 Voting options**

Voting options for the committee follow:

- Approval
- Approval with comment
- Disapproval (technical justification required)
- Abstention

Changes to votes shall be provided in writing to CGA (electronic means is acceptable).

### **3.6.4 Evidence of quorum and consensus**

Quorum shall be determined when at least half (50%) of the committee members vote (including abstentions) and consensus shall be achieved when at least two thirds of those voting approve (not counting abstentions). A vote recorded as “negative without comments” shall be considered an abstention for the purpose of determining consensus.

### 3.7 Resolution of disapproval votes and comments

If a disapproval vote is submitted with technical justification, the committee chairman shall review the comments and contact the submitter to attempt resolution. If the issue is resolved without implementation of a substantive change to the proposed ANS, the submitter shall contact CGA staff in writing or electronically to change their vote. If the issue is resolved with substantive change to the standard, the change shall be recirculated to the committee for approval (see 3.7.2).

Disapproval votes with comments that are of a procedural or philosophical nature shall not be dismissed due to the fact that they do not necessarily provide alternative language or a specific remedy to the negative vote. The committee does not have to consider disapproval votes accompanied by comments not related to the proposal or disapproval votes submitted with no comments.

#### 3.7.1 Unresolved objections

If disapproval votes or negative public comments cannot be resolved but the committee has approved the proposed ANS, they shall be considered unresolved objections. The committee chairman should attempt to resolve objections within the time frame allowed by ANSI (see 3.11).

ANSI provides the following definitions in the *Essential Requirements* (Annex A):

- Unresolved: Either 1) a negative vote submitted by a consensus body member or 2) written comments, submitted by a person during public review expressing disagreement with some or all of the proposed standard, that have not been satisfied and/or withdrawn after having been addressed according to the developer's approved procedures.
- Resolved: A negative vote cast by a member of the consensus body or a comment submitted as a result of public review where the negative voter agrees to change his/her vote or the negative commenter accepts the proposed resolution of his/her comment.

#### 3.7.2 Recirculation

Each unresolved objection and attempt at resolution, and any substantive change made in a proposed ANS shall be reported to the committee in order to afford all ANS committee members an opportunity to respond, reaffirm, or change their vote.<sup>4</sup> The substantive changes shall be communicated to ANSI for a public review (BSR-8). The committee shall have until the end of the call for comment deadline published in *Standards Action* to respond, reaffirm, or change their vote.

If consensus has been reached at the end of the recirculation and no new disapproval votes or public comments have been submitted, the proposed ANS shall be considered approved by the ANS committee and forwarded to the council for approval.

If any new disapproval votes are submitted by the end of the recirculation, the committee chairman shall attempt resolution as described in 3.7.

New public comments submitted as a result of the public review shall be addressed by the committee chairman. Any substantive change made to the proposed ANS requires recirculation to the ANS committee and another public review.

### 3.8 Standards Council vote

After approval by the ANS committee, the council will vote to approve the proposed ANS by letter ballot or at their next scheduled meeting. The proposed ANS is approved when a simple majority of the council voting members vote in favor, provided no council member casts a negative vote.

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<sup>4</sup> CGA is not required to recirculate negative votes without comments or comments submitted that are unrelated to the proposal.

If negative votes are received by one or more council members, the ANS committee chair shall attempt resolution with the council members. Resolution should be completed within 60 days after the close of a council ballot. If a negative vote cannot be resolved within the timeframe described in 3.11 or if the council votes against the proposed ANS, the council can vote to discontinue the ANS project. A written justification for the discontinuance of an ANS standards project shall be made available upon receipt of any written request within 60 days of the date of the disapproval action.

### **3.9 Public review**

The proposed ANS shall be circulated for another public review if any substantive change has been made from the first public review (see 4.3). After the council approves the proposed ANS, CGA staff shall submit a BSR-8 to ANSI. Any comment received during this public review shall be reviewed by the committee chairman. Any substantive changes made as a result of accepting public review comments requires another committee and council vote, in addition to another public review.

### **3.10 Appeals**

Persons who have directly and materially affected interests and who have been or will be adversely affected by any *procedural* action or inaction by CGA with regard to the development of a proposed ANS or the revision, reaffirmation, or withdrawal of an existing American National Standard, have the right to appeal. CGA requires a \$200 fee for the appeals process in order to help defray administrative expenses. Requests to waive the fee will be considered on a case-by-case basis.

#### **3.10.1 Appellant**

The appellant shall file a written complaint with CGA staff within thirty calendar days after the date of notification of action or at any time with respect to inaction. The complaint shall state the nature of the objection(s) including any adverse effects, the clause(s) of these procedures or the standard that is at issue, actions or inactions that are at issue, and the specific remedial action(s) that would satisfy the appellant's concerns. Previous efforts to resolve the objection(s) and the outcome of each shall be noted.

#### **3.10.2 Response**

Within thirty calendar days after receipt of the complaint, CGA shall respond in writing to the appellant, specifically addressing each allegation of fact in the complaint to the extent of CGA's knowledge. If more than thirty calendar days are necessary to respond to the complaint, CGA shall notify the appellant in writing with a date by which CGA will respond.

#### **3.10.3 Hearing**

If the appellant and CGA are unable to resolve the written complaint informally in a manner consistent with these procedures, CGA shall schedule a hearing with an appeals panel on a date agreeable to all participants, giving at least ten working days notice.

The appellant has the burden of demonstrating adverse effects, improper actions or inactions, and the efficacy of the requested remedial action. CGA has the burden of demonstrating that the ANS Committee and CGA took all actions in compliance with these procedures and that the requested remedial action would be ineffective or detrimental.

Each party may adduce other pertinent arguments, and members of the appeals panel may address questions to individuals. *Robert's Rules of Order* (latest edition) shall apply to questions of parliamentary procedure for the hearing not covered herein.

#### **3.10.4 Appeals panel**

CGA shall provide or arrange for an impartial appeals body composed of at least three individuals knowledgeable as to the policy or other concerns related to the appeal. Such individuals must not have demonstrably real or apparent conflicts of interest with the subject of the appeal or the person filing the appeal.

The appeals panel shall consist of three individuals who have not been directly involved in the matter in dispute, and who will not be materially or directly affected by any decision made or to be made in the dispute. At least two members shall be acceptable to the appellant and at least two shall be acceptable to CGA.

Members of the ANS Committee for the standard being appealed shall not be members of the appeals panel. Members of the council shall not be members of the appeals panel.

### **3.10.5 Decision**

The appeals panel shall render its decision in writing within 30 days, stating findings of fact and conclusions, with reasons therefore, based on a preponderance of the evidence presented to the appeals panel. Consideration shall be given to the following positions, among others, in formulating the decision:

- Finding for the appellant, remanding the action to the ANS committee or CGA with a specific statement of the issues and facts in regard to which fair and equitable action was not taken;
- Finding for CGA, with a specific statement of the facts that demonstrate fair and equitable treatment of the appellant and the appellant's objections;
- Finding that new, substantive evidence has been introduced, and remanding the entire action to the ANS committee or CGA for appropriate reconsideration.

A summary of the nature of the appeal, and the decision and rationale thereof, shall be reported to the ANS committee.

Documentation of the appeal shall be submitted to ANSI with the BSR-9 form (see 3.11).

### **3.11 Submission of approved standard to ANSI**

Once a proposed ANS has been approved by the council, all views and objections have been addressed in accordance with these procedures, and any appeals have been concluded, CGA staff will submit a BSR-9 form to ANSI. CGA is required to report any unresolved objections, any votes documented as "negative without comment," and the results of any appeals.

Submission of BSR-9 to ANSI is required within one year of the close of the last public review of the proposed ANS. If the proposed ANS has not been completed within one year, CGA staff shall request an extension from the secretary of ANSI's Board of Standards Review (BSR).

Once the proposed ANS is approved by the BSR, CGA is required to publish the ANS within 6 months.

### **3.12 Review of ANS on 5 year cycle**

ANSI requires that ANSs be republished (revision or reaffirmation) on or before the 5-year anniversary of previous publication. Therefore, upon publication CGA staff will set a PC cut-off date approximately 3½ years after the date of BSR approval. If the ANS is not revised within the 5-year period, a request for extension of time shall be submitted to ANSI within 30 days following 5 years after the approval date of the ANS using the BSR-11 form. Requests for extensions shall provide the program and schedule of work that will lead to revision, reaffirmation, or withdrawal.

NOTE—ANSI does not allow standards to maintain status as a current American National Standard beyond 10 years from the date of approval. Such approval automatically expires on the tenth anniversary date of approval as an American National Standard. No exceptions are allowed.

The council will place the ANS committee on inactive status until action is required to maintain the ANS (revision or reaffirmation). Upon reactivation of the ANS committee, CGA staff will confirm the committee members and document any changes in the committee roster.

The council may withdraw a CGA ANS without a vote of the ANS committee.

## 4 National adoption of ISO and IEC standards

When considering the adoption of an ISO or IEC standard, CGA follows the *ANSI Procedures for the National Adoption of ISO and IEC Standards as American National Standards*. Whenever possible, CGA encourages the use of the expedited procedures for identical adoption of an ISO or IEC standard as an ANS. CGA's ANS consensus requirements in 3.6.4 apply to national adoption.

Note—inclusion of regional or national *informative* material is permitted in an identical adoption of an ISO or IEC standard (e.g., informative annexes that do not alter, add to or delete from the provisions of the ISO or IEC standard); examples of informative material are advice to users, training guidance or suggested forms or reports.

It is possible to modify ISO and IEC standards and have them considered for national adoption provided that:

- technical deviations are clearly identified and explained;
- the proposed ANS reflects the structure of the ISO or IEC Standard; and
- an easy comparison of the content and structure of the two standards continues to be possible.

See the *ANSI Procedures for the National Adoption of ISO and IEC Standards as American National Standards* for complete information.

## 5 Normative ANS policies and administrative procedures

CGA complies with the normative ANS policies and administrative procedures provided in the *Essential Requirements*. The following are policies required by the *Essential Requirements*.

### 5.1 CGA patent policy

There is no objection in principle to drafting a proposed CGA ANS in terms that include the use of a patented item if it is considered that technical reasons justify this approach. If a proposed CGA ANS requires the use of a patented product or design, follow the procedures outlined in CGA's Patent Policy (see Appendix C).

### 5.2 Commercial terms and conditions

Provisions involving business relations between buyer and seller such as guarantees, warranties, and other commercial terms and conditions shall not be included in an ANS. The appearance that a standard endorses any particular products, services or companies must be avoided. Therefore, it generally is not acceptable to include manufacturer lists, service provider lists, or similar material in the text of a standard or in an annex (or the equivalent). Where a sole source exists for essential equipment, materials, or services necessary to comply with or to determine compliance with the standard, it is permissible to supply the name and address of the source in a footnote or informative annex as long as the words "or the equivalent" are added to the reference. In connection with standards that relate to the determination of whether products or services conform to one or more standards, the process or criteria for determining conformity can be standardized as long as the description of the process or criteria is limited to technical and engineering concerns and does not include what would otherwise be a commercial term.

### 5.3 Record retention

CGA is subject to audit by ANSI on a regular basis to ensure compliance with the *Essential Requirements* and these procedures.

Records shall be retained for one complete standards cycle, or until the standard is revised.

Records concerning withdrawal of a CGA ANS shall be retained for at least 5 years from the date of withdrawal.

### 5.4 Metric policy

CGA publications reflect units of the International System of Units (SI), the modernized metric system, as well as U.S. units.

A “soft” conversion is the change in the description, but not in the dimension of an existing measurement to express it in metric terms. A soft conversion results from the mathematical conversion of inch-pound units to SI.

A “hard” conversion is the change of dimensions and/or properties of a product into new sizes that might not be interchangeable with the sizes of the existing measurement produced under inch-pound specifications. CGA’s technical staff performs conversions in publications.

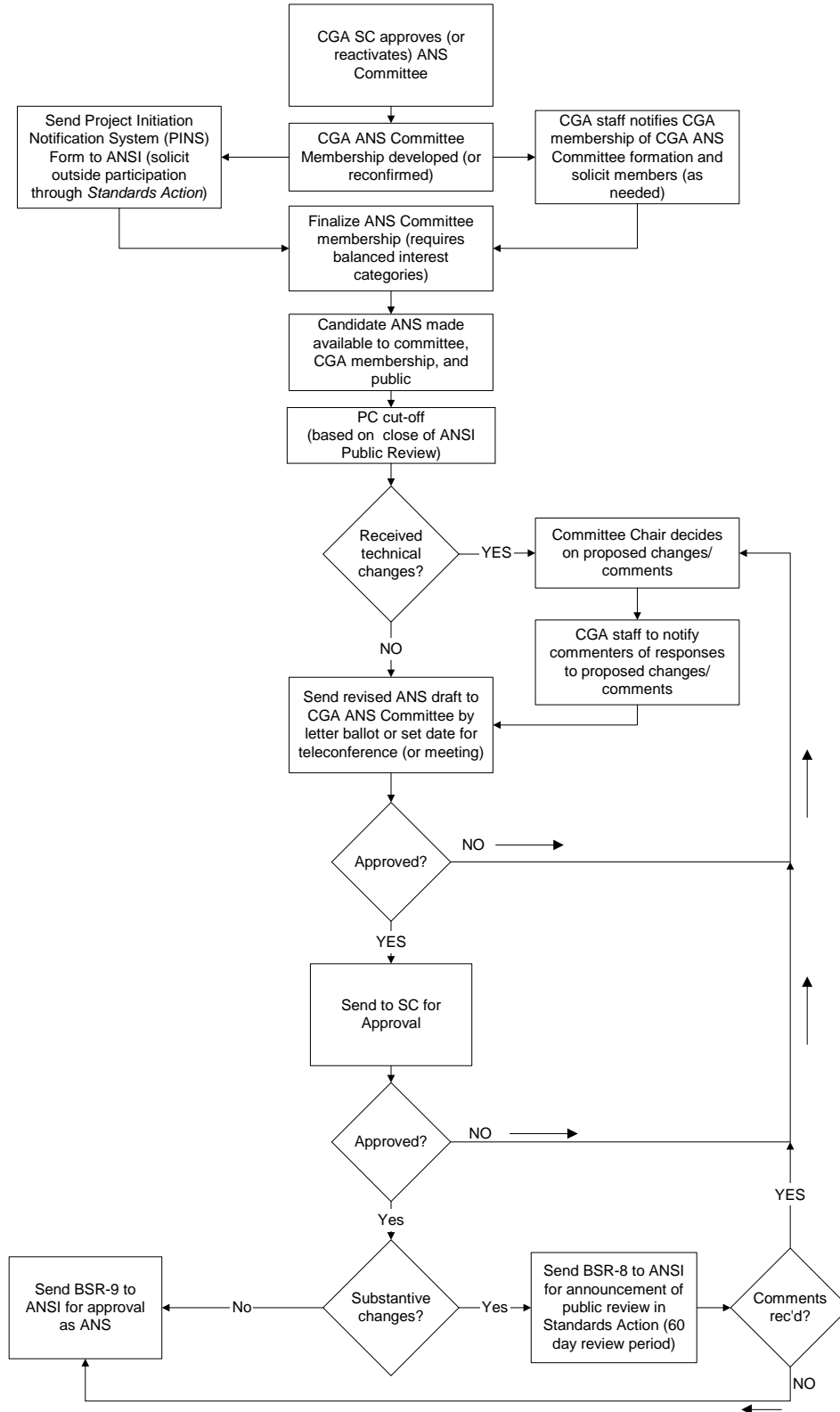
For metric usage, please refer to ANSI/ASTM/IEEE SI-10, *Steam Charts, SI (Metric) and U.S. Customary Units*.

## **5.5 Interpretations policy**

CGA does not interpret its standards or publications because they are developed by a consensus process of individuals from a cross-section of industry representatives with input from the public. It is not practical to reconvene these individuals to address questions as they arise. CGA does not issue, nor shall any person have the authority to issue, an interpretation of a CGA publication in the name of CGA.

Anyone who believes a CGA standard or publication contains information or language that is not clear should submit a proposed change using CGA’s website at [www.cganet.com](http://www.cganet.com), proposing a correction or requesting clarification. The request will be considered when the publication is reviewed for revision.

### Appendix A—Flow chart for CGA ANS Committee Activities (Informative)



## Appendix B—Application for CGA American National Standard (ANS) (Normative)

CGA Standards Council approves the formation of an ANS committee upon review and approval of an ANS committee application. Completed applications submitted to CGA staff at least 30 days before a council meeting will be considered by the council. A draft standard (or reference to a published standard that CGA has the rights to use in the creation of an ANS) should be included with the application.

1. Proposed ANS Title \_\_\_\_\_
2. Description of standard and explanation of need \_\_\_\_\_
3. Other known American National Standards on this subject \_\_\_\_\_
4. Other known national standards on the subject \_\_\_\_\_
5. List of criteria met (check all that apply):
  - Requirement for incorporation into codes
  - Regulatory requirement
  - ISO or international candidate
  - Industry lead and wide recognition
  - Other (please explain) \_\_\_\_\_
6. Proposed Chairman of ANS Committee \_\_\_\_\_
7. Stakeholders (e.g. consumer, medical, environmental, etc.) likely to be impacted by the standard  
\_\_\_\_\_
8. Define each interest group as it relates to the subject of the proposed ANS (must differentiate from other categories. A minimum of 4 interest categories is required):
 

Definitions:

Producer \_\_\_\_\_

User \_\_\_\_\_

General interest \_\_\_\_\_

Other \_\_\_\_\_
9. Potential ANS Committee members with contact information  
\_\_\_\_\_
10. Target date for completion \_\_\_\_\_

## **Appendix C—CGA Patent Policy (Normative)**

### **C1 Inclusion of patents in CGA standards**

There is no objection in principle to drafting a proposed CGA standard in terms that include the use of a patented item, if it is considered that technical reasons justify this approach. If a proposed CGA standard may require the use of a patented product or design, the following procedures shall be followed.

### **C2 Statement from patent holder**

Prior to approval of such a CGA standard, the Association shall receive from the patent applicant or patent holder (in a form approved by the Association) either: assurance in the form of a general disclaimer to the effect that such party does not hold and does not anticipate holding any patent whose use would be required for compliance with the proposed CGA standard or assurance that:

- A license will be made available without compensation to applicants desiring to utilize the license for the purpose of implementing the standard, or
- A license will be made available to applicants under reasonable terms and conditions that are demonstrably free of any unfair discrimination.

### **C3 Record of statement**

A record of the patent holder's statement shall be placed and retained in CGA's files. If a proposed American National Standard requires the use of a patented invention, CGA will require the patent holder's statement be submitted to ANSI for inclusion in its files.

### **C4 Notice**

When CGA receives from a patent holder the assurances set forth above, the standard shall include a note as follows:

NOTE—The user's attention is called to the possibility that compliance with this standard may require use of an invention covered by patent rights.

By publication of this standard, no position is taken with respect to the validity of this claim or of any patent rights in connection therewith. The patent holder has, however, filed a statement of willingness to grant a license under these rights on reasonable and nondiscriminatory terms and conditions to applicants desiring to obtain such a license. Details may be obtained from CGA.

### **C5 Responsibility for identifying patents**

CGA shall not be responsible for identifying all patents for which a license may be required by a CGA standard or for conducting inquiries into the legal validity or scope of those patents that are brought to its attention.