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AMC Institute ANSI- Accredited Procedures

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The AMC Institute (AMCI) has been accredited by the American National Standards Institute (ANSI) as a standards developer. At the time AMC Institute was accredited, AMC Institute adopted ANSI model procedures for the guidance of AMC Institute members and any interested outside parties seeking information concerning the process AMC Institute uses in preparing and revising standards. In 2003, ANSI replaced its model procedures with ANSI Essential Requirements. This version of *AMC Institute ANSI-Accredited Procedures* incorporates these changes in order to maintain compliance as a standards developer. This version also incorporates the comments provided to AMC Institute by ANSI in its 2007 special-audit findings and has been updated to comply with the ANSI Essential Requirements through those issued in January 2022.

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Section 1

Notification of Standards Activity

1. AMC Institute shall maintain the Standard by periodically (every 4 years or more frequently as needed) reviewing the entire Standard and either revising or reaffirming it as needed to keep it current. If AMC Institute does not complete its review within 5 years of ANSI's last approval of the Standard, AMC Institute will request an extension of time from ANSI, not to exceed 10 years from ANSI's last approval of the Standard.
2. Notification of standards development and coordination
Notification of standards activity shall be announced in suitable media as appropriate to demonstrate the opportunity for participation by all directly and materially affected persons.

Developers are encouraged to consult any relevant international or regional guides that may impact the proposed standard and shall advise the relevant ANSI-Accredited U.S. TAG(s) if the standard is intended to be submitted for consideration as an ISO, IEC or ISO/IEC JTC-1 standard.

2.1 Project Initiation Notification (PINS)

At the initiation of a project to develop or revise an American National Standard¹, notification shall be transmitted to ANSI using the Project Initiation Notification System (PINS) form, or its equivalent, for announcement in *Standards Action*. Comments received in connection with a PINS announcement shall be handled in accordance with these procedures. A vote by the AMC Institute Board of Directors related to a new ANS or the revision of an existing ANS shall trigger the need for a PINS form submission.

A statement shall be submitted and published as part of the PINS announcement that shall include:

- a) an explanation of the need for the project, including, if it is the case, a statement of intent to submit the standard for consideration as an ISO, IEC or ISO/IEC JTC-1 standard; and
- b) identification of the stakeholders (e.g., telecom, consumer, medical, environmental, etc.) likely to be directly impacted by the standard.

If the response to sub-section (b) changes substantively as the standard is developed, a revised PINS shall be submitted and published.

¹ Including the national adoption of ISO and IEC standards as American National Standards, but excluding actions set-forth in 2.5.1.1.

If AMCI receives a written request for additional information or for the opportunity to discuss the proposal from a directly and materially interested outside party or current consensus body member, during the 30-day PINS comment period, AMCI shall respond in writing within 30 days of the comment deadline.

2.1.1 PINS Exceptions

A PINS is not required for revisions of an American National Standard that is maintained under continuous maintenance and (1) is registered as such on the ANSI website, (2) has a notice in the standard that the standard is always open for comment and how to submit comments, and (3) has information on the developer's website that the standard is under continuous maintenance and how to submit comments. A PINS is also not required in connection with the decision to maintain an ANS under the stabilized maintenance option. A PINS form may be submitted, but is not required, at the initiation of a project to reaffirm or withdraw an American National Standard.

2.1.2 Assertions of conflict or duplication

If AMC Institute 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 candidate ANS that has been announced previously (or concurrently) 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 the AMC Institute and the commenter and shall be concluded before the AMC Institute may submit a proposed standard for public review. If the deliberation does not take place within the 90-day period and the AMC Institute can demonstrate that it has made a good faith effort to schedule and otherwise organize it, then the AMC Institute 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.

2.1.3 PINS Deliberation Report

The outcome of a PINS deliberation shall be conveyed in writing (the "Deliberation Report") within 30 days after the conclusion of the deliberation by the AMC Institute to the commenter and to ANSI. Upon submission of the Deliberation Report, the AMC Institute may continue with the submission of the proposed standard for public review. If additional deliberations take place, they should not delay the submission of the proposed standard for public review, and an updated Deliberation Report shall be conveyed within 30 days after each deliberation. Any actions agreed upon from the deliberations shall be carried out in a reasonably timely manner, but normally should not exceed 90 days following the deliberation.

Subsequently, the AMC Institute shall include all of the Deliberation Report(s) with the BSR-9 submittal to the ANSI Board of Standards Review (BSR) for consideration should the AMC Institute ultimately submit the subject standard to ANSI for approval. Stakeholders who were involved in the PINS deliberation process may also file separate Deliberation Report(s) with ANSI and the AMC Institute within 30 days after conclusion of any deliberation for consideration by the BSR, if the standard is submitted to ANSI for approval.

In the case of ANSI Audited Designators, the Audited Designator shall provide a Deliberation Report to the commenter and to ANSI within 30 days after each deliberation. The Audited Designator shall review the results of the deliberation prior to designating a standard as an ANS.

While the outcome is not binding, unless binding provisions are agreed to by the AMC Institute, participants are encouraged to develop a consensus on whether and how the standards development project should proceed.

2.2 Public Review²

In addition, proposals for new American National Standards and proposals to revise, reaffirm, or withdraw approval of existing American National Standards shall be transmitted to ANSI using the BSR-8 form, or its equivalent, for listing in *Standards Action* in order to provide an opportunity for public comment. If it is the case, then a statement of intent to submit the standard for consideration as an ISO, IEC or ISO/IEC JTC-1 standard shall be included as part of the description of the scope summary that is published in *Standards Action*. The comment period shall be one of the following:

- A minimum of thirty (30) days if the full text of the revision(s) can be published in *Standards Action*;
- A minimum of forty-five (45) days if the document is available in an electronic format, deliverable within one day of a request, and the source (e.g., URL or an E-mail address) from which it can be obtained by the public is provided to ANSI for announcement in *Standards Action*; or
- A minimum of sixty (60) days, if neither of the aforementioned options is applicable.

Such listing may be requested at any stage in the development of the proposal, at the option of the standards developer, and may be concurrent with final balloting. However, any substantive change subsequently made in a proposed American National Standard requires listing of the change in *Standards Action* and undergo ANSI public review.

3. Meetings where criteria for standards are being discussed shall be held on a timely basis and shall be open to all AMC Institute members and non-members having an interest in the Standard. Notice of such meetings shall be sent to these prospective participants at least 30 days prior to the meeting.

² Although a 60-day public comment period is not required in all instances, a number of provisions in the ANSI Essential Requirements, when read in combination, satisfy the WTO's 60-day rule. Before adopting a standard, ANSI-Accredited Standards Developers shall allow a period of at least 60 days in total for submission of comments on the draft standard if requested by an interested party within the territory of a Member of the WTO. Exceptions outlined in the rule are permitted due to issues of safety, health or environment. (See WTO Agreement on Technical Barriers to Trade (TBT), Annex 3 Code of Good Practice for the Preparation, Adoption and Application of Standards (CGP) Substantive Provision L.)

4. When an existing standard needs to be revised or reaffirmed, the AMC Institute Accreditation & Standards Committee will review the Standard and present any recommendations for changes to the full Board of Directors for their approval. This version of the standard will be used for the canvass to review, with any changes clearly noted.

Section 2

Withdraw of a Standard

5. An existing standard may be withdrawn upon recommendation from the Accreditation & Standards Committee and approval of the AMC Institute Board of Directors.

Section 3

Canvass and Voting

6. AMC Institute shall develop a list of potential canvasees consisting of those organizations, companies, government agencies, individuals, etc., known to be, or who have indicated that they are, directly and materially affected by the standard. AMC Institute shall meet the Essential Requirements (ER) in Section 1.2 regarding lack of dominance. No individual shall represent more than one canvasee.
7. In order to determine if potential canvasees are interested in participating, the AMC Institute should conduct a pre-canvass interest survey, in which the AMC Institute informs the potential canvasees in writing about the use of AMC Institute's consensus process for developing evidence of consensus, and, if the potential canvasees are interested in participating, obtains an appropriate interest category classification. The AMC Institute's notice shall contain the title, designation, scope, description of the standard along with the history of its development, purpose and intended application of the standard, and an explanation of the ANSI function.

The time for response shall be 30 days from the date of the AMC Institute's notification and shall be noted in the notice. All those who have agreed to participate shall be included on the canvass list, together with their agreed-upon interest categories in accordance with ER Section 2.3 on Balance (Interest categories are meant to categorize groups of individuals that are directly and materially affected by the standard. Appropriate, representative user views shall be actively sought and fully considered in standards activities. Whenever possible, user participants shall be those with the requisite technical knowledge, but other users may also participate. User participation should come from Both individuals and representatives of organized groups). In addition, the affiliation³ and interest category of each member of the consensus body shall be made available to interested parties upon request. Once an interest survey has been completed for a standard, it need not be repeated for subsequent balloting of the document. In addition, the AMC Institute may conduct a single interest survey for a group or category of standards.

³Affiliation refers to the entity that the consensus body member represents (which may or may not be that person's employer). If the consensus body member is serving in an individual capacity, then the name of the individual, that person's employer and interest category should be available. Contact information is not required.

A canvasee who has indicated a desire to be on AMC Institute's canvass list for a particular category or categories of standards shall receive the draft document(s), electronic ballot(s), and all appropriate information. AMC Institute will maintain a record of expressed interest that is received via other means (phone conversation, verbal communication) by adding a note to the file indicating such interest.

AMC Institute's interest categories are:

AMC Owners/Senior Executive Staff

AMC Owners are those who own all or a portion of an AMC. Senior Executive Staff are the highest level of management of an AMC who have the responsibility for managing the company or one or more of its segments or divisions. Titles would include but not be limited to President, Chief Executive Officer, Chief Operating Officer, Chief Financial Officer, Executive Vice President, Vice President and Director. This category is inclusive of both AMCI member and nonmember AMCs.

Association Volunteer Leaders

Association volunteer leaders are those serving in volunteer leadership roles for associations, irrespective of whether managed by an AMC. Volunteer leaders do not include staff of the association. They generally are not compensated for their time and usually only serve in a volunteer leadership role for the duration of a term as defined in the association's governing documents. Common volunteer leader roles include but are not limited to Board Chair/President, Immediate Past Chair/President, Chair-Elect/President-Elect, Vice President, Secretary and Treasurer.

Advisors

Advisors are those who work with association management companies and/or the associations managed by those companies. Advisors would include third parties providing services to an AMC or its clients, such as legal counsel, accountants/CPAs, financial advisors and governance and other consultants.

General Interest

General interest is a category for those involved the association sphere who have an interest in or experience with the AMC and/or other forms of association management but who do not fall within the scope of another interest category. This category would include but not be limited to employed staff of associations not managed by an AMC and convention and visitors bureau personnel.

8. Announcement of canvass initiation - Upon receipt of the PINS or BSR-8 form, AMC Institute may request that ANSI announce the initiation of the canvass in *Standards Action* to elicit additional canvasees. This announcement shall include a statement that the canvass list is available upon request from AMC Institute, or alternately, a URL address where an electronic version of the canvass list is posted. The review period shall be thirty (30) days from the date of publication. Any resulting proposals for addition to the canvass list shall be referred directly to AMC Institute.

9. Conduct of canvass – Once AMC Institute initiates the canvass, canvasees subsequently added to the canvass list shall have the same amount of time to respond as do the other canvasees. AMC Institute shall transmit, at minimum, the following information to all canvasees and other interested parties so requesting unless the developer has previously supplied this information:
 - a) the purpose and intended application of the standard;
 - b) a brief history and explanation of how the standard was developed;
 - c) an explanation of ANSI's function and the use of AMC Institute's consensus process in the voluntary consensus standards system;
 - d) a copy of the canvass list, consisting of the name, affiliation, and category of interest of each canvasee;
 - e) a copy of the complete proposed American National Standard or the relevant portion under consideration when the canvasee has previously received the complete standard;
 - f) official electronic ballot(s) to all canvasees.

Upon request, AMC Institute shall provide to the canvasee a reasonable number of copies of the document being considered, to allow for a speedy determination of position by the canvasee. Should the document contain material that is not to be considered for approval as an American National Standard, such as an introduction or annex, a clear statement shall be included indicating those portions of the standard that are to be considered for approval by ANSI.

The ballot form used by AMC Institute shall provide the opportunity for the canvasee to indicate its position (i.e., affirmative, affirmative with comment, negative with comment, and abstain) with the advice that, in order to receive consideration, objections must be accompanied by supporting written reasons and, where possible, proposals for a solution to the problem raised. Three weeks after the ballot was sent, at least one follow-up shall be sent to canvasses not responding. The canvass ballot may be closed at the end of 30 days, or sooner if all canvasees have responded. An extension of up to sixty days shall be granted upon request from any canvasee giving a legitimate reason.

Those not on the canvass list who have a direct and material interest in the standard have an opportunity to participate in the review of the standard during the public review process, announced in *Standards Action*.

10. Proposals for new American National Standards and proposals to revise or reaffirm existing American National Standards shall also be transmitted to ANSI for listing in *Standards Action* for comment. Such listing may be completed at any stage of the development. The announcement of the proposed action shall be placed in other suitable media as appropriate.

11. Substantive changes to the AMC Institute standard must also undergo ANSI public review.
12. Views and objections resulting from the canvass and from the formal public review of the document in *Standards Action* shall be dealt with in accordance with #13.
13. Disposition of views and objections - The AMC Institute Accreditation & Standards Committee will provide prompt consideration and response given to the written views and objections of all participants, including those commenting on either the PINS announcement or public comment listing in *Standards Action*. In connection with an objection articulated during a public comment period, or submitted with a vote, an effort to resolve all expressed objections accompanied by comments related to the proposal under consideration shall be made, and each such objector shall be advised in writing (including electronic communications) of the disposition of the objection and the reasons therefor. If resolution is not achieved, each such objector shall be informed in writing that an appeals process exists within procedures used by the standards developer. In addition, each objection resulting from public review or submitted by a member of the consensus body, and which is not resolved (see definition) must be reported to the ANSI BSR.

When this process is completed in accordance with these Procedures, the AMC Institute may consider any comments received subsequent to the closing of the public review and comment period, or shall consider them in the same manner as a new proposal. Timely comments that are not related to the proposal under consideration shall be documented and considered in the same manner as submittal of a new proposal. The submitter of the comments shall be so notified.

Each unresolved objection and attempt at resolution, and any substantive change made in a proposed American National Standard shall be reported to the consensus body in order to afford all members of the consensus body another opportunity to respond, reaffirm, or change their vote. If there are no appeals (see next section), this information will be transmitted to the canvass body immediately following the close of the voting period. The canvass will then have two weeks to change their vote based on this new information.

14. Consensus is demonstrated by a vote of the consensus body. Approval of a new standard, revision or reaffirmation of an existing standard, or an addendum to part or all of an existing standard shall require approval by at least a majority of the canvass list and at least two-thirds of those voting, excluding abstentions. The consensus body vote shall be conducted and reported in accordance with the rules set forth herein. Votes for the approval of a document may be obtained by electronic balloting or recorded votes at a meeting. All members of the canvass shall have the opportunity to vote. When recorded votes are taken at meetings, members who are absent shall be given the opportunity to vote before or after the meeting.
 - a. AMC Institute shall not change a vote unless instructed to do so by the voter. If the change of vote was not submitted in writing by the voter, then written confirmation of such a vote change shall be provided to the voter by AMC Institute. It is never appropriate for AMC Institute to inform voters that if they are not heard from, their negative vote will be considered withdrawn and their vote will be

recorded as an abstention or an affirmative. All negative votes that are not changed at the request of the voter shall be recorded and reported to the BSR as outstanding negatives by AMC Institute (since AMC Institute has not been granted the authority to designate its standards as American National Standards without approval by the BSR).

- b. AMC Institute shall record and consider all negative votes accompanied by any comments that are related to the proposal under consideration. This includes negative votes accompanied by comments concerning potential conflict or duplication of the draft standard with an existing American National Standard and negative votes accompanied by comments of a procedural or philosophical nature. These types of comments shall not be dismissed due to the fact that they do not necessarily provide alternative language or a specific remedy to the negative vote.
- c. AMC Institute is not required to consider negative votes accompanied by comments not related to the proposal under consideration, or negative votes without comments. AMC Institute shall indicate conspicuously on the electronic ballot 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. AMC Institute is not required to solicit any comments from the negative voter. AMC Institute is not required to conduct a recirculation ballot of the negative vote. AMC Institute is required to report the “no” vote as a “negative without comment” when making their final submittal to the BSR unless AMC Institute has been granted the authority to designate its standards as American National Standards without approval by the BSR.
- d. AMC Institute shall maintain records of evidence regarding any change of an original vote.
- e. Except concerning votes on membership and officer-related issues, each member of a consensus body should vote for one of the following positions (or the equivalent):
 - i. Affirmative;
 - ii. Affirmative, with comment;
 - iii. Negative, with reasons (the reasons for a negative vote shall be given and if possible should include specific wording or actions that would resolve the objection);

- iv. Abstain
- f. For votes on membership and officer-related issues, the affirmative / negative / abstain method of voting shall be followed. Votes with regard to these issues need not be accompanied by reasons and need not be resolved or circulated to the consensus body.

Section 4

Appeals

15. Appeals - Parties who have directly and materially affected interests, and who have been or will be adversely affected by a standard being canvassed or by the lack thereof, shall have the right to appeal any procedural actions or inactions of AMC Institute. Appeals of actions shall be filed within ten (10) days from date of notification. Appeals of inactions can be filed at any time. AMC Institute's appeal procedure is as follows:

In the event that a member of AMC Institute or any other party shall object to, or otherwise comment negatively upon, an AMC Institute proposed ANSI Standard or any action or inaction – such as membership, etc., the following procedures shall be employed in order to resolve the dispute:

- a. In the first instance, the chairperson, or designated committee member, of the applicable AMC Institute Standard Development Committee shall attempt informally to resolve the dispute in a manner satisfactory to the objecting party and the affected members of AMC Institute. This process shall be conducted in an expeditious fashion such that the ANSI canvass procedures are not unduly delayed and shall in no event extend beyond a period of thirty (30) days.
- b. It is expected that most disputes will prove capable of resolution using the process in (a.) above. If, however, an objecting party believes that a satisfactory result has not been achieved, then such objecting party shall be made aware of their option to request a formal appeal which must be filed within ten (10) days. This request must be sent in writing to AMC Institute.
- c. Upon receipt of a request for a formal appeal, the Executive Committee of the AMC Institute shall establish an Appeals Board whose purpose it shall be to adjudicate the dispute. The Appeals Board shall consist of three members each of whom shall recognize the importance of according a fair and complete hearing and shall, in the opinion of the Board, possess the expertise to participate meaningfully. To the extent practicable, the individuals selected shall not have commercial interests implicated in the issues being appealed and each panel member shall certify that he or she is able to adjudicate impartially.

A list of Appeals Board members and their affiliations will be provided to the appealing party. The appealing party should review the list and notify AMC Institute in writing within ten (10) days of receipt of the list if, in their opinion, any or all members of the board should be removed for a conflict of interest. Concerns should be in writing. Legitimate concerns will be addressed and the person will be notified of the changes in the Appeals Board.

- d. The Appeals Board shall accept and consider all written materials submitted by any interested party, and an opportunity for oral argument shall be provided upon request. The appealing party shall submit written materials in support of its position, including a proposal for resolving the dispute, within twenty (20) business days after serving the request for appeal. Responsive materials from any interested party shall be submitted within twenty (20) business days thereafter. Any additional materials relevant to the appeal shall be accepted only at the discretion of the Appeals Board. Oral argument, if requested, shall occur within thirty (30) business days of receipt of all written materials relating to the appeal.

The burden of persuasion in the appeal shall rest with the party initiating the appeal. The decision of the Appeals Board shall be rendered in no more than thirty (30) business days following the receipt of the written materials from AMC Institute or Oral arguments, whichever happens last. The decision of the Appeals Board shall be in writing, with a copy to all interested parties and shall be subscribed to by at least a majority of its members. If the Appeals Board rules in favor of the appealing party, AMC Institute proposed American National Standard at issue shall be returned to the appropriate AMC Institute committee for revisions consistent with the decision of the Appeals Board. Thereafter, the Standard as revised shall, within thirty (30) days, be voted upon in accordance with these Procedures. In the event that the consensus required is not achieved, the Standard shall be withdrawn from consideration by ANSI.

- e. It is the express policy of AMC Institute to encourage the satisfactory resolution of disputes pursuant to these procedures so that invocation of the ANSI appeals mechanism is not required.
16. Requests for interpretation of standards - Written inquiries requesting interpretation of the AMC Institute's approved American National Standards shall be responded to in writing in accordance with the policy of AMC Institute. A committee appointed by the AMC Institute Board of Directors shall issue the interpretation upon a 66% consensus approval of its members. If such approval is obtained, the interpretation shall be sent to the entity requesting the interpretation in writing, all AMC Institute members and all identified parties of interest. If a 66% approval is not obtained, AMC Institute shall decline to issue the interpretation. Complete records of matters pertaining to interpretations shall be maintained by AMC Institute for one complete standards cycle. Rendering of interpretations shall in no way supplant the normal AMC Institute standard development activities.
17. Revisions to the standard resulting from requests for interpretations shall be processed in accordance with these procedures.

Section 5

Submission of Standard to ANSI

18. Submittal of Standard - Upon completion of the procedures for canvass, for disposition of views and objections, and for appeals, the proposed standard may be submitted to ANSI for approval using the BSR-9 form. AMC Institute will comply with 4.2.1.1 of the ANSI Essential Requirements.

Section 6

Meeting Procedures

19. Votes on all American National Standard-related actions will be taken via a canvass of consensus body members formulated in accordance with clause 5 above. Debated criteria shall not be adopted unless 66% of the AMC Institute members vote affirmatively. If not enough members are present to vote or if negative votes from absent members would reduce a 66% result, a second vote shall be taken by email, fax or mail. The number of votes required for a 66% consensus shall be reduced by abstentions but not by failure to return ballots. If a member fails to return a ballot by the due date, a follow-up notice shall be sent to the member advising that lacking a return of the ballot within 14 days it will be recorded as not-returned. The primary opponent(s) and proponent(s) of the debated criterion shall prepare a one-page position statement to be included with the ballots. If a 66% consensus does not result, the matter shall be resolved by appeal as set forth in these Procedures. Should debated items of discussion result in changes to the Standard, the final meeting vote is considered a new vote of the consensus, superseding the results of the original canvass ballot.
20. Meetings where votes are taken shall be conducted under Roberts Rules of Order except as otherwise provided in these Procedures. All members must be given the opportunity to vote on that action before or after a meeting, if they cannot attend a meeting. The chairperson of the meeting shall be appointed by the AMC Institute Board of Directors and shall in turn appoint a secretary to record minutes and a parliamentarian. If either appointment is not made, staff shall act in either or both capacities.
21. The chairperson at his or her discretion may appoint subcommittees to work on specific standard projects and also appoint a subcommittee chairperson who shall be empowered to call subcommittee meetings from time to time in order to complete the assigned task. Criteria formulated by the subcommittee shall be presented to the AMC Institute membership and acted upon as described in 15, & 16 of these Procedures. If there are any dissenting subcommittee member positions, they shall also be presented to the AMC Institute membership. Minutes shall be taken at all subcommittee meetings.

Section 7

ANSI Policies

22. ANSI Patent Policy – Inclusion of Patents in American National Standards – There is no objection in principle to drafting a proposed American National Standard in terms that include the use of essential patent claims (one whose use would be required for compliance with that standard), if it is considered that technical reasons justify this approach. If AMC Institute receives a notice that a proposed American National Standard may require the use of a patented invention, the most current ANSI Patent Policy (see below) will be followed.

- 3.1 ANSI Patent Policy – Inclusion of Patents in American National Standards
 - *There is no objection in principle to drafting an American National Standard (ANS) in terms that include the use of an essential patent claim (one whose use would be required for compliance with that standard) if it is considered that technical reasons justify this approach. Participants in the ASD/ANSI standards development process are encouraged to bring patents with claims believed to be essential to the attention of the ANSI- Accredited Standards Developer (ASD). If an ASD receives a notice that a proposed, revised or approved ANS may require the use of such a patent claim that is not already covered by an existing assurance, the procedures in this clause shall be followed.*
- 3.1.1 Statement from patent holder
 - *The ASD shall receive from the patent holder or a party authorized to make assurances on its behalf, in written or electronic form, either: 11 a) assurance in the form of a general disclaimer to the effect that such party does not hold and does not currently intend holding any essential patent claim(s); or b) assurance that a license to such essential patent claim(s) will be made available to applicants desiring to utilize the license for the purpose of implementing the standard either: i) under reasonable terms and conditions that are demonstrably free of any unfair discrimination; or ii) without compensation and under reasonable terms and conditions that are demonstrably free of any unfair discrimination. Such assurance shall indicate that the patent holder (or third party authorized to make assurances on its behalf) will include in any documents transferring ownership of patents subject to the assurance, provisions sufficient to ensure that the commitments in the assurance are binding on the transferee, and that the transferee will similarly include appropriate provisions in the event of future transfers with the goal of binding each successor-in-interest. The assurance shall also indicate that it is intended to be binding on successors-in-interest regardless of whether such provisions are included in the relevant transfer documents.*
- 3.1.2 Record of statement
 - *A record of the patent holder's statement shall be retained in the files of both the ASD and ANSI and shall be made publicly available (at the AMCI's election, either on the AMCI website or ANSI's Letter of Assurance (LOA) repository).*

- 3.1.3 Notice
 - When the ASD receives from a patent holder the assurance set forth in 3.1.1.b above, the standard shall include a note substantially 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 any such claim(s) or of any patent rights in connection therewith. If a patent holder has 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, then details may be obtained from the standards developer.
 - 3.1.4 Responsibility for identifying patents
 - Neither the ASD nor ANSI is responsible for identifying patents for which a license may be required by an American National Standard or for conducting inquiries into the legal validity or scope of those patents that are brought to their attention.
23. 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 American National Standard. AMC Institute follows and adheres to the most current ANSI Commercial Terms and Conditions Policy.
24. Evidence of Compliance - AMC Institute shall retain records to demonstrate compliance. Such records shall be available for audit as directed by the ANSI Executive Standards Council (ExSC). As an ANSI Standards Developer maintained under the periodic maintenance option: records shall be retained for one complete standards cycle, or until the standard is revised. Records concerning withdrawals of all American National Standards shall be retained for at least five years from the date of withdrawal or for a duration consistent with the audit schedule.
25. Maintenance of Accreditation - In order to maintain accreditation by ANSI, an ASD shall continue to maintain procedures meeting the requirements of due process and criteria for approval and withdrawal of American National Standards contained herein and continue to maintain its status as an incorporated, registered or otherwise recognize legal entity.
26. Metric Policy – AMC Institute will use International System of Units (SI), as the preferred unit of measurement in American National Standards.
27. ANSI Antitrust Policy – Inclusion of Antitrust Policy in American National Standards. AMC Institute will comply with the new ANSI Antitrust Policy which states: American National Standards shall be developed in accordance with applicable antitrust and competition laws and meetings amongst competitors to develop American National Standards are to be conducted in accordance with these laws.
28. Language Requirement for an ANS – Per section 4.0 of the *Essential Requirements: The official language of the American National Standards (ANS) process, including all decisions made by ANS Program Oversight Committees, is English. The only version of a*

standards developer's procedures that are accredited by the American National Standards Institute (ANSI), and the only version of a document approved by ANSI as an ANS⁴, is the English language version.

Section 8

Other Relevant Procedures Related to Standards Developed by AMC Institute

29. Any AMC Institute Standard that is not for some reason submitted to ANSI shall not be circulated outside AMC Institute.
30. AMC Institute Standards shall not contain provisions of an exclusionary nature or that involve practices in restraint of trade.
31. No company member of AMC Institute or individual representative of such member shall have the authority to issue an interpretation of an AMC Institute Standard in the name of AMC Institute or represent to any person that he or she has the approval of AMC Institute to issue such an interpretation.
32. Any standard developed and adopted by AMC Institute shall be the exclusive property of AMC Institute. AMC Institute shall copyright such standards as the same may be revised from time to time and thereafter distribute and sell such standards for its own account. Representatives of member companies who serve on AMC Institute standards writing committees, as well as their employers, shall be deemed hereafter to have irrevocably assigned to AMC Institute any rights they might otherwise possess under the copyright Revision Act of 1976, whether as joint authors or otherwise.
33. AMC Institute may decide to abandon the processing of a proposed new or revised American National Standard or portion thereof at its own discretion and without a vote of the relevant consensus body. AMC Institute must notify ANSI immediately of such actions which will be announced in Standards Action.
34. A copy of these Procedures shall be made available to anyone requesting it and without cost.

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⁴ An ANS that is an identical national adoption of an ISO or IEC standard which has been translated officially by ISO or IEC may carry the ANS mark. A modified national adoption may not.