

# CEA Procedures

Technology & Standards  
Procedures Manual

CEA-EP-23-M

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**CEA**<sup>®</sup>  
Consumer Electronics Association

[www.CE.org](http://www.CE.org)

**Consumer Electronics Association (CEA)**

**TECHNOLOGY & STANDARDS  
PROCEDURES  
MANUAL**

**Draft EP-23-M**

September 11, 2009: Reaccreditation of CEA under EP-23-M

Revisions:

6/6/08:

- Section 2, Definitions – new definitions added for prescriptive terms, permissive terms, normative, informative, and substantive. Definition of bulletin & standard revised.
- Section 3, Normative Reference List updated
- Section 4.2, Committee organization chart removed and reference provided to ce.org
- Section 4.2.4, add clarification that working groups make recommendations
- Section 4.2.5, add clarification that task groups make recommendations
- Section 6.3, removal of failure to return ballots as a criteria for losing voting rights
- Section 7.2.4, Meeting Cancellation clarified
- Section 7.3.6, note that minutes are not required for working groups and task groups. Meeting records are sufficient.
- Section 8.1, add text to match ANSI ER policy on conflict & duplication issues
- Section 8.5.2, remove “present” as a voting option for meeting votes and replace with “abstain”
- Section 8.7, make text consistent with scenarios
- Section 8.13, new section on stabilized maintenance option
- Section 12, wording added in appeal section regarding reasonable fees.

9/18/08:

- Section 2, Definition of Errata updated, clarified note under definition of formulating group to state that voting members of a committee or subcommittee make up the consensus body.
- Section 5.1, interest categories updated
- Section 8, removed special process for bulletins. Bulletins now follow the same process as standards.
- Section 8.7, added text stating that meeting votes can be used for recirculation ballots/votes.
- Annex B, added patent and patent application number to form.

12/23/08:

- 7.4.4, 7.4.5, add clarification that chair and staff review existing projects on a regular basis.
- Section 2, add definition for Standards Document

2/6/09:

5.1, interest category definitions updated and note added regarding possibility of formulating group members falling under multiple categories

8.7, clarification regarding no without comment and yes with comment changed from “shall not” to “need not”

2/9/09:

Term “user” changed globally in document where it is meant to refer to the “reader”.

Chair approval at end of process removed.

4/15/09:

4.3: paragraphs in section moved to clarify how the chair and vice chair are replaced if unable to carry out their duties.

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## CEA TECHNOLOGY & STANDARDS PROCEDURES MANUAL

### 1 Objective & Scope

Within CEA, the CEA Technology & Standards department is responsible for CEA standardization activities, and provides other appropriate technical and engineering services within the scope of CEA's by-laws. Standardization activities shall include those associated with the design and manufacture of consumer electronics (CE) products and related services, CE device/service and device/device interoperability and transmission signals that may traverse the demarcation points of telecommunications infrastructures.

All activities shall be conducted in accordance with appropriate legal guidance and the provisions of EP-23 as appropriate.

### 2 Definitions

ANSI - American National Standards Institute, the national accreditation body. ([www.ansi.org](http://www.ansi.org))

ANS - American National Standard.

BSR - The Board of Standards Review is the ANSI body responsible for the approval of American National Standards (with the exception of those proposed American National Standards submitted by ANSI Audited Designators).

Bulletin - A document that, although not a standard, is of informative value to industry and readers. Use of a bulletin is not required to comply with the normative elements of a standard.

NOTE - Throughout this manual, the term "bulletin" refers generically to documents that may be titled as either "Guideline," "Recommended Practice," "Bulletin." Prescriptive terms are not permitted in bulletins however permissive terms can be used.

CEA - Consumer Electronics Association.

Consensus body - The group that approves the content of a standard, and whose vote demonstrates evidence of consensus. The voting membership of a CEA Technology & Standards formulating group is a consensus body.

Errata - A document describing substantive errors in a standard or bulletin along with their corrections. The substantive errors are discovered after publication (i.e., it is not appropriate to plan to issue an errata for a document that has not yet been published). An errata addresses mistakes in a standard or bulletin that were clearly not the intent of the formulating group. An errata does not address items in a standard or bulletin that were intentionally included in the document but which the formulating group wishes to reconsider post publication. In the latter case, the formulating group should consider revising or withdrawing the standard or bulletin.

Formulating Group - A CEA Technology & Standards committee or subcommittee with responsibility for formulation and adoption of standards or specifications.

Guideline - A type of bulletin that is informative and provides information concerning the technical processes or ancillary regulatory requirements that are the subject of a standard.

NOTE - Compliance with a guideline shall not be required to achieve compliance with a standard.

IEC - International Electrotechnical Commission ([www.iec.ch](http://www.iec.ch))

Informative elements - Preliminary elements that identify the document, introduce its content and explain its background, its development and its relationship with other documents or supplementary elements that provide additional information intended to assist the understanding or use of the document.

ISO - International Organization for Standardization ([www.iso.ch](http://www.iso.ch))

Meeting - Includes face-to-face meetings, audio-, video-, or web teleconferences.

NOTE - In instances where requirements differ based on the type of meeting, those differences are specified.

Member (CEA) - An eligible company that has paid current membership dues.

Member (Formulating Group) - A company, government agency, liaison or other representative that has requested membership in a CEA Technology & Standards committee or subcommittee, complied with the appropriate eligibility criteria in section 5, and received confirmation of appointment.

NOTE - A member (formulating group) may participate on a voting or non-voting basis.

Normative Elements – **prescriptive** elements that describe the scope of the document and which set out provisions.

Permissive Terms - Terms such as should that are used in bulletins.

Prescriptive Terms - Terms such as shall, must, or will that are used in a standard.

Recommended Practice - A type of bulletin that provides information related to a process or procedure that, in some circumstances, may assist the reader of a standard in achieving compliance.

NOTE - Compliance with a recommended practice shall not be required to achieve compliance with a standard.

Representative - An individual, designated by a member of a formulating group or sub element, to participate in that formulating group or sub element, on that member's behalf.

Relevant Patent - A patent that is or may be required for compliance with the normative elements of a standard.

Specification - A type of standard prepared specifically to facilitate procurement that clearly and accurately describes the essential technical requirements for purchased material. Procedures necessary to determine that the requirements for the purchased material covered by the specification have been met shall also be referenced or included.

Standard - A document that establishes engineering and technical requirements for processes, procedures, practices and methods that have been decreed by authority or adopted by consensus. Standards may also be established for selection, application and design criteria for material. Generally standards should contain prescriptive terms.

NOTE - Throughout this manual, the term "standard" refers generically to documents that may be titled as either "Standard" or "Specification."

Standards Document - a term used to refer to CEA standards, ANSI/CEA standards, bulletins, and errata as a group.

Standards Proposal - A document that is submitted for ANSI public review prior to approval as an American National standard.

Substantive - A substantive change in a proposed standard or bulletin that directly and materially affects the use of the standard. Examples of substantive changes are below:

- “shall” to “should” or “should” to “shall”;
- addition, deletion or revision of requirements, regardless of the number of changes;
- addition of mandatory compliance with referenced standards.

### 3 References

#### 3.1 Normative Reference List

These procedures contain provisions that, through reference in the text, constitute normative references of these procedures. At the time of publication, the editions indicated were valid. All standards are subject to revision, and parties to agreements based on these procedures are encouraged to investigate the possibility of applying the most recent editions of the standards listed in 3.1.

ANSI:

Essential Requirements, 2009

CEA

- EP-24, Manual for Organization and Style for Documents Issued by CEA, June, 1998
- CEA Legal Guides
- CEA Bylaws
- Robert’s Rules of Order

#### 3.2 Normative Reference Acquisition

ANSI:

- American National Standards Institute, New York, NY Internet: <http://www.ansi.org/>

CEA:

- Consumer Electronics Association, 1919 S, Eads St, Arlington, VA 22202, Phone 703-907-7500; Fax 703-907-7600; Internet: <http://www.CE.org>. For more information, email [standards@ce.org](mailto:standards@ce.org).

Robert’s Rules of Order:

- [www.robertsrules.com](http://www.robertsrules.com)

### 4 Organization

#### 4.1 CEA Technology & Standards Department Organization

The CEA Technology & Standards Department is headed by a CEA Vice President who is responsible for carrying out the activities of the department.

#### 4.2 CEA Technology & Standards Committee Organization Elements

An illustrative organization chart reflecting the relationship of various elements within the CEA Technology & Standards Committee organization is available on <http://www.ce.org>.

#### **4.2.1 Technology & Standards Council**

The Technology & Standards Council should consist of technical personnel and is responsible for CEA standardization programs, providing input to CEA on technology issues, and advising on standards policy matters.

#### **4.2.2 TSC Executive Committee**

The TSC Executive Committee (TSC Excom) is an executive group of the TSC. The TSC Executive Committee shall be authorized to act on behalf of the TSC between TSC meetings. A request by a single TSC Executive Committee member shall be sufficient to refer an issue to TSC for consideration.

The TSC Excom is responsible for approving new CEA Technology & Standards committees and their scopes, maintenance and revision of EP-23, as well as appointment of committee Chairs. The TSC Excom is also responsible for disbanding committees. See 4.2.3.3.

#### **4.2.3 Formulating Group**

A formulating group is a CEA Technology & Standards committee or subcommittee with responsibility for formulation of standards or specifications.

##### **4.2.3.1 Technology & Standards Committee**

The primary responsibility of a committee is to develop voluntary industry standards. Technology & Standards committees have no fixed term of existence and are intended to continue to exist until there is no need. A Technology & Standards committee may establish subcommittees, working groups, or task groups, and, when doing so, shall approve an associated scope. The establishment of a subcommittee, working group or task group and definition of a scope shall be approved by a majority vote. Working groups can form task groups per provisions of 4.2.5. The TSC, or the TSC Executive Committee, may disband a committee, and reassign that committee's program of work to another formulating group, when the Technology & Standards committee is no longer required. See 4.2.3.3.

##### **4.2.3.2 Technology & Standards Subcommittee**

Technology & Standards subcommittees normally are formed when it is desirable to divide responsibility for the subject matter falling within the scope of a Technology & Standards committee. Subcommittees, like their parent committees, have no fixed term of existence and are intended to continue to exist until there is no need. A Technology & Standards subcommittee may establish working groups or task groups, and, when doing so, shall approve an associated scope. The establishment of a working group or task group and definition of a scope shall be approved by a majority vote. The Chair of the parent Technology & Standards committee may disband the subcommittee when the subcommittee is no longer required. At that time, the subcommittee's program of work shall be reassessed, and responsibility for each project reassigned to another formulating group. See 4.2.3.3.

##### **4.2.3.3 Disbanding a Formulating Group**

Prior to the dissolution of a formulating group, responsibility for the maintenance of existing standards shall be reassigned to, and accepted by, another formulating group, or those standards shall be withdrawn. Similarly, responsibility for other projects in the formulating group work program shall be reassigned to, and accepted by, another formulating group, or those projects shall be withdrawn.

NOTE - In the case of joint committees (see section 4.2.7) and their subordinate units, procedures for reassignment shall be established in accordance with the Memorandum of Understanding.

#### **4.2.4 Working Group**

Working groups are established by a CEA Technology & Standards formulating group for specific purposes. When a working group is established, the parent body shall also approve a scope for the effort, such as (but not limited to) developing a draft of a specific standard or specification. See 7.4.1. The Chair of the parent body should disband the working group when its function is no longer required. The Chair of the working group is appointed by the Chair of the parent body. Working groups make recommendations which are reported to their parent body.

#### 4.2.5 Task Group

Task groups are ad hoc bodies that are formed by a Technology & Standards committee, subcommittee, or working group to address a specific problem as part of the larger body. Task groups meet informally and do not have a standard-formulating mission. They are dissolved by the Chair of the parent body when the purpose for which they were formed has been completed. Appointment of a task group Chair (where appropriate) and dissolution of the task group are functions of the Chair of the parent body. Task groups make recommendations which are reported to their parent body.

Note - Working groups form task groups by consensus, not by majority vote.

#### 4.2.6 Discovery Group

Discovery Groups are short-term, ad hoc groups, created on an as needed basis to explore the need for a CEA standardization activity in areas that may or may not be within the scope of existing CEA Technology & Standards formulating groups. As new products or new technologies are sighted on the horizon, a Discovery Group permits evaluation of potential standards development opportunities by:

- a) involving experts in the proposed area of standardization;
- b) using CEA resources efficiently and effectively; and
- c) reaching a consensus on the direction of standardization.

See 7.6 for Discovery Group Operations.

#### 4.2.7 Joint Committees

In some instances, CEA Technology & Standards formulating groups may engage in joint standardization efforts with other organizations. Agreements shall be set out in a Memorandum of Understanding (MOU).

If the other organization is also a standards developing organization, then a determination shall be made upon initiation of the effort concerning which organization's standardization procedures shall govern, which organization shall be responsible for maintaining committee membership information, and which organization shall provide other secretariat services for the effort. As an alternative, CEA and the other organization may agree to rotate responsibility in these areas.

If the other organization is not a standards developing organization, then the standardization activity shall be conducted in accordance with the procedures contained in this manual.

NOTE - For purposes of fee assessment, if any (see 5.4), for joint committees or subcommittees, companies or individuals holding membership in either organization shall be considered members.

#### 4.3 Appointment of Chairs and Vice Chairs

The Chair of a Technology & Standards committee is appointed by the TSC Executive Committee and the CEA Technology & Standards Vice President. Subcommittee Chairs shall be appointed by the Chair of the parent body and CEA Technology & Standards staff with approval of the CEA Technology & Standards Vice President.

The Chair, in conjunction with CEA Technology & Standards staff, may appoint a Vice Chair, other officers or the Chair of a subordinate group.

There are no limits on the length of time an individual can serve as formulating group Chair; however, each appointment as Chair is subject to annual reaffirmation. If the Chair is unable to continue to perform this role, the Vice Chair shall assume responsibilities until a new chair is appointed. If the Vice Chair is appointed as Chair, a new Vice Chair should be appointed.

Candidates for these appointments should be selected from among formulating group members with voting status. Candidates should demonstrate a high level of activity consistent with the formulating group scope. In limited cases, the TSC Executive Committee, in consultation with the CEA Technology &

Standards Vice President, may elect to consider other candidates for committee appointments, and the Chair of the parent body and staff may elect to do so for subcommittee appointments. No consultant, paid by CEA for this purpose, shall chair a CEA Technology & Standards committee, subcommittee, or working group (unless such chair is approved, on a case-by-case basis, by TSC Excom).

Appointment as Chair or Vice Chair attaches to a specific individual rather than a company.

#### Responsibilities of a Chair

The Chair of a Technology & Standards formulating group is responsible for the conduct of formulating group activities in accordance with the procedures prescribed in EP-23 and the CEA Legal Guides, and consistent with the formulating group scope. Additionally, each Chair is responsible for overseeing subcommittees and working groups operating under that formulating group's auspices. Chairs of committees are also appointed to the TSC Executive Committee, see 5.3.2. Chairs of all formulating groups are appointed to the TSC, see 5.3.1.

Chairs of Technology & Standards formulating groups and staff are encouraged to obtain representation of affected interest categories in formulating groups under their jurisdiction and to avoid domination by any one group. For information on interest categories, see section 5.1.

### **5 Membership Eligibility Criteria**

Membership in formulating groups is open to companies or organizations with a direct and material interest in a matter within the respective jurisdiction of the formulating groups. Membership in CEA is not a requirement for participation. Government representatives may also participate as described in 5.2.2, and liaison representatives may participate as described in 5.2.3.

Participating individuals should be technical personnel. Under some circumstances, eligibility for membership may be limited by circumstances beyond CEA's control, such as government regulations, etc. Any questions concerning eligibility shall be referred to CEA Technology & Standards and Legal staff.

Any company or organization desiring to participate on a formulating group shall notify CEA Technology & Standards staff in writing. CEA Technology & Standards staff shall then inform the party of the fees involved, if any, and the procedure to follow for participation. The requirements to maintain voting rights shall also be provided.

While membership in Technology & Standards committees, subcommittees, working groups and discovery groups is open to those with a legitimate technical interest, members of the working press (including electronic media) shall not be permitted membership in those bodies, nor shall members of the working press be permitted to attend the meetings of those bodies.

#### **5.1 Interest Categories**

For a formulating group to work effectively, all interest categories should be represented, and no interest category shall be intentionally excluded. Because standards development depends on consensus rather than the will of a majority, participation in the consensus-building process is of far greater significance than the final act of voting in a formulating group.

Unless it is claimed by a directly and materially affected interest that a single interest category dominated the standards development process, no test for dominance is required.

Interest categories are defined relative to each standards activity: Producer; User; and General Interest. See ANSI Essential Requirements for further information.

Note: Formulating group members may discover that their participation in the standards activity falls under multiple interest categories. They should choose the most appropriate category.

##### **5.1.1 Producer**

Producers are formulating group members who use the standards document in question to manufacture or implement products or services.

### **5.1.2 User**

Users are formulating group members who acquire from Producers equipment or services to which the standards document applies.

### **5.1.3 General Interest**

General Interest members are neither Producers nor Users. This category may include regulatory agencies (state and federal), researchers, other organizations and associations, and consumers.

## **5.2 Member Organizational Types**

Formulating group member organizations may be companies, government agencies or trade associations, professional societies, technical or educational institutions, and consumer interests.

### **5.2.1 Companies**

Membership in CEA Technology & Standards formulating groups is vested in companies or organizations regardless of CEA membership. Companies who are not members of CEA shall be charged a non-member participation fee per individual per formulating group per year. A company is placed on the formulating group list upon written request by an individual representing that company, and enjoys full membership privileges after the company has been represented at two consecutive meetings. CEA staff shall maintain each formulating group list and shall publish attendance information and voting status with the minutes of each formulating group meeting.

Companies who have met eligibility and fee requirements shall designate appropriate participating representatives (as shown on the formulating group list) to receive formulating group information. Representatives who attend a formulating group meeting are considered to be acting for their respective companies (organizations) in developing an industry position on issues before such formulating groups. Any company or organization is limited to one vote on any single formulating group.

### **5.2.2 Government Entities**

CEA desires and encourages the active participation in its standards-developing activities of all parties having a direct and material interest in its standards, including U.S. (or other) federal, state, and local government entities when they have such a direct and material interest.

Contribution to the standards development process may take the form of liaison with appropriate formulating groups, participation in the ANSI public review process, and active participation in formulating groups.

Agencies at all levels of federal, state, and local government are encouraged to observe standards development activities when they have a direct and material interest in the standards work and are willing and able to commit to full and consistent participation. When a government entity chooses to participate in a formulating group as an observer, entitling those representatives to all formulating group-related correspondence, all fees are waived. The level of active participation by such government representatives shall be reviewed periodically, and the representatives may be removed for non-participation.

When a government entity or independent agency requests voting status on a formulating group in writing, such status will be granted, subject to the provisions of 6.3 for maintaining voting eligibility, and fees may be waived with the prior approval of the CEA Technology & Standards Vice President. The number of such memberships shall be limited to not more than 10% of the total voting membership on any formulating group.

### **5.2.3 Liaison Organizations**

Formulating group Chairs may appoint liaison representatives from other trade associations, professional societies or technical institutions, such as universities and independent research centers, when appropriate. Liaison arrangements are usually made on a reciprocal basis. A liaison representative has full privileges of participation in formulating group activities and may be designated as an observer or voting member at the discretion of the CEA Technology & Standards Vice President. Non-CEA member participation fees shall be waived when a reciprocal arrangement exists.

#### **5.2.4 Consultants**

Consultants who participate in a CEA Technology & Standards formulating, working or task group, shall, on joining, declare an affiliation from among the following options:

- a) single-member affiliated; OR
- b) independent.

##### **5.2.4.1 Single-Member Affiliated Consultants**

Those consultants who represent a single company or organization for purposes of all of the consultant's work related to a single formulating group are designated as single-member affiliated consultants.

For all of the work under the auspices of a single formulating group, a single-member affiliated consultant shall reaffirm that affiliation at each meeting. In addition, a single-member affiliated consultant shall notify CEA staff when such affiliation changes.

Single-member affiliated consultants shall count among the total individual representatives of that member assigned to a specific formulating group. This shall include payment of fees as provided in 5.4, and voting. In addition, single-member affiliated consultants shall sign-in and announce their company or organization affiliation during meetings.

Should the affiliation of a single-member affiliated consultant change, CEA staff shall re-evaluate the voting rights of the consultant, and affected members, and notify affected formulating group members, as well as the Chair, of any changes in voting status.

##### **5.2.4.2 Independent Consultants**

Those consultants who represent multiple companies or organizations, or on occasion, themselves, for purposes of their work related to any formulating or working group are designated as independent consultants.

Independent consultants shall pay fees as provided in 5.4. In instances where CEA elects to waive the participation fee, the independent consultant shall not be eligible to gain voting rights in a formulating group.

### **5.3 CEA Technology & Standards Committee Structure Elements**

The CEA Technology & Standards committee structure consists of a number of different types of organizational units. Unique membership eligibility criteria for specific units follow.

#### **5.3.1 Technology & Standards Council**

The Technology & Standards Council (TSC) consists of the TSC Chair and TSC Vice Chair, and Chairs of the CEA Technology & Standards committees and subcommittees, as well as the CEA member Chairs of joint committees and subcommittees. Chairs of CEA Technology & Standards committees and subcommittees and CEA member Chairs of joint committees and subcommittees shall represent the committee or subcommittee interests on the TSC. At Large members shall represent the interests of the CE industry.

Per the CEA Bylaws, the TSC chair and vice chair positions are elected by the TSC for up to two consecutive one year terms.

In addition, on a case-by-case basis, the TSC Chair, in conjunction with the CEA Technology & Standards Vice President, may appoint up to 10 at-large TSC members, particularly those who offer a broader, more policy oriented view, and are willing to participate actively in TSC activities.

Quorum requirements (see 7.2.3) shall apply to TSC activities. Voting eligibility requirements (see 6) shall not apply to TSC activities.

At-large appointees shall be full-time employees of a single CEA member company. To encourage rotation among CEA members with an interest in TSC at-large membership, at-large members shall be

appointed for a term of two years. At-large appointees may petition the TSC Chair and the CEA Technology & Standards Vice President, for appointment to subsequent terms. At-large TSC members may select another individual from their respective company to attend TSC meetings in their stead.

NOTE - Situations where a single CEA member has two at-large TSC representatives should be avoided. When a single CEA member company has two at-large TSC representatives, the one company/one vote policy shall apply.

At their discretion, the TSC Chair and the CEA Technology & Standards Vice President may appoint an ex officio (non-voting) individual from the CEA Board of Directors or its Executive Board to ensure appropriate liaison.

Joint or standing committee/subcommittee Chairs, who also represent CEA members, may refuse service on TSC. At the discretion of the TSC Chair and the CEA Vice President, an alternate may be appointed to TSC, or an alternate may be selected from the voting formulating group membership to serve as that formulating group's TSC representative, or to attend a TSC meeting.

NOTE - If two individuals represent the same committee or subcommittee, the committee or subcommittee receives one vote, cast at the discretion of the individuals involved.

When necessary, at a formulating group Chair's discretion, the formulating group Vice Chair or another designated representative may substitute for the formulating group Chair, representing formulating group interests for TSC purposes.

For purposes of determining quorum, each committee and each subcommittee is counted as a single member, and may cast one vote. In addition, each at-large member is counted as a single member, and may cast one vote. In the case of members representing a formulating group, the Chair, or the Vice Chair (or other authorized representative) at the formulating group Chair's discretion, may cast the vote. In cases where a formulating group is represented by Co-Chairs, the formulating group receives one vote, cast at the Co-Chairs' discretion, reflecting formulating group interests.

### **5.3.2 TSC Executive Committee**

The TSC Executive Committee shall consist of the TSC Chair and TSC Vice Chair, the chairs of the CEA Technology & Standards committees and up to two TSC at-large members. TSC Executive Committee at-large members shall be appointed by the TSC Chair in conjunction with the CEA Standards & Technology Vice President for a specified term. All TSC Executive Committee members shall be TSC members. Quorum requirements (see 7.2.3) apply to TSC Executive Committee activities. Those TSC Executive Committee members who chair a standing committee should represent the views of that committee. Those TSC Executive Committee members who serve on an at-large basis should represent the views of the industry.

When necessary, at a formulating group Chair's discretion, the formulating group Vice Chair or another designated representative may substitute for the formulating group Chair, representing formulating group interests for TSC Executive Committee purposes.

For purposes of determining quorum and voting, each formulating group is counted as a single member, and may cast one vote. In addition, each at-large member is counted as a single member, and may cast one vote. In the case of members representing a formulating group, the Chair, or the Vice Chair (or other authorized representative) at the formulating group Chair's discretion, may cast the vote. In cases where a formulating group is represented by Co-Chairs, the formulating group receives one vote, cast at the Co-Chairs' discretion, reflecting formulating group interests.

### **5.3.3 Technology & Standards Committees and Subcommittees**

Technology & Standards committees and subcommittees are made up of members of the industry and other interested parties. See 0.

#### **5.4 Fees**

CEA member companies may designate a maximum of three representatives per formulating group per year without charge. CEA members may designate additional representatives upon payment of a fee per representative per formulating group per year.

Those companies who are not members of CEA may designate representatives upon payment of a fee per representative per formulating group per year. Much of CEA's costs of supporting standards activities in its Technology & Standards committees require support in the form of meeting/teleconference costs and staff support services. To equalize the cost burden between CEA member companies (who help defray these costs through their CEA membership dues) and non-member companies/organizations, and to make the process more self-sustaining, a non-member participation fee is assessed to companies that are not members of CEA. This fee shall be fixed and reasonable.

The CEA Technology & Standards Vice President may, on a case-by-case basis, waive this fee. This fee is typically waived on a reciprocal basis. Where CEA receives reciprocal participation, for example, in another standards developing organization's (SDO's) efforts, the other organization's representatives may participate in CEA activities, on the same basis as CEA members, without additional fee, and with eligibility to gain voting rights.

When the CEA Technology & Standards Vice President elects to waive a participation fee, and reciprocity is not available, the prospective member may or may not be eligible to gain voting rights. CEA shall specify the conditions of participation when the fee waiver is granted, and shall review the arrangement on, at minimum, an annual basis thereafter.

#### **6 Consensus Development**

Standards and bulletins shall be produced by consensus, i.e. work shall continue until substantial agreement is reached by the formulating group members. Although unanimity is desirable, it is not required to produce a work product. Consensus is achieved through a process of discussion, correspondence, draft contributions, and revision, all leading to the final result.

##### **6.1 Voting**

Any employee or representative of a formulating group member may be designated by their organization to exercise formulating group membership privileges, including voting, on behalf of that organization. Only one such representative may vote, per the requirements of 5.2.1. It is the organization's responsibility to coordinate its vote. A majority of eligible members with voting rights shall determine the outcome of all votes, except where otherwise noted in EP-23. For example, a two-thirds majority is required to adopt a standard or bulletin. Voting requirements for standards documents are described in 8.6.

##### **6.2 Obtaining Voting Status**

To obtain voting status on a formulating group, a member shall be represented at two consecutive meetings and be present at the third consecutive meeting. Voting status is obtained at the beginning of the third consecutive meeting. If no representative of that member is present at the third meeting, voting privileges shall not be granted until such time as the member has been represented at two subsequent consecutive meetings, and is represented at a third.

This rule does not apply to voting in the first two meetings of a newly created formulating group. All members of the new formulating group shall have voting rights at the first two meetings. At the third meeting, companies that were not represented at either of the first two formulating group meetings shall lose their voting rights. Thereafter, normal rules for obtaining voting rights apply.

##### **6.3 Maintenance of Voting Status**

Maintenance of voting status depends upon the formulating group member's active participation in the work program.

The criterion for removal of a formulating group member from voting status is the member's absence from two consecutive meetings.. Attendance shall be determined by the attendance roster for each meeting, as reflected in the minutes of that meeting. A copy of the formulating group list with present attendance information and voting status shall be reflected in the minutes of each meeting of the group.

When a member holding voting status in a formulating group has gone unrepresented for two consecutive meetings, voting privileges are automatically revoked.

CEA Technology & Standards staff shall remove the member and its representative(s) from the voting membership. On a case-by-case basis, the Chair and CEA Technology & Standards staff may excuse failure to attend, for cause, and as requested prior to the meeting. CEA Technology & Standards staff shall note in the minutes that an absence is excused.

Reinstatement of voting privileges requires a resumption of active participation in the formulating group's work by the member, and occurs after attendance at two consecutive meetings. Voting rights are reinstated at the beginning of the third consecutive meeting attended. The distributed minutes shall serve as notification to the member of their voting status.

Formulating group Chairs, with the assistance of CEA Technology & Standards staff, shall enforce the rules governing maintenance of voting status.

#### **6.4 Multiple Votes**

No individual may vote or cast a ballot on behalf of more than one formulating group member. No proxy or absent ballots shall be allowed. Independent consultants are subject to the provisions of 5.2.4. Members who are unable to participate in formulating group meetings may provide non-binding comments in advance of the meeting. Such comments shall not be counted as attendance at a meeting.

### **7 Operations**

#### **7.1 General**

The standardization program of the CEA Technology & Standards Department is conducted through its formulating groups with the assistance of CEA Technology & Standards staff. Efforts shall be made to encourage member participation, conduct the work of these groups in an efficient fashion, and maintain due process as defined in ANSI Essential Requirements.

It is the responsibility of the formulating group Chair and staff to maximize productivity during each meeting. This includes following the agenda, and keeping discussion on point.

When any formulating group, working group, or task group has become inactive, the group's continued existence shall be reviewed by the parent body.

The business of formulating groups shall be conducted via electronic means to the extent practical. In most cases, this means distributing correspondence and other relevant information via e-mail. When standards related information is distributed via e-mail:

- a) a single identifiable master copy of an electronic document shall be maintained, either by CEA Technology & Standards staff or a designated document custodian;
- b) CEA Technology & Standards staff shall maintain adequate records and audit trails of specified distributions; and,
- c) while all standards-related material may be disseminated electronically, provisions should be made to provide hard copies to those prospective reviewers who do not have access to the necessary electronic technology.

#### **7.2 Meetings**

CEA recognizes the resources, both time and financial, associated with participation in standards development efforts. To ensure continued progress, while minimizing costs, efforts should be made to conduct the majority of standardization activities via e-mail or teleconference to the extent practical.

NOTE—It is preferred that working and task group meetings be scheduled as teleconferences. In those circumstances where a working or task group believes that a face-to-face meeting is the more productive means of conducting business, based on the nature of the agenda items, the

working or task group Chair shall seek prior approval for a face-to-face meeting from the CEA Technology & Standards staff assigned to that group.

When face-to-face meetings are scheduled, formulating, working and task groups and Chairs should consider location convenience, travel and other meeting costs, as well as appropriateness of facilities, when recommending meeting locations. Every effort should be made to secure a member as a meeting host. Potential face-to-face meeting locations, and associated requirements, include:

- CEA conference rooms: CEA conference rooms are available on a space available basis, and CEA Technology & Standards staff shall ensure that appropriate arrangements are made.
- Company facilities: Companies hosting such meetings may underwrite reasonable costs associated with the meeting. Gifts and other promotional items of value should not be given to attendees. Requirements for security clearances for attendees should be minimized or avoided.
- Hotels or other commercial properties: When it is necessary to schedule a meeting that involves costs to CEA, only CEA staff shall contract with a hotel for meeting room space and related services.

### **7.2.1 Notices**

Every effort should be made to provide notice of a formulating group meeting to formulating group members sufficiently in advance to allow maximum member participation. This meeting notice shall include the phone and e-mail contacts of responsible CEA Technology & Standards staff. A response mechanism directed to CEA Technology & Standards staff, shall also be included. A meeting notice should also be posted to CEA's web site, and should include a preliminary agenda.

In the case of face-to-face formulating group meetings, CEA Technology & Standards staff should issue meeting notices at least four weeks prior to the meeting date. The phone number and physical address of the meeting location shall also be included.

In the case of audio- or video- teleconferences, or virtual meetings, CEA Technology & Standards staff should issue meeting notices at least one week prior to the meeting date.

### **7.2.2 Agendas**

The formulating group or subsidiary unit Chair is responsible for generating the agenda and providing it to CEA Technology & Standards staff in sufficient time for advance distribution. The formulating group or sub element should draft a tentative agenda for the following meeting during the current meeting. The agenda shall include, at a minimum, the following elements:

- a) Time and place of the meeting or teleconference;
- b) For formulating groups, determination of whether or not a quorum is present;
- c) Review of any action items from the previous meeting;
- d) Any proposed voting items identified at the time the agenda is issued;

NOTE--Whether or not voting items are listed on the proposed agenda, a formulating group may vote, provided: 1) a quorum is present; 2) the action that is the subject of the vote falls within the formulating group's scope and authority; 3) the action is in compliance with CEA Legal Guides. and 4) it is not a vote on a standard or bulletin. For votes on standards or bulletins, the provisions of 8.4.1 apply.

- d) Significant items to be discussed;
- e) Determination of the next two meeting dates; and
- f) Preparation of the next meeting agenda.

At the Chair's discretion, the agenda may be revised prior to the next meeting. A preliminary agenda, subject to revision, should be distributed with the meeting notice. Participants, chairs and staff are encouraged to make reasonable efforts to identify agenda items prior to the start of meeting, and present those to participants in advance of a meeting.

If a voting item is not included on the published agenda prior to a meeting, and a formulating group wishes to add a voting item to the agenda during the meeting, then:

- g) A quorum shall be present during the meeting;
- h) Two thirds of the voting members present and voting either yes or no (excluding those who abstain) shall accept the voting item before it may be placed on the agenda for consideration; and,
- i) Two thirds of the voting members present and voting either yes or no (excluding those who abstain) shall agree to the proposed action for the voting item to pass.

### **7.2.3 Quorum**

For the purpose of conducting business at a formulating group meeting, a quorum consisting of a majority of formulating group members who have voting rights is required to take final action.

If a quorum is not present, no final action may be taken. While discussion may take place, and those present may make recommendations and develop material, such recommendations are subject to subsequent affirmation by a quorum of the formulating group.

### **7.2.4 Meeting Cancellation**

CEA Technology & Standards staff may cancel a scheduled meeting if:

- a) it is anticipated, with cause, that a quorum for conducting business will not be present due to insufficient attendance;
- b) no Chair or Vice Chair will be available to conduct the meeting;
- c) an emergency or act of nature precludes attendance; or,
- d) Any other reason deemed necessary.

#### **7.2.4.1 Notice of Cancellation**

Notice of cancellation of a meeting shall be announced 14 days prior to the date of a face-to-face meeting, or one day prior to a teleconference date, except in cases where an emergency or act of nature precludes attendance. It is recommended that e-mail be employed to expedite notice of cancellation of a meeting.

### **7.2.5 Conduct**

Meetings shall be conducted in a manner accommodating due process considerations, the need to expedite the work of CEA Technology & Standards formulating groups, efforts to use group member and staff resources efficiently, and relevant legal considerations as defined in the current CEA Legal Guides. Formal meetings shall be conducted following Robert's Rules of Order.

General Guides Applicable to all CEA Activities shall be printed on the reverse side of the attendance roster distributed during each face-to-face meeting (see Annex A). Each face-to-face meeting attendee shall sign the attendance roster and thereby attest to familiarity with and adherence to these guides.

In addition, all attendees shall indicate their affiliation (company, organization or client whose interests are represented for purposes of that meeting) on the attendance roster (for face-to-face meetings) or during introductions (for audio- or video-teleconferences), to ensure compliance with one company/one vote provisions. See 8.9.

For participation in meetings, appropriate electronic alternatives may be adopted with the approval of the CEA Technology & Standards Vice President and CEA Legal Counsel.

### **7.3 Legal Issues and Intellectual Property Rights (IPR)**

All formulating groups shall adhere to the general rules applicable to all CEA activities, noting specifically Intellectual Property Rights (IPR) in accordance with CEA Legal Guides in all matters pertaining to CEA and its standardization programs. When developing an ANSI/CEA standard, ANSI's legal guidelines in the ANSI Essential Requirements shall be followed.

The CEA Legal Guides shall govern all standards development activities conducted by CEA Technology & Standards formulating groups. Copies of the CEA Legal Guides are available on request from CEA

Technology & Standards staff or on the CEA web site ([www.ce.org](http://www.ce.org)). Annex A contains an excerpt from the CEA Legal Guides.

### **7.3.1 Disclosure of Relevant Patents**

There is no objection in principle to drafting a proposed CEA standard or American National Standard in terms that include the use of a patented item, if it is considered that technical reasons justify this approach. If the formulating group receives notice that a proposed standard may require the use of a patented invention, the patent holder shall provide the IP proffer to a CEA staff representative, prior to approval.<sup>1</sup>

The standards development and approval process is made more efficient if the existence of relevant patents (and relevant pending patents) is made known as early as possible in the development work. Conversely, the discovery at the final stages of standards development of a relevant patent (or pending patent) that is not available for licensing under reasonable terms and conditions may result in the loss of years of formulating group effort. It is therefore required that formulating group members to disclose any knowledge they may have of existing relevant patents (or an intent to patent items whenever appropriate) affecting the work. Chairs and CEA staff should remind formulating group members of this responsibility.

### **7.3.2 General Patent Policy Guidelines**

Discussion of a pending or existing patent does not constitute an acknowledgment of the validity of the patent since validity is based on prior art and determination of who first made application or discovered the technique or process. Discussion, if any, shall concern whether the patent's technical content is suitable for, or applies to, the standardization effort at hand.

By its terms, the CEA patent policy applies with equal force to situations involving (1) the discovery of relevant patents that may be required for use of a standard subsequent to its adoption and (2) the initial issuance of a relevant patent after adoption. Once disclosure is made, the holder is obligated to provide the same assurance to CEA as is required in situations where relevant patents exist or are known prior to approval of a proposed standard as a CEA standard.

Thus, if notice is given of a patent that may be required for use of an already approved CEA standard, a standards developer may wish to make it clear to its participants that the CEA procedures require the patent holder to provide the assurances contained in the patent policy or suffer the withdrawal of CEA approval of the document as a CEA standard and ultimately as an American National Standard.

### **7.3.3 CEA and ANSI Patent Policies**

Reasonable efforts shall be made to notify participants that they are required to identify relevant patents at the earliest point in standards development. These efforts shall include a call for intellectual property (IP) proffers on all draft standards. In addition, calls for disclosure may be made during meetings. Requirements in CEA standards that are known to call for use of a patented item or process may not be knowingly considered by formulating groups unless the responsible Chair and CEA Technology & Standards staff has received a statement from the patent applicant or holder indicating compliance with the CEA intellectual property rights policy by stating one of the following:

- a) a license shall be made available without charge to applicants desiring to use the patent for the purpose of implementing the standard(s) under reasonable terms and conditions that are demonstrably free of any unfair discrimination, or
- b) a license shall be made available with charge to applicants under reasonable terms and conditions that are demonstrably free of any unfair discrimination.

Annex B (Normative) is the standard statement from IP holders.

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<sup>1</sup> Ordinarily the proffer should be provided no later than 7 days prior to the vote to approve.

In either event, the statements from the patent holders shall be submitted to the CEA Legal Counsel for review. CEA does not have the expertise to evaluate each patent, application or license, and relies on the applicant's or holder's statement.

In addition, CEA shall not be responsible for identifying any patents for which a license may be required by a CEA or ANSI/CEA standard, or for conducting inquiries into the legal validity or scope of those patents that are brought to its attention.

In general, CEA and ANSI have similar patent policies. Both CEA and ANSI patent policies were designed to balance the rights of the patent holder to exploit its legal monopoly in connection with its technology and the rights of readers of the standard to have access to technology that is relevant to implement the standard. CEA and patent holders both have responsibilities in connection with CEA's and ANSI's patent policies. CEA shall respond to any assertion by a patent holder, request that the holder by some date certain state definitively whether the holder's technology is "relevant", and if so, ask the holder if it is willing to license the technology on reasonable terms and conditions demonstrably free from unfair discrimination.

Each CEA or ANSI/CEA standard shall carry the following notification in its "Notice":

Standards and Publications are adopted by CEA in accordance with American National Standards Institute (ANSI) patent policy. By such action, CEA does not assume any liability to any patent owner, nor does it assume any obligation whatever to parties adopting the Standard or Publication. CEA takes no position with respect to the validity of any claimed patent rights relating to this standard. CEA is not responsible for identifying patents for which a license may be required in order to comply with any CEA standard.

The statement from the patent holder should be stated in exactly the words prescribed above or in alternative language approved by the CEA Legal Counsel. CEA will not accept statements which are conditional or which reveal the terms of licensing. Annex B (Normative) should be used as a template for the statement.

When the formulating group receives from a patent holder the assurance set forth above, the standard shall include a note as follows:

NOTE—The reader'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 the publisher.

A patent holder, under no circumstances, is required to permit the use of its technology for free or on reasonable terms and conditions. If the patent holder chooses not to make its technology available and the technology is relevant to implementation of the CEA or ANSI/CEA standard, then it may be necessary to revise or withdraw the standard. A copy of all identified statements from patent holders received by CEA shall be forwarded to ANSI.

#### **7.3.4 Copyrighted Material**

If, in developing a standard, a formulating group proposes to incorporate verbatim material from a publication copyrighted by another organization, a formulating group member or CEA staff shall obtain written permission from the owner of the copyright for CEA to reprint the material, forward the letter granting permission to the CEA staff member, and include an appropriate reference to such permission in the standard as a footnote.

Contributors shall place on the cover page of any written contribution intended for inclusion in a CEA document (for which the contributor currently possesses a copyright) the following copyright statement:

The contributor grants a free, irrevocable license to CEA to incorporate text or other copyrightable material contained in this contribution and any modifications thereof in the creation of a CEA document; to copyright and sell portions of this contribution; and at CEA's sole discretion, to permit others to reproduce in whole or in part such contributions or the resulting CEA document. The contributor will grant licenses under such copyrights to third parties on reasonable, non-discriminatory terms and conditions, if appropriate, including the right to develop derivative works by CEA and implementers of the CEA document that incorporates this text."

Reference to such permission shall be noted in the standard

If a formulating group proposes to incorporate verbatim material, in whole or in part, from an ISO/IEC standard, the Chair shall consult appropriate CEA Technology & Standards staff for appropriate procedures and further details.

### **7.3.5 Audio/Video Recording**

By opening meetings to non-members, formulating groups are in no way relinquishing their rights to privacy. For this reason, communication with either internal or external organizations on behalf of a formulating group should emanate from the appropriate Chair. See 7.5.

Audio or video recording of any portion of a meeting shall not be permitted without the prior knowledge and consent of *all* meeting attendees. CEA Technology & Standards staff shall either: a) announce at the beginning of the meeting that no audio or video recording is permitted; or b) include such information on the proposed agenda.

If an attendee still wishes to audio or video record a meeting, it is the responsibility of the attendee who wishes to record to offer a proposal to do so at the outset of the meeting. The attendee shall:

- a) Announce their intention to do so prior to any recording;
- b) Agree to use the tape solely for personal purposes in a manner that benefits the work of the formulating group, and to prohibit any further distribution; and
- c) Make a motion to permit audio or video recording of the meeting.

To authorize such recording, all attendees (including CEA staff) shall vote, and the tally shall be recorded in the minutes. Unanimous approval from all meeting attendees shall be required to permit such recording. If the motion fails, no recording shall take place.

### **7.3.6 Minutes**

At the beginning of each meeting or teleconference, an individual shall be designated to serve as recording secretary for that meeting. The minutes shall include, at a minimum:

- a) a list of all individuals (and their respective affiliations) present;
- b) for formulating groups, an indication of whether the members of the group that is meeting are present or absent, and their voting status for this meeting;
- c) a list of action items developed at the meeting and assigned individual(s);
- d) for formulating groups and TSC, an indication of whether or not a quorum is present;
- e) a statement of all significant matters discussed; and
- f) a description of any actions taken with any reasons for such actions.

Where votes are taken, the vote tallies, reflecting the vote of each member, at a minimum, shall be recorded.

CEA's formulating groups and sub elements do not enter into confidentiality agreements. All statements made or materials presented in a meeting become a matter of record and subject to recording in meeting minutes.

Whenever possible, those providing reports or making presentations during a meeting are encouraged to provide an electronic version of this information to the recording secretary on-site, or immediately following the meeting. This practice facilitates electronic distribution of minutes.

To ensure that the business of a formulating group is conducted as efficiently as possible, minutes should be drafted within two weeks after a meeting. Minutes should be approved by the Chair and responsible CEA staff prior to distribution. Minutes shall be approved by CEA Legal Counsel prior to distribution. If the Chair's approval is not forthcoming prior to distribution, minutes shall reflect this information.

Upon approval, minutes shall be distributed to all members of the formulating group. In addition, the above approval requirements for minutes also apply to any correspondence intended for transmittal to other CEA organizational units or outside organizations. The approval requirements also apply to any documents intended for transmittal to other CEA organizational units or outside organizations.

Minutes are not required for working group and task group meetings. Meeting records should be kept and do not require legal approval unless specifically requested. Chair approval of meeting records is not required.

#### **7.4 Program of Work**

Formulating group members should make every effort to maximize member participation and move a group's work toward completion, while observing the principles of due process. It is the responsibility of the Chair and CEA Technology & Standards staff to ensure that the progress of a formulating group's program of work is monitored periodically, that formulating group resources are sufficient to accomplish this program of work, and that all formulating group members are encouraged to contribute.

##### **7.4.1 Scope Identification**

When a formulating group or a working group is established, its parent body shall clearly define the new group's scope. Revisions to a formulating or working group's scope require the approval of the Chair of the parent body, and should be affirmed as soon as practical by a quorum of the parent body. Revisions in a standards project scope do not require formulating group approval, since the final standard is subject to formulating group adoption.

##### **7.4.2 Project Purpose**

CEA does not encourage or exclude the possibility of multiple standards for the same purpose, but identifies the purpose of standards as follows:

“CEA standards are designed to serve the public interest by eliminating misunderstandings between manufacturers and purchasers, facilitating interchangeability and improvement of products, and assisting the purchaser in selecting and obtaining with minimum delay the proper product for this particular need. Existence of such standards shall not in any respect preclude any member or non-member of CEA from manufacturing or selling products not conforming to such standards.” [CEA Legal Guides, Part II, Section B]

In general, the marketplace is best served when one standard is recognized for a specific purpose. The use of one standard can reduce consumer confusion and contribute to economies of scale as well as competition among companies. However, situations may occur in which more than one standard covering one technical area becomes possible. These situations might result, for example, from a new technology in which more than one approach is supported.

When one or more formulating group(s) is/are considering the development of duplicative standards, several factors should be considered:

- a) Is there significant provider/user support for each of the proposed standards?
- b) How much overlap of purpose will result from separate standards (e.g., will there be uniqueness in application? Are there unique groups of potential users or providers?)

- c) Is the nature of the standard such that the standards accomplish the same purpose, do not increase confusion or reduce economies of scale (e.g., a measurement procedure)?
- d) Is it best to permit independent development of duplicative standards first, then to harmonize them after they are completed, perhaps resulting in a better, more comprehensive standard?

With respect to harmonization, formulating groups, and where appropriate, their parent body should always attempt harmonization whenever possible.

#### **7.4.3 Project Initiation**

To initiate a project, either: 1) a majority of voting formulating group members may approve project initiation; 2) the discovery group process defined in 7.6 may be used; or 3) between regularly scheduled meetings, the formulating group chair may authorize formation of a working group (where no working group exists) and project initiation, with subsequent formulating group approval scheduled as soon as practical. The following information shall be presented for review:

- a) a proposed project title;
- b) a proposed scope for the proposed standard or bulletin;
- c) a justification or an explanation of the need for the proposed standard or bulletin;
- d) an initial listing of individuals committed to active participation in the project
- e) a listing of candidates to chair the working group (for a new working group) ; and
- f) identification of the stakeholders likely to be directly impacted by the standard or bulletin.

In addition, for new standards documents, as well as revision, reaffirmation or rescission of existing standards documents, the following information shall be submitted to CEA staff:

- a) a project title that is as close as possible to the expected title of the finished standard;
- b) a statement of scope of the expected work.

When the proposed project involves technical evaluation, the guidance contained in Annex D (informative) should be considered.

CEA staff shall complete a CEA Project Initiation Form for all standards documents and an ANSI Project Initiation Notification System (PINS) form for standards.

#### **7.4.4 Project Monitoring**

At a minimum, on a biannual basis, each formulating group chair in conjunction with Technology & Standards staff shall review the progress of the standards projects under its auspices. This review shall include those standards due for reaffirmation, revision or rescission, as well as any standards that are approaching their five-year life span. Formulating group chairs should consider the extent of their current program of work, and evaluate proposed work items, in light of the formulating group and staff resources available to accomplish such work, and the extent of industry need for such work.

#### **7.4.5 Project Completion/Removal**

During its biannual review, or at other times, a formulating group chair in conjunction with Technology & Standards staff may delete an item from its program of work.

### **7.5 Committee Communications**

#### **7.5.1 Correspondence**

The Chair or the appropriate CEA Technology & Standards staff member should initiate all correspondence (on behalf of TSC or any of its sub elements) with a CEA organizational unit or an external organization.

When the Chair communicates with a formulating group, efforts should be made to clarify whether the Chair is communicating in the capacity of Chair, or representing an individual company. When the Chair communicates as Chair, the correspondence:

- a) shall be on CEA letterhead (for hard copy correspondence) with the notation "Committee Correspondence"; or
- b) shall clearly indicate that it is from the Chair (for electronic correspondence).

In addition, prior to CEA letterhead use by non-CEA employees, such as chairs, the substantive content of the communication shall first be approved by the department head or the cognizant CEA Technology & Standards staff member.

### **7.5.2 Distribution of Working Materials**

Draft standards, bulletins, and other development materials are controlled distribution documents and shall only be distributed to outside organizations by CEA Technology & Standards staff with an accompanying letter detailing limitations on further distribution. Draft CEA standards shall not be posted on any outside organizations' website.

Members of a formulating group or subsidiary unit are encouraged to coordinate any external distribution of materials outside the formulating group or subsidiary unit with the chair (or a designated committee liaison) and CEA Technology & Standards staff.

## **7.6 Discovery Group Operations**

### **7.6.1 Authorization**

Discovery Groups shall be authorized in the following manner:

- a) Any party, for example, TSC members, participants in TSC formulating groups, or any other industry representative, identifies a potential need for standardization.
- b) A request is made to an existing formulating group or to the TSC Excom, to initiate a discovery group in a particular subject area. The particular subject area, or discovery group topic, shall be clearly defined as part of the request.

NOTE--If the formulating group is scheduled to meet within 21 days of receipt of the request for discovery group formation, a vote should be added to the meeting agenda. In the event that the next scheduled formulating group meeting is scheduled 21 days or more after receipt of the request, then the formulating group chair should request that TSC Excom evaluate the request in behalf of the responsible formulating group.

NOTE--If the request is made to TSC Excom, then a single TSC Excom member may request referral to TSC for consideration (see 4.2.2).

NOTE—If the request is made to a formulating group, then TSC Excom should be notified of the request and of its disposition.

- c) A formulating group or TSC Excom reviews, and may authorize the request to form a discovery group. As part of the review procedure, a formulating group or TSC Excom should consider whether the discovery group properly fits under the formulating group's auspices, TSC Excom's auspices or that of another, existing formulating group. To authorize formation of the discovery group, 2/3 of those voting (assuming a quorum participates in the vote), shall vote to approve. If formation is denied, the proponent is notified.

NOTE: A discovery group can be authorized by more than one formulating group in partnership with each other. The steps above shall be followed by all the formulating groups involved.

### **7.6.2 Recommendation Development**

Following authorization, a discovery group shall operate as follows:

- a. Prospective participants may be identified via the proponent, the TSC and its sub elements, and the CEA membership division;
- b. The discovery group should meet a maximum of two times to develop its recommendation which should be provided to the responsible formulating group (with notice to the TSC Excom) or to the TSC Excom no later than 60 days after the discovery group formation is authorized. The recommendation should be provided in writing and include the rationale for the recommendation;
- c. If the discovery group develops a recommendation for a CEA standards development activity, the discovery group shall draft a needs statement which includes the following information:
  - The proposed scope and description of the standard(s)
  - Evidence of industry support for this effort, including identification of those volunteering active participation.
  - Identification of related organizations and related consortium or standards development efforts initiated or planned, both domestic and international.
  - Perceived benefit to the industry (i.e., indication that the standard would increase interoperability).
  - Negative impact on the consumer electronics industry should the standard not be developed.
  - Preliminary implementation plan, including identification of any funding needs and a project timeline.

The formulating group or TSC Excom votes to decide whether to accept the recommendation. A majority of those voting yes or no are required to approve a new standardization effort. If the recommendation is accepted, a formulating group may assign the effort to its program of work or the TSC Excom may authorize the creation of a new formulating group under its auspices. If the recommendation is rejected, the formulating group or TSC Excom shall notify the discovery group attendees. After the formulating group or TSC Excom decides on the recommendation, the discovery group is disbanded.

### 7.6.3 Guidance

The following guidance is provided:

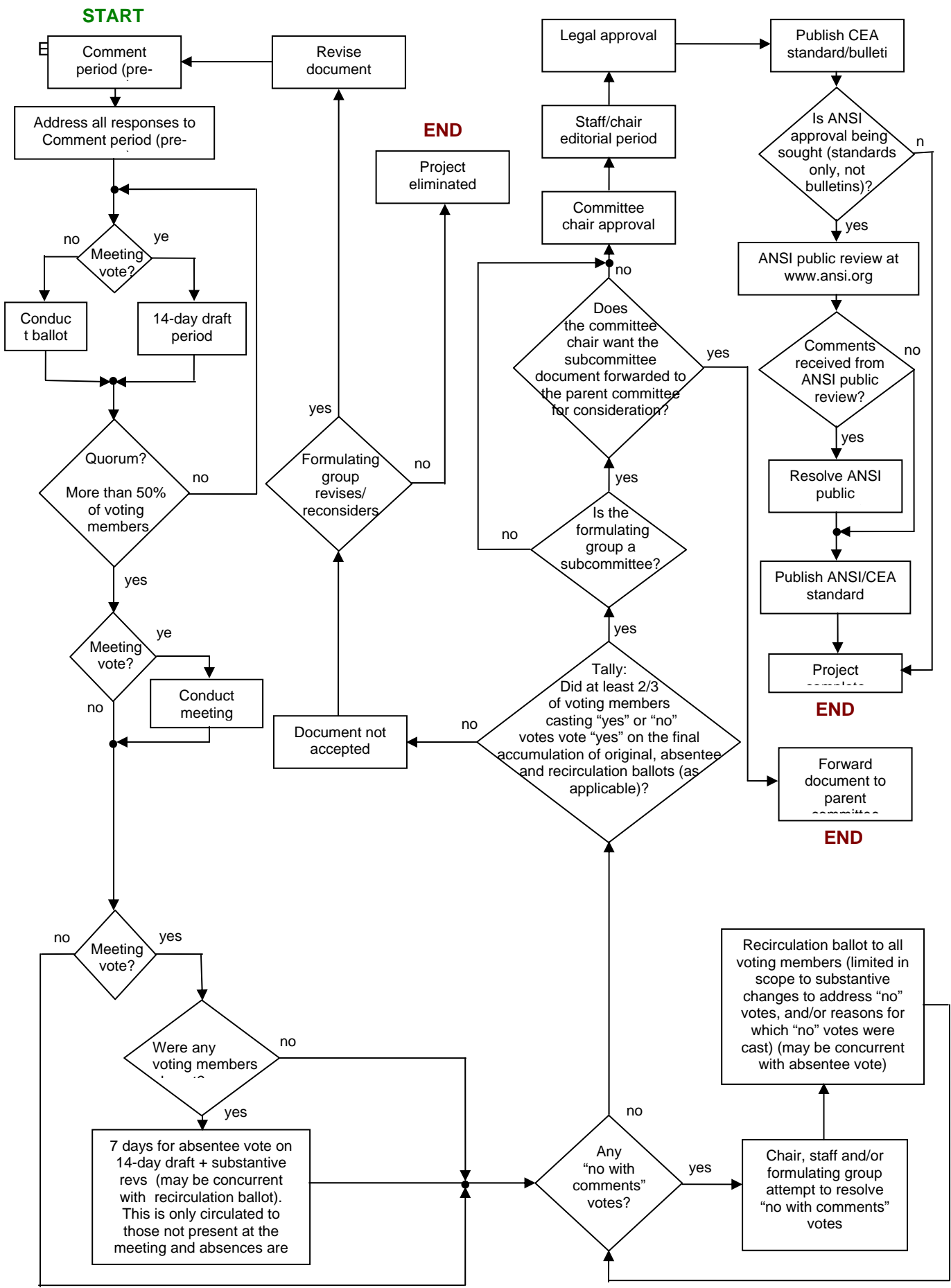
- a. Discovery groups should focus on whether a standards development effort is appropriate and who might participate in the effort, not on how a standard would be developed;
- b. A brief but descriptive statement regarding the discovery group subject area should be developed for use in news releases, pre-event publicity and correspondence with prospective participants. The statement should include the purpose of the discovery group, the proposed outcome, and what will be gained by participation;
- c. The agenda for discovery group meeting should include:
  - Discovery group operations guidance (how the meeting will be run)
  - An introduction to the subject area
  - Any proposed presentations
  - Open discussion
  - Action item review;
- d. Presentations should be distributed in advance and minimized to maximize open discussion;
- e. Breakout sessions may be appropriate to focus on specific topics;
- f. Invitations to participate, press releases and general announcements should be distributed to the widest possible audience and encourage distribution to others.

The moderator should be assertive and be able to maintain control over the meeting without dominating the conversation or direction. The moderator should assertively guide discussion to ensure that the formulating group reaches consensus no later than the close of its second meeting.

## 8 Development of CEA Standards, ANSI/CEA Standards and CEA Bulletins

The draft development process is the same whether the ultimate product will be published as a CEA Standard, an ANSI/CEA Standard, or a CEA Bulletin. ANSI/CEA standards are also submitted to ANSI for public review. An errata follows the same process as the original standard or bulletin however an errata is not sent to ANSI for public review or final approval if the errors are discovered after ANSI approval has been obtained. If errors are discovered before ANSI approval is obtained then the revisions shall be

incorporated into the document and the document's designation shall be incremented (e.g., from –A to –B). The draft development process is defined in this section and displayed in the figure below.



### **8.1 Project Initiation**

The provisions of 7.4.3 concerning project initiation apply to all standards document projects. On behalf of a formulating group, CEA Technology & Standards staff initiates a project by completing a CEA Project Initiation Form. For ANSI/CEA standards, CEA staff also submits an ANSI PINS Form to ANSI. Once the CEA number has been assigned, the formulating group Chair shall be informed. The draft CEA designation identifies drafts through each stage of the development process.

The formulating group shall assign a project to a subcommittee, a working group, or itself for implementation. To minimize the number of editorial comments, all drafts should comply, to the extent practical, with the editorial guidance contained in EP-24.

For ANSI/CEA standards, if written comments are received within 30 days from the publication date of a PINS announcement in ANSI Standards Action, and the comments assert that a proposed standard duplicates or conflicts with an existing ANS or a proposed ANS that has been previously announced in Standards Action, a deliberation of the representatives from the relevant organizations shall be held within 90 days from the Standards Action comment deadline. The deliberation shall be completed before the draft standard is submitted for public review. Evidence of this deliberation shall be submitted to ANSI when the standard is submitted for final approval.

### **8.2 Preparation**

When initiating a project, it is often helpful to accomplish the following tasks early in the process:

- a) Identify and involve likely participants as early in the process as possible;
- b) Review the project time line and agree, as a group, to milestones;
- c) Review basic development procedures, including such items as the importance of separating "personal" from "company" positions, elements of due process and group operating procedures;
- d) Obtain relevant IPR and copyright releases;
- e) Assign a project editor and writers for each section of the draft;
- f) Establish a regular meeting schedule.

#### **8.2.1 Normative References**

Documents included in the Normative References section of a draft standard shall include reference to a specific version with a date. The citation shall provide sufficient information for reviewers and readers to locate and acquire the document. If a document is included in the normative references section of a draft standard, either:

the document shall be publicly available, free or at a reasonable cost; or  
 where documents are not publicly available, a copy of the document shall be provided to CEA Technology & Standards staff with appropriate authorization from the developer/copyright holder to distribute the document freely to reviewers of the prospective standard.

NOTE--In b) above, the document shall be maintained in appropriate CEA files for the published life of that revision of the standard.

#### **8.2.2 Informative References**

Documents that provide developmental or other informative information to readers of a standard or bulletin may be included in an informative references section. The citation shall provide sufficient information for reviewers and readers to locate and acquire the document.

### **8.3 Draft Development and Review**

The draft development and review process is conducted on an informal basis. The purpose of this process is to ensure that a document submitted for vote to the formulating group and, where appropriate, the committee chair, reflects resolution of outstanding comments to the extent practical.

#### **8.3.1 Formulating Group Review**

A comment period (pre-vote) CPP is required prior to submission of a draft for formulating group vote. During a CPP, formulating group members are asked to submit written technical or editorial comments

accompanied by suggested alternative language. The first CPP shall be a minimum of 14 days. Subsequent CPPs shall be a minimum of 7 days.

When it is intended to submit a standard for consideration as an American National Standard, this intention shall be noted when the document is submitted for CPP

During the initial CPP, all sections of the draft are subject to review and written comment. During subsequent CPPs, only those portions of the draft that have been the subject of previous comment, with or without revision, are subject to review and written comment. Those portions of the draft that are subject to review and comment shall be clearly indicated.

Note: The day the draft is submitted to the Formulating Group is not considered part of the 14 or 7 day period, although the response due date is.

### **8.3.2 Response to CPP Comments**

If formulating group members' comments are accepted and reflected in a subsequent draft, distribution of a subsequent version of the draft, either for informal review or for vote, is sufficient acknowledgment of the comment. If formulating group members' comments are not accepted, the formulating group member providing comment shall be notified of the rejection, with a brief reason for rejection. All responses to CPP shall be addressed before proceeding to 14-Day draft.

If a formulating group member's comments are not accepted, the comment should be addressed in one of the following ways:

- a. The CEA General Counsel shall respond to comments relating to legal concerns;
- b. CEA Technology & Standards Staff shall respond to comments relating to concerns regarding the standards development process;
- c. The formulating group with input from CEA Technology & Standards Staff shall address scope concerns;
- d. The reason for non-acceptance shall be sent regarding editorial or technical concerns;
- e. Vague comments shall be returned to the respondent requesting expeditious clarification.

### **8.4 Release for Formulating Group Vote**

A draft document may be released for formulating group vote by the chair. Votes may be conducted via ballot or at a formulating group meeting (see 8.4.1 and 8.4.2).

#### **8.4.1 Meeting Vote**

Formulating groups are encouraged to vote on a proposed standards document during a formulating group meeting. It is highly desirable that this voting item be included when the agenda for the subject formulating group meeting is developed. In addition, in the case of a proposed ANSI/CEA standard the formulating group motion to vote shall include that the standard is being submitted to ANSI. As an alternative, the voting item shall be included on a subsequent, revised agenda circulated to formulating group members a minimum of 14 days prior to the subject formulating group meeting for a vote.

In addition, a draft of the proposed standards document highlighting revisions proposed subsequent to the draft's last circulation to the formulating group (or proposed revisions following last adoption) shall be forwarded to both formulating group members and, in cases where the formulating group is a subcommittee, to the responsible parent committee Chair a minimum of 14 days prior to the formulating group meeting for a vote. This is known as the 14-day draft period.

Note: The day the draft is submitted is not considered part of the 14 day period, although the date of the meeting is.

Draft standards documents presented to a formulating group for adoption, revision, reaffirmation, or withdrawal shall have completed at least one comment period (pre-vote) and at least one 14-day draft prior to the date of the vote.

Voting members not present at the time of the vote shall be given the opportunity to vote on the standards document after the meeting. CEA Technology & Standards Staff shall notify the absent voting members via email of any substantive changes made to the standard subsequent to the 14 day draft and advise that they have 7 days to vote. Any absent voting members that fail to respond shall be listed as No Response on the final submittal for approval to ANSI. Response to this opportunity to vote shall not be considered as attendance at the meeting for purposes of voting maintenance.

Note: The day the voting member is contacted is not considered part of the seven day absent voter ballot.

#### **8.4.2 Ballot**

Following CPP, and upon review of the proposed document by CEA Technology & Standards staff, a ballot shall be added to the document and the ballot shall be circulated for vote to all formulating group members, both voting and non-voting, with a minimum response period of thirty days (in cases where this is the first formulating group ballot on a proposed standards document) or fifteen days (in cases where a proposed standards document is being rebalotted). If the formulating group is a subcommittee, then the responsible committee Chair shall also receive a copy of the proposed standards document with a ballot.

NOTE - At the discretion of the formulating group chair, the balloting period may be extended for an additional two weeks to achieve response from a quorum of voting formulating group members. If a quorum of voting formulating group members does not respond by the end of this two week period, the ballot fails, and the document may be resubmitted, with or without revision, for ballot, or the project may be eliminated.

CEA staff shall provide written acknowledgment of ballot receipt, either:

to individual balloters, as their ballots are received; or  
to the formulating group as a whole following the ballot closing date.

NOTE - In the event of a dispute concerning receipt date, it is the responsibility of the balloter to provide evidence that the ballot was sent prior to the closing date. Examples of this evidence may include, a copy of the email, or a fax confirmation sheet showing the date.

To encourage intra-company coordination, CEA Technology & Standards staff may identify individual representatives from the same company or organization to others from the same company or organization, and indicate formulating group members' voting status.

NOTE - For ballot purposes, quorum shall be determined based on the number of voting members of a formulating group as of the date the ballot closes.

If all votes are accounted for prior to official closing date, the ballot shall be considered closed.

### **8.5 Voting Options**

Formulating group members and, where appropriate, the committee Chair have have four voting options for standards documents as indicated in Section 8.5.1.

#### **8.5.1 ANSI/CEA & CEA Voting Options**

The voting options for standards documents are:

- a) Yes: Indicating approval of the substance of the draft;
- b) Yes with Comment: Indicating approval of the substance of the draft with the option of providing a comment; and
- c) No with Comment: Indicating disapproval of the substance of the draft with the option of providing a comment; and
- d) Abstain: Indicating acknowledgement of the vote and expressing no opinion regarding the outcome.

In addition to the provisions above, if the formulating group vote is taken during a meeting, the name of the company, the individual representatives from that company attending the meeting, the vote cast, and if the document is an ANSI/CEA standard, the interest category shall be recorded for future submission to ANSI.

### **8.5.2 Negative Votes With Comments**

The formulating group shall also ask any voting members who vote No to provide comments during the meeting or with the formulating group ballot. These comments will be recorded in the meeting minutes along with the formulating group's attempt to resolve the comments. If the comments cannot be resolved, the written reason for the objection, as recorded in the meeting minutes, shall be used as the basis for a recirculation ballot to recirculate the negative vote. The chair of the formulating group shall have the option to defer addressing No with Comments received during the meeting vote until after the meeting. No with Comments received as the result of a ballot shall be addressed by the chair or staff. The provisions of 8.5.1 and 8.6 shall apply to the recirculation ballot.

For meeting votes, any absent voting members who vote No with Comment by the deadline given to them shall have their comment addressed by the formulating group chair and be sent a response by CEA staff. Any unresolved negative votes with comments shall be recirculated.

The provisions of 8.7 shall apply to all recirculation ballots.

If the standards document is an ANSI/CEA standard, , the document shall be sent to ANSI for public review and published as a CEA standard once this process has been completed. The formulating group may either authorize the responsible working group to address any public review comments received, or choose to do so itself.

### **8.6 Voting Tally**

The document is accepted if the voting tally indicates that:

a quorum of voting formulating group members has responded and  $2/3$  or more of those voting<sup>2</sup> approve.

### **8.7 Recirculation Vote**

A recirculation ballot or vote is issued:

- a) whenever substantive changes are made to a standard after the formulating group vote and prior to publication; or
- b) when all reasonable efforts have been exhausted without success to resolve a negative vote with comment, and yet a clear consensus is believed to exist.

Recirculation ballots shall be conducted for all Negative votes with comments. Negative votes received without comments or Yes with Comments need not require recirculation vote. Negative votes without comment shall be recorded as such on the BSR-9 form during submittal to ANSI. Recirculation votes can take place at a meeting. The provisions of section 8.4.1 shall apply to recirculation votes conducted at a meeting.

Recirculation voting requires voting formulating group members:

- a) to reaffirm a previous vote;
- b) change their response based on the changes made or the statement of objections ; or
- c) respond if they did not vote on the previous ballot.

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<sup>2</sup> To calculate a vote tally:  $(\#Yes + \#Yesw/comments) / (\#Yes + \#Yesw/comment + \#No w/comments)$

Comments shall not be accepted regarding issues outside the scope of the recirculation/vote/ballot. Failure to respond to a recirculation vote/ballot shall not be considered an approval and any original vote shall stand as cast.

The scope of a recirculation ballot shall be limited to substantive changes made to the standard or responses to negative vote/comment.

Recirculation votes conducted by ballot shall be a minimum of 14 days long. Recirculation votes conducted via meeting vote shall allow those voting members not present at the meeting an opportunity to vote as noted in 8.4.1.

### **8.7.1 Recirculation Vote Approval**

A recirculation vote/ballot shall be considered to have been approved when it meets the criteria regarding voting tally in 8.6. Evidence of attempts to resolve negative votes or comments shall be submitted to ANSI with the BSR-9 request for approval for ANSI/CEA standards.

### **8.8 Reballotting**

In any of the following cases,

A quorum of voting formulating group members does not vote;  
Less than 2/3 of those voting<sup>3</sup> approve; or

the draft document shall be processed as indicated.

If a quorum of voting formulating group members does not vote, then the document shall be:

Revised and resubmitted for vote (see 8.4);  
Resubmitted for vote without change (see 8.4); or  
the project shall be eliminated.

If less than 2/3 of those voting<sup>1</sup> approve, then the document shall be:

- a) Revised and resubmitted for vote (see 8.4); or
- b) The project shall be eliminated.

### **8.9 One Company (Organization)/One Vote Rule**

CEA policy limits voting on draft documents to one vote per formulating group member.

### **8.10 Editorial Revision**

Full editorial privilege shall be accorded to the formulating group Chair; the Chair's designated representative, and CEA Technology & Standards staff. Editorial revisions may be incorporated into a CEA standard or a CEA bulletin following vote without further formulating group review.

### **8.11 Approval Requirements**

Following approval, the draft standard shall be forwarded to CEA Technology & Standards staff for legal approval prior to publication.

### **8.12 Maintenance of CEA and ANSI/CEA Standards and CEA Bulletins**

All CEA and ANSI/CEA Standards and CEA Bulletins shall be reaffirmed, revised, or withdrawn by the formulating group not more than five years from its date of publication. At the chair's discretion, this reaffirmation shall be conducted by voting either under 8.4.1 or 8.4.2; however, since the document is published, circulation of the document is not required. Prior to the five-year anniversary of publication of a CEA or ANSI/CEA standard or CEA bulletin, the formulating group shall initiate action to:

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<sup>3</sup> Ibid.

- a) Reaffirm the ANSI/CEA standard, CEA standard or CEA bulletin's content is valid with subsequent review every five years thereafter; or
- b) Rescind the ANSI/CEA standard, CEA standard or CEA bulletin following determination that the technical content is no longer valid.
- c) Revise the ANSI/CEA standard, CEA standard or CEA bulletin if the technical content is valid and needs to be updated or otherwise revised.
- d) Stabilize the ANSI/CEA standard, CEA standard or CEA bulletin if the technical content is valid and meets the criteria of 8.13.

NOTE--A Comment Period Pre-Vote of the document with response to comments shall be conducted prior to a vote to reaffirm or rescind an ANSI/CEA standard, CEA standard, or CEA bulletin.

The provisions of 7.4.3 and 8.1 concerning project initiation apply to the maintenance of all standards and bulletins.

Note: To convert a CEA standard to an ANSI/CEA standard, the process for a new or revised ANSI standard shall be followed.

### **8.13 Stabilized Maintenance Option**

A standard or bulletin that is maintained under the stabilized maintenance option shall comply with the following eligibility criteria:

- a) the standard or bulletin addresses mature technology or practices, and as a result, is not likely to require revision; and
- b) the standard or bulletin is not safety or health related; and
- c) the standard or bulletin has been reaffirmed at least once; and
- d) at least ten years have passed since the approval or last revision of the standard or bulletin; and
- e) the standard or bulletin is required for use in connection with existing implementations or for reference purposes.

A CEA standard or bulletin maintained under the stabilized maintenance option is not required to be revised or reaffirmed on a routine 5-year cycle; however, it shall be subject to review every 10 years by the formulating group.

For ANSI/CEA standards, CEA staff shall notify ANSI staff so an announcement can be placed in *Standards Action*. No PINS will be necessary for standards under stabilized maintenance.

If a recommendation is made at any time by a materially affected and interested party that a standard or bulletin maintained under the stabilized maintenance option requires revision or should be withdrawn, then that recommendation shall be considered in the same manner as a new proposal but within a maximum of 60 days from receipt. A recommendation should include rationale to begin a revision, and shall not be dismissed due to the fact that it does not necessarily suggest a specific revision. The submitter of such a recommendation shall be responded to in writing within 60 days of the receipt of the recommendation and advised of the decision relative to the maintenance status of the standard or bulletin.

A standard or bulletin that is maintained under the stabilized maintenance option shall include a clear statement of the intent to consider requests for change and information on the submittal of such requests.

## **9 ANSI/CEA Standardization Procedures**

For those documents that are intended for publication as ANSI/CEA standards, the provisions of this section apply.

### **9.1 Submission to ANSI for Public Review**

Following approval of the standard, responsible CEA staff shall submit the proposed ANS to ANSI to initiate public review. CEA staff shall provide appropriate documentation to ANSI.

Responsible CEA staff shall receive, collect and acknowledge receipt of public review comments. In addition, responsible CEA staff shall forward all public review comments to the formulating group for review and response. The response to each commenter shall include a notation of the CEA and ANSI appeals process.

NOTE—A proposed ANS is subject to comment only (not for vote) during public review and by any and all materially or directly affected parties.

### **9.2 Public Review Comments**

CEA staff shall acknowledge receipt of a public review comment, regardless of its nature.

The only comments normally addressed by a working group or formulating group are editorial or technical in nature. Technical comments should be accompanied with wording that would aid the formulating group in addressing the comments.

Other comments may be handled in the following manner on behalf of the formulating group:

The CEA Legal Counsel shall respond to comments relating to legal concerns;

CEA Technology & Standards Staff shall respond to comments relating to concerns regarding the standards development process;

The formulating group with input from CEA Technology & Standards Staff shall address scope concerns;

The reason for non-acceptance shall be sent regarding editorial or technical concerns;

Vague comments shall be returned to the respondent requesting expeditious clarification.

CEA staff shall retain copies of response to commenters.

### **9.3 Public Review Commenter Response**

The commenter shall have 14 calendar days after response to acknowledge the acceptance or rejection of that reply. If no response is received, the responsible CEA staff shall send a reminder notice to the commenter requesting response. If no response is received within an additional 5 calendar days, the responsible CEA staff will send a registered letter to the commenter noting the lack of response. The commenter's comments are then recorded as unresolved and circulated to the formulating group per the provisions of 9.5.

All correspondence showing the formulating group's effort to address the comments, noting a lack of response when appropriate, shall be included in any package of materials provided to ANSI.

### **9.4 Results Scenarios**

Results scenario #1: If no comments are received after the close of public review, the document shall be forwarded to ANSI with a request for approval.

Results scenario #2: If editorial comments are received by the close of public review, the document editor, editing group, or chair shall address the comments. The document, with edits, if any, shall be forwarded to ANSI for approval.

Results scenario #3: If substantive comments are received from public review, the working group or formulating group shall review these comments, and attempt to resolve them, and notify each commenter of said action (see 9.3), along with a notification of the CEA and ANSI appeals process.

- a) If no substantive changes are made, the document is forwarded to ANSI for approval.
- b) If substantive changes are made, the formulating group shall conduct a recirculation vote/ballot and “second” public review (see 8.7).
- c) If negative, substantive comments remain unresolved from public review,, the formulating group shall conduct a recirculation vote/ballot, and, if necessary, a “second” public review (see 8.7).

## **10 Legal Approval**

All CEA standards or bulletins and all ANSI/CEA standards shall receive CEA legal approval before publication.

In all cases where CEA Legal Counsel has disapproved the document, the negative comments shall be resolved either by CEA Technology & Standards staff, the formulating group chair, the formulating group, or Technology & Standards Council.

### **10.1 ANSI Approval**

If ANSI/BSR approves, responsible CEA Technology & Standards staff is notified and in turn publishes the document.

If ANSI/BSR does not approve, comment resolution issues will be dealt with by the formulating group and process-related issues will be dealt with by CEA Technology & Standards staff. If the ANSI/BSR comments are resolved and the document is approved, responsible CEA Technology & Standards staff publishes the document.

If the comments cannot be resolved, the document is returned to the formulating group for further resolution or cancellation. The formulating group may appeal the actions of the ANSI/BSR.

## **11 Adopting International Standards**

It is the policy of the U.S. National Committee (USNC) of the International Electrotechnical Commission (IEC) to work toward commonality between IEC Standards and U.S. National Standards. Commonality between IEC Standards and CEA standards shall also be an objective. During the development of a CEA standards proposal, the CEA formulating group should conduct a review and compare the standards proposal with any similar IEC or ISO standard. When similar IEC or ISO standards exist, a determination should be made regarding the extent to which the CEA standards proposal is based on an existing international standard. When similar IEC or ISO standards do not exist, it shall be recognized during the development of the CEA standards proposal that the resulting standard may represent a basis for a U.S. position in the development of an international standard.

## **12 Appeals**

All appeals related to standard or bulletin development are initially directed to the CEA Technology & Standards staff. The provision for appeals is important for the protection of all parties involved within the CEA standards development process. An appeals mechanism safeguards both those who are directly and or materially affected by the process and the standards developing organization. The following appeals procedures shall be used for actions taken within the CEA standards process for the development of CEA or ANSI/CEA standards and CEA bulletins. A reasonable fee shall be charged to file an appeal.

### **12.1 Right of Appeal**

Persons who have directly and or materially affected interests and who have been or will be adversely affected by a standard or bulletin within the CEA jurisdiction have the right to appeal substantive or procedural actions or inactions of CEA formulating groups or the CEA Technology & Standards staff.

The burden of proof to show an adverse effect shall be on the appellant. Appeals shall be directed to the CEA Technology & Standards Vice President in accordance with the appeals procedure as defined in this section.

ANSI will not normally hear an appeal of an action or inaction by CEA until the procedures have been completed as prescribed in this section. Such appeals shall be directed to ANSI in accordance with the

procedures of the appropriate ANSI entity (e.g., Board of Standards Review, Executive Standards Council, etc).

### **12.2 Criteria for Appeals Mechanism**

The following general criteria are encompassed in these appeals procedures:

- a) Appeals shall be addressed promptly and a decision made expeditiously;
- b) The right of the involved parties to present their cases shall not be denied;
- c) These procedures shall provide for participation by all parties concerned without imposing an undue burden on them;
- d) Consideration of appeals shall be fair and unbiased and shall fully address the concerns expressed; and
- e) Records of appeals shall be kept and made available upon request. The CEA Technology & Standards Department may levy an appropriate charge to cover the cost of reproduction, handling, and distribution for requests received from other than the involved parties.

### **12.3 Appeals Procedures**

In the case of an appeal to ANSI of a CEA action or inaction on an ANSI/CEA standard, the appellant may waive the right of the CEA appeals process.

#### **12.3.1 Complaints**

The appellant shall file a written complaint with the CEA Technology & Standards Department (attention Vice President) within 30 calendar days after the date of notification of the action being appealed or at any time with respect to inaction. The complaint shall state the nature of the objection(s) including any adverse effects, the section(s) of these procedures or the standard(s) that are at issue, action(s) or instances of inaction 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.

#### **12.3.2 Response**

Within 30 calendar days after receipt of the complaint, the respondent (formulating group chair or CEA Technology & Standards Department representative) shall respond in writing to the appellant, specifically addressing each allegation of fact in the complaint to the extent of the respondent's knowledge.

#### **12.3.3 Hearing**

If the appellant and the respondent are unable to resolve the written complaint informally in a manner consistent with these procedures within 15 calendar days, the CEA Technology & Standards Department Vice President shall schedule a hearing with an appeals panel on a date agreeable to all participants but within 30 calendar days, giving at least 10 calendar days notice.

#### **12.3.4 Appeals Panel**

The appeals panel shall consist of three individuals who have not been directly involved in the matter in dispute, and who (knowingly in good faith) 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 the CEA Technology & Standards Department. In the event the appellant does not wish to select a panelist or a third panelist cannot be agreed upon, the CEA Technology & Standards Department shall appoint these individuals to the panel (noting this action in the findings) in order to hold a hearing.

#### **12.3.5 Conduct of the Hearing**

The appeals panel shall convene in CEA offices unless another mutually agreed site is selected. The appeals panel shall select a presiding officer from among its three members.

The appellant has the burden of demonstrating adverse effects, improper actions or inactions, and the efficacy of the requested remedial action. The CEA Technology & Standards Department has the burden of demonstrating that the CEA entity in question took all actions in compliance with its operating 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.

### **12.3.6 Decision**

The appeals panel shall render its decision in writing within 30 calendar days following the close of the hearing, stating findings of fact and conclusions, with reasons therefore, based on a preponderance of the evidence. Decisions shall be determined by a two thirds majority of the appeals panel. A record of the appeals shall be kept by CEA and made available to the involved parties.

Consideration may be given to the following positions, among others, in formulating the decision:

- a) Finding for the appellant, remanding the action to the responsible CEA entity with a specific statement of the issues and facts in regard to which fair and equitable action was not taken;
- b) Finding for the respondent with a specific statement of the facts that demonstrates fair and suitable treatment of the appellant and the appellant's objections;
- c) Finding that new, substantive evidence has been introduced, and remanding the entire action to the responsible CEA entity for appropriate reconsideration.

If, for whatever reason(s), the appellant chooses to forego the process detailed above, the CEA Technology & Standards Department shall maintain all documents pertaining to CEA attempts to resolve the matter at hand. These documents may be used in any further appeals proceedings.

### **12.4 Further Appeal**

If the matter under appeal relates to an ANSI/CEA standard or one that has been or is expected to be recognized as an American National Standard, subsequent further appeal may be made directly to ANSI. If the appellant gives notice to the CEA Technology & Standards Department that further appeal to ANSI is intended, a full record of the complaint, response, hearing, and decision shall be submitted by the CEA Technology & Standards Department to ANSI.

### **12.5 Actions Pending Appeal Resolution**

While an appeal is pending, no action shall be taken to publish the document. The formulating group may continue, however, the development process to remedy defects in or improve the quality of the document, subject to normal approval process.

## **13 Interpretations**

Official interpretations involving technical matters pertaining to CEA or ANSI/CEA standards, and bulletins shall be made by the chair or designated member(s) of the working or formulating group responsible for the standard or bulletin in question, and responsible CEA staff shall arrange legal review prior to issuing the interpretation. Interpretations shall be made available upon written request. Interpretations on file should be considered during the next revision of the standard.

## **14 Metric Policy**

Units of the International System of Units (SI), the modernized metric system, are the preferred units of measurement in CEA and ANSI/CEA standards.

## **15 Record Retention**

Records associated with standards development shall be maintained, as provided in this section.

### **15.1 Minutes**

Minutes of formulating group meetings and working group meetings shall be retained for a minimum of five years or for one complete standards cycle (or until the standard is revised) whichever is longer.

### **15.2 Ballots**

Individual ballots and associated comments shall be retained for a minimum of five years or for one complete standards cycle (or until the standard is revised) whichever is longer. At that time, the ballots and associated individual comments shall be discarded.

### **15.3 Published and Draft Standards and Bulletins**

Published standards and bulletins, as well as related IP proffers, shall be retained for five years after withdrawal.

The comment period (pre-vote) draft and 14-day draft of a standard or bulletin shall be retained for a minimum of five years or for one complete standards cycle (or until the standard is revised) whichever is longer.

#### **15.4 Voting Maintenance Records and Sign-In Sheets**

Voting maintenance records and sign-in sheets shall be retained for a minimum of five years or for one complete standards cycle whichever is longer.

#### **15.5 Stabilized Standards**

Records shall be retained until the standard is reaffirmed, revised, or subsequently reviewed in connection with the stabilized maintenance of the standard as an ANS.

#### **15.6 Appeals**

Materials associated with the conduct of appeals shall be retained for a minimum of five years, or until such time as the standard (revision) that was the subject of the appeal has been withdrawn whichever is longer.

#### **15.7 Agendas**

Agendas shall be retained for a minimum of five years or for one complete standards cycle whichever is longer.

#### **15.8 Public Review Comments**

Public review comments shall be retained for a minimum of five years or for one complete standards cycle (or until the standard is revised) whichever is longer.

#### **15.9 Withdrawal Actions**

Evidence of withdrawal actions shall be retained for a minimum of five years from the date of withdrawal following the action.

## Annex A Excerpt from CEA Legal Guides (Mandatory)

### PART I: GENERAL GUIDES APPLICABLE TO ALL CEA ACTIVITIES

This Part I includes general guides applicable to all Consumer Electronics Association activities. They are required to be read and followed by all members of CEA and staff, chairmen and members of all committees, sections, divisions, and other CEA-sponsored groups.

#### Section A. IMPROPER ACTIVITIES AND PROGRAMS

CEA activities or programs relating to any of the following subjects are improper and are not permitted:

**(1) Restraint of Trade Agreements.** The establishment of prices, production quotas, or uniformity of conduct, the allocation of customers or markets, standard terms or conditions of sale, boycotts, or other competitive restraints are improper activities. Therefore, any activities within, or in conjunction with, CEA meetings relating to any of these matters are improper and committee chairmen, staff and participants should take affirmative action to assure that no such discussions are initiated or pursued.

**(2) Prices and Pricing Policies.** Any consideration or discussion of product prices or industry pricing policies is improper and therefore not permitted. This applies to all discussions and casual remarks relating to individual company prices, changes in prices, or general price levels whether involving formal or informal exchanges between participating representatives. Such discussions are improper and must be avoided.

**(3) Terms and Conditions of Purchase and Sale.** Any discussion at, or in conjunction with, CEA meetings of terms and conditions of purchase and sale, including but not limited to warranty and warranty periods, discounts, allowances, or terms of credit, or the formulation of uniform or standard terms and conditions of purchase for sale, uniform basing points or zoning prices, or the recommendation thereof for voluntary use by the membership also is improper and is prohibited. It is usually proper, however, to discuss and propose comments and recommendations to Government agencies relating to general contract provisions, or modifications thereof, or other procurement practices or policies proposed or adopted by such agencies.

**(4) Costs.** Programs or activities involving the exchange of information relating to individual company costs of production or distribution and any formulas for computing such costs are improper. Discussions at CEA meetings of industry costs are normally not permitted.

**(5) Future Plans.** Programs involving the exchange of company information relating to future plans affecting the design, research and development, production, and distribution or marketing of products are also improper. Any discussions at CEA meetings relating to such programs are not permitted.

**(6) Boycotting Customers or Products.** Any activity involving the black-listing or boycotting of customers, competitors, suppliers, or others or establishment of patterns of uniform dealing is improper. Therefore, there shall be no activities relating to any form of boycotting or any activity which may be interpreted as such.

#### Section B. PROCEDURES FOR CONDUCTING ACTIVITIES

(1) Notices and Agendas. Notices and agendas for CEA meetings shall be prepared in advance and distributed prior to the date of the meeting. Agendas shall not include any subjects which are stated as improper for consideration or discussion under the rules established in these Legal Guides. All agendas otherwise shall be in conformity with rules established by the General Counsel or shall be specifically approved by him. Whenever feasible, background information which would be helpful in the consideration of items on the agenda should be distributed in advance of meetings.

(2) Conduct of Meetings. All meetings shall be conducted in such a way as to assure ample opportunity and freedom in the exchange of ideas and an equal voice in all decisions. Committee chairmen and CEA staff personnel shall make sure that all actions and discussions at meetings are kept within the bounds of proper CEA activity. Committee chairmen should immediately rule out of order discussion deemed improper or questionable under the policies set forth herein until

the propriety of such discussion has been determined by the General Counsel. If any doubt exists concerning the propriety of a program, either from a legal or policy point of view, it shall not become final or effective until after review by the General Counsel. Committee chairmen should follow the published agenda and not depart therefrom except for a good and legitimate reason, in which event the minutes should record the reasons for such departure.

(a) Voting in Committees. All Committees shall adopt rules consistent with these Guides to insure that each company represented shall be entitled to vote in a manner which will give equal weight to the vote of each company represented on the Committee, regardless of the number of representatives from any one company, if there should be more than one.

(3) Preparation and Review of Minutes. Detailed minutes of all meetings shall be taken and recorded. Minutes shall include the time and place of the meeting, a list of all committee members and non-members attending, a statement of all matters discussed and actions taken with appropriate reasons therefore, and a record of all voting.

All minutes of meetings shall be approved by the General Counsel before distribution. Upon approval, they should be distributed to all members of the committee and any other CEA members desiring or requesting copies.

**Annex B Patent Holder Statement (Normative)**  
STATEMENT FROM PATENT HOLDER

Date: \_\_\_\_\_

Reference Document: \_\_\_\_\_  
(refer to ANSI/CEA or CEA standard or bulletin number or title) (One form per document)

Patent or Patent Application Number(s): \_\_\_\_\_

Company Name: \_\_\_\_\_

Address: \_\_\_\_\_

\_\_\_\_\_

Contact \_\_\_\_\_

Phone \_\_\_\_\_

Email \_\_\_\_\_

With respect to any relevant patents held or controlled by the company, pending or anticipated to be filed necessary to implement the above document (mark with an "X" those applicable):

The company states:

\_\_\_ It does not hold and does not anticipate holding any patented invention the use of which would be required for compliance with the proposed CEA Standard or Bulletin

OR

The company states one of either:

\_\_\_ (i) A license will be made available without compensation to applicants desiring to utilize the license for the purpose of implementing the proposed CEA Standard or Bulletin;

or

\_\_\_ (ii) A license will be made available to applicants under reasonable terms and conditions that are demonstrably free of any unfair discrimination.

Agreed, on behalf of the above company:

\_\_\_\_\_  
(Signature)

\_\_\_\_\_  
(Name printed)

\_\_\_\_\_  
(Date)

**Annex C Statement from Copyright Holder (Normative)**

Contact Person regarding patents and intellectual property matters:

\_\_\_\_\_  
(Name Printed)

Title: \_\_\_\_\_

Telephone: \_\_\_\_\_ Fax: \_\_\_\_\_

E-mail: \_\_\_\_\_

On behalf of the above company, and being authorized by the company to make such representations, we indicate the following:

\_\_\_\_\_(Company Name, hereinafter "company") hereby grants a free, irrevocable license to the Consumer Electronics Association (CEA) to incorporate text or copyrightable material contained in any company contributions and any modifications thereof in the creation of a CEA standards publication; to copyright and sell in CEA's name any CEA standards publication even though it may include portions of the contribution; and at CEA's sole discretion to permit others to reproduce in whole or in part such contributions or the resulting CEA standards publication. The company will also be willing to grant licenses under such copyrights to third parties on reasonable, non-discriminatory terms and conditions, if appropriate.

## **Annex D Technical Evaluation (Informative)**

### **D.1 Introduction**

When a proposed standards development project involves technology evaluations, both formulating group members and technology proponents should anticipate contested situations and establish procedures for resolution.

### **D.2 Formulating Group Responsibilities**

Formulating group responsibilities should include:

- a) defining evaluation program objectives;
- b) establishing assessment criteria for system performance;
- c) defining formulating group expectations and ranges of outcome(s), which may include (min-to-max):
  - 1) developing test data
  - 2) drawing conclusion(s) about whether a system meets minimal acceptability criteria
  - 3) formulating group endorsement/selection of a system
  - 4) standardization
  - 5) recommendation to FCC for adoption/codification
- d) developing minimal criteria of acceptability
- e) conducting a qualifying showing of meeting those criteria
- f) develop testing procedures and forms for reporting results
- g) testing oversight or monitoring
- h) evaluation of test results
- i) generating report findings

### **D.3 Technology Proponent Responsibilities**

Technology proponent responsibilities should include:

- a) testing the technology thoroughly, properly, and objectively with credible results
- b) providing a working system representative of the system that will be deployed
- c) oversight and support of testing
- d) willingness to engage in further testing if needed as determined by the formulating group
- e) submission test data in a form acceptable to the formulating group
- f) participation in formulating group activities without voting rights
- g) commitment to the schedule and reasonable deadlines established by the formulating group

### **D.4 Initiation**

Because of the resources that are typically devoted to such technical evaluations, both the formulating group and system proponent(s) should demonstrate commitment to completion of the project prior to its initiation.