



LES Standards Development Organization
Policy & Procedures Manual
for the Development of
American National Standards
in the Field of Intellectual Property Management

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Contents

CONTENTS	2
INTRODUCTION.....	6
1.0 LES STANDARDS DEVELOPMENT & MAINTENANCE.....	6
1.1 Due Process.....	7
1.2 Written Procedures.....	7
2.0 LES SDO & MEMBERSHIP	7
2.2 Consensus Standards Partnership (CSP).....	9
2.3 Standards Committees	10
2.4 Lack of Dominance.....	12
2.5 Balance.....	13
2.6 Membership Rosters	13
2.7 Leaving Membership	14
2.8 Termination of Membership	15
2.10 Changes in Affiliation.....	19
3.0 RECORDS	19
3.1 Requirements	19
3.2 Retention	19
4.0 OPERATING COSTS	20
4.1 Fees	20
4.2 Assessments	20
5.0 INTEREST CATEGORIES.....	20
5.1 Operating Companies.....	20
5.2 Government/Regulatory Entities	21
5.3 Academia	21
5.4 Patent Licensing Entities.....	21
5.5 Intellectual Property Brokers	21
5.6 Intellectual Property Consultancies/Agents.....	21
5.7 Intellectual Property Law Firms	21
5.8 Intellectual Property Management/Transaction Software, Software Services, and Information Services Firms.....	21
5.9 General Interest Entities.....	22
6.0 TERMS AND CONDITIONS	22

6.1	Commercial Terms and Conditions	22
	LES SDO agrees to comply with the ANSI <i>Essential Requirements</i> Section 3.2, <i>Commercial Terms and Conditions</i>	22
6.2	Business Conduct and Ethics	22
	ANSI maintains a Code of Conduct which provides guidance with respect to standards of conduct for participation in standards development. Please refer to the ANSI website. 22	
6.3	Disclosure of Interest and Copyright Use.....	22
7.0	MEETINGS	23
7.1	SDO Board Meetings.....	23
7.2	CSP Meetings.....	24
7.3	Standards Committee Meetings	24
7.4	Parliamentary Procedures	26
8.0	NOTIFICATION OF STANDARDS DEVELOPMENT	26
8.1	How Notification Shall Be Announced	26
8.2	When Notification Shall Be Given	26
8.3	How Notification Shall Be Transmitted	26
9.0	STANDARDS DEVELOPMENT WITHIN THE LES SDO	28
9.1	Development of a Draft Standard	28
9.2	Public Review and Comment of a Draft Standard.....	31
9.3	CSP Approval of Final Draft Standard	31
9.4	Publication as an LES Standard.....	32
9.5	Notification of Right to Appeal	32
9.6	Submittal of Standard to LES SDO Board for Approval.....	32
9.7	Submittal of Standard to ANSI for Approval	33
9.8	Final Notice.....	33
10.0	SUBSTANTIVE CHANGES	33
11.0	VOTING RIGHTS	34
11.1	SDO Board Members.....	34
11.2	CSP Members	34
11.3	Standards Committee Voting Member Representatives	34
11.5	Standards Committee Non-Voting Member Representatives.....	34
12.0	VOTING PROCEDURES FOR OFFICIAL BUSINESS	35
12.1	SDO Board Official Business	35
12.2	Standards Committee Official Business	35

13.0	VOTING PROCEDURES FOR LETTER BALLOTS.....	36
13.1	Letter Ballots.....	36
13.2	New Draft Standards.....	36
13.3	Substantive Changes to and Reaffirmation or Withdrawals of Existing American National Standards.....	36
13.4	Voting by Letter Ballot.....	37
13.5	Voting Period.....	37
13.6	Approved Actions.....	38
13.7	Reporting Votes.....	38
13.8	Appointments and Resignations during a Balloting Period.....	39
14.0	PUBLIC REVIEW AND COMMENT	39
15.0	CONSIDERATION OF VIEWS AND OBJECTIONS.....	40
15.1	Standards Committee Approval of Draft Standard.....	40
15.2	Public Review and Comment.....	41
15.3	CSP Approval of the Final Draft Standard by Letter Ballot.....	42
15.4	Notification of Right to Appeal	43
16.0	INTERPRETATIONS	43
17.0	METRIC POLICY	44
18.0	PATENT POLICY	44
19.0	CORRESPONDENCE	44
19.1	Internal Standards Committee Correspondence.....	44
19.2	Internal SDO Correspondence	44
19.3	External Correspondence.....	44
20.0	APPEALS	45
20.1	Procedural Appeals.....	45
20.2	Complaints	45
20.3	Response and Informal Resolution of Appeals.....	45
20.4	Request for a Hearing before an Appeals Panel	46
20.5	Appeals Panel and Hearing.....	46
20.6	Conduct of the Appeals Hearing.....	46
20.7	Appeals Panel Decision	46
20.8	Continuation of Standards Development during an Appeal	47
21.0	REVISIONS TO PROCEDURES	47

22.0	LES SDO BOARD APPROVAL FOR SUBMITTAL TO ANSI FOR PUBLICATION AS AN AMERICAN NATIONAL STANDARD	47
23.0	LES STANDARDS DEVELOPMENT ORGANIZATIONAL CHARTS	49
24.0	LES SDO WITHDRAWAL PROCEDURES	50
24.1	Administrative Withdrawal.....	50
24.2	LES SDO Withdrawal of an ANS	50
24.3	Discontinuance of a Standards Project	50
25.0	POSITION REGARDING ANSI ESSENTIAL REQUIREMENTS	50
26.0	ANTITRUST POLICY	51
27.0	COMPLIANCE	51
28.0	GLOSSARY OF ACRONYMS AND TERMS	51
29.0	APPENDICES	62
Appendix 29.1	LES SDO Standards Development Timeline Flowchart.....	62

Introduction

The Licensing Executives Society USA and Canada (LES USA & Canada) is an independent, not-for-profit, professional organization that facilitates global intellectual property (IP) commerce through education, networking, standards development, and certification. It serves the broad spectrum of IP legal, technical, and business professionals in the field of IP management. Its meetings, education, and standards work address content relevant to all industries. In response to the needs of our membership, as well as those of the IP Management Community, LES has formed a Standards Development Organization (SDO) to address the necessity for nationally and internationally accepted standards for IP management that meet the American National Standards Institute (ANSI) guidelines for standards development.

This document defines the operating procedures that the members of the LES Standards Development Organization (LES SDO) shall follow in the development, revision, approval, reaffirmation and withdrawal of standards. Requirements for these procedures are defined in *ANSI Essential Requirements*:

Due process requirements for American National Standards, January 2019 Edition, as amended from time to time (hereinafter, the *ANSI Essential Requirements*, www.ansi.org/essentialrequirements). Where this LES SDO *Policy & Procedures Manual* (Manual) is silent on an issue, the *ANSI Essential Requirements* document referenced above shall serve as the precedent document. The *ANSI Essential Requirements* shall therefore be considered as a companion to this Manual and is the principal reference document for these operating procedures.

Valid Consensus standards must meet national and international guidelines for quality, openness, balance, and fairness. The procedures contained in this Manual, together with the *ANSI Essential Requirements*, are intended to assure the national and international standards community that LES Standards embrace the ANSI and International Standards Organization (ISO) guidelines for Consensus standards development. Through due diligence in carrying out these procedures, LES Standards will produce ANSI approved standards worthy of the stakeholder community it serves.

1.0 LES Standards Development & Maintenance

The role of the LES SDO is to develop LES Standards which will be submitted to ANSI for publication as American National Standards (ANS). The LES SDO is made up of an SDO Board, the Consensus Standards Partnership (CSP) and authorized Standards Committees, each with a specific authorized charter area.

The SDO Board, CSP, and Standards Committees shall conform to the *ANSI Essential Requirements* and follow this Manual in all standards development and maintenance activities. All ANS standards shall be reaffirmed, revised, or withdrawn within five (5) years from the original standard approval date, and every five (5) years thereafter. For the purposes of maintenance, proposed changes to a published ANS shall be reviewed upon receipt. Proposed changes may be addressed as an addendum to a published ANS or may be recorded and addressed with the next scheduled revision to the published ANS.

The LES Standards development and maintenance processes incorporate and default to key elements of the ANSI *Essential Requirements* for due process, including the following:

- Openness;
- Lack of dominance;
- Balance;
- Coordination and harmonization;
- Notification of standards development;
- Consideration of views and objections;
- Consensus vote;
- Appeals;
- Written procedures; and,
- Compliance with normative ANS policies and administrative procedures.

1.1 Due Process

ANSI *Essential Requirements* definition: “Due process means that any person (organization, company, government agency, individual, etc.) with a direct and material interest has a right to participate by: a) expressing a position and its basis, b) having that position considered, and c) having the right to appeal. Due process allows for equity and fair play.”

1.2 Written Procedures

The LES Policy and Procedure Manual shall govern the methods used for standards development and shall be available to any interested person. The manual is available on the LES SDO website.

2.0 LES SDO & Membership

Participation in the LES SDO is open to all enterprises and individuals having a material interest in the subject matter, have demonstrated their interest in the IP management standards being developed by LES, or who are likely to be directly and materially affected by the activity in question. Participants in the LES SDO shall not represent any other individual or enterprise in their participation in LES SDO activities.

Membership in the LES SDO is not conditional to and does not require a membership in LES (USA & Canada) for participation in the LES SDO. Annual LES SDO Enterprise Memberships are open to corporations, Limited Liability Corporations (LLCs), government agencies, universities, professional associations, research organizations (whether for-profit or not-for-profit), sole proprietors, and individuals wishing to participate on the LES Standards Committees which are chartered with creating the drafts of the standards. An annual LES SDO Enterprise Membership is required for individuals participating on the LES SDO Board. An annual LES SDO Consensus Standards Partnership Membership is required for individuals approved for participation on the CSP which serves as the final Consensus Body for approval of LES Standards.

All participants in the LES SDO activity shall be considered Active Members as long as they are not terminated or request withdrawal under Section 2.6, *Leaving Membership* or Section 2.7, *Termination of Membership*.

All participants in the LES SDO activity shall follow the LES *By-laws* which are available on the LES (USA & Canada) website
<https://www.lesusacanada.org/wp-content/uploads/2021/06/2020-LES-Bylaws-FINAL.pdf>

2.1 LES SDO Board

The SDO Board oversees the work of the LES SDO and its Standards Committees as well as the commenting and voting of the CSP. Among other SDO Board Official Business, the SDO Board members approve the policy and processes for development of LES Standards, authorize the development of new LES Standards, evaluate the process followed by Standards Committees during development of standards, authorize the submittal of Draft Standards to ANSI for public review and commenting, and authorize the submittal of CSP approved Final Draft Standards to ANSI for publication as ANS Standards.

The LES SDO Board is appointed by the LES (USA & Canada) Board of Directors. Interested candidates shall submit their credentials to the LES (USA & Canada) Board of Directors for review and approval. The SDO Board appointments shall be for three years. There shall be a total of no more than fifteen (15) members of the SDO Board. SDO Board members are either reaffirmed or succeeded every three (3) years.

Balance as to Interest Category shall be an objective in the selection of the SDO Board to ensure representation from a broad spectrum of stakeholders in the IP Management Community.

The following kinds of entities form the universe from which the members of the SDO Board shall be selected:

- Operating Companies
- Government/Regulatory Entities
- Academia
- Patent Licensing Entities
- Intellectual Property Brokers
- Intellectual Property Consultancies/Agents
- Intellectual Property Law Firms
- Intellectual Property Management/Transaction Software, Software Services, and Information Services Firms
- General Interest Entities

Membership on the SDO Board is not conditional to and does not require a membership in LES (USA & Canada), consistent with the ANSI *Essential Requirements: Due process requirements for American National Standards*. Membership on the SDO Board shall require an LES SDO Enterprise Membership and shall require a nominal fee. SDO Board members who are Member

Representatives under an Enterprise Membership may participate on the SDO Board with no additional membership fee.

2.2 Consensus Standards Partnership (CSP)

The CSP is conceived as the voluntary, self-nominating voting constituency that serves as the final Consensus Body for approval or disapproval of all standards developed by the LES SDO. Membership in the CSP provides the CSP member the right to vote by Letter Ballot for approval or disapproval of each of the standards developed by the LES SDO. The CSP shall be a balanced committee of subject matter experts in the field of IP management who have demonstrated their interest in the standards development process or who are interested in and likely to be directly and materially affected by the outcome of the standards proposed by the LES SDO. CSP appointments shall be for a three-year period and may be renewable upon request by the member. The member will be notified when their membership period is nearing completion and will be notified that they can request a renewal. If the member requests renewal, the member will be notified whether or not the membership has been renewed.

Members of the CSP are appointed by the LES SDO Board. Interested candidates shall submit their credentials to the Chair of the SDO Board for SDO Board review and approval.

Balance as to Interest Category shall be an objective in the selection of the CSP to ensure representations from a broad spectrum of stakeholders in the IP management disciplines and the IP Management Community.

The following kinds of entities form the universe from which the CSP shall be selected:

- Operating Companies
- Government/Regulatory Entities
- Academia
- Patent Licensing Entities
- Intellectual Property Brokers
- Intellectual Property Consultancies/Agents
- Intellectual Property Law Firms
- Intellectual Property Management/Transaction Software, Software Services, and Information Services Firms
- General Interest Entities

Membership in the CSP is not conditional to and does not require a membership in LES (USA & Canada), consistent with the ANSI *Essential Requirements: Due process requirements for American National Standards*. Membership in the LES CSP shall require a Consensus Standards Partnership Membership and shall require a nominal fee. CSP members who are Member Representatives under an Enterprise Membership may participate in the CSP with no additional membership fee. If the entity or individual interested in participating in the CSP perceives the nominal fee as a hardship, the SDO Board may be petitioned for a fee waiver or reduction.

2.3 Standards Committees

Standards Committees shall be responsible for developing, maintaining, approving and achieving Consensus on LES Standards within the authorized charter areas of the committees. Membership on a Standards Committee provides the Enterprise Member the right to participate in the development of the standard and to vote by Letter Ballot for approval or disapproval of the standard developed by the Standards Committee. The Standards Committee shall be a balanced committee of subject matter experts in the field of IP management who have demonstrated their interest in the standards development process and who are interested in or who are likely to be directly and materially affected by the outcome of the standard being developed and maintained by the Standards Committee.

Membership on a Standards Committee is not conditional to and does not require a membership in LES (USA & Canada), consistent with the ANSI *Essential Requirements: Due process requirements for American National Standards*. Participation on Standards Committees shall require an LES SDO Enterprise Membership and shall require a nominal fee. If an enterprise or individual interested in participating in the LES SDO and its Standards Committee work perceives the Enterprise Membership fee as a hardship, the SDO Board may be petitioned for a fee waiver or reduction.

Each Standards Committee shall have no more than one (1) Chair (1) Vice Chair and one (1) Secretary. The Committee can elect whether to have a Vice Chair position or a Delegated Representative that acts as a Vice Chair and a Secretary. If the Committee does not have a Vice-Chair, then the Secretary will fulfill the duties of the Vice-Chair of the Committee.

The leadership of the Standards Committee (i.e., Chair, Vice-Chair, and Secretary/ies) shall be elected by the Committee by Letter Ballot and subject to approval by the SDO Board for a defined period of two years. The term may be renewed via the process outlined above. The terms shall start upon approval of this revision of the Manual dated 25 August 2023. The

2.3.1 Responsibilities of the Chair

The Chair shall be responsible for:

- Conducting standards development activities in accordance with this Manual and ANSI *Essential Requirements*;
- Chairing meetings of the Standards Committee;
- Delegating responsibilities to the Vice Chair, Secretary or other Committee members provided that ultimate responsibility lies with the Chair
- Establishing and distributing agendas for Standards Committee meetings;
- Facilitating consideration of all points of view and developing Consensus during development of the standard;
- Avoiding dominance by a single person or group of persons during Standards Committee meetings and discussions;
- Reporting on the status of the development of the standard to the SDO Board, or its Designated Representative;

- Initiating and conducting votes on Official Business and votes by Letter Ballot;
- Securing SDO Board approval to proceed to public review and comment in the standards development activity;
- Facilitating responses to objections from public review and comment; and,
- Securing SDO Board approval to submit the CSP approved standard to ANSI for publication
- Monitoring for compliance to the Manual in all standards development activities and will elevate non-compliance to the SDO Board for review if the Committee cannot resolve the non-compliance.

2.3.2 Responsibilities of the Vice-Chair

The Vice-Chair shall be responsible for fulfilling the duties of the Chair when the Chair is unavailable or if delegated responsibility as the Designated Representative of the Chair.

2.3.3 Responsibilities of the Secretary

As delegated by the Chair of the Committee, the Secretary shall be responsible for:

- Maintaining adequate Records throughout the development of the standard; and,
- Maintaining Standards Committee Membership Rosters
- Developing, distributing and posting meeting minutes on the LES Standards collaboration tool.
- Monitoring attendance and voting by the Committee members and elevating to the SDO Board as required.

The Secretary, if acting as the Designated Representative of the Chair, may be delegated responsibility for administrative activities such as arranging of committee meetings, preparation and distribution of agendas and meeting minutes, initiating and conducting Letter Ballots, and distributing current versions of the standard.

2.3.4 Voting Member Representatives

Enterprise Members shall designate one individual as its Voting Member Representative to each Standards Committee in which it participates. Enterprise Members shall provide notification of the designated Voting Member Representative, and any changes to the representative, to the Chair of the Standards Committee for each Standards Committee with Enterprise Member participation. A Voting Member Representative on a Standards Committee has the right to vote on committee Official Business and to vote by Letter Ballot for approval or disapproval of the standards developed by the committee. Voting Members may begin voting after joining a Committee and attending meetings for three months from the first meeting or after the first three meetings, whichever comes first.

2.3.5 Alternate Voting Member Representatives

A Voting Member Representative may designate an Alternate Voting Member Representative in the event that the Voting Member Representative cannot participate in a Standards Committee vote on Official Business or a vote by Letter Ballot. The Voting Member Representative shall

notify the Chair of the Standards Committee of their representation by a designated Alternate Voting Member Representative for a given vote on Official Business or Letter Ballot. Notification shall be made in advance of the initiation of a vote on Official Business or Letter Ballot in which a Voting Member Representative shall be represented by their designated Alternate Voting Member Representative.

2.3.6 Non-Voting Member Representatives

Enterprise Members may have as many Non-Voting Member Representatives as they want seated on each of the Standards Committees. Enterprise Members shall provide notification of Non-Voting Member Representatives, and any changes to these representatives, to the Chair of the Standards Committee for each committee with Non-Voting Member Representative participation. Non-Voting Member Representatives of Enterprise Members shall not have the right to vote or to submit formal comments with respect to any Standards Committee Official Business or Letter Ballots but may otherwise participate fully in the activities of any Standards Committee.

2.3.7 Committee Leadership Expectations

The Chair, Vice Chair and Secretary responsibilities are essential for proper administration and management of the Standards Committees. The individuals holding these positions must administer the Committee in compliance with the requirements, practices and expectations contained in this Manual, including parliamentary procedures. Leadership must abide by the Code of Conduct. They must also support and advance the goals and objectives to develop consensus-based Standards. In the event an individual does not administer the Committee in compliance with the Manual, Committee members may raise concerns either to the Chair of the Committee or the Chair of the SDO Board for review of any compliance, misconduct or misrepresentation. The SDO Board will determine if corrective action is needed and if so, how to implement corrective action, including any recommendation to remove the individual from the leadership position.

2.4 Lack of Dominance

Unless it is claimed in writing (including electronic communications) by a directly and materially interested party that a single interest category, individual, or organization dominated the standards development process, no test for dominance is required.

An LES SDO Enterprise Member, an LES CSP voter, or any member of a Standards Committee may notify the LES SDO Board of suspected dominance in writing. The LES SDO Board shall determine whether dominance exists such that corrective action is needed and, if so, shall specify any approved corrective action(s).

2.5 Balance

The SDO Board, the CSP, the Standards Committees, and any subcommittees shall serve as the representatives of the IP Management Community. Therefore, the SDO Board, the CSP, the Standards Committees and subcommittees shall be sufficiently diverse to ensure reasonable balance. In the case of subcommittees, this does not apply if there is an insufficient number of volunteers to represent Interest Categories in a balanced manner

The SDO Board and its Standards Committees shall do everything reasonably possible to prevent any individual Interest Category from exceeding more than 50% of the Voting Member Representatives of any LES SDO Standards Committee, the CSP, any subcommittee, and the SDO Board. However, temporary imbalances may exist during the start-up of a new committee, or due to membership resignations or terminations, or due to other circumstances. The SDO Board and the Chairs of its Standards Committees shall ensure that there is appropriate outreach made to achieve balance, and that evidence of this outreach is retained and made available to ANSI as required.

2.6 Membership Rosters

The SDO Board will be appointed by the LES (USA & Canada) Board of Directors, or its Designated Representative. The SDO Board membership is kept current on the LES SDO website. The Committee Chair is required to notify the LES SDO of any roster changes. Membership Rosters for the Standards Committees shall be established and maintained and kept current by the Committee Chair or Secretary and reviewed at least annually by the Committee. The Designated Representative will establish and maintain the roster for the CSP and ensure it is kept current.

The Membership Roster shall be maintained electronically and shall include:

- Member's name;
- Affiliation (i.e., Name of Enterprise Member, if applicable);
- Contact information (i.e., address, email, and phone);
- Membership role (i.e., SDO Board member, CSP member, Member Representative to one or more Standards Committees);
- Identification of specific Standards Committee(s) that the Member Representative is participating in;
- Interest Category being represented by the Enterprise Member or CSP member;
- Identification of voting rights of the Member Representative (i.e., Voting Member Representative or a Non-Voting Member Representative);
- Membership status (Active Member, Restricted Member, Terminated Member); and,
- Most Recent Change in Status Date.

Membership Rosters for the SDO Board, CSP, and Standards Committees shall be made available to interested parties upon request. The Membership Roster for the SDO Board and Chairs for each Committee shall be published on the LES website by LES Staff. The Rosters for the CSP and Standards Committees shall be published in the LES Standards collaboration tool

and made available to interested parties that are LES Standards members. The public Membership Roster shall be limited to the following:

- Title of the Standards Committee;
- Scope of the Standards Committee work products;
- Interest Category of the Enterprise Member or CSP member;
- Chair, Vice-Chair and Secretary names and contact information; and

Member's names and affiliations, LES Staff will maintain the official roster including Interest Groups as identified by the Committee Chair.

2.7 Leaving Membership

An SDO Board member may resign and vacate their position prior to the 3-year appointment date. An SDO Board member that elects to vacate its position on the SDO Board shall provide notice to the Chair of the LES SDO Board. In vacating their position, they surrender their membership on the SDO Board but may retain any associated, or apply for, Enterprise Membership in the LES SDO or membership in the CSP.

A CSP member may resign and vacate their CSP Membership. A CSP member that elects to vacate its CSP Membership shall provide notice to the Chair of the LES SDO Board. In vacating their position, they surrender their membership on the CSP and shall not participate in CSP votes by Letter Ballot but may retain any associated, or apply for, Enterprise Membership in the LES SDO.

Enterprise Members may resign and vacate their Enterprise Membership. An Enterprise Member that elects to vacate its LES SDO Enterprise Membership shall provide notice to the Chair of the LES SDO Board. In vacating their Enterprise Membership, they shall not participate on the LES SDO Board or its Standards Committees. However, if that enterprise or individual still wishes to participate in the LES Standards development process, it may direct its employees to apply for membership on the CSP.

Member Representatives may resign and vacate positions on Standards Committees. A Member Representative that elects to do so shall provide notice to the Chair and Secretary of any Standards Committee from which they are resigning.

Membership fees will not be refunded by LES Standards.

For the avoidance of doubt, members that vacate or terminate their membership may still participate in the public comment period.

2.8 Termination of Membership

The LES (USA & Canada) Board of Directors shall be authorized to terminate any SDO Board member at any time for cause. The SDO Board shall be authorized to terminate any SDO Enterprise Membership, any CSP Membership, and membership of any Member Representative to a Standards Committee at any time for cause. The SDO Board shall be also authorized to terminate membership when a request is received in writing from an SDO Board member, CSP member, Enterprise Member, or Member Representative to be voluntarily removed.

Membership fees will not be refunded by LES Standards.

2.8.1.1 Termination of SDO Board Membership for Cause

The SDO Board may recommend by a 2/3 majority vote, to the LES (USA & Canada) Board of Directors that an SDO Board member should have its SDO Board Membership terminated for cause for:

- Failing to maintain Enterprise Membership and/or pay appropriate fees as levied by the LES (USA & Canada) Board of Directors and the SDO Board, but only after a first invoice is sent, followed by at minimum two reminders, and then no payment is received within sixty (60) days after the expiration of preceding annual term of the LES Standards Enterprise Membership; or,
- Failing to attend three consecutive SDO Board meetings (in person or on the phone) over a rolling period of six months; or,
- Failure to consistently meet fiduciary obligations to the SDO Board in support of LES SDO activities as determined by the LES (USA & Canada) Board of Directors for SDO Board members; or,
- Representing in any LES SDO activity, including commenting and voting on SDO Official Business and/or commenting and voting during the development or maintenance of any LES Standard, the interests of an individual or enterprise other than as disclosed to the Secretary of the SDO Board in writing.

In unique circumstances, the Board may come to order and vote to allow an exception to the attendance rule above where an SDO Board Member cannot attend more than five meetings but would still like to remain on the Board. Acceptable exceptions include a medical issue, family emergency or work assignment that prevents participation. The member will be required to explain the reason and the duration of time for the recurring absence.

2.8.1.2 Termination of CSP Membership for Cause

A CSP member may have its CSP membership terminated for cause for:

- Failing to maintain CSP Membership and/or pay appropriate fees as levied by the LES (USA & Canada) Board of Directors and the SDO Board, but only after a first invoice is sent, followed by at minimum two reminders, and then no payment is received within sixty (60) days after the expiration of the preceding annual term of the LES Standards Enterprise Membership or
- Failing to vote on three CSP Letter Ballots votes within a rolling twelve-month period;
- Representing of, or any interest of, an individual or enterprise other than that of the CSP member in all LES SDO activity, including commenting and voting on SDO Official Business and/or commenting and voting during the development or maintenance of any LES Standard.

2.8.1.3 Termination of Standards Committee Membership for Cause

A Standards Committee Member Representative may have its Standards Committee membership terminated for cause for:

- Failing to maintain Enterprise Membership and/or pay appropriate fees as levied by the LES (USA & Canada) Board of Directors and the SDO Board, but only after a first invoice is sent, followed by at minimum two reminders, and then no payment is received within sixty (60) days after the expiration of the preceding term of the LES Standards Enterprise Membership; or,
- Failing to vote on three consecutive Standards Committee Letter Ballot votes; or,
- Failure to attend (or have their designated Alternative Voting Member Representative attend) at least five consecutive committee meetings over a rolling six-month period; or
- Repeatedly, after a motion to close debate has been passed, debating the same issue in disregard of the Committee decision; or
- Representation of, or the interests of, an individual or enterprise other than that of the Enterprise Member in all LES SDO activity, including commenting and voting on SDO Official Business and/or commenting and voting during the development or maintenance of any LES Standard; or
- Committee leaders may be terminated from their Leadership role if they do not meet Committee Leadership Expectations in Section 2.3.7. *Committee Leadership Expectations*.

In unique circumstances, the Committee may vote to allow an exception to the attendance rule above where a Committee Member cannot attend more than four meetings but would still like to remain on the Committee. Acceptable exceptions include a medical issue, family emergency or work assignment that prevents participation. The member will be required to explain the reason and the duration of time for the recurring absence.

2.8.1.4 Termination of Enterprise Membership for Cause

An Enterprise Membership shall be terminated for:

- Failing to maintain Enterprise Membership and/or pay appropriate fees as levied by the LES (USA & Canada) Board of Directors and the SDO Board, but only after a first invoice is sent, followed by at minimum two reminders, and then no payment is received within sixty (60) days after the expiration of the preceding annual term of the LES Standards Enterprise Membership or

Representation of, or the interests of, an individual or enterprise other than that of the Enterprise Member in all LES SDO activity, including commenting and voting on SDO Official Business and/or commenting and voting during the development or maintenance of any LES Standard.

2.8.2 Termination for Cause Procedures

Membership shall be terminated for cause in accordance with the following process:

- For SDO Board Members, CSP Members, Enterprise Members or Committee Members a member of the LES SDO may report a termination for cause request in writing to the Chair of the SDO Board for the reasons stated above.
- For SDO Board Members, CSP Members or Enterprise Members, the SDO Board Chair shall present, in writing, a “cause” for termination to the Member being recommended for termination, while for Standards Committee Member Representatives, the Standards Committee Chair present, in writing via email, such “cause” for termination to the Standards Committee Member Representative. The person submitting the termination for cause has the burden of proving the violation.
- The Member shall have 30 calendar days to submit a written response to the statement of cause. The response shall be submitted in writing via email to the person from whom the statement of cause was received. If no response is received within 30 calendar days, the Board will proceed with a vote on the termination of the Member.
- The person who transmitted the statement of cause will be provided the opportunity to transmit to the Member a written rebuttal via email within 14 calendar days of transmittal of the Member’s response. The rebuttal should not introduce new “for cause” reasons for

termination beyond the original statement of cause, but can address points introduced by the Member's response.

- The Member then shall have 14 calendar days from transmittal of the rebuttal to submit a response to the rebuttal via email to the person from whom the rebuttal was received. In this second response, the Member cannot introduce new issues not presented in either the original statement of cause for termination or the rebuttal to the Member's initial response.
- LES SDO Board will vote in writing via email or other means suitable to the SDO Board, whether to terminate for cause the Member's relevant membership. The SDO Board will be provided with the statement of cause and the Member's response, and the rebuttal and/or the Member's response to the rebuttal if either or both were transmitted.
- No abstentions will be considered. Comments will be included with the minutes, but need not be addressed by the LES SDO Board.
- The standard for terminating a member is not met if the member provides satisfactory explanation to refute the allegation. If the vote fails, the Member remains a Member.
- If the vote passes, the Member becomes a Terminated Member.
- Terminated Members may appeal the decision by the SDO Board. The SDO Board will review the appeal within thirty days and notify the Terminated Member of their decision in writing.

2.8.2 Restrictions on Memberships Terminated for Cause

A member of the SDO Board who is terminated for cause shall be dropped from the Membership Roster of the SDO Board and shall be reclassified as a Terminated Member. Except for termination due to a failure to pay fees, a Terminated Member shall not be permitted to rejoin the SDO Board for a period of 12-months, unless authorized by the LES (USA & Canada) Board of Directors.

A member of the CSP who is terminated for cause shall be dropped from the Membership Roster of the CSP and shall be reclassified as a Terminated Member. A Terminated Member shall not be permitted to rejoin the CSP for a period of 6-months, unless authorized by the LES SDO Board in accordance with Section 12.0, *Voting Procedures for Official Business*.

A member of a Standards Committee who is terminated for cause shall be dropped from the Membership Roster of the Standards Committee and shall be reclassified as a Terminated Member. Except for termination due to a failure to pay fees, a Terminated Member shall not be permitted to rejoin the Standards Committee for a period of 6-months, unless authorized by the Chair of the Standards Committee.

An Enterprise Membership that is terminated for cause shall have all members dropped from the Membership Rosters of the applicable Standards Committees, CSP, and SDO Board and the individuals shall be reclassified as Terminated Members. An Enterprise Member who has their Enterprise Membership terminated for cause shall not be permitted to rejoin the LES SDO for a

period of 6-months, unless authorized by the LES SDO Board in accordance with Section 12.0, *Voting Procedures for Official Business*.

2.10 Changes in Affiliation

SDO Board members, CSP members, and Member Representatives of the Standards Committees shall notify the SDO Board, or its Designated Representative, of any changes in affiliation (e.g., employment) representation. In some cases, the change in affiliation may result in a change in Interest Category being represented and/or may require an application for a new membership for continued participation in the LES SDO.

3.0 Records

3.1 Requirements

The LES SDO Board, CSP, and Standards Committees, or their Designated Representatives, shall be responsible for defining and keeping their respective Records related to LES Standards development, maintenance, and ratification. Records shall be maintained electronically.

Records shall include, but not be limited to:

- Membership Rosters;
- Meeting agendas;
- Meeting minutes;
- Voting results on Official Business;
- Voting results on Letter Ballots;
- Objections and responses associated with Letter Ballot negative votes with reason;
- Objections and responses associated with objections from public review and comment;
- Complaints and appeals along with deliberations and resolutions; and,
- Resolution of inconsistencies and incompatibilities between LES Standards and other standards.
- Documentation required for ANSI Audit including but not limited to: PINs, BSR-8, BSR-9, Extensions, and CSP records.

3.2 Retention

Records concerning new, revised, or reaffirmed ANS standards shall be retained, at a minimum, for one (1) complete development cycle or until the standard is revised, reaffirmed, or withdrawn. The SDO Committee Chair will place the records on the LES Standards collaboration tool.

Records concerning withdrawn standards shall be retained for at least five (5) years from date of withdrawal.

4.0 Operating Costs

4.1 Fees

Fees shall be levied by the LES SDO Board, with approval by the LES (USA & Canada) Board of Directors and with appropriate notice, for membership on the SDO Board, for membership in the CSP, and for Enterprise Membership in the SDO specifically to offset services provided by LES (USA & Canada) or outside service providers in support of the SDO Board, SDO Standards Committee, and CSP activities.

There shall be no undue financial barriers to participation. Interested parties may appeal to the LES SDO Board to waive the membership fees. Any such request must include a detailed explanation of the basis for the request.

4.2 Assessments

The LES SDO shall request payment of reasonable meeting registration, telecommunication, web page maintenance, web-based collaboration tools, and other fees directly relating to the support provided and activities supporting a given Standards Committee. These fees may be assessed only with the approval of both the Chair of the Standards Committee being supported and the SDO Board. A fee invoice must be sent, followed by a first and at minimum two reminders of non-payment if payment is not received within 60 days of the final reminder.

5.0 Interest Categories

Members shall identify their membership interest category to the Committee Chair when they join a Committee. The Member shall notify the Committee Chair who shall document the Interest Category on the Roster. The Chair shall notify LES Staff to ensure the roster is updated on the LES Standards collaboration tool. For purposes of assuring balanced IP Management Community representation when developing ANS standards, all members of the Standards Committees and of the CSP shall be classified as representatives of one of the following Interest Categories: Operating Companies; Government/Regulatory Entities; Academia; Patent Licensing Entities; Intellectual Property Brokers; Intellectual Property Consultancies/Agents; Intellectual Property Law Firms; Intellectual Property Management/Transaction Software, Software Services, and Information Services Firms; or General Interest Entities. The SDO Board shall make the final determination of a Member's category by a 66% vote. Members in disagreement with their assigned category shall be permitted to appeal this decision.

5.1 Operating Companies

Operating Companies include commercial entities that develop and sell intellectual property based products and services: whether hardware-based, software-based, or information-based; whether chemical-based or material-based; whether energy-based, communication-based, or transportation-based; whether utility-based or security-based; whether reseller-based or financially-based; whether food-based or beverage-based; whether travel-based or entertainment-based; or whether based on any other type of field or value proposition outside the categories of

Patent Licensing Entities, Intellectual Property Brokers, Intellectual Property Consultancies/Agents, Intellectual Property Law Firms, and Intellectual Property Management/Transaction Software, Software Services, Information Services Firms, or General Interest Entities.

5.2 Government/Regulatory Entities

Government/Regulatory Entities include offices, agencies, and instrumentalities of national, state, or local governments, and entities that exercise a regulatory role, such as the U.S. Securities and Exchange Commission (SEC), U.S. International Trade Commission (ITC), U.S. Federal Trade Commission (FTC), U.S. Department of Justice (DOJ), and the Financial Accounting Standards Board (FASB). This category also includes similar agencies from other countries and government research and development (R&D) organizations.

5.3 Academia

Academia includes entities that are or are a part of an educational and/or research institution.

5.4 Patent Licensing Entities

Patent Licensing Entities includes groups of patent owners who license or otherwise generate revenues from the licensing patents they have the rights to license, whether sublicensed, developed organically or purchased, and which do not qualify as an Operating Company, Government/Regulatory Entity, or Academia.

5.5 Intellectual Property Brokers

Intellectual Property Brokers are entities or agencies whose principal purpose is serve as the intermediary between IP rights owners and purchasers and that facilitate the sale of these rights between these parties.

5.6 Intellectual Property Consultancies/Agents

Intellectual Property Consultancies/Agents are entities or agencies whose principal purpose is to advise others on IP protection, IP value, IP strategy, IP management operations, IP management best practices, and IP transactions (whether historical or forward-looking); or such firms may provide information related specifically to intellectual property topics and questions; or such firms may represent either IP owning firms or potential IP licensees in IP licensing transactions.

5.7 Intellectual Property Law Firms

Intellectual Property Law Firms are law firms that offer legal services in the field of intellectual property.

5.8 Intellectual Property Management/Transaction Software, Software Services, and Information Services Firms

Intellectual Property Management/Transaction Software, Software Services, and Information Services Firms are entities or agencies whose principal purposes are to provide software and software services, software provided as services, and/or information provided as services that

meet specific IP management, IP transaction, and/or IP analysis needs. This group includes online IP marketplaces.

5.9 General Interest Entities

General Interest Entities includes other stakeholders that are not representatives of the other defined Interest Categories and that are likely to be materially impacted or affected by a standard(s).

6.0 Terms and Conditions

6.1 Commercial Terms and Conditions

LES SDO agrees to comply with the ANSI *Essential Requirements* Section 3.2, *Commercial Terms and Conditions*.

6.2 Business Conduct and Ethics

ANSI maintains a Code of Conduct which provides guidance with respect to standards of conduct for participation in standards development. Please refer to the [ANSI website](#).

The LES SDO Board and all Committee members are required to abide by the LES SDO Code of Conduct. SDO Board members are required to sign the LES SDO Code of Conduct. Committee Members are required to agree to the LES SDO Code of Conduct upon enrollment in the SDO Committees and with every annual renewal. Members will acknowledge the Code of Conduct annually and submit any Disclosures within sixty days of the annual renewal or at any time during the membership term.

In addition, any member will notify the LES SDO Board if they have a conflict as described in the Code of Conduct or if there is a material change to the information provided in their annual disclosure form (see Code of Conduct Conflict Declaration) within 60 days of that change. The member will email the disclosure form to the Chair of the LES SDO Board. LES SDO Board may take appropriate action based on the information provided. Any member can bring up a concern about a Code of Conduct or conflict of interest issue for deliberation by the LES SDO Board if they believe there is an issue regarding any member of the Committee or Board that may be detrimental to or impact the Committee's or Board's work.

6.3 Disclosure of Interest and Copyright Use

The LES SDO requires that all persons selected for membership on the SDO Board and on the CSP and all members of its Standards Committees complete a disclosure of interests form and agree with the intellectual property license terms integrated into the application for membership in the LES SDO. Decisions and contributions made on behalf of the LES SDO and works published by the organization shall be developed promoting the opportunity for fair and open

discussion by any interested parties. In addition, any contributions made to the LES SDO shall not knowingly infringe on the copyright, trade mark, trade secret, or any other right of any third party.

Please refer to the LES (USA & Canada) web site for the form, [LES Standards Development: Contributor's Copyright License Agreement and Disclosure of Interest](#).

7.0 Meetings

7.1 SDO Board Meetings

Meetings of the SDO Board shall be open to attendance only by approved SDO Board members. Attendance by others shall be by invitation only by the Chair of the SDO Board.

7.1.1 Frequency

Meetings of the SDO Board shall be held on a consistent and regular basis to the extent possible.

The SDO Board shall meet approximately once a month by conference call and shall meet face-to-face at least once per calendar year absent extenuating circumstances. The face-to-face meeting should be scheduled in coordination with and occurring in the same week and same city as the LES (USA & Canada) Annual Meeting. All SDO Board members shall be strongly encouraged to attend the face-to-face meeting in person.

7.1.2 Notification

7.1.2.1 Conference Call Meetings

SDO Board conference call meetings shall be announced by the Chair of the SDO Board, or their Designated Representative. Notification shall be via email at least four (4) weeks prior to the meeting date and may be posted to the LES SDO website and at least two (2) weeks in advance for a matter requiring a vote unless there is unanimous board approval that requires immediate attention and a vote by the SDO Board.

7.1.2.2 Face-to-Face Meetings

SDO Board face-to-face meetings shall be announced by the Chair of the SDO Board, or their Designated Representative. Where possible, face-to-face meetings shall be announced via email at least four (4) weeks prior to the meeting date and may be posted to the LES SDO website. Teleconference capabilities should be included for members who cannot attend in person.

7.1.2.3 Special Meetings Exceptions

Special exceptions for extraordinary circumstances may be made on an as-needed basis. When an exception for extraordinary circumstances is necessary, the Chair of the SDO Board, or their Designated Representative, shall schedule and announce the meeting as soon as practicable.

7.1.3 Agendas

The Chair of the SDO Board, or their Designated Representative, shall (1) establish and distribute draft agendas prior to the commencement of meetings; (2) publish final agendas at or before the time meetings are called to order; and (3) provide an opportunity for all SDO Board members to bring forward suggested agenda items prior to subsequent meetings.

7.1.4 Meeting Minutes

The Chair of the SDO Board, or their Designated Representative, shall publish, or provide access to, meeting minutes that accurately reflect the attendance (names of all persons attending), members absent or excused, the results of the voting including the number of votes for and against and any abstentions, and action items from SDO Board meetings. Distribution of the draft meeting minutes for SDO Board review and approval shall be made prior to the next scheduled SDO Board meeting. Meeting minutes shall be deemed approved in accordance with Section 12.0, *Voting Procedures for Official Business*. Approved meeting minutes shall be distributed and/or published prior to the meeting following approval.

All SDO Board meeting minutes shall contain a record of who attended, members absent or excused, the results of the voting including the numerical results of votes for and against and any abstentions.

7.2 CSP Meetings

There shall be no requirements for the CSP to conduct meetings of any type.

7.3 Standards Committee Meetings

All meetings of Standards Committees shall be open to all members of the Standards Committee, including Enterprise Voting Member Representatives, or their Alternate Voting Member Representative, and Non-Voting Member Representatives. Other directly and materially interested parties may attend meetings of Standards as observers only with no rights to participate in the committee discussion, voting on Official Business, or voting by Letter Ballots.

7.3.1 Frequency

Meetings of the Standards Committees shall be held on a consistent and regular basis to the extent possible.

The Standards Committees shall meet at least once every three (3) months by conference call and shall meet face-to-face once per calendar year absent extenuating circumstances. The face-to-face meeting should be scheduled in coordination with and occurring in the same week and same city as the LES (USA & Canada) Annual Meeting. All Standards Committee members shall be strongly encouraged to attend the face-to-face meeting in person.

7.3.2 Notification

7.3.2.1 Conference Call Meetings

Standards Committee conference call meetings shall be announced by the Chair of the Standards Committee, or their Designated Representative. Standards Committee conference calls shall be announced prior to the meeting date and shall be scheduled as-needed by the Chair of the Standards Committee based upon the Standards Committee priorities and as dictated by workload. Notification shall be via email at least two (2) calendar weeks prior to the meeting date and may be posted to the LES SDO website.

7.3.2.2 Face-to-Face Meetings

Standards Committee face-to-face meetings shall be announced by the Chair of the Standards Committee, or their Designated Representative. Where possible, face-to-face meetings of the Standards Committee shall be announced via email at least four (4) weeks prior to the meeting date and may be posted to the LES SDO website. Teleconference capabilities should be included for members who cannot attend in person.

7.3.2.3 Special Meetings Exceptions

Special exceptions for extraordinary circumstances may be made on an as-needed basis. When an exception for extraordinary circumstances is necessary, the Chair of the Standards Committee, or their Designated Representative, shall schedule and announce the meeting as soon as practicable.

7.3.3 Agendas

The Chair of the Standards Committee, or their Designated Representative, shall (1) establish and distribute draft agendas prior to the commencement of meetings; (2) publish final agendas at or before the time meetings are called to order; and (3) provide an opportunity for all committee members to bring forward suggested agenda items prior to a meeting.

7.3.4 Meeting Minutes

The Chair of the Standards Committee, or their Designated Representative, shall publish (or post and provide access to) without undue delay, meeting minutes that accurately reflect the attendance (names of all persons attending), members absent or excused, the results of the voting including who voted for and against and any abstentions and action items from Standards Committee meetings. Minutes shall be approved by the Standards Committee at the next scheduled meeting.

7.3.5 Distribution of Draft Standards

The Chair of the Standards Committee, or their Designated Representative, shall distribute, or provide access to, the current version of the standard document that was developed or modified during a Standards Committee meeting or as a result of a vote on Official Business. Publication shall be made prior to the next scheduled meeting.

7.4 Parliamentary Procedures

For any procedural issues not covered under these procedures, *Robert's Rules of Order Newly Revised* 11th edition (published in 2011) shall apply on questions of parliamentary procedure, to the extent they are not inconsistent with this Manual.

8.0 Notification of Standards Development

8.1 How Notification Shall Be Announced

Timely and adequate notice of standards development activity, including formation of a consensus body or consensus body meeting, shall be announced in media suitable to demonstrate that a meaningful opportunity for participation by all directly and materially interested parties in a fair and equitable manner was provided. LES SDO will follow ANSI's international procedures (www.ansi.org) and coordinate with any currently ANSI accredited Technical Advisory Group (TAG) or pursue accreditation for a new TAG. The accredited TAGs can be found on www.ansi.org. Efforts shall be made to consult any relevant international or regional guides that may impact the proposed standard and shall advise the relevant ANSI-accredited U.S. Technical Advisory Groups (TAGs) if the standard is intended to be submitted for consideration as an ISO, IEC, or ISO/IEC JTC-1 standard.

8.2 When Notification Shall Be Given

Notification shall be given to ANSI at the initiation of an LES SDO Standards Committee project to develop a new ANS or to revise, reaffirm or withdraw an existing ANS.

8.3 How Notification Shall Be Transmitted

8.3.1 Project Initiation Notification System (PINS)

Notification of standards activity shall be transmitted to ANSI by the Chair of the SDO Board, or their Designated Representative, on behalf of each of the Standards Committees, using the Project Initiation Notification System (PINS) form for listing in the ANSI *Standards Action*.

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

- a. An explanation of the need for the project, including, if it is the case, a statement of intent to submit the standard for consideration as an ISO, IEC or ISO/IEC JTC-1 standard; and
- b. Identification of the stakeholder (e.g., telecom, consumer, medical, environmental, etc.) likely to be directly impacted by the standard; and
- c. Identification of the Interest Categories that will or are expected to comprise the consensus body (e.g., Operating Companies; Government/Regulatory Entities; Academia; Patent Licensing Entities; Intellectual Property Brokers; Intellectual Property Consultancies/Agents; Intellectual Property Law Firms; Intellectual Property

Management/Transaction Software, Software Services, Information Services Firms; and General Interest Entities)

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

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

8.3.2 PINS Exceptions

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

8.3.3 Comments on PINS Announcement(s)

Prompt consideration shall be given to the written comments, views and objections on PINS announcements in *ANSI Standards Action*. Objections accompanied by comments on a PINS announcement shall be addressed by the procedure given in the most current version of the *ANSI Essential Requirements*.

8.3.3.1 Assertions of Conflict or Duplication

If the LES SDO receives written comments within 30 calendar days from the publication date of a PINS announcement in *ANSI Standards Action*, and said comments assert that a proposed standard duplicates or conflicts with an existing ANS or a candidate ANS that has been announced previously (or concurrently) in *ANSI Standards Action*, a mandatory deliberation of representatives from the relevant stakeholder groups (i.e., the Chair of the Standards Committee of the proposed LES Standard and representatives from the PINS commenter) shall be held within 90 calendar days from the comment deadline. Such a deliberation shall be organized by the Chair of the proposing Standards Committee and the commenter, and the deliberation shall be concluded before the LES SDO may submit a Proposed Standard for public review and comment. If the deliberation does not take place within the 90-calendar day period and the Chair of the Standards Committee demonstrates that it has made a good faith effort to schedule and otherwise organize it, then the LES SDO shall be excused from compliance with this requirement. The purpose of the deliberation is to provide the relevant stakeholders with an opportunity to discuss whether there is a compelling need for the proposed standards project.

8.3.3.2 PINS Deliberation Report

The outcome of a PINS deliberation shall be conveyed in writing (“Deliberation Report”) within 30 calendar days after the conclusion of the deliberation by the [Chair of the SDO Board,] or their Designated Representative, to the PINS commenter and to ANSI. Upon submission of the Deliberation Report, the Standards Committee may continue with the submission of the Proposed Standard for public review and comment. If additional deliberations take place, they should not delay the submission of the Proposed Standard for public review, and an updated Deliberation Report shall be conveyed within 30 calendar days after each deliberation. Any actions agreed upon from the deliberations shall be carried out in a reasonably timely manner, but normally should not exceed 90 calendar days following the deliberation.

Subsequently, the proposing Chair of the Standards Committee, or their Designated Representative, shall include all of the Deliberation Report(s) with the submittal of the BSR-9 documentation Standard to the ANSI Board of Standards Review (BSR) for consideration and approval as an ANS. Stakeholders who were involved in the PINS deliberation process may also file separate Deliberation Report(s) with ANSI and the LES SDO within 30 calendar days after conclusion of any deliberation for consideration by the ANSI BSR, as part of the evaluation process for approval of the proposed standard as an ANS.

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

9.0 Standards Development within the LES SDO

9.1 Development of a Draft Standard

Prior to initiation of the development of a new standard by an LES SDO Standards Committee, and prior to submission of a PINS to ANSI, the Chair of a Standards Committee, or an individual if no Chair has been appointed, shall submit a description of the standard intended for development to the SDO Board (“Proposed Standard”). This description shall contain at a minimum the information required by ANSI in the PINS form. The LES SDO Board shall have 60 calendar days to review the proposal. If approved in accordance with Section 12.0, *Voting Procedures for Official Business*, the individual or Chair of the Standards Committee shall be notified, and the individual or Chair of the Standards Committee shall be authorized to submit the PINS form to ANSI.

As the Standards Committee develops its standard (whether proposed as new, reaffirmed, revised, or subject to being withdrawn), and prior to public review and comment, the following steps shall be followed:

- a. The Committee Draft Standard shall be developed by the Standards Committee. To enable the timely and cost-effective development of standards, a first draft may be established by a subcommittee of the Standards Committee members, or sections of a first draft may be developed by one or more subcommittees, and presented to the

Standards Committee for adoption by simple majority as a starting point for development of the full Committee Draft Standard. As the Committee Draft Standard is developed, the Standards Committee shall consider, discuss, and address the views and objections of all Standards Committee members, including Voting Member Representatives (or their Alternate Voting Member Representative) and Non-Voting Representatives. The Standards Committee Voting Member Representatives (or their Alternate Voting Member Representative) shall vote to approve first drafts, specific words, phrases, sentences, paragraphs, and/or sections for incorporation into the standard under development or revision. Decisions on items shall be made and matters shall be deemed approved in accordance with Section 12.0, *Voting Procedures for Official Business*.

- b. Modifications and revisions may be made to the Committee Draft Standard as each vote is approved by the Standards Committee. As the Committee Draft Standard is matured, there may be numerous versions of the Committee Draft Standard and each version shall be uniquely identified.
- c. Once the Chair of the Standards Committee has declared that the Committee Draft Standard is mature and that there has been sufficient discussion on the draft document, and prior to a vote by Letter Ballot to approve the document as a Draft Standard, all members of the Standards Committee shall be provided with the opportunity to submit final comments on the Committee Draft Standard. The written comments from each Enterprise Member shall be consolidated and formally submitted by the respective Voting Member Representative (or their Alternate Voting Member Representative) to the Chair of the Standards Committee. The period for committee commenting shall be established by the Chair of the Standards Committee and shall be at least 14 calendar days.
- d. All comments submitted by the Voting Member Representatives shall be recorded and published to the members of the Standards Committee by the Chair of the Standards Committee, or their Designated Representative.
- e. The Chair of the Standards Committee, or their Designated Representative, shall call a Standards Committee meeting or meetings to engage and collaborate with the Standards Committee members and ensure that each comment is reviewed and responded to in writing and that appropriate changes are made to the standard to accommodate relevant comments. This meeting shall be announced with at least 4 weeks' notice to afford all committee members and Voting Member Representatives, or their designated Alternate Voting Member Representatives, the opportunity to participate. Each response and each change to the standard shall be deemed approved in accordance with Section 12.0, *Voting Procedures for Official Business*.

- f. Modifications and revisions may be made to the Draft Standard as each comment is addressed and each resolution and change is approved by the Standards Committee. Each version of the Committee Draft Standard shall be uniquely identified.
- g. Once the Standards Committee is satisfied that all relevant comments on the Committee Draft Standard have been responded to, responses to the formally submitted comments on the Committee Draft Standard and the resultant Draft Standard shall be published at least two weeks prior to a vote by Letter Ballot to the members of the Standards Committee by the Chair of the Standards Committee, or their Designated Representative. Standards Committee members with unresolved comments shall be informed of their right to appeal in accordance with Section 15.0, *Consideration of Views and Objections* and the LES SDO shall complete the appeals process in accordance with Section 20.0, *Appeals*.
- h. The Chair of the Standards Committee, or their Designated Representative, shall conduct a vote by Letter Ballot in accordance with Section 13.0, *Voting Procedures for Letter Ballots* for Standards Committee approval of the Draft Standard.
- i. If the result of the Letter Ballot is that the Standards Committee's Voting Member Representatives have voted to approve the Draft Standard in accordance with Section 13.0, *Voting Procedures for Letter Ballots*, the Chair of the Standards Committee, or their Designated Representative, shall provide to the Standards Committee a Record of all negative votes with reasons, attempted resolutions of said negative votes, and any Substantive Changes, in order to afford all Voting Member Representatives the opportunity to respond, reaffirm, or change their vote through a Recirculation Letter Ballot. If a Voting Member Representative does not respond to the Recirculation Letter Ballot, their most recent prior Letter Ballot vote shall be used. If there were no negative votes with reasons submitted on the Letter Ballot, there shall be no requirement for a Recirculation Ballot and the Final Draft Standard shall be deemed approved.
- j. If the results of the Letter Ballot and any required Recirculation Letter Ballot is that the Standards Committee's Voting Member Representatives have voted to approve the Draft Standard in accordance with Section 13.0, *Voting Procedures for Letter Ballots*, the Draft Standard shall be deemed approved and the Chair of the Standards Committee, or their Designated Representative, shall provide the Draft Standard to the SDO Board for review and approval, along with the content of the ANSI BSR-8 form (or equivalent) that the Standards Committee intends to submit to ANSI. If the Standards Committee intends to submit the proposed standard to ANSI as an ISO, IEC, or ISO/IEC JTC-1 standard, the LES SDO will follow the ANSI international procedures (www.ansi.org) and coordinate with a currently ANSI accredited Technical Advisory Group (TAG) or pursue accreditation for a new TAG. The LES SDO will include a statement of intent to do so shall be included as part of the description of the scope summary. If the Draft Standard fails to be approved by the

Standards Committee, the Standards Committee shall attempt to resolve negative votes with reasons in accordance with Section 15.0, *Consideration of Views and Objections*.

- k. The Chair of the SDO Board, or their Designated Representative, shall call a meeting of the SDO Board to review the Draft Standard and a summary of the development process to confirm the Manual and the ANSI *Essential Requirements* were adhered to in the development of the Draft Standard. The SDO Board shall be given access to all comments and votes. The SDO Board shall not make any modification to the text of the Draft Standard. The SDO Board shall have 60 calendar days to approve the Draft Standard. Approval shall be in accordance with Section 12.0, *Voting Procedures for Official Business*. If the Draft Standard is not approved, the SDO Board shall provide a written explanation to the Chair of the Standards Committee.

Once the Draft Standard has been approved by the SDO Board, the Standards Committee shall be authorized to proceed to the public commenting phase in the standards development process.

9.2 Public Review and Comment of a Draft Standard

When the Standards Committee has approved the Draft Standard and has received LES SDO approval of the Draft Standard, the Chair of the LES SDO Board, or its Designated Representative, shall submit the ANSI BSR-8 form (or equivalent) to ANSI and publish a copy of the Final Draft Standard on the LES SDO website for public review and comment.

Comments received from public review of the Draft Standard shall be addressed by the Standards Committee in accordance with Section 15.0, *Consideration of Views and Objections*.

9.3 CSP Approval of Final Draft Standard

Once the Chair of the Standards Committee is satisfied that all relevant public comments on the Draft Standard have been addressed and the resultant Draft Standard has been approved by the Standards Committee, the Chair of the Standards Committee, or their Designated Representative, shall submit the Final Draft Standard to the CSP for a vote by Letter Ballot.

In cases where negative votes with reasons from Letter Ballots of the Standards Committee or public objections from public review and comment result in Substantive Changes to the Final Draft Standard or remain unresolved, the Substantive Changes and/or a written description of the Unresolved Objections and attempts at resolution shall be provided by the Chair of the Standards Committee, or their Designated Representative, to the CSP members for consideration during CSP vote on the Final Draft Standard. See Section 10 Substantive Change.

If the result of the Letter Ballot is that the CSP members have voted to approve the Draft Standard in accordance with 13.0 *Voting Procedures for Letter Ballots*, the Chair of the Standards Committee, or their Designated Representative, shall provide to the CSP members a Record of all negative votes with reasons in order to afford all CSP Members the opportunity to

respond, reaffirm, or change their vote through a Recirculation Letter Ballot. If a CSP member does not respond to the Recirculation Letter Ballot, their most recent prior Letter Ballot or Recirculation Letter Ballot vote shall be used. If there were no negative votes with reasons submitted on the Letter Ballot, there shall be no requirement for a Recirculation Ballot and the Final Draft Standard shall be deemed approved.

If the results of the Letter Ballot and any required Recirculation Letter Ballot is that the CSP members have voted to approve the Final Draft Standard in accordance with 13.0 *Voting Procedures for Letter Ballots*, the Draft Standard shall be deemed approved. CSP members, public commenters, and Standards Committee members shall promptly be notified of their right to appeal in accordance with Section 15.0, *Consideration of Views and Objections* and the LES SDO shall complete the appeals process in accordance with Section 20.0, *Appeals*.

If the Final Draft Standard fails to be approved by Letter Ballot of the CSP, negative votes with reasons shall be addressed by the Standards Committee in accordance with Section 15.0, *Consideration of Views and Objections*.

9.4 Publication as an LES Standard

Following approval of the Final Draft Standard by the CSP, the LES (USA & Canada) standard may be published as a Published LES Standard.

9.5 Notification of Right to Appeal

Upon approval of the Final Draft Standard by the CSP, the Chair of the Standards Committee, or their Designated Representative, shall notify objectors whose objections have not been Resolved of their right to appeal in accordance with Section 15.0, *Consideration of Views and Objections* and the LES SDO shall complete the appeals process in accordance with Section 20.0, *Appeals*.

9.6 Submittal of Standard to LES SDO Board for Approval

Upon approval of the Final Draft Standard by the CSP and completion of the appeals process, the Chair of the SDO Board, or their Designated Representative, shall provide the Published LES Standard document to the SDO Board for review and approval, along with the content of the ANSI BSR-9 form (or equivalent) that the Standards Committee intends to submit to ANSI. If the Standards Committee intends to submit the Final Draft Standard to ANSI as an ISO, IEC, or ISO/IEC JTC-1 standard, the LES SDO will follow the international procedures (www.ansi.org) and coordinate with the relevant ANSI accredited TAG and submit the appropriate documents to the LES SDO Board.

The Chair of the SDO Board, or their Designated Representative, shall call a meeting of the SDO Board to review the Published LES Standard and a summary of the development process to confirm the *Manual* and the *ANSI Essential Requirements* were adhered to in the development of the standard. This review need only address the period of time from submittal of BSR-8 (or equivalent) form to ANSI through CSP approval as a Published LES Standard. The SDO Board shall not make any modification to the text of the Published LES Standard. The SDO Board shall

have 60 calendar days to approve the Published LES Standard. Approval shall be in accordance with Section 12.0, *Voting Procedures for Official Business*. If the Published LES Standard is not approved, the SDO Board shall provide a written explanation to the Chair of the Standards Committee.

9.7 Submittal of Standard to ANSI for Approval

Once the Standards Committee has received LES SDO Board approval of the Published LES Standard, the Chair of the LES SDO Board, or its Designated Representative, shall submit the ANSI BSR-9 (or equivalent) form to ANSI for approval as an ANS along with required documentation including Unresolved Objections from Standards Committee Letter Ballots, public review, and CSP Letter Ballots, and any Deliberation Reports.

9.8 Final Notice

Notice of final action on all standards shall be published in *ANSI Standards Action*.

10.0 Substantive Changes

A Substantive Change in a standard is a change that directly and materially affects the use of the standard, and such a change therefore requires a Recirculation Letter Ballot of the Standards Committee to confirm the Substantive Changes followed by additional public comment on the Substantive Changes.

Examples of Substantive Changes:

- Changing “shall” to “should” or “should” to “shall.”
- The addition or deletion of requirements, regardless of the number of changes.
- The revision of requirements that materially and directly affects the use of the standard, regardless of the number of changes.
- The addition of mandatory compliance with referenced standards.

A change that does not alter the scope, materiality, or intent of any requirement does not directly and materially affect the use of the standard and therefore shall not be considered a Substantive Change. Examples include, but are not limited to:

- Editorial changes (spelling and grammar corrections, punctuation changes);
- Changes in formatting;
- Reordering of existing content;
- Addition of an obvious missing word or deletion of extra words;
- Deletion of a duplicative requirement; and,
- Rephrasing of requirements for clarity and/or to remove ambiguity.

The Standards Committee shall determine whether a proposed modification is “substantive” through affirmative vote in accordance with Section 12.0, *Voting Procedures for Official Business*.

11.0 Voting Rights

11.1 SDO Board Members

SDO Board Member votes shall only be cast by members of the SDO Board. The SDO Board member shall be an Active Member of the SDO Board at the time a vote is taken or issued in order to participate in the vote.

A LES SDO Board Representative may appoint another representative on the Board to vote on Official Business items as their proxy. The proxy allows an individual to represent the organization or individual as if the representative or alternate of that organization or individual was present at the meeting. The member must announce the proxy vote in advance of the meeting by written email or during the meeting. The proxy shall be valid only for a specific meeting.

11.2 CSP Members

CSP votes shall only be cast by members of the CSP. The CSP member shall be an Active Member of the CSP at the time a Letter Ballot, or Recirculation Ballot, is issued in order to participate in the vote.

11.3 Standards Committee Voting Member Representatives

Standards Committee votes shall only be cast by the designated Voting Member Representative, or their designated Alternate Voting Member Representative. No other Standards Committee Member Representatives or participants shall vote. The Voting Member Representative shall be an Active Member of the Standards Committee at the time a vote is taken.

11.4 Standards Committee Alternate Voting Member Representatives

A Standards Committee Voting Member Representative's designated Alternate Voting Member Representative may vote on behalf of the Voting Member Representative. The designated Alternate Voting Member Representative shall cast the vote for the Voting Member Representative only if the Voting Member Representative is unable to participate in the vote.

A Standards Committee Voting Member Representative may appoint another representative on Committee to vote on Official Business items as their proxy. The proxy allows an individual to represent the organization as if the representative or alternate of that organization was present at the meeting. The member must announce the proxy vote in advance of the meeting by written email or during the meeting. Committees may use proxies to help develop a quorum. The proxy shall be valid only for a specific meeting

11.5 Standards Committee Non-Voting Member Representatives

Non-Voting Member Representatives of Enterprise Members shall not have the right to vote on any matter of Standards Committee Official Business or on any Standards Committee Letter Ballot.

12.0 Voting Procedures for Official Business

12.1 SDO Board Official Business

12.1.1 Official Business

Official Business shall include addressing any and all matters and issues pertaining to the LES Standards SDO and the development of LES Standards.

12.1.2 Quorum for Voting on Official Business at an SDO Board Meeting

At least 50% of the SDO Board members shall be present at an SDO Board meeting to constitute a quorum for voting on Official Business during a meeting.

12.1.3 Approval of Official Business

Decisions on all matters of Official Business shall be made by vote of the SDO Board. Matters of Official Business shall be deemed approved by the SDO Board when the following conditions have been met:

- At least 50% of the LES SDO Board members have returned a vote during the voting period; and,
- More than 66% of the LES SDO Board member votes cast, excluding votes reported as abstentions, are affirmative votes.

Votes shall be limited to affirmative, negative, and abstain and may be returned verbally, by email, or other suitable means as determined by the Chair of the SDO Board. The voting period shall be established by the Chair of the SDO Board with consideration of the matter being addressed. The voting period shall be established by the Chair of the SDO Board with consideration of the matter being addressed but shall not be less than 3 business days or exceed 10 business days following the date of initiation of the vote. If a quorum is present at an SDO Board meeting, the voting period may open and close during the meeting.

12.2 Standards Committee Official Business

12.2.1 Official Business

Official Business shall include, but not be limited to, editorial changes, selection of initial drafts, selection of selection of wording in the Committee Draft Standard and the subsequent Draft Standards, and selection of responses and resolutions to negative votes with reasons and public comments.

12.2.2 Quorum for Voting on Official Business at a Standards Committee Meeting

At least 66% of the Voting Member Representatives (or their designated Alternate Voting Member Representatives) to a Standards Committee shall be present at a Standards Committee meeting to constitute a quorum for voting on Official Business during a meeting.

12.2.3 Approval of Official Business

Decisions on all matters of Official Business shall be made by vote of the Voting Member Representatives. Matters of Official Business shall be deemed approved by the Standards Committee when the following conditions have been met:

- At least 66% of the Voting Member Representatives (or designated Alternate Voting Member Representatives) have returned a vote during the voting period; and,
- More than 50% of the votes cast, excluding votes reported as abstentions, are affirmative votes.

Votes shall be limited to affirmative, negative, and abstain and may be returned verbally at a face-to-face meeting or by teleconference, by email, or other suitable means as determined by the Chair of the Standards Committee as long as all votes are recorded in written form. The voting period shall be established by the Chair of the Standards Committee with consideration of the matter being addressed but shall not be less than 3 business days or exceed 10 business days following the date of initiation of the vote. If a quorum is present at a Standards Committee meeting, the voting period may open and close during the meeting.

13.0 Voting Procedures for Letter Ballots

13.1 Letter Ballots

The Letter Ballot process shall be used for documentation of Standards Committee voting on Draft Standards, Final Draft Standards, Substantive Changes, and Reaffirmation of and Substantive Changes to ANS standards and of CSP voting on Final Draft Standards and Reaffirmation of or Substantive Changes to ANS standards.

Letter Ballots include:

- Recirculation Letter Ballots;
- Ballots sent electronically, such as by email or via a secure website;
- Ballots sent through the public mail system; and,
- Ballots sent by special delivery and/or private courier services.

13.2 New Draft Standards

The Draft Standard shall be approved by Letter Ballot of the relevant LES SDO Standards Committee and Final Draft Standard shall be approved by Letter Ballot by the CSP. An opportunity for public comment shall be provided for all Draft Standards.

13.3 Substantive Changes to and Reaffirmation or Withdrawals of Existing American National Standards

Substantive Changes to and reaffirmation of all standards shall be approved by Letter Ballot of the Standards Committee and the CSP. An opportunity for public comment shall be provided on all Substantive Changes and reaffirmations of existing ANSs. Withdrawals are approved by Letter Ballot by the LES SDO Board. See Section 24 LES SDO Withdrawal Procedure.

13.4 Voting by Letter Ballot

Letter Ballots shall provide the opportunity for each Voting Member Representative of each Standards Committee and each member of the CSP to vote in accordance with one of the following positions that shall be on every Letter Ballot:

- Affirmative
- Affirmative with comment
- Negative with reasons where the reasons for the negative vote shall be stated and shall be specific as to the objection and, except for objections of a procedural or philosophical nature or comments concerning potential conflict or duplication of the Draft Standard with an existing American National Standard, should state specific wording or actions that would resolve the objection if possible
- Abstain

The Letter Ballot shall include instruction that a negative Letter Ballot shall, for each objection, identify the section and clause of the Draft Standard or Final Draft Standard, state a reason for the objection and except for objections of a procedural or philosophical nature, should state specific working or actions that would resolve the objection. The Letter Ballot shall state that all negative votes unaccompanied by a reason for the objection and, with the exception of objections of a procedural or philosophical nature or comments concerning potential conflict or duplication of the Draft Standard with an existing American National Standard, all negative votes unaccompanied by comments relating to the Draft Standard or Final Draft Standard shall be recorded as a negative without reason vote without further notice to the voter.

Letter Ballots shall not be issued to individuals who have resigned and vacated their membership or who have had their membership terminated for cause.

13.5 Voting Period

13.5.1 Closure Date

Closure dates for Letter Ballots issued on behalf of the CSP shall be at least 30 calendar days from the date of the issuance.

Closure dates for Letter Ballots issued on behalf of Standards Committees shall be at least 30 calendar days from the date of the issuance.

13.5.2 Extensions

The Chair of the SDO Board shall be authorized to grant one 30 calendar day extension of the CSP Letter Ballot voting period if less than 50% of the CSP members have returned a Letter Ballot within 5 days of the closure of the initial Letter Ballot period.

The Chair of the Standards Committee shall be authorized to grant one 30 calendar day extension of the Standards Committee Letter Ballot voting period if less than 66% of the Standards Committee Voting Member Representatives have returned a Letter Ballot within 5 days of the closure of the initial Letter Ballot period.

13.6 Approved Actions

13.6.1 Approvable Actions

Actions approval by Letter Ballot include:

- Approvals of standards
- Approvals of Substantive Changes to standards
- Approvals of reaffirmations of standards
- Approvals of withdrawals of standards

13.6.2 Conditions of Approval

CSP actions by Letter Ballot shall be considered approved by the CSP when all of the following conditions have been met:

- At least 50% of the CSP members have returned their Letter Ballots; and,
- At least 66% of the CSP votes cast, excluding votes reported as abstentions and negatives without reason, are affirmative; and,
- Each negative vote with reason from CSP ballots has been categorized and reported in accordance with Section 13.7.1, *Categorization and Reporting of Negative Votes* as a negative vote with reason or a negative vote without reason.

Standards Committee actions by Letter Ballot shall be considered approved by the Standards Committee when the following condition has been met:

- At least 66% of all Standards Committee Voting Member Representatives have cast affirmative votes.

13.7 Reporting Votes

The results of each Letter Ballot vote by the Standards Committees and CSP shall be reported as follows, by Interest Category:

- Number of Voting Member Representatives or CSP members
- Number of affirmative votes
- Number of negative votes with reason
- Number of negative votes without reason
- Number of abstentions
- Number of unreturned Letter Ballots

CSP members, and Voting Member Representatives who resign and vacate their membership or who have their membership terminated for cause during or following the Letter Ballot voting period shall have their votes included and reported in the results of the Letter Ballot.

13.7.1 Categorization and Reporting of Negative Votes

Negative votes with reason from CSP Letter Ballots shall be categorized by Chair of the Standards Committee as valid, invalid, or not germane to the proposal under consideration.

The following negative votes shall be reported as a negative without reason vote:

- Negative votes not supported by a reason (invalid);

- and,
- Negative votes with reasons not related to the proposal under consideration including expansion of the scope of the project (not germane).

13.8 Appointments and Resignations during a Balloting Period

Voting rights for new members added to the CSP, or Standards Committees during an open Letter Ballot voting period shall be in accordance with 11.0 *Voting Rights*.

CSP Member, and Voting Member Representatives may resign and vacate their membership during an open Letter Ballot voting period.

14.0 Public Review and Comment

Proposals for new American National Standards and proposals to revise, reaffirm, or withdraw approval of existing ANS standards shall be transmitted to ANSI using the ANSI BSR-8 form, or its equivalent, for listing in *ANSI Standards Action* and shall be made publicly accessible by LES in order to provide an opportunity for public review and comment. If the Standards Committee intends to submit the standard as an ISO, IEC, or ISO/IEC JTC-1 standard, then a statement of intent to do so shall be included as part of the description of the scope summary that is published in *ANSI Standards Action*. The comment period shall be one of the following:

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

All public comments shall be submitted using the LES SDO *Form for Public Comments* available through the LES website. A link for public commenting shall be provided in the *ANSI Standards Action*. Comments shall be collected during the comment period only. All comments received after the closing date shall be held for the Chair of the Standards Committee to review with the members of the Standards Committee during the next update of the Published LES Standard.

Any Substantive Change subsequently made in a Draft Standard or Final Draft Standard that has undergone public comment shall require another public comment period. This public comment period shall be limited to commenting on only the Substantive Changes. Notification shall be through a listing of the Substantive Changes in *ANSI Standards Action*.

15.0 Consideration of Views and Objections

The Chairs of the Standards Committees shall ensure that the views and objections of all Standards Committee members, including Voting Member Representatives (or their Alternate Voting Member Representatives) and Non-Voting Member Representatives, are considered, discussed and addressed throughout the development of the standard.

The Standards Committees shall attempt to resolve negative votes with reasons from failed (i.e., not approved) Standards Committee and CSP Letter Ballots and failed Recirculation Letter Ballots and determine what, if any, actions shall be taken by the Standards Committees to address comments accompanying affirmative votes and abstentions. For avoidance of doubt, failed Letter Ballots do not refer to individual negative votes with reasons (see definition of Letter Ballot in Section 28). As long as Substantive Changes continue to be made, then any new comments have to be considered by the Standards Committee.

Standards Committees are not be required to solicit comments from any negative voter. Negative votes not supported by a reason, and negative votes with reasons not related to the proposal under consideration, are not required to be Resolved or responded to by the Standards Committee and the Standards Committee is not required to conduct a Recirculation Letter Ballot.

The Standards Committees shall attempt to resolve all objections from public review and comment. All objectors from public review and the CSP shall be provided with a timely written disposition and reasons therefore.

15.1 Standards Committee Approval of Draft Standard

If a Draft Standard fails to be approved by Letter Ballot of the Voting Member Representatives of the Standards Committee:

- a. All negative votes with reasons relating to the Draft Standard under consideration from failed Standards Committee Letter Ballots shall be forwarded to the Chair of the Standards Committee, or their Designated Representative, for response and resolution by the Standards Committee.
- b. The Chair of the Standards Committee, or their Designated Representative, shall circulate all negative votes with reasons relating to the Draft Standard under consideration and any accompanying specific wording or action that would resolve the objection to the Standards Committee and schedule a Standards Committee meeting or meetings to consider and respond to each negative vote with reasons. The Chair of the Standards Committee shall prepare a response or proposed resolution for each negative vote with reasons. Each proposed response and resolution shall be deemed approved by or affirmative vote of the Voting Member Representatives (or designated Alternate Voting Member Representatives) in accordance with Section 12.0, *Voting Procedures for Official Business*.

- c. Modifications and revisions may be made to the Draft Standard as each resolution is approved by the Standards Committee. As the Draft Standard is matured, there may be numerous versions of the Draft Standard and each version shall be uniquely identified.
- d. The Chair of the Standards Committee, or their Designated Representative, shall circulate all negative votes with reasons and associated resolutions and any Unresolved Objections along with attempts at resolution to the Standards Committee and shall conduct a vote by Letter Ballot for Standards Committee approval of the revised Draft Standard.

If a Draft Standard fails to be approved by a Recirculation Letter Ballot of the Voting Member Representatives of the Standards Committee:

- a. The Chair of the Standards Committee, or their Designated Representative, shall schedule a Standards Committee meeting to consider, or reconsider, responses to negative votes with reasons.
- b. Each proposed change to the standard shall be deemed approved by affirmative vote of the Voting Member Representatives (or designated Alternate Voting Member Representatives) in accordance with Section 12.0, *Voting Procedures for Official Business*.
- c. Modifications and revisions may be made to the Draft Standard as each resolution is approved by affirmative vote of the Standards Committee. As the Draft Standard is matured, there may be numerous versions of the Draft Standard and each version shall be uniquely identified.

The Chair of the Standards Committee, or their Designated Representative, shall circulate all negative votes with reasons and associated resolutions and any Unresolved Objections along with attempts at resolution to the Standards Committee and shall conduct a vote by Letter Ballot for Standards Committee approval of the revised Draft Standard. All objectors from public review and the CSP shall be provided with a timely written disposition and reasons therefore.

15.2 Public Review and Comment

If public comments are received on a Draft Standard:

- a. All public comments and objections shall be forwarded to the Chair of the Standards Committee, or their Designated Representative, for consideration and response by the Standards Committee.
- b. The Chair of the Standards Committee, or their Designated Representative, shall circulate all public comments and objections and schedule a Standards Committee meeting or meetings for the members to consider and respond to each public comment objection. The Standards Committee must achieve a simple majority on the proposed responses.

- c. Modifications and revisions may be made to the Draft Standard as each resolution is approved by the Standards Committee. As the Draft Standard is matured, there may be numerous versions of the Draft Standard and each version shall be uniquely identified.
- d. All Substantive Changes and Unresolved Objections shall be approved by the members of the Standards Committee through a Recirculation Letter Ballot in accordance with Section 13.0, *Voting Procedures for Letter Ballots*.
- e. Upon approval of the Substantive Changes and Unresolved Objections by the Standards Committee, the Chair of the Standards Committee, or their Designated Representative shall respond in writing to the commenter providing a written disposition and reasons therefore. All public commenters shall be notified in writing that their comment will be considered Resolved if the commenter does not inform the LES SDO within 30 calendar days of notice of the Standards Committee's action on their comment if they wish their objection to continue to be considered as an Unresolved Objection.
- f. Upon approval of the Substantive Changes by the Standards Committee, the Chair of the LES SDO Board, or their Designated Representative, shall submit the ANSI BSR-8 form (or equivalent) along with the Substantive Changes to ANSI for further public review and comment.
- g. Upon completion of public review and comment on the Draft Standard, the Final Draft Standard, along with all Substantive Changes and all Unresolved Objections and attempts at resolution, shall be forwarded to the CSP for an opportunity to respond, reaffirm, or change their vote by Letter Ballot.

15.3 CSP Approval of the Final Draft Standard by Letter Ballot

If a Final Draft Standard fails to be approved by Letter Ballot of the CSP:

- a. All negative votes with reasons that include specific wording or action that would resolve the objection from failed CSP Letter Ballots shall be forwarded to the Chair of the Standards Committee for response and resolution by the Standards Committee.
- b. The Chair of the Standards Committee, or their Designated Representative, shall circulate all negative votes with reasons relating to the Draft Standard under consideration and any accompanying specific wording or action that would resolve the objection to the Standards Committee and schedule a Standards Committee meeting to consider and respond to each negative vote with reasons. The Chair of the Standards Committee shall prepare a response or proposed resolution for each negative vote with reasons. Each proposed response and resolution shall be deemed approved by affirmative vote of the Voting Member Representatives (or designated Alternate Voting Member Representatives) in accordance with Section 13.0, *Voting Procedures for Letter Ballots*.

- c. Modifications and revisions may be made to the Final Draft Standard as each resolution is approved by the Standards Committee. As the Final Draft Standard is matured, there may be numerous versions of the Final Draft Standard and each version shall be uniquely identified.
- d. All Substantive Changes and Unresolved Objections shall be approved by the members of the Standards Committee through a Recirculation Letter Ballot in accordance with Section 13.0. *Voting Procedures for Letter Ballots*.
- e. Upon approval of the Substantive Changes by the Standards Committee, the Chair of the LES SDO Board, or their Designated Representative, shall submit the ANSI BSR-8 form (or equivalent) to ANSI and publish a copy of the Draft Standard with the Substantive Changes on the LES SDO website for further public review and comment.
- f. Upon completion of public review and comment, the Chair of the Standards Committee or their Designated Representative, shall respond to all negative with reasons voters from the CSP providing a written disposition and reasons therefore.
- g. Upon completion of public review and comment on the Draft Standard, the Final Draft Standard, along with all Substantive Changes and all Unresolved Objections and attempts at resolution, shall be forwarded to the CSP for an opportunity to respond, reaffirm, or change their vote by Letter Ballot.
- h. Upon completion of public review and comment on the Final Draft Standard, the revised Final Draft Standard, along with all Substantive Changes and all remaining Unresolved Objections and attempts at resolution, shall be forwarded to the CSP for a vote of approval by Letter Ballot.

15.4 Notification of Right to Appeal

Following approval of the Final Draft Standard by the CSP, all Standards Committee and CSP members with Unresolved Objections from negative votes with reasons relating to the proposal under consideration and all public review commenters with Unresolved Objections shall be notified in writing by the Chair of the Standards Committee, or their Designated Representative, of their right to appeal and of the appeals process.

The LES SDO shall allow a 30-calendar day period for appellants to file a written appeal with the LES SDO Board. The appeals process shall be completed prior to submittal of the Published LES Standard to ANSI for publication as an ANS standard.

16.0 Interpretations

LES (USA & Canada) does not offer interpretations of its standards and will inform those requesting interpretations that it is LES's policy not to do so.

17.0 Metric Policy

The LES SDO accepts ANSI's Metric Policy, which states, "International System of Units (SI) are the preferred units of measurement in American National Standards." The LES SDO has on file at ANSI, a Metric Policy that preferences International System of Units (SI) if or where applicable.

18.0 Patent Policy

The LES SDO has adopted the ANSI patent policy, as outlined in the current version of the ANSI *Essential Requirements*.

19.0 Correspondence

Guidance on LES SDO Board and Standards Committee correspondence from existing LES (USA & Canada) corporate policy is contained in the following documents available on the LES (USA & Canada) web site (<https://www.lesusacanada.org/page/governing>):

- LES *By-laws*

19.1 Internal Standards Committee Correspondence

All official LES SDO Standards Committee correspondence related to the activities of the committee, including meeting notices, meeting agendas, meeting minutes, results and deliberations of formal commenting, results of Standards Committee vote and Letter Ballots, results of SDO Board votes and Letter Ballots, and results of CSP Letter Ballots, shall be distributed within the Standards Committee by the Chair of the Standards Committee, or their Designated Representative.

Copies of all other correspondence between Standards Committee members relating to the standards activities shall be forwarded to the Chair of the Standards Committee, or their Designated Representative.

19.2 Internal SDO Correspondence

All official LES SDO correspondence from a member of the SDO (i.e., SDO Board, CSP, or Standards Committee) to other members of the SDO, excluding correspondence within a Standards Committee, shall be approved and distributed by the Chair of the SDO Board, or their Designated Representative.

19.3 External Correspondence

All official LES SDO correspondence to parties external to the LES SDO shall be approved and distributed by the Chair of the SDO Board, or their Designated Representative.

All official Standards Committee correspondence to parties external to the LES SDO shall be approved by the Chair of the Standards Committee, or their Designated Representative and shall

be submitted to the Chair of the LES SDO Board, or their Designated Representative, for approval and distribution.

Inquiries relating to any LES SDO, LES SDO Standards Committee, or LES Standards activity shall be directed to the Chair of the LES SDO Board, or their Designated Representative. LES SDO Standards Committee members shall advise individuals who contact them that responses to all inquiries are handled by the Chair of the LES SDO Board, or their Designated Representative.

20.0 Appeals

20.1 Procedural Appeals

Persons who have been or will be adversely affected by any procedural action or inaction with regard to the development of a Draft Standard or Final Draft Standard or the revision, reaffirmation, or withdrawal of an existing standard shall have the right to appeal such procedural action or inaction. Procedure appeals include whether an issue, including consideration of comments and negative votes with reasons, was afforded due process, as well as whether there was a failure to follow the Manual. The burden of proof to show adverse effect shall be on the appellant. The SDO Board shall have the burden of proof to demonstrate that actions taken were in accordance with the Manual, and that there was Consensus in the decisions of the Standards Committee and CSP.

20.2 Complaints

The appellant shall notify the Chair of the LES SDO Board, or their Designated Representative, in writing within 30 calendar days of an action of their intent to appeal the action and they shall file a written complaint containing all required documentation with the LES SDO Board within 60 calendar days of the action that the appellant is objecting to. Procedural appeals of inactions may be filed at any time.

The complaint shall include:

- Statement of the nature of the objection;
- The section in the Manual used in the development of the standards that is applicable to the appeal;
- The specific action taken, or inaction, that the appellant believes is not in accordance with the Manual
- Documented evidence in support of the appellant's stated objection;
- The remedial action(s) that would satisfy the appellant's concerns; and
- Summary of previous attempts to resolve the objections and the outcome

20.3 Response and Informal Resolution of Appeals

Within 60 calendar days after the receipt of the written complaint, the Chair of the LES SDO Board, or their Designated Representative, shall respond in writing to the appellant, specifically addressing each allegation in the complaint to the extent possible. The SDO Board, or its Designated Representative, shall attempt to informally resolve the complaint of the appellant.

20.4 Request for a Hearing before an Appeals Panel

If at the end of the informal appeal resolution process period, the appellant believes that a satisfactory resolution to their concern(s) has not been achieved, the appellant shall have 30 calendar days following the receipt of the response from the Chair of the SDO Board, or their Designated Representative, to file a written request with the Chair of the SDO Board, or their Designated Representative, for a hearing before an appeals panel.

20.5 Appeals Panel and Hearing

At the request of the appellant, the SDO Board shall appoint an appeals panel to hold a hearing within 60 calendar days of the receipt of the written request for a hearing before an appeals panel. The hearing date shall be on a date agreeable to all participants. Appeals hearings shall be scheduled with notice of at least 30 calendar days and may be held by conference call.

The appeals panel shall consist of three (3) individuals who have not been directly involved in the dispute and who will not be materially affected by any decision made in the dispute. At least two (2) members of the panel shall be acceptable to the appellant and at least two (2) shall be acceptable to the SDO Board.

If the appellant and the SDO Board cannot agree on the composition of the appeals panel within 15 calendar days after receipt of the written request for a hearing before an appeals panel, the Executive Committee of the LES (USA & Canada) Board of Directors shall appoint the panelists.

20.6 Conduct of the Appeals Hearing

The appellant has the responsibility and burden of proof to demonstrate improper action or inaction, the procedural non-compliance, the adverse effects that may derive, and the efficacy of the requested remedial action.

The LES SDO Board, or its Designated Representative, has the responsibility and burden of proof to demonstrate that the Standards Committee took all actions in question in compliance with Manual and that there was Consensus in the decisions of the Standards Committee and CSP.

20.7 Appeals Panel Decision

The appeals panel shall render its decision in writing within 30 calendar days of the hearing, based upon a preponderance of the evidence. The appeals panel shall state its findings of fact and conclusions, with an explanation of its reasons and of the evidence. The decision of the appeals panel shall be binding and final.

If the appeals panel determines that the procedural processes were not followed, it shall identify the specific procedural processes in Manual that were not followed and direct the Chair of the SDO Board and the Chair of the Standards Committee to correct these procedural errors and repeat the portion of the standard development and approval process that was affected by the specified procedural errors.

The Chair of the LES SDO Board, or their Designated Representative, shall notify the appellant and the Chair of the Standards Committee of the decision of the appeals panel, which shall be binding and final.

20.8 Continuation of Standards Development during an Appeal

The Standards Committee shall continue development, or revision, of a standard during the appeal process. The SDO Board and CSP shall continue in executing their responsibilities required to approve the standard. The LES SDO Board may publish the standard as an LES Standard. Upon completion of the appeals process, the BSR-9 form and necessary documentation shall be provided to ANSI for review and approval for publication as an ANS.

21.0 Revisions to Procedures

This *Manual* and the operating procedures specified in this Manual shall be maintained by the LES SDO Board, or its Designated Representative. Any participant in the LES SDO may submit proposed revisions. Proposed revisions shall be accompanied by supporting rationale and shall be submitted in writing to the Chair of the LES SDO Board, or their Designated Representative.

The SDO Board shall review the proposed revisions to the Manual and shall make any revisions it believes will improve the LES Standards development processes, while ensuring consistency with the *ANSI Essential Requirements*. The LES SDO Board shall vote on final revisions to the Manual which will be documented by the Chair of the SDO Board in accordance with 7.1.4, Meeting Minutes. The Manual will be reviewed and approved by the Executive Committee of the LES Board or the LES Board at the discretion of the LES President and Chair.

The revised Manual shall then be submitted to ANSI for review and approval.

Revisions to these operating procedures shall be effective upon publication of the revised and ANSI approved Manual on the LES SDO website.

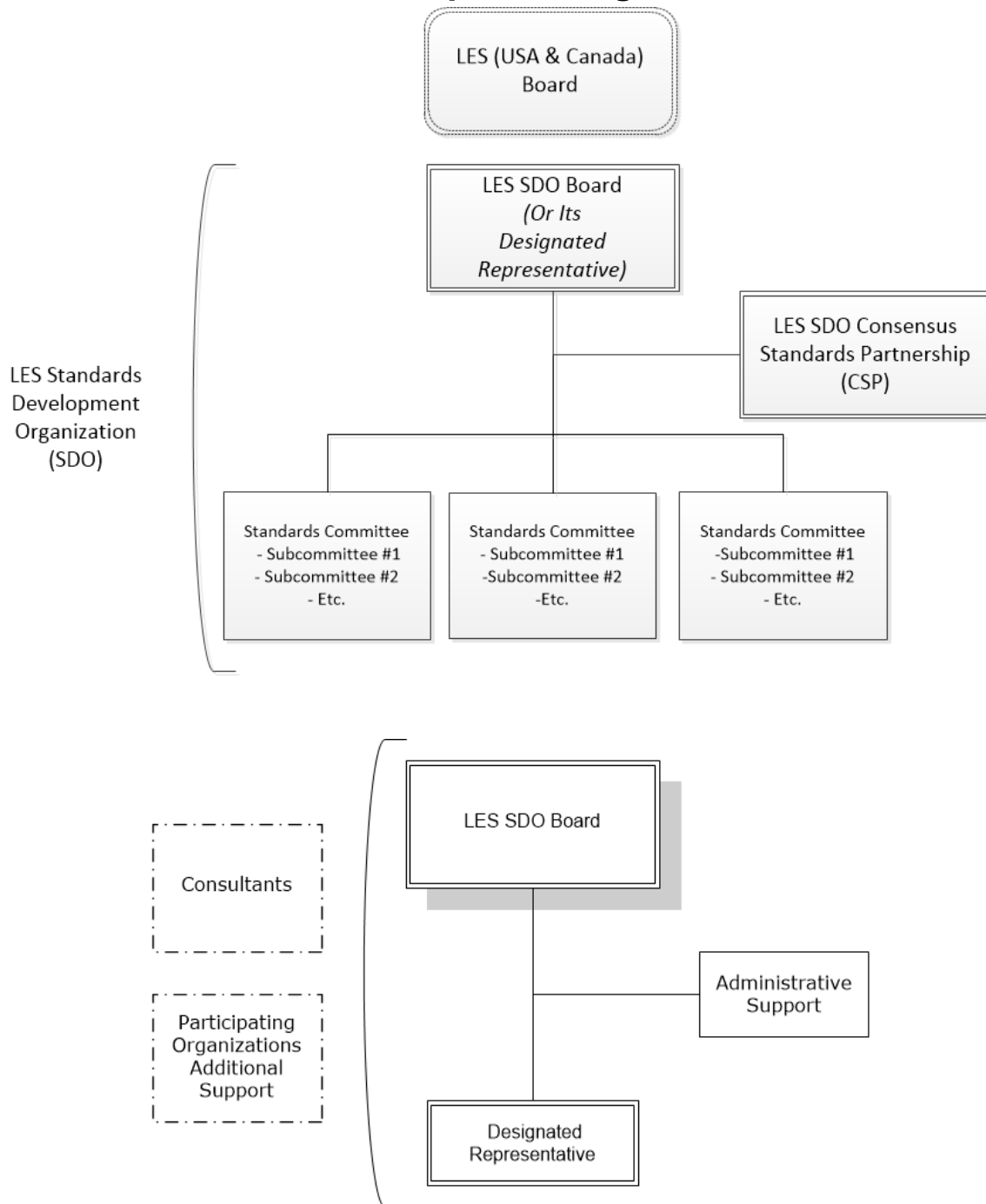
22.0 LES SDO Board Approval for Submittal to ANSI for Publication as an American National Standard

Prior to submitting a Published LES Standard to ANSI for publication as an ANS, the LES SDO Board shall determine that:

- a. The standard was developed in accordance with the procedures upon which the LES SDO was granted accreditation by ANSI;
- b. The type of action requested is clear, e.g., approval of a new American National Standard or reaffirmation, revision, or withdrawal of an existing American National Standard;
- c. The Final Draft Standard is within the scope of the LES SDO;
- d. The standard was developed according to the Manual;
- e. Due process was followed in the development of the standard, Consensus was achieved, and an effort was made to resolve objections to the standard;

- f. Any appeal to the LES SDO with respect to the standard was completed.
- g. Notice of the development process for the standard was provided to ANSI in accordance with PINS;
- h. Any identified conflict with another American National Standard was addressed in accordance with the procedures outlined in the ANSI *Essential Requirements*;
- i. Other known national standards were examined with regard to harmonization and duplication of content and if duplication exists, there is a compelling need for the standard;
- j. A clear title and designation of the Final Draft Standard was provided;
- k. ANSI's patent policy is met, if applicable;
- l. ANSI's policy on commercial terms and conditions is met, if applicable; and,
- m. The Chair of the Standards Committee, or their Designated Representative, provided the following or evidence of:
 - Title and designation of the Final Draft Standard;
 - Indication of the type of action requested (i.e., approval of a new American National Standard, or reaffirmation, revision, or withdrawal of an existing American National Standard);
 - A declaration that applicable procedures were followed;
 - A declaration that the Final Draft Standard is within the scope of the previously registered standards activity;
 - A declaration that conflicts with another American National Standard have been addressed in accordance with the procedures in the ANSI *Essential Requirements*;
 - A Membership Roster of the CSP Consensus Body that indicates the Interest Category and vote of each CSP member, including abstentions and unreturned Letter Ballots, if applicable and a summary thereof;
 - A declaration that all appeal actions related to the approval of the Final Draft standard have been completed;
 - A declaration that the criteria contained in the ANSI patent policy have been met, if applicable; and
 - Identification of all Unresolved Objections, with names of the objector(s), and a report of attempts toward resolution.

23.0 LES Standards Development Organizational Charts



24.0 LES SDO Withdrawal Procedures

24.1 Administrative Withdrawal

An ANS shall be withdrawn five (5) years following approval if the standard has not been revised or reaffirmed, unless an extension request via a BSR-11 form, or a PINS or BSR-8 form has been submitted.

24.2 LES SDO Withdrawal of an ANS

The LES SDO Board may withdraw an ANS standard based on agreement or affirmative vote of the LES SDO Board members in accordance with 12.0, *Voting Procedures for Official Business* without a vote of the respective Standards Committee. The Chair of the SDO Board, or their Designated Representative, shall notify the Chair of the Standards Committee and ANSI within 30 calendar days of such actions. ANSI shall withdraw the standard as an ANS and announce such in ANSI *Standards Action*.

24.3 Discontinuance of a Standards Project

The LES SDO Board, (a) of its own initiative or (b) pursuant to a Standards Committee proposal based on a Committee vote by Letter Ballot, may discontinue the development of a Draft Standard or Final Draft Standard or processing of a revised American National Standard based on an affirmative vote of the LES SDO Board members in accordance with 12.0, *Voting Procedures for Official Business* without a vote of the respective Standards Committee. The Chair of the LES SDO Board, or their Designated Representative, shall notify the Chair of the Standards Committee and ANSI within 30 calendar days of such actions. The action shall be announced in ANSI *Standards Action*.

25.0 Position Regarding ANSI Essential Requirements

The ANSI *Essential Requirements* is considered as a companion to and part and parcel of this Manual.

The material contained in the current version of the ANSI *Essential Requirements* and its recommendations shall provide guidance whenever such guidance is required and when necessary or appropriate and shall supersede all other policies and procedures stated in other sections of this Manual.

Decisions of policy and procedure based on policies and/or procedures not yet developed by the LES SDO but necessary to support LES SDO business will be guided by the ANSI *Essential Requirements: Due process requirements for American National Standards* until such time that the LES SDO shall develop its own replacement policy or procedure consistent with and approved by ANSI.

26.0 Antitrust Policy

LES Standards shall be developed in accordance with applicable antitrust and competition laws, and meetings amongst competitors to develop LES Standards shall be conducted in accordance with these laws.

27.0 Compliance

Compliance with the Manual is an important aspect of developing fair, consensus-based ANS. All members are expected to read the Manual annually. The SDO Board and Committee Leaders are required to read the Manual annually. The Chair or Designative Representative of each Committee will monitor compliance during the meetings. Any Committee member can raise compliance concerns to the SDO Board including as described in Section 20.0 *Appeals*. Without prejudice to any Appeals rights, for recurring non-compliance issues or items that cannot be resolved during Committee meetings, if appropriate the SDO Board will require the Committee Chair to develop and complete a corrective action plan within sixty days of the Board's determination that a corrective action plan is needed.

The SDO will ensure the latest Policy Manual is available on the SDO website. LES Staff will place the latest version of the Manual on the website.

28.0 Glossary of Acronyms and Terms

ACRONYM / TERM	DEFINITION
Academia (<i>Interest Category</i>)	This Interest Category includes entities that are, or are a part of, an educational institution.
Active Member(s)	An Active Member is on the roster of the SDO Board, CSP and/or one or more Standards Committees and: • Maintains an Enterprise Membership or CSP Membership and/or pays appropriate fees as levied by the LES (USA & Canada) Board of Directors and the SDO Board; and, • Maintains a designated Enterprise Member Voting Member Representative to each Standards Committee with Enterprise Member participation; and, • Satisfies minimum requirements for returning of votes on Official Business and Letter Ballots; and, • Satisfies obligations to the SDO Board in support of LES SDO activities or to the Standards Committee in support of Standards Committee Activities; and,

	Represents only the interests of the SDO Board member, CSP member, or Enterprise Member (and not the interest of any other individual or enterprise) in all LES SDO activities, including commenting and voting on SDO Official Business and/or commenting and voting during the development or maintenance of any LES Standard.
Alternate Voting Member Representative	An Alternate Voting Member Representative is designated by a Voting Member Representative in the event that the Voting Member Representative cannot participate in a Standards Committee vote on Official Business or in a vote by Letter Ballot.
American National Standard (ANS)	An ANS is a standard developed by an accredited ANSI SDO consistent with the ANSI <i>Essential Requirements</i> and accredited by ANSI.
American National Standards Institute (ANSI)	ANSI is an organization that coordinates and oversees the development and use of voluntary Consensus standards.
Audited Designator	An Audited Designator is an ANSI accredited SDO that has been granted authorization by ANSI to publish standards as ANSs without requiring approval by ANSI BSR.
Board of Directors	Board of Directors provides operational leadership to a society and are responsible for developing the organization's purpose and strategy and for overseeing the development of the organization's services offered to its members.
Board of Standards Review (ANSI BSR)	The Board of Standards Review is an ANSI organization responsible for the approval and withdrawal of ANSs and for other responsibilities that may be delegated to it by the ANSI Board of Directors.
BSR-8 / BSR-9	BSR-8 is an ANSI form used to request a public review announcement in ANSI <i>Standards Action</i> ; ANSI BSR-9 is an ANSI form used to request approval as an ANS.
Chair	The Chair is responsible for, among others, ensuring that standards development activities are conducted in accordance with this <i>Manual</i> and ANSI <i>Essential Requirements</i> , developing agendas and chairing meetings, and facilitating Consensus.
Committee Draft Standard(s)	A Committee Draft Standard refers to the first series of drafts and the collective versions of the standard as it is progressively developed by the Standards Committee

	prior to the version that is put forward to the members of the Standards Committee for the initial vote by Letter Ballot. The version put forward for initial vote by Letter Ballot is referred to as a Draft Standard.
Consensus	Consensus as defined by ANSI means substantial agreement has been reached by directly and materially affected interests; Consensus signifies the concurrence of more than a simple Majority (i.e., more than 50%) of the Consensus Body, but not necessarily unanimity. Consensus requires that all views and objections be considered and that an effort be made toward their resolution.
Consensus Body	The Consensus Body is the group that approves the Final Draft Standard and whose vote demonstrates evidence of Consensus on the standard.
Consensus Standards Partnership (CSP)	The LES Consensus Standards Partnership is the Consensus Body that functions as the approval body for LES Standards. An organization or entity may have a single individual apply for participation on the CSP.
Consensus Standards Partnership Membership (CSP Membership)	An annual CSP Membership is required for individuals participating in the CSP.
Deliberation Report	A Deliberation Report conveys in writing the outcome of a PINS deliberation and is submitted to ANSI as part of the documentation package for approval of an ANS.
Designated Representative	A Designated Representative is an individual participant in the LES SDO or administrative staff appointed by the Chair of the SDO Board or the Chair of a Standards Committee to act on their behalf.
Draft Standard(s)	A Draft Standard refers to the version of the standard that is put forward to the Standards Committee for approval by vote by Letter Ballot which, if approved, is submitted to the LES SDO Board for approval to submit to ANSI for public comment and review; a Draft Standard includes the subsequent versions that are updated by the Standards Committee following deliberation of LES SDO Board comments, public comments, and any Substantive Changes prior to the version that is approved for submittal to the CSP. The version of the standard that is put forward to the CSP for approval by vote by Letter Ballot of is referred to as the Final Draft Standard.
Enterprise Member	An Enterprise Member is an entity or organization that participates in the LES SDO activities under an Enterprise Membership.

Enterprise Membership	An annual Enterprise Membership in the LES SDO enables enterprise (i.e., entity or organization) participation in the Standards Committees and the standards development activities. An organization or entity with an Enterprise Membership may have as many Member Representatives as they want seated on many of the Standards Committees as they wish to participate in. shall designate one individual as the Voting Member Representative to each of the Standards Committees, and may have one individual apply for membership on the CSP. An Enterprise Membership is also required for participation on the LES SDO Board.
<i>Essential Requirements</i>	<i>Essential Requirements</i> is a document published by ANSI which defines the requirements to be met by an ANSI accredited SDO in the development of ANSI accredited ANS standards.
Executive Standards Council	The Executive Standards Council is an ANSI council responsible for coordination of the overall national and international standards activities of ANSI as well as the accreditation of U.S. Technical Advisory Groups (TAG) to ISO.
Final Draft Standard(s)	A Final Draft Standard is the version of the standard that is proposed for publication, where all public comments have been addressed. A Final Draft Standard is the version that is submitted to the CSP for vote by Letter Ballot for approval for publication as an LES Standard and for submittal to ANSI for publication as an ANS.
<i>Form for Public Comments</i>	The <i>Form for Public Comments</i> is a standardized form to be used by the public to submit comments on a Draft Standard, or substantial changes to a Draft Standard, during the public review and comment activity associated with the development or maintenance of an LES Standard.
General Interest Entities (<i>Interest Category</i>)	This category includes other stakeholders that are not representatives of the other defined Interest Categories and that are likely to be materially impacted or affected by a standard(s). Examples include, but are not limited to, journals and other publications or any individual or organization that is affected by or interested in the need for and application of IP management standards but not listed in the definition of Intellectual Property Management Community.
Government/Regulatory Entities (<i>Interest Category</i>)	This category includes offices, agencies, and instrumentalities of national, state, or local governments,

	and entities that exercise a regulatory role, such as the U.S. Securities and Exchange Commission (SEC), U.S. International Trade Commission (ITC), U.S. Federal Trade Commission (FTC), U.S. Department of Justice (DOJ), and the Financial Accounting Standards Board (FASB). This also includes similar agencies from other countries. It also may include government research and development (R&D) organizations.
Intellectual Property Brokers <i>(Interest Category)</i>	Intellectual Property Brokers are entities or agencies whose principal purpose is serve as the intermediary between IP rights owners and purchasers and that facilitate the sale of these rights between these parties.
Intellectual Property Consultancies/Agents <i>(Interest Category)</i>	Intellectual Property Consultancies/Agents are entities or agencies whose principal purpose is to advise others on IP protection, IP value, IP strategy, IP management operations, IP management best practices, and IP transactions (whether historical or forward-looking); or such firms may provide information related specifically to intellectual property topics and questions; or such firms may represent either IP owning firms or potential IP licensees in IP licensing transactions.
Intellectual Property Law Firms <i>(Interest Category)</i>	Intellectual Property Law Firms are law firms that offer legal services in the field of intellectual property.
Intellectual Property (IP) Management Community	The Intellectual Property (IP) Management Community is a diverse group of entities, disciplines, and individuals that are focused on IP management issues. At a minimum, the following types of entities (Interest Categories) participate in this community: Operating Companies; Government/Regulatory Entities; Academia; Patent Licensing Entities; Intellectual Property Brokers; Intellectual Property Consultancies/Agents; Intellectual Property Law Firms; Intellectual Property Management/Transaction Software, Software Services, and Information Services Firms; and other General Interest Entities.
Intellectual Property Management/Transaction Software, Software Services, and Information Services Firms <i>(Interest Category)</i>	Intellectual Property Management/Transaction Software, Software Services, and Information Services Firms are entities or agencies whose principal purposes are to provide software and software services, software provided as services, and/or information provided as services that meet specific IP management, IP transaction, and/or IP analysis needs. This category includes online IP marketplaces.

Interest Category	An Interest Category represents the classification of perspective of a member of the SDO.
IP (<i>Intellectual Property</i>)	<i>Acronym:</i> Intellectual Property
LES / LES (USA & Canada) (<i>Licensing Executives Society of USA & Canada</i>)	<i>Acronym:</i> Licensing Executives Society (USA & Canada)
LES SDO (<i>LES Standards Development Organization</i>)	<i>Acronym:</i> LES Standards Development Organization
LES Standard(s)	LES Standards, developed by the LES SDO, are voluntary, Consensus-based, professional practices that are guided in their development by the ANSI <i>Essential Requirements</i> . LES Standards are designed to encourage and teach practices in many of the business process aspects of IP management and, where appropriate, offer enterprises the opportunity to differentiate themselves based on their use of these standards. LES Standards, developed by practitioners for practitioners, are conceived to be tools with which enterprises can improve the way they do IP transactions, protect their innovation, extract value from their innovation, apply IP to their business strategies, and deal with third party IP.
LES Standards Development Organization (LES SDO)	The LES SDO is the part of LES (USA & Canada) chartered with the responsibility for developing and maintaining standards in the field of intellectual property management with the objectives of: • Raising the standards of business conduct in IP-oriented transactions • Improving the practice of IP management • Reducing the cost and time required to do IP-oriented transactions and IP management • Protecting and preserving the value of IP for innovative individuals and enterprises thereby encouraging investment in innovation and enhancing the economic well-being of society.
Letter Ballot	A Letter Ballot is a method of voting and may be conducted electronically through email or a secure website or by paper through the public mail system or private courier. A Letter Ballot is required for documentation of balloting (i.e., voting) by the CSP and Standards Committee for approval or disapproval of new standards and of revisions, reaffirmations, withdrawal, and Substantive Changes to existing standards. The SDO

	Board may use Letter Ballots, but is not required to do so.
Licensing Executives Society (USA & Canada) / LES (USA & Canada) / LES	The Licensing Executives Society (USA & Canada) is the global leader in the business applications of intellectual property rights and their management, and it is devoted to standards development, education, and certification. It is an independent, non-profit, professional society that promotes best practices in IP transactions, IP protection, and IP strategy. LES counts among its members, lawyers as well as experts in the IP strategy, business management, accounting, business development, supplier management, program management, sales, marketing, and IP valuation fields. Among these are representatives of innovation-oriented companies from all business sectors, government agencies, and university labs. LES (USA & Canada) is a community of approximately 3000-4000 IP management professionals, and it is part of a world-wide network (LES International) of more than 9,000 IP management practitioners in 32 sister societies.
Majority	Majority means more than 50%.
Member Representative	A Member Representative is an individual affiliated with an Enterprise Member (under an Enterprise Membership) participating on the LES Standards Committees.
Membership Roster(s)	A Membership Roster is an electronically maintained listing of SDO Board, CSP, and Member Representatives to Standards Committees.
Non-Voting Member Representative	A Non-Voting Member Representative is a member of a Standards Committee that does not have a right to vote or to submit formal comments with respect to any Standards Committee Official Business or Letter Ballots but may otherwise participate fully in the activities of any Standards Committee.
Official Business	Official Business of the SDO Board includes any and all matters and issues pertaining to the LES Standards SDO and the development of LES Standards. Official Business of a Standards Committee includes, but is not limited to, selection of wording in the Committee Draft Standard and the subsequent Draft Standards, editorial changes, and selection of responses and resolutions to negative votes with reasons and public comments.
Operating Companies (<i>Interest Category</i>)	Operating Companies includes commercial entities that develop and sell intellectual property based products and services: whether hardware-based, software-based, or

	information-based; whether chemical-based or material-based; whether energy-based, communication-based, or transportation-based; whether utility-based or security-based; whether reseller-based or financially-based; whether food-based or beverage-based; whether travel-based or entertainment-based; or whether based on any other type of field or value proposition outside the categories of Patent Licensing Entities, Intellectual Property Brokers, Intellectual Property Consultancies/Agents, Intellectual Property Law Firms, and Intellectual Property Management/Transaction Software, Software Services, and Information Services Firm.
Patent Licensing Entities (<i>Interest Category</i>)	Patent Licensing Entities is a group of patent owners who license or otherwise generate revenues from the licensing of their patents, whether developed organically or purchased, and which do not qualify as an Operating Company, Government/Regulatory Entity, or Academia.
PINS (Project Initiation Notification System)	PINS is the documentation required to be submitted to ANSI at the initiation of standards activity, including development of a new ANS or revision of an existing ANS. PINS is used to initiate the ANSI <i>Standards Action</i> public announcement of the opportunity to participate in the standards activity. PINS is optional for reaffirmation or withdrawal of an ANS.
Published LES Standard	A Published LES Standard is a standard that has completed the LES standards development or maintenance process, has been approved by vote by Letter Ballot of the CSP, published as an LES Standard, and approved for submittal to ANSI for publication as an ANS.
Recirculation Letter Ballot	A Recirculation Letter Ballot is a Letter Ballot providing an opportunity for the Standards Committees Voting Member Representatives and CSP members to respond, reaffirm or change their prior vote based on a review of negative with reason votes by Letter Ballot, and/or review of Substantive Changes to a standard document, and/or review of Unresolved Objections from negative votes with reasons and/or from public comments. Recirculation Letter Ballots of the Standards Committee on Draft Standards following submittal of ANSI BSR-8 Form for public comment and on the Final Draft Standards following CSP vote by Letter Ballot shall be limited to a vote by the Standards Committee on only the

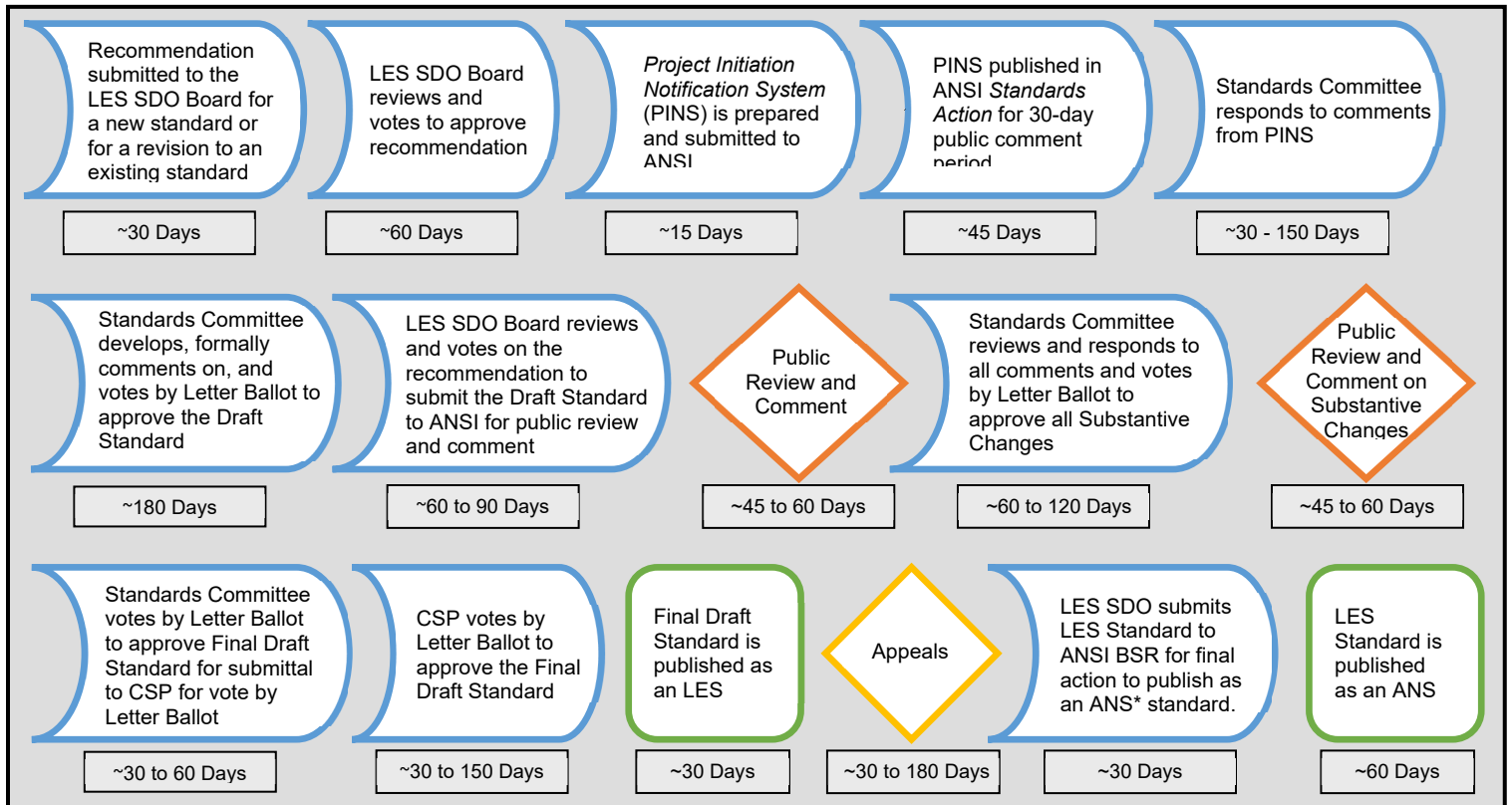
	Substantive Changes and/or on Unresolved Objections from public comment and/or CSP negative votes with reasons.
Record(s)	A Record is an electronically maintained document that provide evidence that an activity has been accomplished or that an event has happened and are used to provide information on the condition (such as conformity or nonconformity) of a product.
Resolved	Resolved is when an objector who submitted a negative vote by Letter Ballot or who submitted an objection as part of public comment agrees to change their vote or withdraw their objection as a result of the proposed resolution or if the public commenter does not inform the LES SDO within 30 calendar days of notice of the Standards Committee's action on their comment that they wish their objection to continue to be considered as an Unresolved Objection.
Restricted Member	A Restricted Member is a member who rejoins the SDO Board or a Standards Committee following termination of membership.
SDO Board	The SDO Board is a body appointed by the LES (USA & Canada) Board held responsible for operation of the LES SDO. Through its Designated Representative, Standards Committees, and CSP, it is responsible for developing consensus-based, ANSI-certified standards. It is responsible for setting up the LES SDO Standards Committees, for the Manual, and for ensuring that the Standards Committees and the CSP follow the requirements of the Manual and of the ANSI <i>Essential Requirements</i> . The SDO Board certifies to the LES (USA & Canada) Board of Directors that the LES SDO processes and procedures have been adhered to during the document development and approval process.
Secretary	The Secretary is responsible for overseeing compliance with this Manual and ANSI <i>Essential Requirements</i> in all standards development activities, ensuring adequate Records are maintained throughout the development of the standard; and maintaining and reviewing Membership Rosters. The Secretary may be delegated responsibility as the Designated Representative of the Chair.

<i>Standards Action</i>	As stated on the American National Standards Institute's (ANSI) website, <i>Standards Action</i> “is the Institute’s key public review vehicle. Published weekly, it provides members and the public with timely, accurate information and enables effective participation in the standards development process—both in this country and internationally.”
Standards Committee(s)	A Standards Committee is an interdisciplinary collaboration of IP management professionals working together toward a common goal. These activities would be difficult to develop under traditional funding mechanisms (e.g. federal agencies). The lifespan of an LES SDO Standards Committee is anywhere between a few months and several years. Standards Committee goals to be achieved may include creation of informational documents and/or creation of a family of Consensus standards.
Standards Development Organization (SDO)	An SDO is an organization whose primary activities are developing, coordinating, promoting, revising, and maintaining standards that address the interests of users outside of the SDO.
Substantive Change(s)	A Substantive Change in a standards document is one that directly and materially affects the use of the standard; Examples of Substantive Changes: • Changing “shall” to “should” or “should” to “shall.” • The addition or deletion of requirements, regardless of the number of changes. • The revision of requirements that materially and directly affects the use of the standard, regardless of the number of changes. • The addition of mandatory compliance with referenced standards.
Terminated Member	A Terminated Member is an individual who has had their membership in the LES SDO terminated either at their request or for cause. Terminated Members who are terminate for cause are not permitted to rejoin the SDO for a period of 12 months, unless otherwise authorized.
Unresolved Objection	An Unresolved Objection is an expressed disagreement with some or all of the Draft Standard or Final Draft Standard submitted by a negative vote by Letter Ballot or submitted as a public comment that has not been satisfied (Resolved) and/or withdrawn.

Vice-Chair	The Vice-Chair fulfills the duties of the Chair when the Chair is unavailable or if delegated responsibility as the Designated Representative of the Chair.
Voting Member Representative	A Voting Member Representative is a member of a Standards Committee that has been selected to vote on Official Business and Letter Ballots as the representative of the Enterprise Member

29.0 Appendices

Appendix 29.1 LES SDO Standards Development Timeline Flowchart



NOTE: Duration of activities may vary and therefore is intended only as a guide.