

# **Operating Procedures for the ANSI Committee for Graphic Arts Technologies Standards (CGATS)**

**Revised April 2009**

# CGATS

## Contents

Introduction.....	iv
1 General .....	1
2 Organization of the committee and consensus bodies .....	1
3 Responsibilities.....	1
3.1 Parent Committee.....	1
3.2 Subcommittees and Working Groups.....	1
3.3 Secretariat.....	2
4 Officers.....	2
4.1 Officers of the parent committee.....	2
4.2 Officers of subcommittees and working groups .....	2
5 Membership on the parent committee, subcommittees and working groups .....	3
5.1 Application.....	3
5.2 Review of membership .....	3
5.3 Observers on the parent committee, subcommittees and working groups .....	4
5.4 Interest categories .....	4
5.5 Membership roster .....	4
6 Additional requirements for subgroups .....	4
6.1 Formation of subcommittees and working groups .....	4
6.2 Responsibilities of subcommittees and working groups .....	5
6.3 Other subgroups .....	5
7 Meetings.....	5
7.1 Open meetings .....	5
7.2 Quorum.....	6
8 Voting .....	6
8.1 Vote.....	6
8.2 Actions requiring approval by a majority .....	7
8.3 Actions requiring approval by two-thirds of those voting.....	7
8.4 Authorization of mail ballots.....	7
8.5 Other review.....	7
8.6 Disposition of views and objections .....	8
8.7 Report of final result .....	8
9 New work items .....	8
10 Submittal of standard .....	9
11 Termination of CGATS.....	9
12 Communications .....	9
12.1 Formal internal communication.....	9
12.2 External communication.....	9
12.3 Requests for interpretation of standards .....	10
13 Appeals.....	10
13.1 Complaint.....	10
13.2 Response .....	10
13.3 Hearing .....	10
13.4 Appeals panel.....	10
13.5 Conduct of the hearing.....	10
13.6 Decision .....	10
13.7 Further appeal .....	11

14 Parliamentary procedures ..... 11

Annex A CGATS Procedure for Interpretation of Published Standards..... 12

Annex B CGATS Metric Policy ..... 13

Annex C CGATS Procedures for the National Adoption of ISO or IEC Standards..... 14

Annex D Patent Policy ..... 15

Annex E Commercial Terms and Conditions ..... 17

## Introduction

The ANSI Committee for Graphic Arts Technologies Standards (CGATS) was accredited by the American National Standards Institute in 1989 as a committee operating under the ANSI Model Procedures, as defined in Annex A of the *ANSI Procedures for the Development and Coordination of American National Standards* (latest issue, 2002). In 2003, ANSI replaced those procedures with the *ANSI Essential Requirements: Due process requirements for American National Standards*, which no longer contains the Model Procedures as a definitive set of procedures.

The procedures in this document are based on the former ANSI Model Procedures, and continue to be the procedures under which CGATS operates. Also contained in this document are annexes that contain additional procedures adopted by CGATS and not contained in the ANSI Model Procedures or other ANSI procedural documents.

In addition to the procedures contained in this document, CGATS also operates in compliance with the *ANSI Essential Requirements: Due process requirements for American National Standards*.

Questions regarding CGATS procedures should be submitted in writing to the CGATS Secretariat, 1899 Preston White Drive, Reston, Virginia 20191-4367.

# Operating Procedures for the ANSI Committee for Graphic Arts Technologies Standards (CGATS)

## 1 General

CGATS operates in accordance with the procedures outlined in the *ANSI Essential Requirements: Due process requirements for American National Standards* (hereafter referred to as the *ANSI Essential Requirements*), and supplemented by the procedures defined in this document.

## 2 Organization of the committee and consensus bodies

CGATS shall consist of a parent committee and other consensus bodies as defined by the ANSI Essential Requirements, including subcommittees and working groups. For the purpose of developing consensus on the content or disposition of a standard, other groups such as task forces, editing committees, ad hoc committees, etc. shall not be considered consensus bodies.

CGATS shall have a title, scope, and an interest classification system for its members. The membership shall be sufficiently diverse to make every effort to ensure reasonable balance, with no single interest category making up more than one-half (1/2) of the consensus body, in accordance with the *ANSI Essential Requirements*.

## 3 Responsibilities

### 3.1 Parent Committee

The responsibilities of the parent committee shall include, but not be limited to, the following:

- a) adopting CGATS procedures and revisions thereof;
- b) adopting CGATS policy and procedures for interpretations of the standard(s) developed by the consensus body (see Annex A);
- c) approving the formation or dissolution of subcommittees;
- d) approving the formation or dissolution of working groups that function under a subcommittee that has no voting membership;
- e) approving the formation or dissolution of other subgroups (see 6.3) not working under an established subcommittee or working group;
- f) developing the consensus position on a standard for which there is no other consensus body.

### 3.2 Subcommittees and Working Groups

The subcommittee or working group shall be responsible for:

- a) proposing standards and technical reports within the scope of the CGATS;
- b) voting on approval of proposed standards and technical reports within the scope of CGATS;

- c) maintaining the standards and technical reports developed by CGATS in accordance with the *ANSI Essential Requirements*;
- d) responding to requests for interpretations of the standard(s) developed by the CGATS;
- e) approving formation or dissolution of other subgroups (see 6.3) under the subcommittee or working group;
- f) other matters requiring subcommittee or working group action as provided in these procedures.

### 3.3 Secretariat

The secretariat shall be responsible for:

- a) applying for CGATS accreditation by ANSI and maintaining accreditation in accordance with ANSI requirements;
- b) overseeing compliance with these procedures;
- c) maintaining a roster of the parent committee, subcommittees and working groups;
- d) providing staff to perform administrative work, including maintenance of adequate records in accordance with ANSI requirements;
- e) submitting candidate standards approved by the consensus body, with supporting documentation, for ANSI review and approval as American National Standards;
- f) performing other administrative functions as required by these procedures.

When necessary, the secretariat shall make changes to these Operating Procedures that are required by ANSI to bring them into compliance with current/updated ANSI requirements. Such changes do not need to be circulated to CGATS for ballot. Any procedures revised in this manner shall be provided to CGATS members for information.

The secretariat shall provide a written agreement to ANSI defining explicit division of these responsibilities if composed of more than one organization (i.e., co-secretariats).

## 4 Officers

### 4.1 Officers of the parent committee

There shall be a chair and a vice-chair appointed by the secretariat from the individual members or representatives of the parent committee, subject to approval by majority vote of the parent committee. The chair and vice chair shall be reaffirmed by parent committee ballot every 3 years, with the first reaffirmation ballot to be conducted in 2010. Should either of the positions become vacant and be filled during the interim period between reaffirmation ballots, the reaffirmation of this position will be held during the next scheduled affirmation ballot, even though the officer may have served less than 3 years. Each will serve until a successor is selected and ready to serve. The vice-chair shall carry out the chair's duties if the chair is temporarily unable to do so. The secretary shall be appointed by the secretariat.

### 4.2 Officers of subcommittees and working groups

The chair, co-chair, or vice chair of a subcommittee or working group shall be appointed by the CGATS Secretariat and shall be approved by a majority of the subgroup membership. The officers and members of a subgroup need not be members of the parent committee (in the case of a subcommittee) or subcommittee (in the case of a working group) under which the subgroup was formed.

## 5 Membership on the parent committee, subcommittees and working groups

Members of the parent committee, subcommittees and working groups shall consist of organizations, companies, government agencies, individuals, etc., having a direct and material interest in the activities of CGATS. The selection and addition of members, along with their interest category, shall be subject to approval by a majority vote of the committees for which a membership application has been submitted after the application has been processed in accordance with 5.1.

Membership shall be open to anyone having an interest, and an effort shall be made to see that it is sufficiently diverse, with no single interest category making up more than one-half (1/2) of the consensus body, in accordance with the *ANSI Essential Requirements*. Membership shall not be dependent upon membership in any organization, nor shall it be unreasonably restricted on the basis of technical or other such requirements.

The termination of members shall be subject to approval by majority vote of the parent committee or relevant consensus body or bodies after a review of the membership in accordance with 5.2.

### 5.1 Application

A request for membership on the parent committee, subcommittees or working groups shall be addressed to the secretariat and shall indicate the applicant's direct and material interest in CGATS, interest category, and willingness to participate actively.

If the application is for membership on the parent committee, the applicant shall identify a delegate (and an alternate, if desired). If the application is for membership on a subcommittee or working group, the applicant shall identify one or more participants.

#### 5.1.1 Recommendation

In recommending appropriate action to the parent committee, subcommittee or working group on applications for membership, the secretariat shall consider the following:

- a) need for active participation by each interest;
- b) potential for dominance by a single interest category;
- c) extent of interest expressed by the applicant and the applicant's willingness to participate actively;
- d) representative identified by the applicant organization, company, or government agency.

#### 5.1.2 Diverse interests

If distinct divisions of an organization demonstrate independent interests and authority to make independent decisions in the area of the activity of CGATS, each is permitted to apply for membership.

#### 5.1.3 Combined interest

When appropriate, the secretariat may recommend that the applicant seek representation through an organization that is already a member and represents the same or similar interest.

### 5.2 Review of membership

The secretariat shall review the parent committee, subcommittee and working group membership lists annually with respect to the criteria of Clause 5. Members are expected to fulfil obligations of active participation. Where a member is found in habitual default of these obligations, the secretariat shall contact the member to determine if they wish to be removed from the committee or to become an Observing member. If the member does not

respond to the secretariat's communication, the secretariat shall direct the matter to the relevant committee(s) for appropriate action, which may include termination of membership.

### **5.3 Observers on the parent committee, subcommittees and working groups**

Individuals and organizations having an interest in CGATS work, but not wishing to hold a voting membership, may request listing as observers. Observing membership does not require approval by the committee members. Observers shall be advised of the CGATS activities, may attend meetings, and may submit comments for consideration, but shall have no vote.

### **5.4 Interest categories**

All appropriate interests that are directly and materially affected by the standards activity of CGATS shall have the opportunity for fair and equitable participation without dominance by any single interest. Upon application for membership, each member shall identify its own general interest category in accordance with the CGATS established categories.

When voting on a standard or technical report, the consensus body member may indicate its interest category for that ballot, relative to the nature of the topic under consideration. This interest category may be different from the general interest category declared for committee membership.

The CGATS established interest categories shall be established or revised by a vote of the parent committee. The rationale for the selection of categories shall be included in the ballot and submitted to ANSI as part of the accreditation requirements.

### **5.5 Membership roster**

The secretariat shall maintain a current and accurate roster and shall distribute it to the members of the parent committee, subcommittees and working groups at least annually, and otherwise on request. The roster shall include the following information for the parent committee, subcommittees and working groups:

- a) title of the committee and its designation;
- b) scope of the committee;
- c) secretariat: name of organization, name of secretary, and address(es);
- d) officers: chair and vice-chair;
- e) members: name of organization or agency, and its representative(s), and their addresses;
- f) interest category of each member;
- g) tally of interest categories: total of voting members and subtotals for each interest category;

## **6 Additional requirements for subgroups**

### **6.1 Formation of subcommittees and working groups**

The formation (and later disbandment) of a subcommittee or working group shall be approved by a majority vote of the appropriate committee as identified in 3.1 or 3.2. The scope and duties delegated to the subcommittee or working group shall be approved at the time it is formed, and subsequent changes in scope or duties shall also require approval by the appropriate committee as identified in 3.1 or 3.2.

## 6.2 Responsibilities of subcommittees and working groups

A subcommittee or working group is responsible for the definitive content of the standards and technical reports within its scope, and for responding to views and objections thereon. It is also responsible for the periodic maintenance (as defined by the *ANSI Essential Requirements*) of the standards and technical reports for which it is responsible.

Draft standards and any substantive change (see Annex A of the *ANSI Essential Requirements*) in the content of a standard shall be approved by the responsible subcommittee or working group. Evidence of consensus and consensus body vote shall be as required by the *ANSI Essential Requirements*, 2.6.

Draft standards being balloted to the voting members of a subcommittee or working group, and any substantive changes, shall also be sent to the observing members of the subcommittee or working group for information. Any comments received from observers shall be considered by the subcommittee or working group in accordance with 8.6.2; however, resolution of those comments to the satisfaction of the commenter is not required for approval of the standard. Responses by observers shall not be included in the tally of votes of the subcommittee or working group.

If the membership of a subcommittee or working group is unable or unwilling to take appropriate action on the maintenance of a standard or technical report (e.g. there is insufficient ballot response), disposition of the standard or technical report shall be determined by the committee under which the subgroup responsible for the standard or technical report was formed, in accordance with the voting procedures outlined in Clause 8 and its subclauses.

## 6.3 Other subgroups

Subgroups other than subcommittees or working groups (such as task forces, editing committees, ad hoc committees, etc.) may be formed by either the parent committee, subcommittee or working group for identified purposes. The formation of the subgroup requires approval by a majority of the consensus committee under which it will work. If their work involves the development of a standard or technical report, they shall work within the framework of the appropriate subcommittee or working group, which will be the consensus body for that work. Such subgroups shall maintain a membership roster in accordance with 5.5 (a) through 5.5 (g) and shall comply with the provisions in 5.4, and 7.1.

These other subgroups are not consensus bodies, but may conduct internal balloting on issues during the course of their work.

## 7 Meetings

Consensus body meetings shall be held, as decided upon by the consensus body, the chair, the secretariat, or by petition of five or more members, to conduct business, such as making assignments, receiving reports of work, considering draft standards or technical reports, resolving differences among subgroups, and considering views and objections from any source. Meetings of other subgroups may be held as decided upon by the members or chair of the subgroup.

### 7.1 Open meetings

Meetings shall be open to all members and to others having a direct and material interest. Meeting notices shall be made publicly available. The notice shall describe the purpose of the meeting and shall identify a readily available source for further information. An agenda shall be available and shall be distributed in advance of the meeting to members and to others expressing interest. The secretariat may maintain a mailing list of other interests.

## 7.2 Quorum

A majority of the members of the parent committee or subgroup shall constitute a quorum for conducting business at a meeting, with the exception of approving the minutes of the previous meeting or approving the meeting agenda. If a quorum is not present, actions shall only be taken subject to subsequent confirmation by mail ballot (hard copy or electronic) or vote at a future meeting.

Minutes of the previous meeting and agendas may be approved by a majority of those in attendance at the meeting.

For matters relating to the content or disposition of a standard, all members of the consensus body shall have the opportunity to vote. When recorded votes are taken at meetings, members who are absent shall be given the opportunity to vote before or after the meeting.

## 8 Voting

### 8.1 Vote

Except in regard to votes on membership and officer-related issues, each member shall vote one of the following positions:

- a) affirmative;
- b) affirmative, with comment;
- c) negative, with reasons (the reasons for a negative vote shall be given and if possible should include specific wording or actions that would resolve the objection);
- d) abstain.

For votes on membership and officer-related issues, the yes/no/abstain method of voting shall be followed.

#### 8.1.1 Vote of alternate on the parent committee

An alternate's vote is counted only if the principal representative fails to vote.

#### 8.1.2 Single vote

Generally, no representative shall have more than one vote. However, if two or more organizations appoint the same individual to represent each of them, that individual may cast a separate vote for each organization represented. The organizations shall confirm in writing to the secretariat that they are aware of and will accept the results.

Additionally, representation of more than one organization by the same individual shall require approval by a majority of the parent committee, subcommittee or working group, excluding the vote of that individual.

#### 8.1.3 Voting period

The voting period for ballots conducted by electronic means (e.g. e-mail, on-line balloting, etc.) shall end four weeks from the date of issue or as soon as all ballots are returned, whichever comes earlier. The voting period for ballots conducted by mail (hard copy) shall end six weeks from the date of issue or as soon as all ballots are returned, whichever comes earlier. An extension may be granted at the chair's option, when warranted.

A follow-up communication (including letter and/or e-mail) requesting immediate return of the ballot shall be sent, as appropriate, to members and alternate members whose votes have not been received within ten working days before the ballot closes.

## **8.2 Actions requiring approval by a majority**

The following actions require approval by a majority of the membership of the appropriate parent committee, subcommittee or working group, in accordance with these Operating Procedures, either at a meeting or by mail (hard copy or electronic) ballot:

- a) confirmation of officers appointed by the secretariat;
- b) formation of a subcommittee, working group or subgroup, including its procedures, scope, and duties;
- c) disbandment of a subcommittee, working group or subgroup;
- d) addition of new members and designation of their interest categories;
- e) approval of withdrawal of an existing standard.

## **8.3 Actions requiring approval by two-thirds of those voting**

The following actions require a mail ballot (hard copy or electronic) or an equivalent formal recorded vote with approval by at least a majority of the membership and at least two-thirds of those voting, excluding abstentions:

- a) adoption of CGATS procedures, interest categories, or revisions thereof;
- b) approval of a new standard or reaffirmation of an existing one, including national adoptions;
- c) approval of revision or addendum to part or all of a standard;
- d) approval by the parent committee for change of CGATS' scope.

## **8.4 Authorization of mail ballots**

A mail ballot (hard copy or electronic) shall be authorized by any of the following:

- a) majority vote of those present at a parent committee, subcommittee or working group meeting;
- b) the chair of the parent committee, subcommittee or working group;
- c) the executive committee (if one exists);
- d) the secretariat;
- e) petition of five or more members of the parent committee, subcommittee or working group.

## **8.5 Other review**

Proposals for new American National Standards or reaffirmation, revision, or withdrawal of existing American National Standards shall be transmitted to ANSI for listing in *Standards Action* for comment.

The secretariat shall determine whether listing of proposed standards actions shall be concurrent with the final consensus body ballot and whether announcement in other suitable media is appropriate. The secretariat shall

transmit a copy of the proposed new, revised, or reaffirmed standard to the administrator(s) of the appropriate USA Technical Advisory Group(s) at the same time.

Views and objections resulting from the above shall be dealt with in accordance with 8.6 of these procedures.

## **8.6 Disposition of views and objections**

When the balloting has been closed, the secretary shall forward the ballot tally to the members of the consensus body. The chair and secretary of the consensus body shall determine whether the expressed views and objections shall be considered by correspondence or at a meeting.

Prompt consideration shall be given to the written views and objections of all participants, including those commenting on either the PINS announcement or public comment listing in *Standards Action*.

### **8.6.1 PINS announcement comments**

If CGATS receives written comments within 30 days from the publication date of a PINS announcement in *Standards Action*, and said comments assert that a proposed standard duplicates or conflicts with an existing American National Standard (ANS) or a candidate ANS that has been announced previously in *Standards Action*, a mandatory deliberation of representatives from the relevant stakeholder groups shall be held within 90 days from the comment deadline. Such a deliberation shall be organized by CGATS and the commenter and shall be concluded before CGATS may submit a draft standard for public review. If the deliberation does not take place within the 90-day period and CGATS can demonstrate that it has made a good faith effort to schedule and otherwise organize it, then CGATS will be excused from compliance with this requirement.

The purpose of the deliberation is to provide the relevant stakeholders with an opportunity to discuss whether there is a compelling need for the proposed standards project. The outcome of such a deliberation shall be conveyed in writing by CGATS and commenter (ideally as a joint submission) to the Board of Standards Review (BSR) for consideration should CGATS ultimately submit the related candidate standard to ANSI for approval.

### **8.6.2. Resolution of objections**

In connection with an objection articulated as a result of a public comment period, or submitted by a voting member in connection with a parent committee, subcommittee or working group vote, an effort to resolve all expressed objections shall be made, and each objector shall be advised in writing (including electronic communications) of the disposition of the objection and the reasons therefor. If resolution is not achieved, the objector shall be informed that an appeals process exists within procedures used by CGATS. In addition, each objection resulting from public review or submitted by a member of the consensus body, and which is not resolved (see Annex A of the *ANSI Essential Requirements*) must be reported to the BSR.

When this process is completed in accordance with the written procedures of CGATS, CGATS may consider any comments received subsequent to the closing of the public review and comment period, or shall consider them at the next review. Unresolved objections, attempts at resolution, and any substantive change made in a proposed American National Standard shall be reported to the consensus body in order to afford all members an opportunity to respond, reaffirm, or change their vote within four weeks. Substantive changes made to a draft standard that has completed a public comment period shall be submitted for a new public comment period.

## **8.7 Report of final result**

The final result of the voting shall be reported, by interest categories, to the consensus body.

## **9 New work items**

A new work item proposed by a subcommittee shall be circulated for information to the members of the parent committee, identifying the proposed group(s) planning to do the work, and allowing a 4-week comment period. A

new work item proposed by a working group shall be circulated for information to the members of both the parent committee and the subcommittee under which the working group operates (if any), identifying the proposed group(s) planning to do the work, and allowing a 4-week comment period.

Such comment period shall not be considered as a ballot to approve or disapprove a new item of work, but only as a comment period to allow an opportunity for comments regarding the scope of the new item of work and the proposed group(s) to develop the work. Any comments received from the parent committee shall be addressed by the subgroup making the proposal.

At the close of the comment period, and the resolution of any comments, the new work item proposal shall be balloted to the subgroup(s) that will be developing the work.

## 10 Submittal of standard

Upon completion of the procedures for voting, disposition of views and objections, and appeals, the proposed standard shall be submitted to ANSI by the secretariat.

The information supplied to ANSI by the secretariat shall include all relevant material required by ANSI as outlined in the *ANSI Essential Requirements*. If the secretariat does not submit the proposal to ANSI within a reasonable period of time, any member(s) of the consensus body may make the submittal.

## 11 Termination of CGATS

A proposal to terminate CGATS may be made by a directly and materially affected interest. The proposal shall be submitted in writing to CGATS and to ANSI and shall include at least the following:

- a) reasons why CGATS should be terminated;
- b) the name(s) of the organization(s) that will assume responsibility for maintenance of any existing American National Standard(s) that is(are) the responsibility of CGATS.

If it appears, after review by ANSI and discussion among the proponent of the action, the secretariat, and the ExSC or its designee, that the desired objectives can best be reached by termination, the proposal and supporting documentation shall be submitted to the committee with a mail ballot (hard copy or electronic) to terminate the committee and transfer responsibility, as appropriate, for the affected standards. The proposal for termination of CGATS shall be announced for comment in *Standards Action*.

## 12 Communications

Correspondence of CGATS officers representing CGATS should be on CGATS letterhead or, if by electronic means not in the format of a letter or memorandum, it must be clear that they are communicating in their role as an officer of CGATS.

### 12.1 Formal internal communication

If correspondence between subcommittees or between subgroups involves issues or decisions (i.e., non-routine matters) affecting other subgroups, copies shall be sent to all affected subgroup chairs, the secretariat, and the parent committee officers.

### 12.2 External communication

Inquiries relating to CGATS should be directed to the secretariat, and members should so inform individuals who raise such questions. All replies to inquiries shall be made through the secretariat.

### 12.3 Requests for interpretation of standards

Written inquiries requesting interpretation of CGATS' approved American National Standards shall be responded to in accordance with the CGATS Interpretation Policy (see Annex A). Revisions to the standard resulting from requests for interpretations shall be processed in accordance with these procedures.

## 13 Appeals

Persons who have directly and materially affected interests and who have been or may be adversely affected by a procedural action or inaction of the parent committee, subgroup or the secretariat shall have the right to appeal.

### 13.1 Complaint

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

### 13.2 Response

Within thirty days after receipt of the complaint, the respondent (chair or secretariat representative) shall respond in writing to the appellant, specifically addressing each allegation of fact in the complaint to the extent of the respondent's knowledge.

### 13.3 Hearing

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

### 13.4 Appeals panel

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

### 13.5 Conduct of the hearing

The appellant has the burden of demonstrating adverse effects, improper actions or inactions, and the efficacy of the requested remedial action. The respondent has the burden of demonstrating that the consensus body and the secretariat took all actions in compliance with these procedures and that the requested remedial action would be ineffective or detrimental. Each party may adduce other pertinent arguments, and members of the appeals panel may address questions to individuals. *Robert's Rules of Order* (latest edition) shall apply to questions of parliamentary procedure for the hearing not covered herein.

### 13.6 Decision

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

- a) finding for the appellant, remanding the action to the consensus body or the secretariat with a specific statement of the issues and facts in regard to which fair and equitable action was not taken;
- b) finding for the respondent, with a specific statement of the facts that demonstrate fair and equitable treatment of the appellant and the appellant's objections;
- c) finding that new, substantive evidence has been introduced, and remanding the entire action to the consensus body or the secretariat for appropriate reconsideration.

**13.7 Further appeal**

If the appellant gives notice that further appeal to ANSI is intended, a full record of the complaint, response, hearing, and decision shall be submitted by the secretariat to ANSI.

**14 Parliamentary procedures**

On questions of parliamentary procedure not covered in these procedures, *Robert's Rules of Order* (latest edition) may be used to expedite due process.

## Annex A

### CGATS Procedure for Interpretation of Published Standards

In the process of using any standard, it is possible for questions to arise. There is a need, therefore, for a uniform approach to the responsibility for developing and disseminating interpretations to such standards. The procedure for processing such requests is as follows:

- a. All requests for interpretation or clarification shall be submitted in writing to the CGATS Secretariat for central registry and review before action by the appropriate CGATS group is initiated. The CGATS Secretariat shall issue an interim acknowledgment of the inquiry within thirty (30) days of receipt.
- b. Simple requests for information about a standard shall be answered by the CGATS Secretariat, in consultation with the relevant CGATS subcommittee or working group Chair, as appropriate.
- c. Other requests shall be forwarded by the CGATS Secretariat to the Chair of the CGATS subcommittee or working group that is responsible for the standard. The Chair shall appoint an ad hoc advisory group to draft a recommended response for review by the subcommittee or working group. If that CGATS subcommittee or working group, or its successor, is no longer active, the CGATS Secretariat shall request not less than four (4) members or former members of the originating CGATS subgroup or other available experts to serve as an ad hoc advisory group to consider the request (usually by correspondence or conference call).
- d. The CGATS subcommittee or working group Chair shall immediately take the following actions on the request: schedule the request on the agenda for the next meeting of the CGATS subcommittee or working group (or, if no meeting is planned, schedule a conference call of the subcommittee or working group to discuss the request), and invite the originator to the meeting at which the inquiry will be discussed. Effort will be made to circulate the request and draft a response to the members before the meeting.
- e. After appropriate discussion, approval of the recommended technical response shall be by formal motion. This motion must be approved by at least two-thirds of the subcommittee or working group members participating in the meeting, taken on a roll-call (recorded) vote.
- f. The subcommittee or working group Chair and Secretary shall expeditiously prepare the recommended response with the following documentation: copy of the request for interpretation; summary of the subcommittee or working group debate, if any (including minority views); the recommended response to the technical question(s); the resulting motion and a record of the vote of each member on that motion.
- g. The CGATS Secretariat shall issue a 30-day mail ballot of the recommended technical response to the parent committee for approval. The subcommittee or working group documentation prepared in (f) above shall be included with the ballot. The recommended interpretation shall be approved by a majority of the committee and by at least 2/3 of those voting, excluding abstentions.
- h. Upon completion of the previous step, the CGATS Secretariat shall transmit a copy of the interpretation to the originator of the request. The CGATS Secretariat shall also make the interpretation publicly available, and shall provide a copy of the interpretation to ANSI.

## Annex B

### CGATS Metric Policy

Metric (SI) units shall be the preferred unit of measure in all standards developed by the Committee for Graphic Arts Technologies Standards (CGATS).

If desired, non-SI units may be indicated in parentheses following the SI units, or may be provided in a table of equivalent values in an informative annex.

When non-SI units are those used throughout the U.S. industry for the specific application, the non-SI units may be used in the standard. If desired, SI units may be indicated in parentheses following the non-SI units, or may be provided in a table of equivalent values in an informative annex.

## Annex C

### **CGATS Procedures for the National Adoption of ISO or IEC Standards**

In the case of adopting ISO or IEC standards as ANSI CGATS standards, CGATS will follow the *ANSI Procedures for the National Adoption of ISO or IEC Standards as American National Standards*. When appropriate, the expedited procedures outlined in the ANSI Procedures will be used. When the expedited procedures are used, the ballot period shall be four (4) weeks.

## Annex D

### Patent Policy

#### D.1 Inclusion of Patents in ANSI CGATS Standards

There is no objection in principle to drafting a proposed American National Standard in terms that include the use of a patented item, if it is considered that technical reasons justify this approach.

If CGATS receives a notice that a proposed American National Standard may require the use of a patented item, the procedures in this clause shall be followed.

#### D.2 Statement from document originator

The originator of a proposal for an ANSI CGATS standard is encouraged to notify in writing the committee if the originator is aware that the proposed CGATS standard may require the use of a patented item. Any party involved in the preparation of the standard also is encouraged to notify the committee in writing if the party is aware during any stage in the development of the standard that the proposed CGATS standard may require the use of a patented item. A participant is "aware" if the participant has received an opinion from counsel that practicing the standard would infringe the patent.

#### D.3 Statement from patent holder

Prior to approval of such a proposed CGATS standard, in order to approve such a proposed ANSI CGATS standard, and prior to such approval, CGATS shall receive from the identified party or patent holder (in a form approved by both CGATS and the American National Standards Institute) either: assurance in the form of a general disclaimer to the effect that such party does not hold and does not currently intend holding any patented item the use of which would be required for compliance with the proposed American National Standard or assurance that:

- a) when requested, a license will be made available without compensation to the applicants desiring to utilize the license for the purpose of implementing the standard; or
- b) when requested, the patent holder will in good faith negotiate to grant a license to any such patent or patent claims, under reasonable terms and conditions for the term of the patent, to any applicant desiring to utilize the license for the purpose of implementing the standard.

A standard shall not be published until the statements of the holders of all identified patent rights have been received.

CGATS shall forward that information to the American National Standards Institute for their records prior to submission of the standard for final approval by ANSI.

#### D.4 Record of statement

A record of the patent holder's statement shall be placed and retained in the files of both CGATS and the American National Standards Institute.

#### **D.5 Notice**

When CGATS receives from a patent holder the assurance set forth in a) or b) above, the standard shall include a notice as follows:

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

*By publication of this standard, no position is taken with respect to the validity of this claim or of any patent rights in connection therewith. The patent holder has, however, filed a statement of willingness to either grant a license under these rights without compensation or negotiate in good faith a license offered on reasonable terms and conditions to applicants desiring to obtain such a license. Details may be obtained from the standards developer.*

#### **D.6 Responsibility for identifying patents**

Neither CGATS, its members, nor the American National Standards Institute shall be responsible for searching for, identifying or disclosing any or all patents for which a license may be required by an American National Standard, or for conducting inquiries into the legal validity or scope of those patents that are brought to its attention. If, however, a CGATS member is aware that the proposed CGATS standard may require the use of a patented item, either owned by that member or by another member or non-member, that member is encouraged to disclose in writing this knowledge to CGATS.

## Annex E

### Commercial Terms and Conditions

CGATS will follow the ANSI policy on commercial terms and conditions specified in the *ANSI Essential Requirements: Due Process Requirements for American National Standards*.