



IEC code of conduct for
delegates and experts

General introduction

This document provides brief guidelines on a number of issues which delegates and experts may be confronted with as participants in the IEC Standards process. It provides information additional to that given in the ISO/IEC Directives (all parts) and reference should be made to these for details.

At the beginning of each Technical Committee (TC)/ Subcommittee (SC) meeting, the chair should draw the attention of delegates to this document as follows: "Delegates are reminded that general guidance on the conduct of delegates and experts taking part in IEC meetings and contributing to IEC work is given in the document 'IEC code of conduct for delegates and experts', available on the IEC website".



Conduct in meetings

There are broadly two types of meetings that you may find yourself taking part in: TC/SC meetings and Working Group (WG), Project Team (PT), Maintenance Team (MT), ad hoc Group (ahG) meetings.

In a TC/SC meeting you take part as a delegate, as the official representative of the National Committee which has appointed you. That means you have the obligation to present the views and take position on issues as instructed by your National Committee. Normally, prior to a TC/SC meeting, your National Committee will have held a meeting of its national mirror committee where these issues should have been discussed and instructions given to the delegates attending the TC/SC meeting.

At a WG/PT/MT/ahG meeting you take part as an expert, appointed by your National Committee, but acting in a personal capacity and not as the representative of your National Committee. You may obviously be requested to make reports on your activities within such groups to your NC.

In any meeting you will find people from around the world, with different cultural practices on conduct in meetings. You will therefore need to be tolerant of other procedures and practices.

The Chair is responsible for running any meeting and it is therefore important to let him/her carry out this task. There should be an agenda for all meetings and discussion should revolve around each individual item on the agenda. Do not try and start discussion on other issues. Do not speak at a meeting unless the Chair has given you the floor, that is he/she has given you the right to speak. If you want to speak, attract the Chair's attention, by either raising your hand or if you have a name-plate, raise it.

English is the working language in the IEC, however it is not the first language of most participants. If you are a native English speaker, be prepared to make concessions to others. Speak clearly, use short sentences, avoid metaphors, irony and be aware that jokes and humour may not translate very easily.

Make use of breaks and informal sessions to talk with other delegates on issues. You'll be surprised how often it is possible to reach agreement on matters which look intractable simply by having people with differing views discuss the matter informally.

Be prepared to make concessions. A good meeting is one where everyone leaves satisfied with the results achieved and not where there are winners and losers.

Conduct on electronic social media

Social media (LinkedIn, Facebook, Twitter, etc.) can make a valuable contribution to spreading information about the IEC as well as contributing to the process of standards development, but they will only do so if they are used wisely.

The lines between public and private, personal and professional are blurred in online social media. You are personally responsible for any content you publish on such media (and are not a representative of the IEC).

Remember that anything you publish will be visible for a very long time, so protect your privacy. Don't say anything you might regret in five years' time, or that you would prefer that your friends, family and colleagues didn't see.

Privacy laws differ across the many jurisdictions where IEC meetings are held, so as to ensure compliance with local laws and regulations, participants may not record audio or video of any IEC meeting without the consent of all participants. Any information posted to social media, discussion groups, or web sites may not name individual positions or companies when discussing events of the meeting. Whilst there's nothing wrong with disagreeing with someone or something, you should do so in a manner which is respectful and not abusive.

Respect copyright (see p.10).



Anti-trust, anti-competition issues

What are the antitrust and competition laws? In the U.S., it is called “antitrust law,” and elsewhere it is called “competition law.” But regardless of the label, most countries have substantially similar laws regarding any acts that result in unfair competition in the marketplace. Generally speaking, most of the world prohibits agreements and certain other activities that unreasonably restrain trade.

Competition authorities throughout the world uniformly condemn actions that are referred to as “naked restraints on trade” – that is, agreements that do nothing more than limit competition between competitors. The classic examples that could arise in the standards process – and the kinds of violation that most frequently result in criminal prosecution for the individual participants as well as their organisation – include:

- price fixing (for example, where standards participants or other competitors agree on the prices that they will charge for compliant products);
 - output restrictions (for example, where standards participants or other competitors agree on how much of a compliant product they will each produce);
 - allocations of customers or territories (for example, where competitors agree on where or to whom they will each sell compliant products).
- There are many things you can discuss in standards meetings, but this is a non-exhaustive list of topics that you cannot discuss in IEC meetings:
- prices at which products or services implementing the standard should be sold (“price” includes discounts, terms, and other conditions of sale);
 - profits or profit margins;
 - individual companies’ market shares or sales territories;

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- allocation of customers, markets, production levels, or territories; or restricting the customers to whom, or territories in which, a company may sell or resell products;
 - using standards or certification programmes to exclude suppliers or competitors from the marketplace for any reason other than cost-performance or technical considerations;
 - conditioning the implementation of a standard on the implementer's use of products or services from a particular supplier [such as requiring use of a particular manufacturer's components or requiring implementers to use a particular service provider(s) for compliance certification];

- bidding (or terms of bids) or refraining from bidding to sell any product or service;
- any matter which restricts any company's independence in setting prices, establishing production and sales levels, choosing the markets in which it operates, or the manner in which it selects its customers and suppliers.

Standards meetings are rather special in that they are one of the few areas where competing companies can meet with each other. The competition authorities are aware of this and indeed encourage the standardization process, but participants must respect the limits of what they can and cannot discuss.



Patent rights

Standards are increasingly the subject of patent rights and the ISO/IEC Directives lay down the procedures that apply in such cases. However TC/SCs are strongly recommended to orient Standards to making performance requirements, rather than requiring specific technology, to the extent possible, as this will help to avoid making use of patented items.

IEC Publications are non-binding; their objective is to ensure compatibility of technologies and systems on a worldwide basis. To meet this objective, which is in the common interests of all those participating, it must be ensured that publications, their applications, use, etc. are accessible to everybody.

It follows, therefore, that a patent embodied fully or partly in a deliverable must be accessible to everybody without undue constraints. The sole objective of the code of practice, in general, is to meet this requirement. The detailed arrangements arising from patents (licensing, royalties, etc.) are left to the parties concerned, as these arrangements might differ from case to case.

This code of practice may be summarized as follows:

1. The IEC Central Office is not in a position to give authoritative or comprehensive information about evidence, validity or scope of patents or similar rights, but it is desirable that the fullest available information should be disclosed. Therefore, any party participating in the work of IEC should, from the outset, draw the attention of the IEC Central Office to any known patent or to any known pending patent application, either their own or of other organizations, although the IEC is unable to verify the validity of any such information.
2. If a Standard is developed and such information as referred to in paragraph 1 has been disclosed, three different situations may arise:
 - 2.1. The patent holder is willing to negotiate licences free of charge with other parties on a non-discriminatory basis on reasonable terms and conditions. Such negotiations are left to the parties concerned and are performed outside IEC.

2.2. The patent holder is willing to negotiate licences with other parties on a non-discriminatory basis on reasonable terms and conditions. Such negotiations are left to the parties concerned and are performed outside IEC.

2.3. The patent holder is not willing to comply with the provisions of either paragraph 2.1 or paragraph 2.2; in such case, the Standard shall not include provisions depending on the patent.

3. Whatever case applies (2.1, 2.2 or 2.3), the patent holder has to provide a written statement to be filed at IEC using the appropriate "Patent Statement and Licensing Declaration" Form. This statement must not include additional provisions, conditions, or any other exclusion clauses in excess of what is provided for each case in the corresponding boxes of the form.

Any party participating in the work of IEC should, from the outset, draw IEC's attention to any known essential patents (or patent applications). Such information should be disclosed as early as possible during the development of the IEC publication. This may not be possible when the first draft appears, since at this time the text might still be too vague or subject to subsequent modifications. Such information should be provided in good faith and on a best effort basis, but there is no requirement for patent searches.

IEC has a joint patent disclosure process with ISO and ITU. Information and guidelines about the patent policy and relevant forms can be found at www.iec.ch/patentpolicy



Copyright issues

IEC needs to be able to exploit all the Standards it publishes freely and in particular the IEC National Committees need to be able to make national adoptions of IEC Standards. For that reason IEC has copyright on all its published Standards.

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