ISO/ABC PARTNER STANDARDS DEVELOPing ORGANIZATION (PSDO) AGREEMENT

# Preamble

Whereas one of the objectives of ISO is to facilitate the international exchange of goods and services through the development of International Standards,

Whereas the ISO Council has adopted a policy of inclusiveness and encourages cooperation between ISO and other standardizing bodies, where such cooperation would serve to ensure effective and efficient use of resources available for standardization activities,

Considering that ABC develops standards that achieve global recognition and use,

Considering consultations with the ISO member body in the country where ABC has its legal seat, (insert member body name],

ISO and ABC agree to cooperate on the joint development of mutually agreed and relevant standard(s). The specific topics and fields of cooperation are defined in **Annex A** of the Agreement, which isincorporated herein by reference.

The agreement refers to the development of new standards and the harmonization of existing ISO and ABC standards.

For ISO standards developed in cooperation with International Electrotechnical Commission (IEC), agreement from IEC shall be sought and obtained before the development of the joint work with ABC.

# Normative referencing

ISO and ABC, in their attempts to avoid duplication of efforts by their respective committees, agree to the normative referencing of their standards as appropriate in publications of the other organization in compliance with each organization’s policies and directives relative to normative references.

# Development of ISO/ABC standards

For ISO/ABC standards which have been developed or maintained under this agreement, the standards development rules outlined in the ISO/IEC Directives Part 1 and the ABC XX Policy shall apply.

# Joint Development of ISO/ABC standards

ABC and ISO have initially proposed to jointly develop the standards in the committee(s) listed in **Annex A,** which isincorporated herein by reference. Any other subjects for joint development will be approved by the relevant ISO/TC covered by this agreement and the relevant ABC committee.

Upon approval of the proposal for joint development from both sides, the relevant ABC Working Group and ISO Committee Working Group will establish a joint group of experts (JG) consisting of nominated experts from the relevant ABC and ISO committees. ISO and ABC will mutually agree on a Convenor for the JG.

The joint work would be developed using:

* a Joint Group (JG) comprising of experts from the P-members of the relevant ISO committee and relevant ABC committee(s) willing to participate in the development.
* JG drafting and consensus-building on the joint work.
* commenting phase within the respective committees of ISO and ABC.
* compilation, review and preparation of a revised draft by the JG.
* ISO draft International Standard (DIS) vote and similar ABC approval.
* as necessary, ISO final draft International Standard (FDIS) vote, and similar ABC approval.

The development and maintenance procedures are outlined in **Annex B**, which is incorporated herein by reference.

The standard is approved as joint only after approval by the relevant ABC and ISO committees using their respective and relevant processes.

In case of disapproval by either ISO or ABC, each organization can proceed independently, based on a written notification, while respecting each other's copyright. Once approved, these would be either ISO or ABC standards but not ISO/ABC standards.

The approval processes of each organization shall be carried out and these will be taken care of by

the committee and central secretariats.

In case of disagreement (e.g., assignment of lead, approval process), the issue shall be escalated to the ISO Technical Management Board (TMB) and the ABC XX Board/Committee.

Notwithstanding the foregoing, the Joint Group further agrees to develop the work hereunder in accordance with the additional guidance set in the [ISO\_ABC\_PSDO Implementation Guidelines].

# FDIS fast-track processing of an approved ABC standard

An approved ABC standard within the scope of the ISO committees covered in this agreement, and having global use and acceptance, may be proposed for adoption as an ISO International Standard having first gained agreement by ABC. ABC shall ensure that proposals for adoption can be published by ISO (if approved) in accordance with the Guidelines to the IEC, ISO, ITU Common Patent Policy prior to submitting them to ISO.

Such requests shall be submitted to the Secretary-General of ISO for acceptance. The Secretary-

General shall then submit a proposal to the relevant ISO committee for an 8-week ballot which shall

decide, by simple majority vote in accordance with clause 1.7.1 of the ISO/IEC Directives Part 1, on: (a) the need for an ISO International Standard on the subject; and (b) submission of the proposal for FDIS ballot. Where an ISO committee confirms the need for an ISO International Standard but

determines that the proposed ABC standard should not be submitted for FDIS ballot, ABC shall be consulted on its interest to proceed with the project.

Upon acceptance by the relevant ISO committee, the ABC standard shall be circulated to ISO member bodies for a 20-week approval vote (to also allow for national public review and, where necessary, translation). Requirements for acceptance shall be those pertaining to the FDIS approval stage in the ISO/IEC Directives. FDIS approval is required in all cases of fast-track adoption of a standard already published by ABC.

Supplementary information on the development and maintenance for a fast-track adoption of an ABC standard is provided in **Annex B**, which is incorporated herein by reference.

# Maintenance of published standards

Revisions to or withdrawal of standards produced under this agreement may be proposed at any time by ISO or ABC. Systematic review of the standards produced under this agreement shall occur at intervals agreed upon by ISO and ABC, and no later than five years after publication of the Standard. **Annex B** provides details on maintenance procedures, which is incorporated herein by reference.

# Publication of standards

In the case of jointly developed ISO/ABC standards, ISO will perform final editorial/production work on the Standard with approval of the final proof by ABC before ISO publication. ABC and ISO will establish a consistent layout, including associated supporting information (e.g., foreword, introduction), for the resulting ISO/ABC standard. ABC and ISO will not charge each other for any editing or production work undertaken in development of the final ISO/ABC standard. The resulting publication will be common to both organizations.

In the case of joint development standards (clause 3.1), the resulting publication is common to both organizations. In the case of Fast-Track adoption of an ABC standard (clause 3.2) ABC may retain its own publication.

The ISO/ABC standard shall contain both the ISO and ABC names and logos on the cover page of the standard, with a single designation for example: *ISO/ABC 12345*.

ISO and ABC will consider any previous numbering used by ISO or ABC to determine the number designation for jointly developed standard.

# Copyright, and commercial arrangements

The copyright in ISO/ABC standard(s) that are jointly developed according to clause 4.1 (Joint Development), including any future versions of such ISO/ABC standard(s), belongs jointly to ISO and ABC.

The copyright in any ISO/ABC standard(s) developed according to Clause 4.2 (FDIS fast-track adoption), including any future versions of these ISO/ABC standard(s), will belong to ABC. ISO and its members will neither acquire nor assert copyright ownership or any other proprietary rights in these ISO/ABC standard(s).

In all cases, ISO and its members (<https://www.iso.org/members.html>) and ABC, may each sell the ISO/ABC standard(s), in accordance with their own rules, without any royalties to the other. However, in accordance to each organization's commercial policy, ISO and ABC shall not make ISO/ABC standard(s) available for free, except for standard development purposes, national enquiry or any similar consultation process.

ABC grants to ISO and its members full royalty-free exploitation rights, including for national adoption and translation purposes. ISO and its members, and ABC, may each sell the resulting standard individually or as part of a collection, package, handbook, compendium or any other similar product, in accordance with their own rules and distribution channels, without any royalties to the other.

Each party shall promptly inform the other party if it becomes aware of any copyright infringement or potential infringement and consult with each other to decide the best way to respond to such infringement.

ISO Central Secretariat and ISO members shall report the volume of sales by product by country, including national adoptions (where such information is available) on a semi-annual basis, and ABC will report volume of sales by product by country on a semi-annual basis.

# Limitations of Liability

ISO and ABC will make good faith efforts to complete the scope of work under this Agreement. However, failure to complete the Joint Standard under this Agreement will not be deemed a breach of contract.

To the extent permitted by applicable law, both Parties disclaim liability for any damage occurring under, or in connection with, this Agreement.

No Party shall be responsible for any breach of the provisions herein by third parties, including the members of its organization, which are distinct legal entities.

# Term of the agreement and cancellation

The duration of this agreement shall be five 5 years from the date of the signature, renewable by agreement from both ISO and ABC. Notice of intent to cancel the agreement before its expiration may be provided at any time by either party but at least 90 days prior to the proposed cancellation date. ISO and ABC shall attempt to resolve issues. If the outstanding issues cannot be resolved to the satisfaction of both parties, cancellation takes place on the proposed date.

Termination of the agreement (either by expiration or cancellation) shall require immediate suspension of proposed work described in Clause 3. Approved projects already underway at the time of termination may continue and be subject to the provisions of this agreement, unless both ISO and ABC agree otherwise. In addition, with the written concurrence of the organizations, ISO and ABC may decide that certain published standards produced under the agreement remain in the respective catalogues for a specified period.

Except as otherwise agreed above, upon termination, ISO and ABC will withdraw and cease distribution and sale of all electronic files and hard copies of draft and published ISO/ABC standards related to this agreement. The foregoing shall not impinge on either organizations' right to publish works for which they hold the originating copyright.

# Data Protection

The Parties’ respective data protection policies applicable to standards development, as amended from time to time, shall apply to the processing of personal data under this Agreement, accessible:

* For ISO: [ISO - Declaration for participants in ISO activities](https://www.iso.org/declaration-for-participants-in-iso-activities.html)
* For ABC: [URL]

# General

ISO and ABC are independent contractors. This Agreement does not create a joint venture, employment relationship or agency relationship between ISO and ABC.

Neither Party is, nor will claim to be, a legal representative of the other Party.

Neither Party may assign, or otherwise transfer, its rights or delegate its obligations under this Agreement without the prior written consent of the other Party, which shall not be unreasonably withheld.

If any provision of this Agreement is held to be invalid, illegal or unenforceable, the validity, legality and enforceability of the remaining provisions will in no way be affected or impaired as long as the intent of the Parties can be preserved. In such cases, both Parties undertake to replace the invalid, illegal or unenforceable provision with another valid, legal and enforceable regulation. The same principle applies to open terms or omissions.

This Agreement is governed by **Swiss law**, without regard to the conflict of laws provisions. The United Nations’ Convention on International Sales of Goods of 11 April 1980 (SR 0.221.211.1) does not apply.

Disputes arising under, or in connection with, this Agreement shall be exclusively subject to the jurisdiction of the **competent court of city of Geneva, Switzerland**.

Signed by:

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|  |  |  |
| Mr Sergio Mujica  Secretary General  ISO |  | Ms/Mr XXX  [Insert title]  ABC |
| Date: |  | Date: |
| Place: |  | Place: |

**Annex A**

**ISO/ABC** **PARTNER STANDARDS DEVELOPING ORGANIZATION (PSDO)**

**Specific Topics and Fields of Cooperation**

ISO and ABC agree to cooperate on the joint development of mutually agreed and relevant XX standards covered by either of the following ISO committees:

ISO/TC XX: XXXX

ISO/TC XX: XXXX

The following technical topics are recommended by the industry and relevant stakeholders as candidates for joint ISO/ABC development:

|  |  |  |  |
| --- | --- | --- | --- |
| Specific Topics | ABC Series Number | Joint Series Number | Scope / Status |
|  |  |  |  |
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**Annex B**

**ISO/ABC** **PARTNER STANDARDS DEVELOPING ORGANIZATION (PSDO)**

**Supplementary procedures for the development, adoption and maintenance of Standards produced under this agreement**

**B.1 Supplementary procedures for joint development of ISO/ABC Standards**

**B1.1 General**

In joint development, technical level support for the development of these standards is provided through the ABC Committee as well as the ISO member bodies and their duly appointed technical experts through the relevant ISO Committee.

ABC may propose to the appropriate ISO technical committee to 'jointly' develop a new or existing ABC standard through a process to gain recognition as an ISO/ABC Standard. Such a proposal includes the originating ABC standard or project title, scope, rationale for using this process, justification of the need for an ISO/ ABC Standard and identification of other bodies in liaison (i.e. in accordance with ISO rules for the proposal of new work items).

If an ISO Committee wishes to initiate the joint development of a standard, the ISO TC/SC secretariat shall contact the ABC committee to discuss the project to see if there is mutual interest. If both parties agree on the need for joint development, an ISO member will submit a New Work Item Proposal to the ISO technical committee for approval. Concurrently, the ABC Committee will register a new work item, providing the relevant information for the project and a statement that the project is to be developed jointly with the relevant ISO Committee (see B1.2).

When the ISO new work item proposal is accompanied by an existing ABC standard, members of the TC/SC will be invited to approve its submission as a DIS. A 2/3 majority vote of the P-members is required for approval (see B1.2, paragraph 2).

**B1.2 Approval of ISO/ABC joint development standards projects**

If both organizations approve the proposal for joint development, the relevant ABC Working Group and ISO Committee Working Group will establish a joint group of experts (JG) consisting of nominated experts from the relevant ABC and ISO committees. ISO and ABC will mutually agree on a Convenor for the JG. The JG will work cooperatively to develop a text and achieve consensus amongst the appointed experts. Once consensus is reached within the JG, the draft is circulated to the relevant ISO committee and to the relevant ABC Working Group for three-month comment.

The JG prepares a compilation of comments received from both organizations and develops a revised draft. Once consensus within the JG is achieved, the draft is provided to ISO for a five-month enquiry vote (DIS) and to ABC.

Once balloting and approval at that stage, from both organizations, is completed, the JG prepares the document for circulation by ISO for a two-month FDIS vote (note that unanimous approval in ISO during DIS vote implies that a further FDIS ballot is not necessary). In parallel, ABC submits the draft to the ABC Committee on Standards for approval.

The document is considered approved when ISO achieves the requisite FDIS approval (or unanimous DIS approval) and when the ABC Committee on Standards has provided its requisite approval, according to the rules and Directives of the respective organizations.

Once the document has been approved by both ISO and ABC, the document is published as a joint ISO/ ABC standard.

If the ballot to approve the development of a joint standard is disapproved by ISO and/or ABC, each organization may proceed to develop the standard independently of each other.

**B1.3 Maintenance**

Revisions to the joint ISO/ABC standards can be proposed to the relevant ABC or ISO committee having jurisdiction at any time by members of ABC or the ISO TC/SC, according to ISO procedures, in consultation with ABC.

**B1.4 Systematic review**

ISO/ABC standards that have been published for five years since their last approval date will be reviewed in their entirety by the responsible ABC subcommittee and the responsible ISO TC/SC and a decision shall be made by both parties whether to confirm, revise, or withdraw the standard. Such action shall be initiated within five years of the last approval date.