

August 29, 2003

Subject: AIC021-03: Public availability of country, currency and language codes – For Action at the September 4, 2003 ANSI ISO Council Meeting

Please find below an excerpt of ISO Council document 36/2003 regarding a proposal from the ISO Commercial Policies Steering Group (CPSG) that software developers or commercial resellers requesting permission to embed ISO codes in their products for resale will be required to purchase each code in electronic form and to pay either an annual fee or a one-time fee and any applicable maintenance fees. Also attached below is a position submitted by INCITS on this proposal and a request that the AIC address this matter. This will be discussed as Agenda Item 3.2.3 at the September 4, 2003 AIC meeting in order to determine the views of the ANSI community on this proposal for the September 20, 2003 ISO Council meeting.

Excerpt from ISO Council document 36/2003

1.2 Public availability of country, currency and language codes

For many years, the basic lists of country codes (ISO 3166) and currency codes (ISO 4217) have been made available free of charge by the relevant maintenance agency/registration authority. For the language code (ISO 639), the list is also available free of charge from the registration authority. The Central Secretariat and the ISO members receive increasing requests for permission to incorporate these various codes in various media. From the experience of the CPSG members in dealing with such requests, the difficulty lies in distinguishing between implementation/use of the codes, which does not call for payment of a copyright fee, and reproduction in a product which gives additional value to the product and which, therefore, should involve payment of a copyright fee.

In the light of the above, the CPSG decided to propose the following clarifications:

- a) the reproduction of the full standard should follow the normal ISO copyright rules;
- b) no copyright fee should be charged for the reproduction of the 2-digit codes of ISO 3166, ISO 4217 and ISO 639 in books, magazines, academic work and for internal use by companies, institutes and organizations.
- c) software developers or commercial resellers requesting permission to embed ISO codes in their products for resale will be required to purchase each code in electronic form and to pay either an annual fee or a one-time fee and any applicable maintenance fees (this point is being further discussed with the CPSG by correspondence).

Recommendation

The Secretary-General recommends that these three points of clarification be noted by Council for inclusion in the next edition of POCOSA (Policies and procedures for copyright, copyright exploitation rights and sales of ISO publications).

INCITS Comments

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August 1, 2003

INCITS CONTRIBUTION TO ANSI CONCERNING THE AVAILABILITY OF ISO CODES

FROM: INCITS Executive Board

SUBJECT: Availability of ISO Codes

INCITS wishes to express its concern over recent positions taken by ANSI and by the ISO CPSG with respect to ISO 3166, ISO 4217 and ISO 639, in particular ISO 3166, Country Codes. In brief, the issue is whether ANSI or other ISO national bodies, or ISO itself, should charge royalty fees for the use of the standard, in addition to a standard copyright fee for purchase or reproduction of the standard. In ANSI's on-line newsletter for May 2003, ANSI reported that:

"The CPSG also discussed the ISO 3166 country codes, ISO 4217 currency codes, and ISO 639 language codes and proposed clarifications for their distribution. Noting the necessity for a number of ISO standards to be published as databases, the CPSG asked that the Secretary General recommend a consideration of the publication of some ISO standards as such, and promoted studying related pricing, delivery, and maintenance issues.

"CPSG Recommendation: CPSG considered the ambiguity between reproducing of data elements from ISO 3166, 4217 and 639 for the purpose of implementation and for commercial exploitation and proposed the following clarifications:

- The reproduction of the full standard shall follow the normal copyright rules
- No copyright fee shall be charged for the reproduction of the 2 digit codes of ISO 3166, 4217 and 639 lists in books, magazines, academic work and for internal use by companies, institutes and organization
- Software developers or commercial resellers requesting permission to embed ISO codes in their products for resale will be asked to purchase each code in electronic format and pay either an annual fee or a one time fee and any applicable maintenance fees required (to be further discussed with CPSG by correspondence)"

The final point has been amplified by ANSI in a summary on use of the ISO codes as:

"Companies who develop software products for sale to other parties are adding value to their products by including the data elements from an ISO Code in proper applications ...via the sale of the product the developing company is not only being compensated for its direct efforts to incorporate the ISO Codes in appropriate locations but it is also being

compensated for the value the ISO Codes have added to its product. The ISO community should also be compensated for providing the intellectual property required to incorporate the value-added features into the product."

While this raises many debatable issues, INCITS' overriding concern is that this represents a radical departure from established practice with respect to standards. We are not concerned here with the fees collected by many standards setting organizations for purchasing copies of standards. Rather, the proposal being discussed would in effect place a charge upon implementing a standard by enforcing a fee associated with each copy of a product built according to or incorporating the standard. In essence, therefore, this charges users of a standard, be they direct (in the case of manufacturers) or indirect (in the case of product consumers) to actually use the standard.

In INCITS' opinion this would constitute a strong disincentive for manufacturers, large consumers and consumer groups to develop standards within standards organizations which might adopt this process or to subsequently make use of the standards in their products and services. Standards participants, whether manufacturers, consumers, government agencies or other entities, bring their own information to the standards development process so that they can share in the resultant standard. In other words, standards participants have the expectation that in exchange for their "valuable and volunteer" contributions, they will be able to "use" the fruits of their consensus-building process without further hindrance.

In the Information Technology industry, where many consortia and alternative standards-setting models to the formal standards development process already flourish, INCITS believes that the imposition of such usage fees would be likely to drive participation in standards development away from organizations which implement them. At the very least standards participants would probably adjust their priorities for involvement as a result.

Accordingly, INCITS requests the ANSI ISO Council to

1. Adopt a position that fees for using the contents of standards, as opposed to fees for the purchase of the standards themselves, is inappropriate
2. Ensure that ANSI does not go forward with such a policy
3. Take this issue forward to ISO Council in the strongest possible terms to dissuade ISO and its members from this approach and from ISO policy