



ITI Views on Reliance on Global ICT Standards & Respect for Copyrights

Global standardization provides substantial value for the information and communications technology (ICT) sector. Global standardization serves worldwide markets, facilitates international trade and supports harmonization of national conformity assessment procedures. ITI has discussed two emerging standardization practices that it believes undermine the value of global standardization; they are: national deviation from global standards and lack of respect for copyrights.

Proposed agreed principles:

1. National and regional standards bodies should not create disincentives to international trade by unnecessarily deviating from global standards.
2. National and regional standards bodies should respect the copyrights associated with global standards, when such standards are used as a basis for subsequent national or regional standards.

RELIANCE ON GLOBAL ICT STANDARDS

ITI strongly supports the development and implementation of global ICT standards because of the multiple benefits they bring to industry, government, consumers and society in general. As stated in ITI's paper entitled, "Views on Global ICT Standards", global ICT standards have the three following important characteristics (which are the some of the same principles agreed by the World Trade Organization (WTO) in 2000¹):

- Responsiveness to the needs of industry and global markets
- Demonstrated relevance as proven by voluntary worldwide adoption and implementation
- Results of standardization processes that are consensus-based and transparent with participation open to all materially affected parties.

ITI is aware of a growing trend to develop and implement national standards with significant deviations from established, recognized global standards. This practice can result in a lack of equivalence (technical interoperability, performance, conformance etc.). ITI is concerned that these national standards, which include unique, localized specifications based on global standards, will unnecessarily impede the widespread implementation of global standards and result in increased interoperability challenges and other market issues to the detriment of users worldwide.

Additionally, national or regional ICT standards that deviate from global standards can result in the creation of unjustified and unnecessary barriers or disincentives to international trade. ITI advocates full compliance with the requirements of the WTO Technical Barriers to Trade Agreement (TBT Agreement), particularly the provisions on using global standards and of transparent standards-development and conformity assessment procedures. Transparent procedures include providing a notification of proposed standards and taking comments into account when issuing final standards. In this regard, ITI strongly supports adherence to the “Code of Good Practice for the Preparation, Adoption and Application of Standards” (established in Article 4 of the TBT Agreement).

When a national or regional standard appears to be largely based on an existing global standard, but includes deviations or additions, the following list of questions should be considered and/or addressed:

- Does the national or regional standard deviate substantively from relevant global standards? If so, is there a meaningful rationale as to why the global standard is not sufficient to meet more localized needs?
- Does the national or regional standard make additions that are compatible with the global standard’s criteria (e.g., regarding interoperability, performance, quality)? If not, is there sufficient rationale for not using compatible criteria?
- Does the national or regional standard hinder global competition by restricting global production efficiencies without a sufficient rationale?
- Has there been participation by a wide stakeholder group in the national or regional standards-setting process? Has the more localized standard undergone rigorous analysis and review?
- Will the national or regional standard actually or effectively become compulsory or mandatory? If so, what is the stated rationale?
- Does the national or regional standard create a potential unnecessary obstacle or disincentive to international trade?

ⁱ WTO agreed attributes of international standards bodies include:

- transparency (info easily accessible)
- openness (membership open to all)
- impartiality & consensus (absence of bias)
- effectiveness & relevance (satisfy market needs)
- coherence (avoid duplications)