

**From:** [Emily Bremer](#)  
**To:** [Scott Cooper](#)  
**Subject:** RE: From the ANSI President: incorporation by reference update  
**Date:** Monday, December 09, 2013 4:20:00 PM

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And thank you so much for sharing this with me. This is a very important first step, and I'm so glad to see ANSI taking it! I will be very interested to hear how it works out . . . and how much traffic the portal sees.

I would love to get together sometime this month. We're mostly staying around for the holidays, and I plan to be in the office. So perhaps coffee or lunch sometime?

Best,  
Emily

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**From:** Scott Cooper [mailto:SCooper@ansi.org]  
**Sent:** Tuesday, December 03, 2013 5:09 PM  
**To:** Emily Bremer  
**Subject:** FW: From the ANSI President: incorporation by reference update

Hey Emily,


Hope you are doing well.

I wanted to share this message with you. As you can see, ANSI identifies the first step in this effort to find a perfectly balanced public policy position as being the ACUS Recommendation. (Personally, I would have picked your paper that lead to the Recommendation – but in a sense they are one in the same.)

Also hope we can get together sometime in December.

Best  
Scott

**From:** Elizabeth Neiman **On Behalf Of** Joe Bhatia  
**Sent:** Tuesday, December 03, 2013 4:44 PM  
**To:** Joe Bhatia  
**Subject:** From the ANSI President: incorporation by reference update

Email not displaying correctly? <a href="#">View it in your browser</a> <a href="#">American National Standards Institute</a>
 <span style="float: right;">Fourth Quarter 2013</span>
<b>MESSAGE FROM THE PRESIDENT AND CEO</b> <i>S. Joe Bhatia, President and Chief Executive Officer</i>
<p><b>From the ANSI President:</b> <i>Dear colleagues:</i></p> <p>Over the past two years, increasing attention has been paid to the issue of incorporation by reference, or IBR. Specifically, the main concerns are the</p>



"reasonable availability" of IBR-ed standards, and whether IBR-ed standards retain copyright protection. Let me highlight some important recent events and activities:

- In December 2011, the Administrative Conference of the United States (ACUS) issued its own [recommendations](#) surrounding IBR, including a definition of "reasonable availability."
- In early 2012, two *Federal Register* notices were put out for public comment by the National Archives and Records Administration ([NARA](#)) and the Office of Management and Budget ([OMB](#)).
- In March 2012, Public.Resource.Org began publishing, for free online, standards that have been incorporated by reference into U.S. regulation. These were posted regardless of copyright, and there are over 1,000 to date.
- In 2012 and 2013, a number of standards developers acted to enforce their copyright. Some sent cease-and-desist letters to Public.Resource.Org, and some have filed lawsuits.
- In October 2013, the Office of the Federal Register (OFR) posted a [partial grant of petition and notice of proposed rulemaking](#) in response to the NARA *Federal Register* notice referenced above.

As coordinator of the U.S. standardization system, ANSI has taken a lead role in informing the public about the reality of free standards, the economics of standards setting, and how altering this infrastructure will undermine U.S. competitiveness.

We've hosted several public events on this critical topic, and we've developed consensus-based responses to the *Federal Register* notices based on feedback from you, ANSI's members.

I am especially pleased to report that the recent notice posted by OFR took [ANSI's feedback](#) into strong account, referencing our comments throughout their response to the petition. It is reassuring to see that the standardization community's viewpoint was thoughtfully considered, especially since all eyes were turned to OFR waiting to see how they might respond to the significant issues raised by original petition.

ANSI is proud to strongly support OFR's position, and we will be submitting comments to that effect by the December 31 deadline ([submit your organization's comments here](#)).

But the issue doesn't end here. We still hear the question, "Why aren't standards free?" Though this may be a valid point in the context of IBR, there are many other aspects of this issue that need to be considered.

A few weeks ago, we announced the official launch of an exciting new tool that will help successfully address this concern: the [ANSI IBR Portal](#). This new site provides free online access to read-only versions of voluntary consensus standards that have been IBR-ed into U.S. federal laws and regulations.

In response to input from ACUS and the National Institute of Standards and Technology (NIST), as well as hundreds of SDOs and other partners' input from both the public and private sectors, ANSI developed the IBR Portal with the goal of providing a single solution to ensure reasonable access to incorporated standards without endangering the viability of the standards development process as a whole.

For this first phase of the portal's roll-out, IBR standards from fifteen major domestic and international standards developers have been made available. All of the standards are available for viewing exclusively as read-only files. In order to safeguard the intellectual property of the participating standards developers, the portal contains a number of built-in security features that prevent viewers from printing, downloading, or transferring any of the posted standards; screenshots are also disabled and all documents will contain an identifying watermark.

Now that the portal has successfully gone live and its first phase is well underway, I expect that many additional SDOs will come to recognize the value of this tool and sign up to take part.

For those who have not yet had the chance to visit the portal, check it out at [ibr.ansi.org](http://ibr.ansi.org). Browse the standards, visit the FAQ page, and see for yourself the value the portal can provide in addressing the IBR issue.

Best regards,  
S. Joe Bhatia



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