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EDITORIAL:

WHAT MAKES A "GOOD" STANDARD SETTING ORGANIZATION GOOD?

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Abstract: *The modern technology-based world is increasingly dependent on the "global standard setting infrastructure." That infrastructure incorporates many types of commonalities besides specifications, and is made up of diverse processes, from internationally and nationally recognized standard setting bodies, to established consortia, to transitory fora, to open source projects. All are essential to the result, and the output of this infrastructure would be better coordinated and more useful if the value of each evolved process were recognized and supported. Any effort by Congress to favor only the official standard setting bodies over other types of processes is therefore counter productive and likely to be ultimately harmful.*

In this issue, we ask an important question: what attributes render a standard setting organization -- and its standards -- worthy of respect? The impetus for asking this question is a pending bill in Congress (H.R. 1086) which seeks to define, in effect, what a "good" standard setting organization is. (See the following article: "[H.R. 1086: Does Congress Know What it's Up To?](#)")

A related question is, "Who is entitled, and best qualified, to decide what those attributes are?" Due to the vast purchasing power of the United States federal government and its myriad agencies, this question is more than usually relevant. Any decisions that the federal government makes about what standards it will endorse (or refuse to endorse) will have a profound impact on government contractors of many types. Another reason why the question is important is that the government has the power (as with H.R. 1086) to selectively shelter some types of standard setting over others from the full impact of antitrust and other laws.

The bill in question shines a spotlight yet again on the ongoing feud between the relatively small number of officially recognized Standards Development Organizations (such as ANSI) and their accredited standard setting partners (such as INCITS), and the more numerous types of unrecognized bodies, usually referred to generically as "consortia." The formal bodies, or "SDOs," typically have a more elaborate process than consortia and enjoy international recognition, while most consortia are more narrowly focused, more commercially driven, and place a premium on rapidity of process. Their standards often receive unofficial international "de facto" recognition due to their widespread adoption.

In fact, the speed advantage of consortia has decreased, since many SDOs have adopted expedited processes in response to the competitive challenge represented by the burgeoning of consortia. At the same time, despite typically adopting a more streamlined process, not all consortia in fact achieve rapid results.

The distinction between the two types of organizations is further blurred by the fact that standards developed by consortia that achieve broad acceptance are often adopted by the SDOs themselves. As of this writing, almost every consortium that the author works with is in the process of transferring at least one standard to an SDO -- in most cases at the invitation of the SDO.

The fact of the matter is that both SDOs and consortia fulfill a vital function, as recognized by the fact that thousands of technology companies are active participants in multiple organizations of both types, at great expense in both cash and human resources.

Unfortunately, despite their non-profit status, standard setting organizations of both types often exhibit the same behaviors as their for-profit members: that is, they can become proprietary, turf conscious and competitive. Indeed, some standard setting organizations have been known to become almost as preoccupied with positioning themselves as their commercial counterparts, spending a significant portion of their management and board meeting time on issues related more closely to self-perpetuation than the direct goals of their members.

At the same time, it cannot be challenged that the modern technology-based world becomes daily more dependent upon standards. It is an ongoing thesis of this author that there is insufficient appreciation of what we call "***the global standard setting infrastructure.***" That is, the many hundreds of standard setting groups of every type -- from technical fora, to open source development networks, to consortia, to SDOs -- that agree upon commonalities of all types. These commonalities include not only traditional technical standards, but programming techniques, business methods, best practices, compliance tests and certification programs as well. Each of these still-evolving consensus-based processes play an essential role in the speedy development and adoption of new technology, and in the creation of useful products and services to the ultimate benefit of all sectors of the global economy.

Which brings us back to the danger of too-narrowly defining what a "good" standard setting organization is. We would submit that the following should be the ultimate definition of such an entity:

A "good" standard setting organization is a body which -- by whatever process it has adopted -- is successful in creating standards and other work product which are respected for their technical merit, trusted for their openness, and which become widely adopted.

To conclude that there is only one process that can achieve that end is to deny the contrary conclusion reached by a rigorous and dynamic marketplace. Certainly, developing best practices for standard setting and agreeing upon model intellectual property policies will make it easier to create and operate "good" standard setting bodies. But mandating a rigid approach will serve no one well.

We believe that it is time that the proponents of both SDOs and consortia lay down their cudgels and seek not only peaceful coexistence, but more outright cooperation as well. Each plays a vital role in the global standard setting infrastructure, and each is "good" in its own way. The anointment by Congress of one model over the other as the personification of "goodness" in standard setting will ultimately work to the detriment of vendors and end-users alike.

For the complete text of H.R. 1086, please see:

http://frwebgate.access.gpo.gov/cgi-bin/getdoc.cgi?dbname=108_cong_bills&docid=f:h1086ih.txt.pdf

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