EDITOR'S NOTE

STRUCTURING FOR SUCCESS

Last issue, I discussed the business issues that must be addressed in order to create a successful consortium, and promised to share further thoughts on the topic of consortium formation the next time around. In this issue, I'll focus on two topics: the role of the director in guiding a consortium, and the legal considerations that must be addressed in creating and operating a successful consortium.

In my *Editorial* this month, I highlight the fact that the success criteria for a non-profit standard setting or promotional consortium can be very different than those that measure victory for a profit-driven business. After all, consortia are founded to drive the adoption of standards, and not membership revenue. As a result, directors must trade in one set of assumptions when they take time off from their day jobs to help manage a consortium. If they fail to do so, the means rather than the ends can become the focus of the Board's attention. When this happens, members can find themselves with an organization obsessed with growth and perpetuation rather than standards and adoption.

Directors of non-profit consortia must also recall that they are subject to the same duties of loyalty as for-profit corporate directors, even if their employers have the right to appoint them in exchange for large dues payments. As a result, the director role can become particularly complex for vendor representatives: while such directors may be expected to present the viewpoint of their employers to illustrate the needs of other members with similar interests, they must still act on behalf of all members, and not just their employers.

In my *Feature* article, I provide a detailed overview of legal matters of concern to consortia at the time of formation – covering topics as diverse as jurisdictions of incorporation, antitrust law, tax exemptions, trademarks, intellectual property rights policies, and more.

For January's *Standards Blog* selection, I focus on the other end of the standards development funnel – and provide an update on a specification that I've been writing about directly and indirectly since the late summer of 2004 – Microsoft's Office Open XML formats (OOXML), which are now under review in ISO/IEC Joint Technical Committee 1. That specification was approved by European standards body Ecma last December. Unlike most standards, OOXML is intended to describe a single product – Microsoft Office. The next six months will tell whether this type of standards effort is, or is not, destined to be successful.

In my *Consider This* essay, I examine the parlous practice of developing standards contemporaneously with the evolution of the underlying technology – a risky business that is bound to result in many standards failing, but nonetheless enables those that are successful to permit products to reach and proliferate in the marketplace far more quickly than if the standards process were to follow rather than lead.

As always, I hope you enjoy this issue.

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Editor and Publisher
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