

Consortium Standards Bulletin

A ConsortiumInfo.org publication

November 2004 Vol III, No. 11

Attorneys at Law

EDITORIAL

AT THE HEART OF THE MATTER

Andrew Updegrove

It's curious that the aspect of standard setting that gets the least attention is the process of standard setting itself. Much is written in the business and technical press about specific standards, or the pervasive jockeying that surrounds their creation in order to influence outcomes. In academic journals, one can find serious works of scholarship on topics such as the economic impact of standards on society, how the antitrust laws relate to standard setting, and how standards can be used to erect trade barriers.

But what about the nuts and bolts process of actually creating standards? What procedures and practices are most conducive to good results, and how widely are they followed? It's a fact that that absent an effective process, an effective standard is not likely to emerge.

It is true that there is a body of literature that surrounds this topic, despite the fact that it appeals to a relatively narrow audience. Indeed, there are even passionate debates among those that are most involved in standard setting over what the necessary attributes of a process must be in order to create work product that should be entitled to even be called a "standard."

Still, this literature is comparatively high level, and focuses on those procedural elements that are deemed to be conducive to values such as due process, consensus and inclusiveness. In this context, the debate focuses more on whether the process is truly open (as in, "capable of producing 'open standards"), rather than whether it is likely to produce robust, timely standards that will actually prove to be useful.

Indeed, open process values have an importance that transcends individual standard setting organizations (SSOs). Absent conformance to accepted process standards, the work product of an SSO will not qualify for adoption by global standards bodies, or (at times) inclusion in the purchasing requirements of valuable government procurement contracts.

Important as these well-articulated values are, they are of only limited utility to those who must engage in the quotidian management of a standards process. Where are the manuals for the volunteers that must take time from their principal employment to chair a working group, or to agree upon the process of a new consortium that their employers have tasked them with creating?

It is strange that so vast a network of SSOs has so little literature of this type to rely upon in establishing and managing its efforts. Indeed, standard setting is almost like a medieval guild, within which skills are passed from the old to the young – but without the discipline or rigor that would guarantee that all that are admitted have access to the information and training that should attend the privileges of admission.

In our experience, the background of those actually charged with forming a new SSO is typically limited to involvement in one, or at most a few other SSOs. Often, those saddled with the task have no direct experience at all, and come instead from the marketing or business ranks of the founding companies. Not surprisingly, they are apt to borrow from the practices of one or two other SSOs in their industry, assuming those practices to be normative. The result is the creation of a technical process based upon mimicry rather than a comparison of alternatives, or the consideration of situational differences and accommodation of unique goals.

Gesmer Updegrove LLP, 40 Broad Street, Boston, MA 02109 • www.gesmer.com

398939.1

This hardly need be the case, given the fact there are many well-experienced individuals with valuable knowledge to share. But the point is worth making that standard setting (at least in the United States) remains largely an ad hoc affair, with almost no supporting academic infrastructure and only limited materials upon which to rely.

We believe that there is a real need for greater support of the standard setting process, in order to better train SSO participants, and to ensure that best practices are articulated, documented and disseminated.. Such support could include:

- The creation of dedicated courses on standard setting in universities with a commitment to engineering. Such courses would be intended to guarantee that graduates would have an integrated understanding of how these future standard setting participants can play a productive role in the ongoing process of standards creation.
- Grant funding in support of creating a more robust standard setting infrastructure. Such grants
 might help fund the creation of manuals and training materials, as well as course materials for
 ongoing professional education, and serious work on the governance and practice of standard
 setting.
- Creation of a professional association for those involved in standard setting. Such an association could create courses on best practices, and certify those that had demonstrated proficiency and knowledge. Such a certification could become a valuable credential for those that acquire it, as well as a useful differentiator for employers in vetting candidates for standards-related positions.
- Creation of an institute dedicated to the discussion and documenting of best practices. Such an institute could be hosted by an appropriate educational institution (e.g., MIT), SSO (e.g., the W3C) or accrediting body (e.g., ANSI).

All of the above actions taken together would entail only a modest budget in comparison to the vast sums already dedicated by private industry and government to the creation of standards, and a minuscule amount in comparison to the economic importance that standards have to society.

Its time that someone – perhaps a group of companies with business interests closely dependent upon standards –assumed a leadership position in this area, and took the modest effort needed to create a better educational infrastructure within which the heart of the matter of standard setting could be sustained.

Comments? <u>updegrove@consortiuminfo.org</u>

Copyright 2004 Andrew Updegrove