



CEN-CENELEC GUIDE 10

**Policy on dissemination,
sales and copyright of CEN-
CENELEC Publications**

Edition 3, 2015-02
(Supersedes CEN-CENELEC Guide 10:2010)

CEN and CENELEC decided to adopt this CEN-CENELEC Guide 10 through CENELEC/AG Decision and CEN/AG Resolution both taken by correspondence in January and February 2015 respectively.



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Introduction

The exploitation of copyright in CEN and CENELEC Publications is a main source of income for the majority of Members and a cornerstone of the sustainability of the CEN-CENELEC standardization system.

Therefore, sales must be based on commercial principles and conducted in a way that secures the value and content of the Publications to CEN, CENELEC, their Members and the end users.

Members and all other organizations that sell and disseminate CEN-CENELEC Publications must also ensure that they do their best to protect the value of CEN-CENELEC Publications.

Compliance with this Guide is mandatory for CEN-CENELEC Members, Affiliates, Partner Standardization Bodies, the CEN-CENELEC Management Centre, other recognized stakeholders and any distributor or licensee of these parties.

1 Scope

This Guide sets out the policy for the copyright, dissemination and sale of CEN-CENELEC Publications at all stages of their development, together with their national implementations and national products containing them, in all formats, distributed by all media and in all language versions in all territories.

This Guide establishes practices in line with competition law and with the World Trade Organization (WTO) criteria regarding dissemination of adopted standards under the openness criterion and the criterion on effectiveness and relevance in terms of availability to users.

This Guide replaces CEN-CENELEC Guide 10:2010.

2 Terms and definitions

For the purposes of this Guide, the following terms and definitions shall apply:

2.1

affiliate

according to CEN-CENELEC Guide 12 “The concept of Affiliation with CEN and CENELEC”

2.2

available free of charge

making a Publication available to the general public or to any target group without any form of payment

2.3

CEN-CENELEC

CEN or CENELEC, or CEN and CENELEC jointly, depending on the context

2.4

CEN-CENELEC Management Centre

CCMC

Management Centre of CEN and CENELEC or its staff, according to context

2.5

copyright

rights given to creators for their literary and artistic works (World Intellectual Property Organization [WIPO] definition)

2.6

definitive language version

publication translated by a CEN-CENELEC Member, Affiliate or PSB from an official language version into its national language(s), the accuracy of which has been certified in accordance with the CEN-CENELEC Internal Regulations

2.7

definitive text

text of a Publication disseminated by CCMC, after approval of a CEN-CENELEC Publication

2.8

dissemination

circulation of CEN-CENELEC Publications between CCMC and Members

2.9

distributor

third party appointed by a Member to assist in the national or transnational distribution of Publications, but not involved in the preparation and drafting of Publications

Note 1 to entry: For the purposes of this Guide, a Member acting as a distributor for another Member shall not be regarded as a distributor.

2.10

ETSI

European Telecommunications Standards Institute, responsible for the development and publication of European telecommunication standards

2.11

European Standard

EN

normative document adopted and made available by CEN-CENELEC in the three official languages and disseminated by CCMC to the Members for implementation as an identical national standard, as referred to in the CEN-CENELEC Internal Regulations Part 2 Clause 1.2 (see 2.27)

2.12

exploitation right

right given by a rights-holder (licensor) to a third party (licensee) to exploit the content of a copyrighted work

2.13

fair practice

as recalled in Article 10 of the Berne Convention, condition under which CEN and/or CENELEC and their Members can allow the use of extracts of their copyrighted Publications by third parties without payment of royalties

2.14

IEC

International Electrotechnical Commission, responsible for the development and publication of International electrotechnical Standards

Note 1 to entry: All CENELEC Members are members of IEC.

2.15

ISO

International Organization for Standardization, responsible for the development and publication of International Standards.

Note 1 to entry: All CEN Members are members of ISO.

2.16

Joint Commercial Advisory Group

JCAG

joint committee of CEN and CENELEC advising on all issues relating to the dissemination, sales and copyright of Publications

2.17

Member

CEN National Standardization Body (NSB) and CENELEC National Committee (NC)

2.18

metadata

data that helps describe or identify Publications, including titles, designations, abstracts, editions, dates of publications and other descriptive elements, as compiled and structured by CEN-CENELEC and their Members

2.19

multi user licence (networking licence)

licence granting a customer organization the right to store or access the electronic copy of a Publication for internal use only and to share the Publication with colleagues based on an agreement with commercial terms

2.20

national designation

national identification of a Member, not necessarily identical to its acronym, added as a prefix to the European designation when a Publication is implemented nationally

Note 1 to entry: see CEN-CENELEC Internal Regulations Part 3, Annex ZC.2.

2.21

national identifier

national identification of a Member added to all pages of any Publication

2.22

national implementation

process of giving a CEN-CENELEC Publication the status of a national publication, identical in technical content and presentation (except translation) either by publication of an identical text or by endorsement, as defined in the CEN-CENELEC Internal Regulations Part 2

2.23

national language

language(s) officially spoken in a national territory

2.24

national territory

country in which a Member, Affiliate, PSB or otherwise has its principal seat of operations, together with any of the country's territories outside its main boundaries

2.25

official language version

publication prepared in one of the three official languages of CEN-CENELEC (English, French and German) in accordance with the CEN-CENELEC Internal Regulations

2.26

Partner Standardization Body

PSB

according to CEN-CENELEC Guide 13 "The concept of Partner Standardization Body with CEN and CENELEC"

2.27

(CEN or CENELEC) Publication

documents as referred to in the CEN-CENELEC Internal Regulations Part 2 Clause 1.2 (except CEN-CENELEC Guides) including International Standards implemented as European Standards, together with their national implementations and definitive language versions, and any other CEN-CENELEC documents as might be identified

2.28

publicly accessible

to enable access to the content of a Publication by the general public, without making it available free of charge

2.29

regional standards organization

organizations normally composed of National Standardization Bodies (NSB) and/or National Committees (NC) from countries in a defined region or sub-region of the world, whose primary activities are to develop, coordinate, produce and distribute regional standards addressed to the users of that region or sub-region

Note 1 to entry: For example AMN, ARSO, COPANT, EASC, GSO.

2.30

third country

countries and regions in which the National Standardization Body (NSB) or National Committee (NC) is not a CEN-CENELEC Member, Affiliate or Partner Standardization Body

2.31

XML

Extensible Mark-up Language (XML) defining a set of rules for encoding documents in a format that is both human-readable and machine-readable, enabling multiple publishing options and other applications for a variety of different purposes

Note 1 to entry: For example print version, PDF, web representations.

3 Guiding principles

3.1 One of the main objectives of CEN and CENELEC and their Members is the widest possible dissemination and use of their Publications throughout Europe and the rest of the world. The CEN-CENELEC Management Centre (CCMC) and the Members have complementary roles in meeting this objective.

3.2 Whilst Members' activities can be funded in accordance with their local statutes and rules, the commercial exploitation of the Publications is fundamental to the maintenance and sustainability of CEN, CENELEC and their Members' activities.

3.3 CEN and CENELEC are funded primarily by the subscriptions of the Members.

3.4 CEN and CENELEC Publications are voluntary documents containing intellectual property of demonstrable economic value which are protected by national laws and international agreements, even where they are supporting public policies or referenced in technical regulations.

3.5 All Members, Affiliates, PSBs, recognized stakeholders and other identified partners have an obligation to protect the value of the Publications and to ensure that they and their distributors and licensees are in full compliance with the terms and procedures set out in this Guide.

3.6 Any issue that is not covered by this Guide or related documents shall be referred to the CEN-CENELEC Director General, who may seek the advice of the relevant governing bodies of CEN and CENELEC.

3.7 The laws of Belgium shall be applicable in all matters concerning copyright, exploitation right, sales and dissemination of Publications where CEN-CENELEC are directly involved.

4 Copyright

4.1 General

This section complements Clause 9 of the CEN-CENELEC Internal Regulations - Part 2.

4.2 Copyright ownership

CEN and CENELEC have the copyright in all their respective Publications.

Publications, including their entire content and their associated metadata, as compiled and structured in the databases of CCMC and the Members, together with their national implementations, are works constituting individuality and originality and are therefore copyright-protected under the laws of Belgium, which is the country of origin of the works.

In order to ensure that CEN and CENELEC can claim copyright in all their Publications, all participants in the CEN-CENELEC Technical bodies, Working Groups and Workshops that develop Publications assign the copyright in their individual contributions to CEN and CENELEC for the benefit of their Members by signing copyright assignment statements in accordance with the Belgian law on copyright.

Copyright may be shared with other organizations (such as ISO, IEC and ETSI) on the basis of bilateral agreements that may be concluded with these organizations. The terms of any such agreement shall not deviate from the principles and the sales and dissemination rights set out in this Guide, except as may be authorized by the respective CEN and CENELEC Boards.

4.3 Exploitation rights

CEN and CENELEC assign the right to exploit Publications to each individual Member by means of a specific bilateral Exploitation Agreement.

Members have thus the exclusive right within their own territories, and the non-exclusive right in the territories of third countries, to distribute, sub-distribute, adjust, translate, rent, lend, derive revenue from duplication and loan, communicate to the public in total or in part, in summary or with comments, transfer all exploitation licences and authorize all sub-licences and otherwise exploit the Publications and their national implementations.

CEN and CENELEC also assign the right to exploit Publications to each Affiliate, PSB and other identified National Standardization Body and National Committee of third countries, or regional partner by means of a specific bilateral exploitation agreement and conditions as detailed in Annex B of this Guide.

Notwithstanding legal obligations of Members, Affiliates, PSBs and other identified National Standardization Bodies and National Committees of third countries, such as the provision of Publications to the national deposit library, all new requests to make Publications publicly accessible shall be addressed in accordance with Clause 7 and Annex A of this Guide.

It should also be reminded that any public accessibility of a Publication granted by a Member, if any, does not mean that the copyright in that Publication has been waived by CEN-CENELEC or the Member.

4.4 Protecting copyright

Members, Affiliates, PSBs and other identified partners shall exercise the exploitation rights in accordance with the provisions of this Guide and in a way that:

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- protects the integrity and value of the Publications;
- safeguards the interests of CEN-CENELEC;
- recognizes the value of the intellectual property that they contain and the costs of their development and maintenance to CEN-CENELEC and their Members.

CCMC, Members, Affiliates, PSBs and other identified partners shall therefore regularly inform users that Publications are protected by copyright and that this copyright will be enforced, by legal means if necessary.

They shall also take all reasonable opportunities to inform public authorities and regulators with whom they come into contact that European Standards and other Publications are copyright protected documents, developed through a voluntary process and that the reference of European Standards and other Publications in laws and regulations does not extinguish any copyright asserted by CEN-CENELEC.

CCMC shall take all actions it deems necessary to protect the copyright of CEN-CENELEC and shall assist the Members, Affiliates, PSBs and other identified partners whenever it deems necessary.

4.5 Copyright statements and watermarking

Members, Affiliates, PSBs and other identified partners shall ensure that all products they sell or distribute contain an appropriate copyright statement and the identification of the source.

Publications distributed in electronic form (e.g. pdf format), shall carry a watermark setting out at least:

- name of the Member, Affiliate or PSB;
- name of the licensee;
- date of the licence.

In addition, it may include, as appropriate:

- web store order (order number);
- single user licence only, copying and networking prohibited.

CCMC shall ensure that Publications carry an appropriate personalized watermark when distributing them to the European Commission and its Agencies and to other identified partners.

4.6 Digital Rights Management (DRM)

Members, Affiliates, PSBs and other identified partners may, at their own discretion, apply additional DRM controls to protect Publications against unauthorized copying or networking.

Where one Member, Affiliate or PSB acts as a distributor for another Member, they may be required to implement these additional DRM protections by mutual agreement of the parties concerned.

5 Distribution and dissemination of Publications

5.1 Fundamental principles

Members, Affiliates, PSBs and other parties involved in the distribution of Publications or products containing them, in any form or in any language, shall not make them available free of charge.

Any request to make Publications available free of charge shall be referred to the CEN or CENELEC Administrative Board.

Any distribution arrangement that might conflict with this fundamental principle shall be notified to CCMC for consideration by the CEN or CENELEC Administrative Board for their approval before it is implemented.

5.2 Role of CCMC

CCMC is primarily responsible for the dissemination of definitive texts and XML files (or files of a similar format) to the Members for the purpose of national implementation, and the distribution of Publications to the European Commission and other specified European agencies and stakeholders.

CCMC is also responsible for the distribution of definitive texts to Affiliates, PSBs and National Standardization Bodies and National Committees of third countries as detailed in Annex B of this Guide.

5.3 Role of Members

5.3.1 General

Members are primarily responsible for distributing Publications in their own territories and have a secondary responsibility for distributing their national implementation in the territories of third countries.

Members must implement European Standards as national standards in accordance with CEN-CENELEC Internal Regulations and are licensed to distribute their national implementation in accordance with this Guide.

Members are also licensed to produce products and services containing Publications and to sell them in accordance with this Guide.

5.3.2 Dissemination of working drafts of Publications

The dissemination of all working drafts of Publications prior to Public Enquiry is restricted to the participants and observers in the relevant technical bodies.

5.3.3 Distribution of drafts for Public Enquiry

Drafts for Public Enquiry must be distributed in a way that meets the requirements of the enquiry process. They may be made available free of charge from the Member's web site or from a dedicated public commenting site for the duration of the enquiry period, after which they may be distributed on the Member's normal commercial terms. Drafts for Public Enquiry distributed in hard copy may be subject to a handling charge at the Member's discretion.

5.3.4 Distribution of definitive texts of European Standards

Members may distribute definitive texts to end users as an interim measure for a limited period of time, pending the publication of the national implementation. In such cases, they shall not be represented as national implementations or as having the same authority as national implementations.

5.3.5 Distribution of national implementations of European Standards

National implementations must carry a national identifier on all pages, which must be used in any reference to them in the Member's literature or databases or in the literature or databases of the

Member's distributors or licensees. National implementations of European Standards shall be distributed in accordance with this Guide.

5.3.6 Distribution of other Publications

Members may distribute other Publications at their own discretion in accordance with this Guide.

5.3.7 Distribution of XML files

Distribution of XML files (or files of a similar format) by a Member to third parties shall be subject to strict contractual requirements which exclude further distribution and which protect their value and the investment made by CEN-CENELEC in their preparation.

5.4 Marketing

Each Member is encouraged to actively market European Standards and other Publications (or products containing European Standards and other Publications) in their own national territories, and may actively market in the territories of third countries, as licensed by CEN or CENELEC and in accordance with their Exploitation Agreements and this Guide. If a Member receives an order for a Publication (or a product containing Publications) from a customer located in the national territory of another Member, it may fulfil this order.

However, Members shall not actively market Publications (or products containing these or parts of them) in the national territories of other Members, except with the specific agreement of those Members. In particular, but not exclusively, Members shall not:

- Engage in any advertising campaign, whether by print, broadcasting or any other electronic means, specifically aimed at the national territory of other Members, except by agreement with the Member concerned;
- Establish any branch or maintain any distribution depot for the distribution and sales of Publications and products in the national territory of other Members, except by agreement with the Member concerned;
- Actively approach customers located in the national territory of other Members through direct marketing activity or customer relations management, whether by email, website push technology, sales force activity or similar, except by agreement with the Member concerned.

For the purposes of this Guide, advertisement on a website and reference to web shops in emails is not considered as active marketing.

If there is any doubt whether a Member is engaging in active marketing or not, it shall be referred to the Director General of CEN-CENELEC, whose decision, taken on the basis of this Guide and of the bilateral Exploitation Agreement, shall be final.

These provisions shall also apply to Affiliates, PSBs and the National Standardization Bodies and National Committees of third countries in respect of any European Standards they have implemented as a national standard.

6 Third party distributors

Members may appoint national or transnational distributors to sell national implementations of Publications and national products containing Publications in their own national territories or in third countries in accordance with the provisions of this Guide.

These distribution arrangements shall be subject to an appropriate contract that protects the CEN-CENELEC copyright and safeguards the interests of other Members.

National and transnational distributors shall be contractually obliged to comply with the relevant provisions of this Guide and Members shall be responsible for monitoring this compliance.

A Member of CEN may act as a sub-distributor for another Member of CEN by mutual agreement. Equally, a Member of CENELEC may act as a sub-distributor for another Member of CENELEC by mutual agreement. In the case that a Member acts as a sub-distributor for another Member by mutual agreement, it may sell and actively market that Member's national implementation of Publications, or products containing Publications, in its national territory on terms agreed between them.

7 Sponsored access

Members may make Publications publicly accessible to specified user groups on the basis of sponsorship by a Public Authority or private organization.

In these exceptional cases the Member shall always guarantee that the public accessibility to the Publications is granted with appropriate measures that safeguard copyright (such as restriction to download or to reproduction, even partial) and in a way that the economic value of the Publications is recognized¹.

Annex A of this Guide sets out the terms and conditions through which Members may make their Publications publicly accessible.

All new requests to make Publications publicly accessible shall comply with Annex A and be addressed to CCMC for validation. CCMC shall seek the advice of the respective CEN and CENELEC Board if necessary.

8 Reproduction requests received by Members

8.1 Multi-user Licences (Network Licences) and other licences

Members may respond to requests by third parties for a licence to reproduce their national implementations of Publications (or parts of Publications) in products for general sale in accordance with their own policies, either:

- by end users for their internal use (multi-user or networking licences);
- by resellers for commercial purposes (other licences).

If the request is for a definitive text of a Publication not implemented by the Member it shall be referred to CCMC.

All requests to reproduce European Standards shall be referred to CCMC who will assess the request in consultation with JCAG.

¹ For the specific case of public access to Publications in the construction sector, please refer to CEN-CENELEC Guide 28 "Guidelines for the public access of Eurocodes and their National Annexes and Harmonized European Standards under the Construction Products Regulation".

8.2 Fair practice

If a Member receives a request for reproduction of a small extract of a national implementation of a Publication, it may refer to the principle of fair practice as described in 9.2.

8.3 Requests from National Standardization Bodies and National Committees of third countries and other third parties

All requests that Members receive for reproduction or implementation of a European Standard from National Standardization Bodies and National Committees from third countries and other third parties, shall be referred to CCMC.

All requests that Members receive for reproduction or implementation of their national implementation of European Standards (or of their other Publications) from National Standardization Bodies and National Committees from third countries and other third parties, can be fulfilled in accordance with their own policies.

The Members shall notify to CCMC all requests for reproduction or implementation received from National Standardization Bodies and National Committees from third countries for statistical and informational purposes.

9 Reproduction requests received by CCMC

9.1 General

When CCMC receives requests from third parties to reproduce Publications it shall respond in the following ways.

9.2 Fair practice

CCMC determines, at its own discretion, that a request to reproduce a small extract of a Publication can be considered as fair practice. In such cases, it may give permission for the reproduction, subject to an appropriate acknowledgement. In case of doubt CCMC shall seek the advice of JCAG.

Typically, fair practice may include quotations for review, comment and analysis in documents and publications made for non-commercial educational or informational purposes.

Small extracts consist of limited text, data, figures, tables, pictures or drawings, which are not fundamental or essential parts of the Publication.

9.3 Multi-user licenses (Networking licences) and other licences

If CCMC receives a request from third parties located in the territory of a Member for a multi-user networking licence or any other reproduction licence of Publications (or parts of Publications), it shall inform the enquirer about the possibility to request a licence from each and every Member.

If the request comes from a third country, CCMC will issue the licence on appropriate commercial terms and on the advice of JCAG. The license shall not allow the reselling of the definitive texts of European Standards as they are delivered by CCMC. This principle is also applicable to 9.4.

9.4 Requests from Affiliates, PSBs and National Standardization Bodies and National Committees of third countries

All requests from Affiliates, PSBs or National Standardization Bodies and National Committees of third countries to implement or reproduce European Standards as national standards shall be referred to CCMC, which shall issue licences on appropriate terms as set out in Annex B.

When CCMC receives a request for a national implementation of a European Standard, it will refer the request to the appropriate Member.

10 Language Versions

10.1 Official language versions

CEN and CENELEC hold the copyright in all Publications in the three official languages, English, French and German. Members, Affiliates and PSBs have the right to implement Publications in any or all of these three official languages.

10.2 Definitive language versions

Members, Affiliates and PSBs may translate Publications into their national language(s) if it is not one of the three official languages, and certify the accuracy of the translation in accordance with the CEN-CENELEC Internal Regulations. This is then deemed to be the definitive language version of that Publication. There shall be only one definitive language version of any Publication.

Members that translate Publications into definitive language versions own the copyright in these language versions, but may not assign it to any third party.

Where two or more Members share a common national language, which is not one of the three official languages, they shall agree between themselves on their respective responsibilities and modalities in producing the definitive language version and inform CCMC of their agreement. If no agreement can be reached the matter shall be referred to the CEN-CENELEC Director General whose decision shall be final.

If a Member wants to translate a Publication into a language of another Member it can only do so in agreement with that Member.

If an Affiliate or PSB shares a common national language with another Member(s), which is not one of the three official languages, it shall seek agreement with the Member(s) concerned in producing the definitive language version and inform CCMC of their agreement. If no agreement can be reached, the matter shall be referred to the CEN-CENELEC Director General whose decision shall be final.

If a Member, Affiliate or PSB wishes to reproduce or sell a definitive language version prepared by another Member, this shall be subject to an agreement with that Member and may involve payment of a royalty agreed between them.

If a Member, Affiliate or PSB wishes to distribute Publications in any other language than an official or definitive language version, it shall inform CCMC who may consult JCAG for information, advice or coordination.

All queries concerning issues of language shall be referred to CCMC for resolution.

10.3 Other language versions

Members may translate their national implementation of Publications into any language that is not an official or definitive language version without certifying their accuracy, or license a third party to do so, but such versions shall not be considered authoritative and, in case of doubt, users shall always be referred to an official or definitive language version.

The Member owns the copyright in these language versions but may not assign it to any third party.

CCMC shall be informed of these translations by the Members in order to aim that there is only one version of any Publication in any other language.

Annex A

Access to standards paid by a sponsor

A.1 Sponsored access through the Member

Rather than selling Publications and services to individual customers, the Members may reach an agreement with a sponsor, which may be a Public Authority or a private organization, to develop and maintain a platform which gives online read-only access to selected Publications to a specified user group free of charge.

This model has already been applied by some Members in the case of Eurocodes and their National Annexes.

This access is controlled by registration and is restricted to the specified user group. Access is therefore subject to a verification process and the user's acceptance of the terms and conditions of use. Access is read-only and controlled in accordance with the Member's DRM policy.

The accessed documents are watermarked with a personalized identification, and relevant copyright statements are shown on the screen and/or on any pages of the file.

Access from outside the national territories is prohibited.

Typically, the Publications are in the national language only.

The Member is compensated for its cost by:

- a fixed annual fee; or
- a variable fee based on the number of Publications accessed.

A.2 Sponsored access through third parties

Several Members have special agreements with recognized bodies, such as Chambers of Commerce, industry and trade associations and professional bodies, which allow their memberships public accessibility to Publications through dedicated portals, either hosted by the bodies or by the Member on their behalf, for an appropriate fee.

Access is subject to registration and verification and acceptance of the terms and conditions of use.

Copyright statements are shown on the screen and/or in any pages of the file.

The accessed documents are watermarked with a personalized identification, and relevant copyright statements are shown on the screen and/or in any pages of the file.

DRM may be applied in accordance with the Member policy.

Annex B

Requests received by CCMC for distribution of European Standards for implementation or reproduction by Affiliates, PSBs, National Standards Bodies (NSB) and National Committees (NC) from other third countries and Regional Standards Organizations

B.1 Conditions for distribution of definitive texts of European Standards for implementation or reproduction by Affiliates and PSBs

B.1.1 Distribution for implementation

- a) Affiliates and PSBs are encouraged to implement European Standards as national standards in their own languages, or in one of the official languages of CEN-CENELEC, and to withdraw conflicting national standards in accordance with the provisions of Guide 12 “The concept of Affiliation with CEN and CENELEC” and Guide 13 “The concept of Partner Standardization Body with CEN and CENELEC”.
- b) CCMC is responsible for the distribution of definitive texts of European Standards to Affiliates and PSBs for the purpose of national implementation.
- c) Affiliates and PSBs are encouraged to implement European Standards identically, or with such minor modifications as CCMC may authorize and subject to such conditions as CCMC may determine at its own discretion.
- d) In case of identical implementation, or with minor modifications as authorized by CCMC, there shall be no royalties and no limitation on marketing and sale of the national implementation within the national territory of the Affiliate and PSB. However, if the standard is sold outside the national territory it shall be subject to payment of a royalty or lump sum to CEN or CENELEC.

B.1.2 Distribution for reproduction

CCMC is responsible for the distribution of definitive texts of European Standards to Affiliates and PSBs should they wish to:

- implement a European Standard with changes other than minor modifications;
- reproduce a European Standard partially.

In all these cases this shall be subject to a financial compensation either through royalties or a lump sum to CEN or CENELEC, as determined by CCMC, with the advice of JCAG if necessary.

B.1.3 Translations

With regard to the use of language versions of European Standards, the provisions of Clause 10 of this Guide shall also apply to Affiliates and PSBs.

B.2 Conditions for distribution of definitive texts of European Standards for implementation or reproduction by a National Standardization Body (NSB) or National Committee (NC) of a third country, other than Affiliate or PSB, including translation

B.2.1 Distribution for implementation

- a) If a NSB/NC of a third country, other than an Affiliate or PSB, (whether a member of ISO and IEC or otherwise), wishes to implement the definitive texts of a European Standard as a national standard, it should be encouraged to do so by addressing CCMC. The implementation process shall respect the CEN-CENELEC rules for national implementation of European Standards and safeguard the value of the intellectual property as set in this Guide.
- b) CCMC is responsible for the distribution of definitive texts of European Standards to the NSB/NC of third countries for the purpose of national implementation, including the relevant exploitation arrangements.
- c) NSBs/NCs of a third country are encouraged to implement European Standards identically, or with such minor modifications as CCMC may authorize and subject to such conditions as CCMC may determine at its own discretion.
- d) In case of identical implementation, or implementation with minor modifications as authorized by CCMC, there shall be no royalties and no limitation on marketing and sale of the national implementation within the national territory of the NSB/NC. However, if the standard is sold outside the national territory, it shall be subject to payment of a royalty or lump sum to CEN or CENELEC.
- e) When a NSB/NC of a third country requests a Member, Affiliate or PSB to provide its national implementation of a European Standard for implementation in its national territory, the Member, Affiliate or PSB may respond to the request and shall notify it to CCMC for statistical and informational purposes.
- f) The NSB/NC shall not seek customers for any implemented standard (be this a European Standard received from CCMC, or a national implementation of a European Standard received from a Member, Affiliate or PSB), nor undertake active marketing of such standards in the territories of the Members.
- g) When a NSB/NC in a third country implements a European Standard as national standard in accordance with clause B.2.1 c), there are two possibilities regarding the language of the national implementation:
 - 1) The NSB/NC publishes the national implementation in one of the three official languages. In this case clause B.2.1 d) applies.
 - 2) The NSB/NC publishes the national implementation in a language other than one of the three official languages. In this case, there are two options:
 - i) A Member, Affiliate or PSB has already translated the European Standard in the same language and made it already available:
 - The NSB/NC shall address the Member, Affiliate or PSB holding the translation of that definitive language version of the European Standard to agree on the terms of licence for the distribution of the translated European Standard within and outside its national territory.
 - ii) No definitive language version is available:

- If the language is the same as the official language in the territory of a Member, Affiliate or PSB, the NSB/NC shall agree on appropriate arrangements for a translation with the Member, Affiliate or PSB sharing the same language. The translated national implementation shall not be actively marketed in the territories of Members and, unless otherwise agreed, of Affiliates and PSBs.
- If the language is not an official language in the territory of any Member, Affiliate or PSB, the NSB/NC can translate the European Standard and distribute the translated national implementation within its national territory without restriction.
- CEN and CENELEC may reserve the right to license the translation into a definitive language version of their European Standards under specific conditions, notably regarding the distribution of these translated European Standards outside the national territory of the relevant NSB/NC.

B.2.2 Distribution for reproduction

- a) CCMC is responsible for the distribution of definitive texts of European Standards to the NSB/NC of third countries should they wish to:
- 1) implement a European Standard with changes other than minor modifications;
 - 2) reproduce a European Standard partially.

In all these cases this shall be subject to a financial compensation either through royalties or a lump sum to CEN or CENELEC, as determined by CCMC in relevant exploitation agreements, with the advice of JCAG if necessary.

- b) If CCMC receives a request of a NSB/NC of a third country for publication and selling or otherwise commercially exploiting a national implementation of a European Standard, it shall address the request to the Member responsible for the relevant national implementation.
- c) When a NSB/NC of a third country requests full or partial reproduction (without implementation) of a European Standard, there are three possibilities regarding the language of its reproduction:
- 1) The NSB/NC publishes the reproduced text of the European Standard in one of the three official languages. In such a case the NSB-NC shall negotiate with CCMC the commission payable to CEN-CENELEC.
 - 2) The NSB/NC wishes to reproduce text of the European Standard in the official language in the territory of a Member, Affiliate or PSB. In such a case, CCMC shall refer the request to the concerned Member, Affiliate or PSB. Reproduction will be allowed following appropriate commercial arrangements with the concerned Member, Affiliate or PSB.
 - 3) The NSB/NC wishes to translate the reproduced text of the European Standard into a language, which is not the official language in the territory of any Member, Affiliate or PSB. In such a case, reproduction will be allowed following appropriate commercial arrangement with CCMC.
- d) All other enquiries on issues of languages and translations by NSBs/NCs of third countries shall be handled by CCMC in coordination with the Member(s) using that language, if any, and if necessary on the advice of JCAG.

B.3 Distribution for implementation or reproduction by Regional Standards Organizations

- a) If a recognized Regional Standards Organization wishes to distribute or reproduce a European Standard as a regional standard, it should be encouraged to do so by addressing CCMC.
- b) CCMC negotiates the terms for the translation, distribution for implementation or reproduction of that European Standard taking into account the safeguard of the value of the CEN-CENELEC intellectual property.