



SLOVENSKI STANDARD

SIST-V CEN/CLC Guide 10:2010

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Smernice za razdeljevanje in prodajo publikacij CEN/CENELEC

Guidelines for the distribution and sales of CEN-CENELEC publications

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[SIST-V CEN/CLC Guide 10:2010](https://standards.iteh.ai/catalog/standards/sist/22b5eac5-b982-4a83-ad75-804b0f5f815c/sist-v-cen-clc-guide-10-2010)

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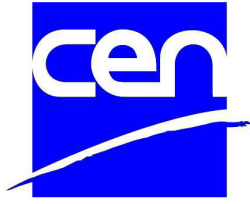
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CEN/CENELEC Guide 10

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The CEN and CENELEC General Assemblies decided to replace the CEN-CENELEC Guide 10 version 2001 with the present Guide with CENELEC General Assembly decision of 26 October 2009 and CEN General Assembly Resolution of 19 November 2009.



**European Committee for
Standardization**

**European Committee for
Electrotechnical
Standardization**

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Guidelines for the distribution and sales of CEN-CENELEC publications

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1 Introduction and scope

This Guide sets out the policy for the distribution and sale of all CEN-CENELEC publications in all formats, distributed by all media and in all language versions.

It is applicable to the CEN-CENELEC Management Centre, to CEN-CENELEC Members, to Affiliates, to Partner Standardization Bodies and to any distributors or licensees of these parties.

This CEN-CENELEC Guide 10:2010 replaces all previous versions of Guide 10.

2 Terms and definitions

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

2.1

CEN-CENELEC

CEN or CENELEC or CEN and CENELEC jointly

NOTE Depending on the context.

2.2

CEN-CENELEC Management Centre

the central office in Brussels of CEN and CENELEC

2.3

Members

CEN national Members and CENELEC National Committees

2.4

copyright

The claim by CEN and/or CENELEC and their respective Members to the exploitation rights in any CEN-CENELEC publication and its related metadata, including those rights assigned directly by the authors of the CEN-CENELEC publications and those rights assigned by ISO, IEC or other organizations involved in their development

2.5

copyright exploitation rights

rights given by CEN-CENELEC to the Members to exploit the content of the Publications

2.6

Publications

CEN-CENELEC publications defined in the CEN-CENELEC Internal Regulations, Part 2, Clause 2 (including international standards adopted as European standards), together with their national implementations and definitive language versions, ratified texts of publications and any other publications as might from time to time be identified

NOTE See Annex 1.

2.7**official language versions**

texts prepared in English, French and German in accordance with the CEN-CENELEC Internal Regulations

2.8**definitive language versions**

Publications translated by a CEN-CENELEC Member, Affiliate or Partner Standardization Body from an official language into its national language, the accuracy of which has been certified in accordance with the CEN-CENELEC Internal Regulations

2.9**national territory**

territory in which the Member has its principal seat of operations, together with any territories belonging to the same state but outside its primary national borders

2.10**third countries**

countries in which the national standards body is not a CEN-CENELEC Member, an Affiliate or a Partner Standardization Body

2.11**national and transnational distributors**

any third party appointed by Members to assist in distribution of Publications in their national territory or in territories outside the CEN-CENELEC Members area

For the purposes of this Guide, a Member acting as a distributor for another Member shall not be regarded as a transnational distributor.

3 Guiding principles

The fundamental objective of CEN-CENELEC and their Members is the widest possible dissemination and use of their Publications throughout the world. The CEN-CENELEC Management Centre and the Members have complementary roles in meeting this objective.

The CEN-CENELEC Management Centre is funded primarily through the subscriptions of the CEN and CENELEC Members.

The Members are funded in accordance with their local statutes and rules, but the commercial exploitation of the Publications is fundamental to the maintenance of the CEN-CENELEC system as a whole.

A substantial part of the standardisation work is financed by voluntary and gratuitous participation from businesses, through their participation in committees, financing of projects, etc.

All Members have an obligation to protect the value of these Publications and ensure that they and their national and transnational distributors and licensees are in full compliance with the terms and procedures set out in this Guide.

Any issues that are not covered by this Guide, or by related documents, shall be referred to the CEN-CENELEC Director General.

The laws of Belgium shall be applicable in all matters concerning CEN-CENELEC copyright, exploitation rights and sales and distribution policy.

4 Copyright exploitation rights

Copyright exploitation rights in Publications are assigned to CEN-CENELEC and their Members by all the participants in their drafting.

4.1 Protecting CEN-CENELEC copyright

Exploitation of the copyright in Publications is fundamental to the maintenance of the CEN-CENELEC system.

Members shall ensure that all Publications carry an appropriate copyright statement safeguarding the CEN-CENELEC copyright.

It is a fundamental obligation of Members to take all reasonable measures, and take all such action as may be allowed by their national laws, to prevent the misuse or infringement of the CEN-CENELEC copyright in their national territories.

The CEN-CENELEC Management Centre shall assist Members in these actions.

4.2 Members' copyright exploitation rights

Members have, within their own territory, the right 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. These exploitation rights cover all languages and all forms of exploitation known at present.

These rights may be shared with other organizations, such as ISO or IEC, in accordance with the agreements that may from time to time exist between CEN-CENELEC and those organizations. CEN-CENELEC shall ensure that the terms of any such agreements do not infringe the sales and distribution rights set out in this Guide, except as may be authorized by their respective Administrative Boards.

Members shall exercise these rights in accordance with the provisions of this Guide and in a way that protects the integrity and value of the Publications, safeguards the interests of other Members and recognizes the value of the intellectual property that they contain and the costs to the CEN-CENELEC system of its development and maintenance.

In particular, Members shall not make Publications, including national implementations and definitive language versions, available free of charge to general users without the specific approval of the Administrative Boards of CEN and/or CENELEC.

5 Role of the CEN-CENELEC Management Centre

5.1 Distribution

5.1.1 Ratified texts

The primary role of the CEN-CENELEC Management Centre is the distribution of ratified texts of Publications in the three official language versions to the Members for the purpose of national implementation.

5.1.2 Workshop Agreements

The CEN-CENELEC Management Centre is responsible for the distribution of those Workshop Agreements which it was contractually agreed should be made available to the general public free of charge.

5.1.3 European standards and other publications

The CEN-CENELEC Management Centre shall be responsible for the distribution of ratified texts and other publications to the European Commission and to designated pan-European organizations on terms that shall from time to time be agreed by their respective Administrative Boards, on the advice of CEN/SD and CENELEC/COMPOL respectively.

5.2 Reproduction by third parties (standards.iteh.ai)

5.2.1 Fair use

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If the CEN-CENELEC Management Centre receives a request to reproduce a part of a Publication and determines that it falls within the provisions of "fair use" it may permit the reproduction, subject to an appropriate acknowledgment.

Fair use includes the reproduction of small extracts of Publications for promotion, review, comment, analysis and other similar educational or informational purposes. These extracts shall not exceed 10 % of the text of a Publication.

The CEN-CENELEC Management Centre may define fair use at its own discretion or, in case of doubt, on the advice of CEN/SD or CENELEC/COMPOL.

5.2.2 Other requests

If the request does not fall within the provisions of "fair use" then the CEN-CENELEC Management Centre will respond as follows:

5.2.2.1 Official language versions

If the request originates from within the territory of a CEN-CENELEC Member, then the request shall be referred to that Member. If the request originates from any other territory, then the CEN-CENELEC Management Centre Office shall respond on the advice of CEN/SD or CENELEC/COMPOL, as appropriate.

5.2.2.2 Definitive language versions

The request shall be referred to the Member responsible for that language version, irrespective of the territory from which the request originates.

5.2.2.3 Adoption by the standards body of a third country

The CEN-CENELEC Management Centre shall be responsible for authorizing the adoption of European Standards by the standards bodies of third countries, subject to the terms and conditions set out in Annex 3, *Adoption and publication by the National Standards Body of a third country*.

6 Role of Members

6.1 Distribution

The primary role of Members is to promote the use of the Publications in their national territories. They shall maintain an efficient sales service for this purpose or shall inform national customers where such a service may be obtained.

Their secondary role is to promote their use in territories outside the CEN-CENELEC Members' area.

6.1.1 Working drafts and committee drafts

The distribution of working drafts, committee drafts and other proceedings of CEN-CENELEC technical bodies and Working Groups is generally restricted to the participants and observers in those technical bodies and Working Groups and they shall not otherwise be distributed.

6.1.2 Drafts for public comment

Draft standards for public comment may be distributed in accordance with local rules and practices.

6.1.3 Ratified texts

Ratified texts are primarily administrative documents distributed to Members for the purposes of national implementation but they may be sold by Members as an interim measure pending the publication of the national implementation.

6.1.4 European Standards

Members are obliged to implement European Standards as national standards and withdraw all conflicting national standards in accordance with the CEN-CENELEC Internal Regulations. Implementation may be by the endorsement method or by the publication method. Distribution is dependent on the method of implementation.

6.1.4.1 Endorsement method

European Standards implemented by endorsement must be announced in the national journal and an endorsement sheet must be prepared in accordance with the CEN-CENELEC Internal Regulations.

European Standards implemented by endorsement may be sold as ratified texts with the endorsement sheet attached, in accordance with local rules and practices, subject to the provisions of this Guide.

6.1.4.2 Publication method

European Standards implemented by publication of a national standard may be sold in accordance with local rules and practices, subject to the provisions of this Guide.

6.1.5 Other publications

Other publications, such as Workshop Agreements, where there is no obligation to implement nationally, may still be implemented nationally in accordance with the copyright exploitation rights set out in 4.2 above. They may also be distributed in their original form.

In both cases, Members may distribute these publications without payment of a royalty to CEN-CENELEC.

6.1.6 Considerations of language

6.1.6.1 Official language versions

Publications may be implemented nationally in any or all of the three official languages. No royalties shall be paid to CEN-CENELEC on the sale of the national implementations in any language version.

6.1.6.2 Definitive language versions

Members may translate a Publication into their national language(s), where that language 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 only be one definitive language version of any Publication.

Where two or more Members share a common national language, which is not one of the official languages, they shall agree between themselves on their respective responsibilities in producing the definitive language version and inform the CEN-CENELEC Management Centre of their agreement.

If a Member 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. This royalty may be symbolic.

6.1.7 National products containing Publications

Members may prepare their own products containing Publications in accordance with the copyright exploitation rights set out in 4.2 above and sell them, subject to the provisions of this Guide.

6.1.8 Distribution in the territories of other Members

If a Member receives an order for a Publication, a national implementation of a Publication or a product containing Publications, from a customer in the national territory of another Member, then this order must be fulfilled in accordance with European competition law, but Members shall not pursue a policy of active marketing of such Publications or products in the national territory of any other Member.

In particular, they shall not engage in any advertising, whether by print, broadcasting or any other electronic means, specifically aimed at that national territory, or establish any branch or maintain any distribution depot for the distribution and sale of such Publications and products in that territory, except by agreement with the Member concerned. Neither shall they actively approach customers through 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 Member's website shall not be considered "active marketing".

By mutual agreement, one Member may act as a distributor for another Member, selling and actively marketing that Member's national implementations of Publications, or products containing Publications, in its national territory on terms agreed between them.

6.1.9 Distribution in third countries

Members are free to market, distribute and sell Publications, national implementations, or national products incorporating Publications, in any territories outside the CEN-CENELEC Members' area without restriction.

However, Members shall not establish or enter into agreements with distributors in third countries, which would allow these distributors to actively market Publications within the territory of any other Member. See also Clause 7.

6.1.10 Electronic distribution to end users

Publications and their national implementations distributed in electronic format shall only be sold or leased to end users in non-revisable formats (e.g. PDF, HTML), unless the documents are sufficiently protected by DRM or other protection technology.

Delivery may be offered by on-line, secure, closed, point-to-point connections (e.g. fax, email or extranet), via transportable media (e.g. CD-ROM and DVD) or via on-line download from the Members' websites.