



SLOVENSKI STANDARD
SIST-V CEN/CLC Guide 10:2018
01-marec-2018

Politika razširjanja, prodaje in avtorskih pravic za publikacije CEN-CENELEC

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

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Ta slovenski standard je istoveten z: CEN/CLC Guide 10:2017

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CEN-CENELEC GUIDE

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

Edition 4, 2017-11

(Supersedes CEN-CENELEC Guide 10:2015)

CEN and CENELEC decided to adopt this CEN-CENELEC Guide 10 through CENELEC/AG Decision AG58/C04 and CEN/AG Resolution AG Resolution 35/2017 both taken by correspondence in November 2017 respectively.



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CEN-CENELEC Guide 10:2017 (E)**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, Companion Standardization Bodies, the CEN-CENELEC Management Centre, other recognized stakeholders and any distributor or licensee of these parties.

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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 10:2015.

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

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2.4

CEN-CENELEC Management Centre

CCMC

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

2.5

CEN/CENELEC Workshop

working platform open to the participation of any interested parties for elaboration of CEN/CENELEC Workshop Agreements (see also CEN-CENELEC Guide 29 on “CEN/CENELEC Workshop Agreements”)

2.6

CEN/CENELEC Workshop Agreement (CWA)

CEN/CENELEC agreement, developed by a Workshop, which reflects the agreement of identified individuals and organizations responsible for its contents. It is a document made available by CEN/CENELEC in at least one of the official languages (see CEN-CENELEC Guide 29)

2.7

copyright

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

CEN-CENELEC Guide 10:2017 (E)**2.8****definitive language version**

publication translated by a CEN-CENELEC Member, Affiliate or Companion Standardization Bodies 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

2.9**definitive text**

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

2.10**dissemination**

circulation of CEN-CENELEC Publications between CCMC and Members

2.11**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.

2.12**ETSI**

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

2.13**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)

2.14**exploitation right**

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

2.15**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

2.16**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.

2.17**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.

2.18**Joint Commercial Advisory Group****JCAG**

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

2.19**Member**

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

2.20**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

2.21**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

2.22**national designation**

national identification of a Member, not necessarily identical to its acronym, added as a prefix to the European designation to all pages of the national implementation of a Publication

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

2.23**national identifier**

Acronym, abbreviation or the name of a Member which is added as national identification to all pages of any Publication

2.24**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

2.25**national language**

language(s) officially spoken in a national territory

2.26**national territory**

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

CEN-CENELEC Guide 10:2017 (E)**2.27****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

2.28**Companion Standardization Body (CSB)**

according to CEN-CENELEC Guide 13 “The concept of Companion Standardization Body with CEN and CENELEC”

2.29**(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

2.30**sponsored access**

online read-only access to selected Publications to a specified user group free of charge, prepaid by a third party sponsor

2.31**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.
<https://standards.cen.eu>
<https://standards.cen.eu/standards/cen/5c0e4-7cef-4b68-b547-48abd2691a23/sist-v-cen-clc-guide-10-2018>

2.32**third country**

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

2.33**R&D domain**

Within the context of this Guide refers to those Research and Development projects that are usually funded by specific programmes of the European Union and/or EFTA, such as under Horizon 2020 or FP7 programmes.

2.34**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, CSBs, 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,