

Part I - General Guides Applicable to All TIA Activities

This PART I includes general guides applicable to all Telecommunications Industry Association activities. They are required to be read and followed by all Members of the Association and Staff, Chairs and Members of all Committees, Sections, Divisions, and other TIA sponsored groups.

It is the policy of the TIA strictly to comply with the antitrust laws and regulations of the United States and any other jurisdiction applicable to TIA meetings, programs, or activities. Any discussion or conduct in violation of such laws or regulations is contrary to TIA policy and shall be avoided.

Section A. Improper Activities and Programs

TIA activities or programs relating to any of the following subjects are improper and are not permitted:

Restraint of Trade Agreements:

The establishment of prices, production quotas, uniformity of conduct, the allocation of customers or markets, standard terms or conditions of sale, boycotts, or other competitive restraints are improper activities. Therefore, any activities within, or in conjunction with, Association meetings relating to any of these matters are improper and Committee Chairs, Staff, and participants should take affirmative action to assure that no such discussions are initiated or pursued.

Prices and Pricing Policies:

Any consideration or discussion of product prices or industry pricing policies is improper and therefore not permitted. This applies to all discussions and casual remarks relating to individual company prices, changes in prices, or general price levels whether involving formal or informal exchanges between participating representatives. Such discussions are improper and must be avoided.

Terms and Conditions of Purchase and Sale:

Any discussion at, or in conjunction with, TIA meetings of terms and conditions of purchase and sale, including but not limited to warranty and warranty periods, discounts, allowances, or terms of credit, or the formulation of uniform or standard terms and conditions of purchase or sale, uniform basing points or zoning prices, or the recommendation thereof for voluntary use by the Membership also is improper and is prohibited. It is usually proper, however, to discuss and propose comments and recommendations to Government agencies relating to general contract provisions, or modifications thereof, or other procurement practices or policies proposed or adopted by such agencies.

Costs:

Programs or activities involving the exchange of information relating to individual company costs of production or distribution and any formulas for computing such costs are improper. Discussions at TIA meetings of industry costs are not permitted.

Future Plans:

Programs involving the exchange of future plans of individual companies affecting the design, research and development, production, and distribution or marketing of products are also improper. Any discussions at TIA meetings relating to such programs are not permitted. This does not preclude normal new product introductions or announcements at TIA sponsored trade shows.

Boycotting Customers or Products:

Any activity involving the blacklisting or boycotting of customers, competitors, suppliers, or others or establishment of patterns of uniform dealing is improper. Therefore, there shall be no activities relating to any form of boycotting or any activity that may be interpreted as such.

Section B. Procedures for Conducting Activities

Important Notice of Participation

Participation in, or attendance at, any activity of a TIA Formulating Group or any sub-element thereof, constitutes acceptance of and agreement to be bound by all provisions of the TIA Engineering Manual and permission that all communications and statements, oral or written, or other information disclosed or presented, and any translation or derivative thereof, may without compensation, and to the extent such participant or attendee may legally and freely grant such copyright rights, be distributed, published, and posted on TIA's web site, in whole or in part, on a non-exclusive basis by TIA or TIA's licensees or assignees, or as TIA directs. Exceptions to the foregoing may be granted or permitted in writing to the Chair of the Formulating Group by TIA's Senior Vice President, Standards and Special Projects on a case-by-case basis.

Intellectual Property Rights Policy

TIA has an Intellectual Property Rights (IPR) Policy, the full text of which can be found in the TIA Engineering Manual (www.tiaonline.org/standards/sfg/procedures). We call to the attention of participants and attendees that TIA's Policy is to encourage, but not require, the voluntary disclosure (preferably early) of Essential Patent(s) and published pending patent application(s) that may be essential to the practice of a TIA Publication. If any such disclosures are made, the procedures to be followed are contained in Sections (1) through (5) in the Introduction of this Manual.

To further assist in the understanding of this Policy, refer to "Guidelines to the Intellectual Property Rights Policy of the Telecommunications Industry Association" posted on the TIA website at www.tiaonline.org/standards/sfg/procedures.

When an Essential Patent(s) has been identified in any proposed Standard, TIA will follow a policy based upon that of the American National Standards Institute (ANSI) (www.ansi.org).

Notices and Agendas

Notices and agendas for TIA meetings shall be prepared in advance and distributed prior to the date of the meeting. Agendas shall not include any subjects that are stated as improper for consideration or discussion under the rules established in these Legal Guides. All agendas otherwise shall be in conformity with the rules established in the TIA Engineering Manual and any rules which may be established by the TIA General Counsel or an attorney authorized by TIA General Counsel. Any exceptions must be specifically approved by the TIA General Counsel or an attorney authorized by TIA General Counsel or an attorney authorized by the TIA General Counsel. Whenever feasible, background information which would be helpful in the consideration of items on the agenda should be distributed in advance of meetings.

Conduct of Meetings

All meetings shall be conducted in such a way as to assure ample opportunity and freedom in the exchange of ideas and an equal voice in all decisions by parties entitled to vote thereon. Committee Chairs and TIA Staff personnel shall make sure that all actions and discussions at meetings are kept within the bounds of proper Association activity. Committee Chairs should immediately rule out of order discussion deemed improper or questionable under the policies set forth herein until the propriety of such discussion has been determined by General Counsel. If any doubt exists concerning the propriety of a program, either from a legal or policy point of view, it shall not become final or effective until after review by General Counsel. Committee Chairs should follow the published agenda and not depart therefrom except for a good and legitimate reason, in which event the reports should record the reasons for such departure.

Voting in Committees

All Committees other than Engineering Committees shall adopt rules consistent with these Guides and other rules, policies and by-laws adopted by the TIA to ensure that each company represented shall be entitled to vote in a manner which will give equal weight to the vote of each company represented on the Committee, regardless of the number of representatives from any one company, if there should be more than one. Engineering Committees shall follow the rules set forth in the TIA Engineering Manual.

Preparation and Review of Reports

Reports of all meetings shall be taken and recorded. Reports shall include the time and place of the meeting, a list of all Committee Members and non-Members attending, a statement of all matters discussed and actions taken with appropriate reasons therefore, and a record of all voting. The votes of participants need not be identified by company or individual.

All meeting reports shall be approved by the TIA General Counsel or an attorney authorized by TIA General Counsel or an attorney authorized by the TIA General Counsel or an attorney authorized by TIA General Counsel before distribution. Upon approval, they should be distributed to all Members of the Committee and any other TIA Members desiring or requesting copies.

Part II - Special Guides Applicable to Engineering Standardization Programs

This PART II contains legal policies applying specifically to the operations and conduct of all TIA engineering Standardization and related programs. It details the general policies of the TIA and supplements the procedures contained in Standards and Technology Department "Engineering Manual" ("Manual"). In addition to the rules established in this PART II, all engineering Standardization programs are required to be conducted in accordance with the rules set forth in PART I of these Legal Guides.

Section A. Limitations On Standardization Programs

TIA Standardization programs shall be confined to the formulation of Standards within the rules set forth in this PART II defining or describing the dimension, quality, reliability, operating characteristics, performance, compatibility, interoperability, nomenclature, or any combination of these, and similar factors relating to telecommunications products, processes, systems, and procedures or those useful in the provision of communications services. These programs include not only those sponsored or initiated by the TIA and its Members but also those recommended by Government agencies.

Section B. Statement of Policy

The following statement of policy, reflecting the basic objectives of all Standardization programs, shall be included in all TIA Standards:

TIA Standards are designed to serve the public interest by eliminating misunderstandings between manufacturers and purchasers, facilitating interoperability, interchangeability and improvement of products, and assisting the purchaser in selecting and obtaining the proper telecommunications product for their particular need. Existence of such Standards shall not in any respect preclude any Member or non-Member of the TIA from manufacturing or selling products not conforming to such Standards.

Except as provided in the Engineering Manual, Standards are proposed or adopted by the TIA without regard to whether their proposal or adoption may in any way involve patents or intellectual property on articles, materials, or processes. By such action, the TIA does not assume any liability to any patent owner, nor does it assume any obligation whatever to parties adopting TIA Standards, to parties manufacturing or selling products or services conforming to such Standards or to users of such products or services. Other TIA rules respecting Standards where patents are involved are contained in the Manual and should be read in conjunction with these Guides-PV. Furthermore, in all cases specific requirements and restraints expressed elsewhere in these Guides must govern."

Section C. Basic Rules for Conducting Programs

All TIA Standardization programs shall be conducted in accordance with the following basic rules:

They shall be carried on in good faith under policies and procedures which will assure fairness and unrestricted participation;

Participation shall be extended to all technically qualified Members of the industry, including representatives of user groups where appropriate, irrespective of Membership in the TIA;

Each program shall be shown to serve one or more of the public interest objectives as provided in Section D of this PART II;

They shall not involve any agreement, expressed or implied, to adhere, or require adherence to a Standard or the use of any coercion, directly or indirectly, with respect thereto;

They shall not be proposed for or indirectly result in:

Effectuation of a price fixing arrangement, facilitating price uniformity or stabilization, or restricting competition, giving a competitive advantage to any manufacturer, excluding competitors from the market, limiting or otherwise curtailing production, or reducing product variations except where required to meet one or more of the objectives set forth in Section D of this PART II;

And

Personnel participating in such programs as the representatives of Members of the industry should be technical personnel.

Section D. Selecting a Program

All Standardization programs must be shown to serve a legitimate public interest objective and that objective should be specifically stated in the context of the Standard. To assure this, the program should relate to the achievement of one or more of the following objectives:

Promoting interchangeability and interoperability of products falling within the scope of TIA Engineering Committees;

Eliminating misunderstandings or confusion between manufacturers and buyers with respect to products on which TIA Standards or Specifications are adopted;

Providing assistance to the purchaser in selecting and obtaining the proper product for a particular need;

Improving the quality of products covered by TIA Standards or Specifications.

Section E. Notice of Meetings

Advance notice shall be given to all participating representatives as to the matter to be considered for Standardization and the nature of the action being contemplated. Procedures should provide reasonable means for making available all data, Specifications, and other technical information relating to a product, process or technology proposed for Standardization to all persons participating in or contributing to the program involved irrespective of their Membership in the TIA. Committee activities should be limited to discussions of the engineering and technical aspects of Standardization or the procedures relating thereto.

Section F. Special Rules for Conducting Standardization Programs

Voluntary Adherence to Standards

Adherence to Standards shall be entirely voluntary and within the discretion of individual manufacturers. Any agreement, expressed or implied, or any coercion, direct or indirect, to adhere or to require or compel adherence to a Standard is not permitted.

Engineering and Technical Considerations

All Standardization activity shall be confined to the technical and engineering considerations in the establishment of a Standard and these considerations shall relate to one of the legitimate objectives as provided in Section D of this PART II.

Commercial Standards

Standardization relating to the commercial aspects of products, such as conditions or terms defining commercial relationships between manufacturer and buyer with respect to engineering

Standards is not permitted. This type of activity is the proper concern of each interested company acting individually and is not a proper Association activity. (See Section A(3), PART I of these Guides.)

Standards Involving Quality or Performance

Generally, Standards relating to quality or performance of products should not specify or describe the characteristics of such products in terms of maximum quality or maximum performance. This does not preclude Standards stated in terms of maximum or minimum - maximum characteristics which are prescribed for the sole purpose of indicating that the product meets certain limited requirements and is designed to serve limited technical functions and purposes. Such Standards generally involve product differentiation as distinguished from product quality. Standards may include suggested specific AQL's (Acceptable Quality Level) for guidance purposes with the actual AQL to be agreed upon between the manufacturer and the user, or include ranges of AQL's for the same purpose.

Revision of Standards

Any revision of an existing Standard shall conform to the same procedures and policies applicable to the initiation of the original Standard. Such revision should be clearly justified as to legitimacy of objective and that objective should be stated in the revision.

Interpretation of Standards

The interpretation of Standards, insofar as it may relate to a specific product or manufacturer, is a proper matter for individual company concern and should not be undertaken by TIA Staff Members or any person acting in the capacity of a TIA Engineering Committee Member. TIA Staff comments, if any, shall be limited to an explanation or clarification of technical language or provisions in a Standard but not related to its application to specific products or manufacturers. Means are provided in the Engineering Manual for the rendering of formal interpretations of TIA Standards, which interpretations will be available to all interested parties.

Acceptability of Standards

All proposed Standards recommended by TIA Engineering Committees or task groups shall be submitted for final review and approval in accordance with the TIA Standards and Technology Department's Engineering Manual.

Final Adoption

Final adoption of proposed Standards shall be in accordance with the Standards and Technology Department's Engineering Manual. In the process of adopting a Standard, consideration shall be given to all comments of industry and user interests where applicable irrespective of TIA Membership, and industry consensus must be demonstrated. If there is no consensus on the adoption of a proposed Standard, or if due process has not been afforded all commentators, the

program involving such Standard should be abandoned or referred to an appropriate Formulating Group for further consideration.

Section G. Procedures for Commenting on Military Specifications and Products

In offering comments or recommendations to elements of the Department of Defense on Military Standardization documents, the following procedures shall be followed:

Participation shall be unrestricted and extended to all companies which have made known their interest regardless of Membership in the TIA or on the cognizant Committee or Committees;

Adequate notice of meetings shall be given all Committee Members and all other companies or representatives known to have an interest and shall include all issues to be discussed;

Comments and recommendations shall be offered merely as such, limited to the technical aspects of the Specifications, and shall reflect any divergence of views among those participating;

Copies of comments and recommendations shall be sent to all company representatives known to have an interest;

All submissions to the military departments shall contain a statement that the comments and recommendations reflect only the views of the group participating;

And

They shall be reviewed and submitted by TIA Staff in accordance with established procedures.

All applicable laws and regulations shall be strictly adhered to.