

6th Webinar for Standard Drafters - 2016-12-01

Patent Rights, Annexes and Bibliography

Questions and answers

Questions asked by the Attendee(s)	Answers from the Presenter
Regarding references, is it possible to have a reference to a product name with the Trademark or Registered sign? It is not a patent but in some kind also a protected intellectual right.	Yes, it is possible, and even mentioned in <i>the Internal regulations – Part 3</i> . Following the names under a Trademark or registered sign, there will also be a footnote which underlines that the use of this product is not endorsed by CEN-CENELEC – the wording of this type of footnotes is also to be found in the <i>IR – Part 3</i> .
When during drafting at CD level (draft) on IEC level a SNC or A-Deviation occurs, how is it communicated to Cenelec?	It is the responsibility of the National Committees to inform the European Technical Committee if there is any Specific A-Deviation within Europe that could affect the application of the EN in CENELEC. If this is not the case, then there will be no use for any information to come to CENELEC, bearing in mind that the whole text lies within the responsibility of the IEC – i.e. if the Deviation is contained in the IEC text, CENELEC will purely endorse the international text with the European title pages, Foreword and Annex ZA.
Can there really be A-deviations for harmonized standards? Shouldn't that be sort of impossible?	There might be harmonized standards with A-deviations as long as the A-deviation is not impacting any specific clause/sub-clause of the standard which is supporting the EU legislation.
Does literature for further reading need to be cited in the standard, or can they just be added to the bibliography?	Any work that you may find interesting and useful for the user of the standard can be listed in the Bibliography, and does not systematically need to be cited in the body of the standard.
What to do when a patent holder signs the declaration but other experts do not want to have in the introduction the paragraph with the name of the company (they think it's a free advertisement for the patent holder)?	We have to follow the rules from the IR3 which clearly stipulate the following: when patent rights are identified in a standard, the name of the holder of patent rights has to be cited in the Introduction of this standard. It is not considered in any way as a free advert for the patent holder.