

2005-01-28

Dear Mr. Zhang,

Thank you for the opportunity to reply to China's concerns regarding the processing of 8802-11 items and for your patience in awaiting my reply.

As promised in my email message of January 5th 2005, I have spent the past several weeks investigating with the JTC 1 Chairman and the JTC 1/SC 6 Officers the issues you raise in your facsimile letter of December 31st, 2004. From the information that I have been able to gather, it appears that a series of misunderstandings has led to the current situation and the dissatisfaction of China.

First, I must offer my sincere apologies for the administrative error and misunderstanding on the part of the JTC 1 Secretariat which apparently contributed to the start this unfortunate chain of events. Attachment 1 to this letter represents a detailed review of all of the facts as I know them.

Mr. Zhang, with the explanations provided in attachment 1 of this letter, I sincerely hope that you agree that the current situation, with respect to the proposal from China, is the result of a series of misunderstandings and poor communication on the part of all of us involved. As I noted at the beginning of this letter, over the past several weeks I have had numerous conversations with the ISO/IEC JTC Chairman, the ISO/IEC JTC 1/SC 6 Officers and other involved parties and, based on those conversations, the following options for a way forward are offered for your consideration:

A. Collaboration between China and IEEE 802

Taking into account the two JTC 1/SC 6 related papers referenced in attachment 1 to this letter and forwarded to you separately, (ISO/IEC TR 8802-1, Overview of Local Area Network Standards, and ISO/IEC JTC 1/SC 6 N 11917, Procedures for ISO/IEC JTC1 SC6 WG1 and IEEE 802 LMSC Cooperative Working) China could submit its proposal to the IEEE and collaborate with the IEEE 802 community in accordance with these documents. I understand that the IEEE 802 community would welcome China's collaboration.

I note that in accordance with JTC 1/SC 6 resolution 6.1.10 taken at the November 8th – 12th 2004 JTC 1/SC 6 meeting, a meeting of SC 6/WG 1 will be held in February 2005 in Frankfurt where participants from China, IEEE 802 and SC 6/WG 1 will get together to discuss the Chinese proposal and a best possible way forward. The ISO/IEC JTC 1 Chairman, Mr. Scott Jameson, will also attend this meeting to lend his advice and counsel to the deliberations.

Mr. Zhang, with regard to the February 2005 meeting in Frankfurt, I draw your attention to clause 9.9 of the ISO/IEC JTC 1 Directives:

9.9 *Discussion during ballot period*

When a document is out for ballot at stage 3 or higher, NB/Liaison organizations are free to circulate their comments to other NBs provided they do not use the formal SC or JTC 1 documentation distribution system. Formal distribution is prohibited because it could create confusion as to the status of the ballot. Documents out for ballot at stage 3 or higher are not to be subject to formal discussion at any working level of JTC 1 during the balloting period. Therefore, NB

positions on the document under ballot are not to be formally discussed at any working level. Circulation of such comments shall have no formal status within JTC 1 or its SCs, i.e. they shall not bear any document number nor shall they be considered in any ballot resolution meeting unless they were formally submitted to ITTF as comments accompanying the ballot.

[Note: NBs may inform the appropriate Secretariat if they believe an error has been made in the production of the document under ballot.]

To be clear, this means that the Frankfurt meeting may discuss ISO/IEC 8802-11 as well as the Chinese proposal, but formal discussion of JTC 1 N 7537 will not be allowed.

B. Fast Track Processing

In accordance with clause 13 of the ISO/IEC JTC 1 Directives, China may submit its proposal to the ITTF for Fast Track processing. When doing so, China should clearly state that it wishes for the document to be issued for a Fast Track ballot and should include a statement indicating that ISO is free to copy, duplicate and/or distribute the document at will. The statement should also indicate any whether or not there are any patents associated with the document.

Clause 13.1 of the ISO/IEC JTC 1 Directives states, “Any P member of JTC 1 or organization in Category A liaison with JTC 1 may propose that an existing standard **(or amendment with the approval of the responsible SC)** from any source be submitted without modification directly for vote as a DIS (or DAM)”. As the proposal from China is for an amendment to ISO/IEC 8802-11, it technically should be approved for Fast Track processing by ISO/IEC JTC 1/SC 6 prior to its submission to the ITTF. However, I note that documentation from the ISO/IEC JTC 1/SC 6 Orlando meeting indicates that processing your proposal as a potential Fast Track document was extensively discussed by ISO/IEC JTC 1/SC 6 participants as an option. Therefore, I would rule that your proposal can go forward without additional approval from ISO/IEC JTC 1/SC 6.

Further, clause 13 of the ISO/IEC JTC 1 Directives also states that all documents for Fast Track processing should first be sent to JTC 1 National Bodies for a 30 day Fast Track review to determine if there are any contradictions to other JTC 1, ISO, or IEC standards. This would then be followed by a five month formal letter ballot. However, given the extensive discussions that have already taken place within ISO/IEC JTC 1/SC 6 with respect to the Chinese proposal, I believe that the 30 review period has been fulfilled and that the document can immediately be issued for the five month ballot.

Unfortunately, I cannot comply with your request for an accelerated Fast Track ballot to be completed prior to the February meeting in Frankfurt. National Bodies do need time to consider your document and National Body consultations can not possibly happen in such a short timeframe.

However, if it is China’s wish to have its proposal discussed at the February 2005 meeting in Frankfurt, then as noted above, the Fast Track ballot should not be initiated by the ITTF until after the Frankfurt meeting. In this way, fruitful discussions can occur at the Frankfurt meeting and, if China still desires Fast Track processing following those discussions, the five month ballot can commence without delay.

Mr. Zhang, thank you for bringing this matter directly to my attention. As you can understand, there are some very complex procedural issues impacting this situation. Therefore, I hope that you can understand the reason for my delayed response. I sincerely hope that attachment 1 to this letter clarifies the situation fully. I also hope that the steps that have been taken to address your concerns and the options that have been offered to progress your proposal reinforce JTC 1’s and the JTC 1 Secretariat’s commitment to the principles of fairness, integrity and impartiality. If you have any questions or require additional information, please feel free to contact me

immediately. I am also always available to you via correspondence and Mr. Jameson will be available at the Frankfurt meeting to address any procedural issues that China may have.

Respectfully yours,

Lisa Rajchel
Secretariat, ISO/IEC JTC 1

Attachment 1 to Letter to China

Background Information Related to the Processing of the Chinese Proposal, Document JTC 1 N 7506

On July 26th 2004, China submitted a Proposal for a New Work Item to the JTC 1/SC 6 Secretariat with the following message. The JTC 1 Secretariat was copied on this message:

Dear Ms. Jooran Lee(JTC1/SC6)

This is a proposal of the new work item submitted by Secretariat of Chinese National Committee of IEC. It is proposed that the ISO/IEC8802.11 should be amended. The attached are the form of the new work item proposal and the relevant documents of the proposal. We will also send the paper documents with the signature of the secretary of Chinese NC to you by mail. If you have any problem, pleased do not hesitate to connect with the secretariat of the Chinese National Committee of IEC.

When the JTC 1 Secretariat received the copy of this email communication, it was assumed that the Chinese submission was to be processed in accordance with the JTC 1 Directives clause 9.3 (attachment 1 to this background paper), namely that the NP would be issued by the JTC 1/SC 6 Secretariat to JTC 1/SC 6 for a three month letter ballot and issued by the JTC 1 Secretariat to JTC 1 for concurrent review. Therefore, on August 2nd 2004 the JTC 1 Secretariat posted the document to the JTC 1 web site as document JTC 1 N 7506 for concurrent review. Since the email communication from China was addressed to the JTC 1/SC 6 Secretariat, with only a copy to the JTC 1 Secretariat, there was no indication that China was asking for an NP ballot at the JTC 1 level nor was there any indication that China was asking that the document be subject to the Fast Track procedure. Such a request from China was never communicated to the JTC 1 Secretariat.

Note: Had it been understood that China was seeking Fast Track processing of its document, the JTC 1 Secretariat would have advised China to submit the document directly to the ITTF for processing in accordance with the JTC 1 Directives clause 13.

On August 17th 2004, the JTC 1/SC 6 Secretariat advised the JTC 1 Secretariat via email that the JTC 1/SC 6 Secretariat had not yet issued a JTC 1/SC 6 letter ballot for the NP submitted by China. Since it was my understanding that this was to be an JTC 1/SC 6 letter ballot with a JTC 1 concurrent review, the JTC 1 Secretariat then advised the JTC 1/SC 6 Secretariat that JTC 1 N 7506 would be withdrawn until such time as the JTC 1/SC 6 letter ballot would be initiated. I must apologize that I did not also immediately communicate directly with the Chinese National Body to inform you that I was withdrawing JTC 1 N 7506 for JTC 1 procedural reasons.

On September 2nd 2004, the JTC 1 Secretariat sent an email to the JTC 1/SC 6 Secretariat asking when the NP from China would be issued to JTC 1/SC 6 for letter ballot. On September 3rd 2004, the JTC 1 Secretariat received the following email communication from the JTC 1/SC 6 Secretariat:

Lisa,

JTC 1/SC 6 Chair discussed on this issue with the Chinese National Body in Beijing last week. He suggested that China come to the JTC 1/SC 6 Orlando meeting and explain about the Chinese NP.

So the JTC 1/SC 6 Secretariat does not circulate the Chinese NP at this moment for NP ballot and holds this until the JTC 1/SC 6 Orlando meeting in November.

Best wishes,

Jooran

Having received the above message from the JTC 1/SC 6 Secretariat, the JTC 1 Secretariat assumed that the matter had been discussed between the JTC 1/SC 6 Chairman and the National Body of China and that they had both agreed that the NP should not be issued for ballot at that

time. In other words, I believed that no further communication was needed on the part of the JTC 1 Secretariat. Unfortunately, this apparently was not the case. On October 18th 2004, the JTC 1 Secretariat was advised of a document submitted by China to the JTC 1/SC 6 Secretariat which expressed concern over the withdrawal of JTC 1 N 7506. The JTC 1 Secretariat immediately provided a response to China on October 18th 2004 explaining the actions that had been taken and apologizing for the concerns caused by the posting and subsequent voiding of JTC 1 N 7506. Again, I apologize that I did not provide this response to China in August 2004 when these actions were first taken. Since I did not receive any additional communication from China regarding my email of October 18th 2004, I assumed that the matter would be satisfactorily resolved at the JTC 1/SC 6 meeting in Orlando during the week of November 8th – 12th 2004 in accordance with the message from the JTC 1/SC 6 Secretariat.

Until I received your facsimile letter of December 31st 2004, I believed that China and JTC 1/SC 6 had arrived at a mutually acceptable solution. Indeed, having read document ISO/IEC JTC 1/SC 6 N 12770, China NB's final comment in SC6 Orlando meeting, I thought that China and ISO/IEC JTC 1/SC 6 had agreed to a way forward. At no time prior to your facsimile message did the JTC 1 Secretariat receive communication from China asking that a JTC 1 NP ballot or Fast Track ballot be issued nor was this issue raised by the Chinese delegation during the JTC 1 Plenary meeting in Berlin during the week of October 25th – 29th 2004.

Background Information Related to the Processing of the UK Fast Track document (IEEE 802-11i), JTC 1 N 7537

I hope that the above background information clarifies the JTC 1 Secretariat's position with respect to the actions taken regarding JTC 1 N 7506. I would now like to outline the events surrounding the issuance of JTC 1 N 7537, IEEE 802.11i submitted by the UK for Fast Track processing.

In September 2004, the UK National Body submitted IEEE 820.11i to ITTF for Fast Track processing indicating that the appropriate home for the standard was JTC 1/SC 6. In accordance with the JTC 1 Directives clause 13, ITTF forwarded the UK submission to the JTC 1 and JTC 1/SC 6 Secretariats. On September 15th 2004, the JTC 1 Secretariat circulated the UK submission, JTC 1 N 7537, to the JTC 1 National Bodies for a 30 day Fast Track review to determine if there were any contradictions to JTC 1, ISO, or IEC standards.

In October 2004, China submitted comments directly to JTC 1/SC 6 on JTC 1 N 7537 which were posted to the JTC 1/SC 6 web site as JTC 1/SC 6 N 12732. In their comments, China requested that JTC 1 N 7537 and China's concerns be discussed at the JTC 1/SC 6 Orlando meeting prior to the issuance of JTC 1 N 7537 for formal Fast Track ballot. Both ITTF and the ISO/IEC JTC 1/SC 6 Secretariat agreed to postpone the issuance of the Fast Track ballot until after the JTC 1/SC 6 Orlando meeting. The discussions requested by China did in fact take place at the Orlando meeting. Subsequently, at the end of November 2004, ITTF received a message from the ISO/IEC JTC 1/SC 6 Secretariat advising ITTF to proceed with the issuance of JTC 1 N 7537 for formal Fast Track ballot. Please note that prior to receipt of your December 31st 2004 facsimile message, no further action had been requested of the JTC 1 Secretariat by either JTC 1/SC 6 or China as a result of the November 8th – 12th 2004 JTC 1/SC 6 meeting.

Background Information Regarding the Collaborative Working Relationship between JTC 1/SC 6 and the IEEE on Local Area Network (LAN) Standards

Having clarified my understanding of the events surrounding the issuance of JTC 1 N 7537 for Fast Track ballot, I would now like to address the issue raised in your December 31st 2004 facsimile letter concerning China working via the IEEE. In the mid 1980s, an agreement was reached between the former ISO/TC 97/SC 6 (now ISO/IEC JTC 1/SC 6) and the IEEE that all

work related to Local Area Networks (ISO/IEC 8802) would be carried out via the IEEE and subsequently submitted to ISO/IEC for endorsement/approval. This agreement was subsequently approved by ISO/TC 97. Shortly after the approval of the agreement between JTC 1/SC 6 and the IEEE, another agreement was reached between the IEEE and ISO and IEC on the publication of joint ISO/IEC and IEEE 802 Standards with the IEEE retaining the copyright of such standards.

In late 1999, JTC 1/SC 6 and the IEEE developed additional documents in an effort to streamline the production of Local Area Network Standards. These additional documents (ISO/IEC JTC 1/SC 6 N 11917, Procedures for ISO/IEC JTC1 SC6 WG1 and IEEE 802 LMSC Cooperative Working, and ISO/IEC TR 8802-1, Overview of Local Area Network Standards) were subsequently approved by JTC 1. Both documents are being forwarded to you separately. As this agreement with the IEEE is different from the "normal" way in which items progress through the JTC 1 process, I can understand and appreciate China's concerns. Based on my investigation, I do not believe that the agreement between JTC 1/SC 6 and the IEEE was adequately explained to China when you submitted your original proposal to JTC 1/SC 6 back in July 2004. I also do not believe that this agreement was clearly articulated to the Chinese delegates at the ISO/IEC JTC 1/SC 6 Orlando meeting. I hope that this explanation and the forwarded documentation provide a more comprehensive understanding of the working relationship between JTC 1/SC 6 and the IEEE on Local Area Network matters.

Information Concerning China's Problems in Obtaining Visas

Regarding the visa situation, ANSI is aware of the problems being encountered by Chinese experts in obtaining visas to attend ISO and IEC meetings in the United States. The Institute's international policy team, working with the public policy and government affairs staff, has launched outreach efforts to the U.S. Department of State to investigate recent reports that entry visas were denied for some, but not all, Chinese delegates to ISO and IEC technical meetings. Though information does indicate that obtaining U.S. entry visas has become more difficult for delegates from the People's Republic of China, it is unclear whether the problem is also the result of late applications within the Chinese system, or within the U.S. Consular offices in China alone. ANSI has drafted a guidance document that we hope will assist Chinese experts in obtaining visas for entry into the United States. A DRAFT copy of this guidance document was presented to SAC Administrator, Mr. Li Zhonghai, by ANSI President and CEO, Dr. Mark Hurwitz, during his recent visit to SAC on January 17th, 2005. I will ensure that you receive a copy of the final document which is expected to be available in February 2005.

9.3 Votes on NPs

9.3.1 NPs should be considered as expeditiously as possible by those best qualified to assess the technical merit and effect on the current program of work. An NB may submit a NP either to a SC or to JTC 1. JTC 1 should consider a NP only in exceptional circumstances, such as the NP is not within the scope of an existing SC. In all other cases, the appropriate SC should ballot the NP.

Votes on NPs at the SC Level

9.3.1.1 For NPs voted at the SC level, a copy of the SC-level ballot shall be forwarded by the SC Secretariat to the JTC 1 Secretariat for information in parallel with circulation of the NP ballot.

The JTC 1 Secretariat shall circulate a copy of the SC-level ballot to JTC 1 NBs and JTC 1 SCs for information and comment.

For the ballot to be successful at the SC level, the NP shall be supported by a majority of all P-members of the SC with at least five P-members committed to active participation.