

# Policy on public access to standards

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# 1. Purpose

This document explains Standards New Zealand's rationale for why we charge for access to standards. It also outlines the criteria we will consider if an organisation wishes to sponsor free, public access to an electronic copy of a standard by covering the cost of making it publically available.

In this document "standards" include standards-related publications such as handbooks, technical specifications, and technical reports.

## 2. Policy summary

Many New Zealanders are already able to access, free of charge, hard copies of standards from New Zealand organisations. For example, selected public libraries have copies of standards for the public to view. Additionally, content from a standard may be cited in legislation, and “incorporated by reference” into the Act or regulations. In that case, the content must be made available for inspection during working hours, free of charge, at the regulators’ head office.

However, it is Standards New Zealand’s policy not to allow an arrangement for the public to access a free electronic copy of a standard via the internet unless:

- we own full copyright in the document
- the document is a new publication, or has recently been amended or revised
- there is a strong public interest element in having it available online
- we are able to recover costs and lost revenue, and
- our copyright will be respected.

### 3. The role of standards

Standards New Zealand is the national standards-setting body for New Zealand, and assumes responsibility for New Zealand membership of international standards organisations, including the International Organization for Standardization (ISO) and the International Electrotechnical Commission (IEC).

We are a business unit within the Ministry of Business, Innovation and Employment and operate under the Standards and Accreditation Act 2015. The Act states that we may charge fees to recover the costs associated with developing and providing access to New Zealand standards.

Standards provide agreed specifications for products, processes, services, or performance. The technical information in full standards has been developed through a robust and transparent process that includes public comment. However, unless they are cited in legislation, standards are not the law. While standards cited in legislation are available to view at a regulator's office, other standards are not available to the public on a website in the same way as Acts of Parliament or Regulations.

## 4. Why aren't standards free?

Developing a new New Zealand standard takes time and resources. A project to develop a new standard is commissioned by an interested party. Standards are written by a development committee of volunteers who offer their valuable time and significant technical expertise to develop the standard. Although through our international connections we may be able to adopt an existing standard and tailor it to New Zealand requirements, there are many costs for Standards New Zealand, including:

- project management
- hosting infrastructure
- editing and publishing costs
- cost of international memberships and royalty payments, and
- providing access (such as maintaining our web shop and responding to customer queries).

To recover these costs we charge fees for access to our publications. We only seek to recover the actual and reasonable costs of providing our services. The fee for accessing a standard reflects the upfront costs we incur balanced with the sales we can anticipate in the future. Sales allow us to continue to develop and provide access to new New Zealand standards.

In order to maintain the integrity of technical content in standards (in addition to maintaining sales), we take our intellectual property rights seriously. Standards cannot be shared or adapted without our knowledge as this is a breach of copyright. As these documents have been developed by industry experts, developed with international standards in mind, and provided for public comment, we want to make sure that the information in the standard is protected.

## 5. Standards are protected by copyright

To maintain the integrity and credibility of our content, all our publications are protected by copyright. Copyright gives us the exclusive right to control the reproduction of our works. When customers access or purchase our standards there are strict rules they have to comply with.

To make sure that any material taken from a standard is used fairly, and accurately reflects the technical content contained in the standard, you must seek our permission before copying or using our intellectual property. We may allow copying under licence of some or all of a standard for a set purpose and there may be a fee for that licence. To maintain sales and protect our copyright we do not usually allow copying that makes a whole document available for free, electronically, to the public.

## 6. Policy: we generally do not allow the public to have free, electronic access to a standard as there are other ways to access our publications

There are many ways that users can access standards that allow us to protect our copyright and recover our costs.

### Access to hard copies of standards at no charge

The New Zealand public has a number of ways to access standards for free if they need to. Standards New Zealand may have arrangements with organisations to have hard copies of standards and other publications available for members of the public to access for free but not to copy or take off-site. Places that may have standards that the public can view include:

- regulators
- local government bodies
- public libraries, or
- libraries at educational institutions (such as universities).

Having this hard-copy access means that our partners (such as libraries) can control access to and maintain their collection of standards. If you want to view a standard for free you may wish to contact one of the above-listed local organisations to see if they have a copy you can view.

### Individuals or companies can purchase or access standards

You can purchase or gain access to standards in a number of ways:

- you can come to us to purchase a hard copy or electronic PDF of a standard
- you can subscribe to our Online Library, where you can pick the standards you need electronic access to and have all staff or members access them (although access is limited to a set number of users at any one time), or
- if you have a secure login and password-protected area of your website, or one that is only linked to specific IP addresses, a network licence might work for you. This enables only those who have the correct access to see the content of a standard.

Please see our **website** for more information about our services.

If you are an organisation that wants to refer to a standard, we are happy for you to link to our website so that people can easily locate our web shop to make a purchase. However, you cannot provide the standard on your own website for others to view. This is expressly prohibited and a breach of our copyright. Such a breach will have serious consequences, including fines or imprisonment, so it is important you comply with our terms.

### We generally don't allow publication on the internet

Although access to a standard may be *intended* for a set number of people, or for New Zealand use only, the nature of the internet means access is open to almost anyone in the world. As such, we cannot control the number of users or the extent of sharing. This is particularly relevant for standards that include copyright material from international sources. For example, if a New Zealand standard is an identical adoption of an ISO standard, and we made it freely and publicly available on the internet, we may be breaching copyright. The integrity of ISO's material and sales of its own documents could be negatively affected.

## 7. Criteria: when we will allow an organisation to sponsor free, electronic access to a standard by the public

While we need to continue to recover the costs of standards development and access, sometimes the cost may be a barrier if the public, rather than a practitioner, will need to use or comply with a standard. Therefore, in certain circumstances we will consider allowing an organisation to sponsor online access to a full standard, free of charge, by the general public.

The criteria we will consider are as follows.

### Is the information ours to share?

As a national standards body that is licensed to on-sell international material, we have entered into a number of international contracts to protect the copyright of other national standards bodies. This means that if we have jointly developed material (for example, with Standards Australia) or we have adopted or incorporated material from other countries or organisations (such as ISO), then the copyright in the documents is not solely ours to share.

We must respect our international obligations, so the decision to allow free online public access may not be our own. Many of our international partners are explicit that their material may not be made electronically available free of charge to the public. This also applies to joint standards, where we share the copyright in material jointly with Standards Australia. Therefore, permission is very unlikely unless it is a New Zealand standard that has not been adopted or modified from another standards body.

### Is the standard new, or has it been recently updated?

To ensure that the information the public is accessing is up-to-date and reflects a current need, the standard being made available must be a new publication, or a document that has recently been amended or revised. This way, we are also ensuring that the number of people who have purchased the standard at full retail price is lessened, which is fair to our customers.

### Is there a strong public interest element in having the standard available to the wider public?

For example, if the document is cited in regulations or if the health or safety of New Zealanders is heavily affected by the content of the standard, there may be public interest in making the information available.

We will consider this on a case-by-case basis. The organisation wanting to sponsor access to the standard should provide us with a rationale for why public access is needed – why use of or compliance with the standard is wider than the usual market of practitioners or industry members.

### Can we recover our costs?

Publishing a standard online with free access to the world has a negative effect on our sales, likely reducing electronic sales to zero. As we rely on sales to cover the costs of developing and maintaining standards we need to make sure we can recoup these costs somehow. This generally means that the organisation wanting to have the standard available free of charge to the public will need to pay a licensing fee that enables us to recover the revenue we estimate we would forego from the arrangement. The fee for the sponsor organisation could be calculated based on an estimate of user numbers or by monitoring the number of actual downloads, but either way free access is never quite 'free'!

### Will our copyright be protected and respected?

Entering into an arrangement to make a document freely available online does not mean that copyright is not important or we are not taking steps to protect it. A sponsor organisation will need to agree to the terms of a licencing agreement before we will allow a standard to be shared. We will provide the organisation with appropriate wording for its website to acknowledge the licence arrangement. Additionally, the public will need to comply with terms and conditions when they access the electronic document from us.

## 8. How sponsoring access to a standard works

If you are interested in entering into an agreement to sponsor public access to a standard please contact us to discuss the criteria above.

The process for setting up an arrangement will be as follows.

- If we agree to enter an arrangement with you, we will quote a price and enter into a licensing agreement. The length of time the arrangement will last for, and any conditions, will be agreed between us.
- You will be provided with a link back to the Standards New Zealand website where we will place the terms and conditions of use, the copyright information that applies to the licence and the document, and an electronic PDF copy of the standard. The general public will be able to open the PDF of the standard, and in some arrangements each person may be permitted to print a single copy.
- From the applicable start date your website can be updated to include relevant information about the standard such as the regulatory context. This remains on your website, hosted by you, so your stakeholders or customers will know that access to the standard is available and to contact you if they have questions about the regulatory information on your site.
- Although customers can still purchase their own copies of the standard from us (for example, they may wish to purchase a printed, bound hard copy) the description of the standard on our web shop will also note that the standard is available free of charge under this licensing agreement.
- The arrangement will last until the end of the licence term, at which point the accessible electronic copy will be removed.

By having the document sited with Standards New Zealand we are able to collect data on use and download numbers. This helps us understand the public's understanding and awareness of standards and allows us to more accurately price such arrangements in the future.

However, please note: we do not offer technical advice or interpretation of standards for customers. Any additional regulatory context, advice or contact information that you may wish to provide needs to remain on your own website.

## 9. Summary

We will not allow a standard or other document to be electronically accessed via the internet in full by the public free of charge unless:

- we own full copyright in the document
- the document is a new publication or has been recently amended or revised
- there is a strong public interest element in having it available, which the sponsor organisation has outlined to us
- we are able to recover the costs lost revenue by charging the sponsor organisation a fee, and
- our copyright will be respected.

## 10. Queries?

For more information about Standards New Zealand, visit our website [www.standards.govt.nz](http://www.standards.govt.nz).

For questions about copyright please contact [copyright@standards.govt.nz](mailto:copyright@standards.govt.nz).

