



Administrative Council for Terminal Attachments (ACTA)
Operating Principles and Procedures
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ACTA is sponsored by the
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INTRODUCTION

The Administrative Council for Terminal Attachment (“ACTA”) was established pursuant to the Federal Communication Commission’s (“FCC”) Report and Order in the 2000 Biennial Review of Part 68 of the Commission’s Rules and Regulations, CC Docket No. 99-216, FCC 00-400, adopted November 9, 2000 and released December 21, 2000 (“Order” or “R&O”). The Order privatized the process by which technical criteria for the prevention of harm are established for customer premises or terminal equipment that may be sold for connection to the telephone network, and for the approval of such equipment to demonstrate compliance with the relevant technical criteria. The Order directed the industry, through the co-sponsorship and support of the Telecommunications Industry Association (“TIA”) and the Alliance for Telecommunications Industry Solutions (“ATIS”) to establish the ACTA as the open body that would assume the Commission’s Part 68 role for those items privatized in the Order. (Section 68.602) The initial ACTA meeting was held on May 2, 2001.

2. CHARTER: MISSION, SCOPE and RESPONSIBILITIES

2.1 *Mission*

The Administrative Council for Terminal Attachment (“ACTA”, “Administrative Council” or “Council”) is an open organization with a mission to: (1) adopt technical criteria for terminal equipment to prevent network harm (as defined in Section 68.3) through the act of publishing such criteria developed by the American National Standards Institute (“ANSI”) accredited standards development organizations; and (2) establish and maintain database(s) of equipment approved as compliant with the technical criteria.

2.2 *Scope*

The Administrative Council assumes the coordination and management role for the adoption and publication of technical requirements for terminal equipment, and the associated database(s) as further detailed in Section 2.3. The Administrative Council will not make substantive technical decisions regarding the development of technical criteria.

2.3 *Responsibilities*

The Administrative Council’s major responsibilities shall be to:

- ◆ Provide public notice for thirty (30) days of intent to adopt technical criteria as submitted by an ANSI-accredited standards development organization. (47 CFR § 68.608)
- ◆ Adopt and publish technical criteria for customer premises equipment developed by ANSI-accredited standards development organizations. (47 CFR § 68.608)
- ◆ Operate and maintain a database of equipment, approved as compliant with the technical criteria, meeting the requirements of the FCC and U.S. Customs Service. (47 CFR § 68.610)
- ◆ Ensure the database is created and maintained in an equitable and nondiscriminatory manner not permitting any entity or segment of the industry to gain a competitive advantage. (47 CFR § 68.610)

- ◆ Establish and maintain an appropriate labeling methodology for terminal equipment. The labeling methodology must meet the requirements of the FCC and the US Customs Service, as well as provide consumers a method to identify the source and model number of the terminal equipment. (47 CFR § 68.612)
- ◆ File with the FCC a detailed report of the database structure and associated procedures. (47 CFR § 68.610)
- ◆ Respond to inquiries from the public regarding the technical criteria published. (R&O ¶ 53)
- ◆ Coordinate the Industry's notification of technical criteria projects to avoid duplication of effort. (R&O ¶ 55)
- ◆ Manage such other tasks as necessary and within the Administrative Council's scope that were formerly part of the FCC's Part 68 functions.

3. MEMBERSHIP AND COUNCIL ORGANIZATION

3.1 Membership

Membership in the ACTA is open to any organization, company or group having an interest in the business of the Council. The Membership of the ACTA, at large, shall be represented on the Council by the "Interest Segment Representatives" (as defined below in Section 3.2).

3.1.1 Member Registration

Members shall register with the ACTA Secretariat by submitting a written correspondence declaring an Interest Segment, identifying a "Company/Organization Voting Participant" (as defined below in 3.1.2) and providing contact information for the Company/Organization Voting Participant.

3.1.2 Company/Organization Voting Participant

Each Member shall identify a Company/Organization Voting Participant as that company/organization's primary contact for ACTA-related business. Company/Organization Voting Participants shall vote for the Interest Segment Representatives and Alternate to represent a given Interest Segment on the Council.

3.2. Council Organization - Size and Structure

The Administrative Council shall be comprised of:

- (1) six Interest Segments, each having two voting Interest Segment Representatives and one non-voting alternate;
- (2) non-voting Invited Observers; and
- (3) a non-voting chair.

3.2.1 Interest Segments

Voting members shall be categorized as follows:

- (A) Local Exchange Carriers ("LEC")
- (B) Interexchange Carriers ("IXC")
- (C) Terminal Equipment Manufacturers ("TEM")
- (D) Network Equipment Manufacturers ("NEM")
- (E) Testing Laboratories ("LAB")
- (F) Other Interested Parties (e.g., consumer groups and associations representing individuals with disabilities) ("OIP")

3.2.2 Invited Observers

The non-voting category shall be for "Invited Observers." This category shall initially include Industry Canada and Mexican Representatives. The Administrative Council may agree to add other individuals, organizations or entities to the Invited Observers category provided the individual, organization or entity would not appropriately fall into one of the Interest Segments identified in Section 3.2.1.

3.3 Interest Segment Representatives and Alternates

3.3.1 Selection Process

Interest Segment Representatives and Alternates shall be elected by a plurality of votes from their respective Interest Segment Company/Organization Voting Participants. Notice of all elections shall be given via the ACTA Web Site and the appropriate Interest Segment e-mail exploder lists. Nominations shall be accepted from all interested parties provided the nomination is accompanied by: (1) a resume or other document detailing the nominee's applicable experience and (2) a letter of support from the nominee's employer. Ballots shall be distributed and submitted electronically and tallied pursuant to a predefined process detailed in the notice of election. The ACTA Secretariat shall announce the election results. In the event of a tie between any nominees, an election between the tied nominees shall be conducted.

3.3.2 Terms of Office

Interest Segment Representatives and Alternates shall be elected to serve a two-year term or until a successor is elected. An individual shall be limited to serving two consecutive two-year terms, unless there is no interest from another individual within the respective interest segment in which case an individual may serve more than two consecutive two-year terms.

3.3.3 Responsibilities

Interest Segment Representatives and Alternates are expected to participate in all Administrative Council activities and to represent the interests of their respective interest segments. Interest Segment Representatives and Alternates are expected to be prepared and knowledgeable of the issues before the Council in order to allow for an effective discussion, examination and ultimate resolution. The Interest Segment Alternates shall fully participate but only vote in the absence or disability of either Representative from that Interest Segment.

3.3.4 Vacancies

In the event that an Interest Segment Representative position becomes vacant, the Alternate for that given Interest Segment shall assume the Representative position for the remainder of the vacated term. In the event that an Alternate position becomes vacant or a Representative position becomes vacant and there is no Alternate to assume the position, the Administrative Council shall conduct an election to fill the vacated term.

3.4 Chair

3.4.1 Selection Process

The chair shall be elected by a plurality of the Interest Segment Representatives present at the time of the election. No proxies will be accepted. Notice of an election for chair shall be given via the ACTA Web Site and the Interest Segment e-mail exploder lists. Nominations shall be accepted from all interested parties provided the nomination is accompanied by: (1) a resume or other document detailing the nominee's applicable experience and (2) a letter of support from the nominee's employer. The ballot shall be conducted in secret and the ballots shall be tallied and the winner announced by the ACTA Secretariat. In the event of a tie between any nominees, an election between the tied nominees shall be conducted.

3.4.2 Term of Office

The chair shall be elected to serve a two-year term or until a successor is elected. An individual shall be limited to serving two consecutive two-year terms, unless there is no interest from another individual in which case an individual may serve more than two consecutive two-year terms.

3.4.3 Responsibilities

The chair shall preside at all meetings of the Administrative Council after the first and ensure that the principles and procedures set forth in this document are adhered to. The chair shall also perform such other duties and exercise such other powers as may be necessary to enact the business of the Administrative Council or as prescribed from time to time by the Administrative Council. The chair shall not engage in or use the position to influence the decision-making process of the Administrative Council.

3.4.4 Vacancy

In the event that the chair position becomes vacant, the Administrative Council may temporarily appoint an acting-chair to preside until the next full meeting of the Administrative Council during which an election must take place. The acting-chair must not be an Interest Segment Representative or Alternate.

4. MEETINGS

Meetings of the Administrative Council may be face-to-face or via conference call and virtual meeting technologies. Meetings are open to all interested parties. Face-to-face meetings of the Administrative Council shall typically be held in the Washington, D.C. metropolitan area.

4.1 Meeting Schedule

The Administrative Council shall establish a meeting schedule based upon need but in no event to be less than four meetings per year. Once determined, the meeting schedule shall be posted to the ACTA web site.

4.2 Quorum Requirement

A majority of the Interest Segments and a majority of Interest Segment Representatives shall constitute a quorum for conducting official business of the ACTA. Proxies are not permitted.

4.3 Meeting Notification and Agenda

A meeting notification and draft agenda shall be posted to the ACTA web site at least 30 days in advance of all regularly scheduled ACTA meetings.

4.4 Special/Emergency Meetings

Special or Emergency meetings may be called by the chair or by the written request of at least one-third of the Interest Segment Representatives. The purpose of the meeting shall be stated in the meeting notification and, except in cases of emergency, the meeting notification should be issued at least 30 days in advance of face-to-face meetings and at least 10 days in advance of conference calls.

4.5 Meeting Notes

Meeting notes shall be recorded for all ACTA meetings. The meeting notes shall serve as the official record. The meeting notes shall include, at a minimum, an agenda as amended and approved at the meeting; an attendee register; and a summary of the points noted, agreements reached and action items for each agenda item. The meeting notes shall be approved by the chair and then published on the ACTA web site within fifteen (15) business days from the close of the meeting.

5. VOTING

Each Interest Segment Representative, or an Alternate when acting as an Interest Segment Representative in the absence or disability of that Representative, shall have one vote in all ACTA matters. Voting shall be conducted by the chair and action shall require: (1) a quorum, and (2) a majority approval of those Interest Segment Representatives present at the time of the vote.

6. SPONSORS and SECRETARIAT SUPPORT

6.1 Sponsors

The Telecommunications Industry Association ("TIA") and the Alliance for Telecommunications Industry Solutions ("ATIS") shall jointly sponsor the ACTA.

6.1.1 Responsibilities

The sponsors shall ensure that the ACTA is populated in a manner consistent with the criteria of the American National Standards Institute for a balanced and open membership. The sponsors shall also fulfill the Secretariat functions as defined by the ACTA.

6.1.2 Term

TIA and ATIS shall serve in the roles of sponsor of the ACTA for four years from the effective date (January 24, 2001) of the FCC rules assigning the role (47 CFR § 68.602). TIA and ATIS shall continue in the roles of sponsors beyond the initial four-year term unless the Administrative Council directs otherwise.

6.2 Secretariat Support

The sponsors shall provide the administrative, secretarial and other necessary support as defined by the ACTA and pursuant to written agreement. At a minimum, the Secretariat staff shall include an ACTA Director.

6.2.1 ACTA Director

The ACTA Director shall attend all meetings of the Council and have primary responsibility for the overall management and operation of the ACTA, including the oversight of all Secretariat duties. The ACTA Director shall ensure that the Council abides by these Operating Principles and Procedures and may facilitate Council meetings in the absence of the chair. The ACTA Director should have a comprehensive and working knowledge of the telecommunications industry and the terminal equipment certification process.

6.2.2 Secretariat Support

The Secretariat duties shall include those assigned by the ACTA. The following is an illustrative, not exclusive list.

- ◆ Maintenance of official Membership and Company/Organization Voting Participants rosters;
- ◆ Development and maintenance of the ACTA Web Site and e-mail exploder lists;
- ◆ Meeting planning and registration;
- ◆ Publish technical criteria;
- ◆ Document distribution and publication;
- ◆ Recording meeting notes; and
- ◆ Other duties as assigned by the ACTA

6.2.3 Database Maintenance and Support

The Secretariat duties, in the context of the database maintenance and support, shall include:

- ◆ Processing of forms/applications
- ◆ Processing of SDOCs and TCB certifications
- ◆ Processing requests for Grantee codes
- ◆ Ensuring public accessibility to necessary information

7. Intellectual Property

Except as otherwise provided herein, all intellectual property rights (IPR), including without limitation all copyrights, trademarks, service marks, patents and trade secret rights claimed in documents submitted to the ACTA as technical criteria shall remain the property of the submitting party or entity and the ACTA shall not claim any rights thereto. As a condition to submitting technical criteria documents to the ACTA, however, the submitting party or entity must grant the ACTA a license to reproduce and distribute consistent with the process defined in Appendix A and allow the ACTA to permit third parties a single download of the document, or any portion thereof, for purposes of publication to interested parties.

Further information on the submission process to be provided in an appendix. (Appendix A to be provided regarding the Submission Process.)

8. ACTA WEB SITE and EXPLODER LISTS

All ACTA documentation and information shall be distributed electronically via the ACTA Web Site and the e-mail exploder lists.

8.1 ACTA Web Site

The ACTA Web Site homepage is at: www.part68.org. The web site contains all Council meeting materials (e.g., meeting agenda, contributions, meeting notes, calendar), ACTA publications, and information/instructions regarding the equipment approval process. The ACTA Web Site will also serve as the primary vehicle for the ACTA publication of both proposed technical criteria, pursuant to the 30 day public notice period prescribed in 47 C.F.R. § 68.608, and final adopted technical criteria.

8.2 E-Mail Exploder Lists

The Secretariat has established exploder lists to which individuals may subscribe for various ACTA business. Each exploder list, its purpose and any related restrictions are provided below:

List Name	Purpose	Restriction
acta-all	General Notification and Communication to the membership (e.g., Council meetings, posted materials) Includes all other ACTA Exploder List Members	Open

acta-isreps		Limited to Interest Segment Reps/Alts, ACTA chair, Secretariat, and Sponsors
acta-lec	Vehicle for LEC Reps/Alts to communicate ACTA business to LEC Interest Segment	Limited to LEC Interest Segment Representatives, Registered Voting Participants and Sponsors
acta-ixc	Vehicle for IXC Reps/Alts to communicate ACTA business to IXC Interest Segment	Limited to IXC Interest Segment Representatives, Registered Voting Participants and Sponsors
acta-nem	Vehicle for NEM Reps/Alts to communicate ACTA business to NEM Interest Segment	Limited to NEM Interest Segment Representatives, Registered Voting Participants and Sponsors
acta-tem	Vehicle for TEM Reps/Alts to communicate ACTA business to TEM Interest Segment	Limited to TEM Interest Segment Representatives, Registered Voting Participants and Sponsors
acta-lab	Vehicle for LAB Reps/Alts to communicate ACTA business to LAB Interest Segment	Limited to LAB Interest Segment Representatives, Registered Voting Participants and Sponsors
acta-oip	Vehicle for OIP Reps/Alts to communicate ACTA business to OIP Interest Segment	Limited to OIP Interest Segment Representatives, Registered Voting Participants and Sponsors

8.2.1 *Subscribing to an E-mail Exploder List*

Parties may subscribe to an ACTA e-mail exploder list by sending an e-mail to majordomo@lists.atis.org. The subject line of the e-mail must read "subscribe" and the body of the message must read "subscribe <insert list name>". Subscribing parties will receive a confirmation via e-mail.

Example: Address to: majordomo@lists.atis.org
 Subject: subscribe
 Body Text: subscribe acta-all

8.2.2 *Sending a Message to an E-mail Exploder List*

Parties may send e-mail messages to an ACTA e-mail exploder provided that the subject matter is relevant to the work of the Council. The mail must: (1) be addressed to "<list name>@lists.atis.org"; (2) contain a descriptive subject line; and, (3) contain information relevant to the work of the ACTA. The ACTA e-mail exploder lists shall not be utilized to disseminate solicitations, product endorsements, proprietary information or other legally sensitive information.

Example: Address to: acta-all@lists.atis.org

9. APPEALS PROCESS

Individuals and entities possessing directly and materially affected interests and believing that they have been or will be adversely affected by the actions or inaction of the ACTA shall have the right to appeal such action or inaction. However, should the action or inaction at issue be one relating to the activities of a Standards Developing Organization ("SDO") submitting technical criteria to the ACTA, the appeals processes afforded by that SDO must be utilized. Further, should the action or inaction at issue be one relating to the process by which an American National Standard or proposed American National Standard was developed, the American National Standards Institute ("ANSI") appeals process must be utilized.

In the case of action or inaction appropriate for the ACTA appeals process, individuals and entities are encouraged to first approach the ACTA leadership with an informal complaint before pursuing the official appeals process detailed in this section.

9.1 *Complaint*

The appealing party shall file a written complaint with the Secretariat within thirty days after the date of notification of action or at any time with respect to inaction. The complaint shall state the nature of the objections, including any adverse effects, the section of these Operating Principles and Procedures or other ACTA document that may be at issue, the action or inaction itself, and the specific remedial actions that would satisfy the appealing party's concerns. Previous efforts to resolve the objections and the outcome of each shall be noted.

9.2 *Response*

Within thirty days after receipt of the complaint, a written response shall be issued to the appealing party by the ACTA chair or the Secretariat specifically addressing each allegation of fact in the complaint.

9.3 Hearing

If the parties are unable to resolve the written complaint informally in a manner consistent with these Operating Principles and Procedures, the Secretariat shall schedule a hearing with an appeals panel on a date agreeable to all participants, giving at least ten working days notice.

9.4 Panel

The ACTA Secretariat will provide the appealing party a list of individuals who have agreed to be considered as candidates to serve on the ACTA appeals panel. This list will include individuals with standards or other equivalent industry forum experience. The appeals panel shall consist of three individuals who have not been directly involved in the matter in dispute, and who will not be materially or directly affected by any decision made or to be made in the dispute. At least two members shall be acceptable to the appealing party and at least two shall be acceptable to responding party. A questionnaire seeking background information and potential bias will be served on possible candidates for the appeals panel and copies will be made available to the appealing party. Initially, each side, starting with the appealing party, shall alternately strike a name from the list, until only one remains and that candidate shall be the chair of the appeals panel. Each party will then select one other name from the list.

The ACTA Secretariat will provide each member of the appeals panel with a copy of the complaint filed pursuant to section 9.1 above, a copy of these Operating Principles and Procedures, and any meeting notes pertaining to the matter. The appeals panel may serve questions to the parties before the hearing to assist in focusing the issue. Any answers received will be made available to the other party and that party will be allowed to submit a brief response.

No party will communicate with any member of the appeals panel once convened and until a decision has been rendered except as provided for in this section 9.

9.5 Conduct of Hearing

The appealing party has the burden of demonstrating adverse effects, improper actions or inactions, and the efficacy of the requested remedial action. The respondent has the burden of demonstrating that the Council and the Secretariat took all actions in compliance with these Operating Principles and Procedures and that the requested remedial action would be ineffective or detrimental. Each party may adduce other pertinent arguments, and members of the appeals panel may address questions to individuals.

The hearing shall be conducted in an informal manner and subject to such rules as the appeals panel sets forth. The appeals panel and the parties shall not be bound by any formal rules of evidence. Representatives of other interested parties shall be allowed to observe the hearing but will not be permitted to directly participate unless requested to participate by the appeals panel.

9.6 Decision

The appeals panel shall render its decision in writing within thirty days, stating findings of fact and conclusions, with reasons therefore, based on a preponderance of the evidence. Consideration may be given to the following position, among others, in formulating the decision: (1) finding for the appealing party, remanding the action to the Council or the Secretariat with a specific statement of the issues and facts in regard to which fair and equitable action was not taken; (2) finding for the respondent, with a specific statement of the facts that demonstrate fair and equitable treatment of the appealing party and the party's objections; (3) finding that new, substantive evidence has been introduced, and remanding the entire action to the Council or the Secretariat for appropriate reconsideration.

9.7 Further Appeal

Any party believing that a fair and equitable decision was not rendered through the above appeals process may appeal to the Federal Communications Commission as provided for in 47 C.F.R. § 68.614.

10. Revisions to the Operating Principles and Procedures

These Operating Principles and Procedures are maintained by the ACTA. Proposed revisions to these Operating Principles and Procedures should be written and submitted to the ACTA Secretariat along with rationale supporting the requested change. The ACTA Secretariat will present the proposed revisions to the ACTA for review, consideration and ultimate decision. Any approved revisions to these Operating Principles and Procedures will be effective upon publication.

Appendix A - Technical Criteria Submission Procedures

As provided for in 47 CFR § 68.604, any ANSI-accredited standards development organization ("SDO"), observing ANSI consensus decision-making procedures, may establish technical criteria and submit such criteria to the ACTA. When submitting technical criteria, the SDO must certify, in writing, that:

- (1) the submitting standards development organization is ANSI-accredited to the Standards Committee Method or the Organization Method (or their successor Methods as amended from time to time by ANSI;
- (2) the technical criteria that it proposes for publication do not conflict with any published technical criteria or with any technical criteria submitted and pending for publication; and
- (3) the technical criteria that it proposes for publication are limited to preventing harms to the public switched telephone network, identified in § 68.3 of Part 68.

Submission Procedures

SDOs submitting technical criteria to the ACTA shall observe the following procedures:

- (1) All submissions shall be sent to the ACTA Secretariat at the following address:
ACTA Secretariat
c/o ATIS
1200 G Street, NW
Suite 500
Washington, DC 20005
or,
acta@atis.org
- (2) All submissions must be provided in PDF format and accompanied by a signed cover letter including: SDO point of contact, identification of technical criteria submitted, the necessary certifications as identified in 47 CFR §68.604, a grant of permission to the ACTA Secretariat providing for the distribution, reproduction and publication of the technical criteria and, a representation of rights in the submitted technical criteria. A sample cover letter is provided as Appendix B.

Appendix B – Sample Submission Cover Letter

Date

ACTA Secretariat
c/o ATIS
1200 G Street, NW
Suite 500
Washington, DC 20005

RE: Technical Criteria Submission - *<insert title of technical criteria or other identification>*

ACTA Secretariat:

The *<SDO name>* submits the technical criteria identified above for publication and adoption by the ACTA. In doing so, and pursuant to 47 CFR §68.604, *<SDO name>* hereby certifies that: (1) the organization is ANSI-accredited and in good standing under the Standards Committee Method or the Organization Method and has been during the development of the submitted technical criteria; (2) the submitted technical criteria does not conflict with any published technical criteria or with any technical criteria submitted and pending for publication (as determined through the public process observed in developing the submitted technical criteria); and, (3) the submitted technical criteria are limited to preventing harms to the Public Switched Telephone Network as identified in § 68.3.

The *<SDO name>* hereby grants the ACTA Secretariat the right to reproduce, distribute and publish the submitted technical criteria identified above (the “Material”) for the limited purpose of public notification pursuant to 47 CFR § 68.608 and subsequent publication as adopted technical criteria for terminal equipment and to include the provision of free-downloads from the ACTA web site (the “Limited Purpose”) (the “Grant”).

In connection with the Grant, *<SDO name>* hereby represents and warrants that it owns all rights to the Materials, including as respects all copyrights thereto, or otherwise is authorized to grant such rights as respects the Materials, and all matters contained therein, to the ACTA Secretariat for the Limited Purpose. *<SDO name>* further represents and warrants that the Grant, and the ACTA Secretariat’s use of the Materials consistent with the Grant, will not violate any rights of any third-party. *<SDO name>* agrees to hold harmless and indemnify the ACTA Secretariat, its sponsors, and all persons acting on its behalf, of and from any and all claims, liabilities, costs and expenses (including reasonable attorneys’ fees) arising from, relating to or incurred as the result of any use of the Materials by the ACTA Secretariat consistent with the Grant.

Any questions regarding this submission shall be directed to *<insert SDO contact name and information>*.