

JEDEC MANUAL

JEDEC LEGAL GUIDELINES

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JEDEC SOLID STATE TECHNOLOGY ASSOCIATION



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JEDEC LEGAL GUIDELINES

Foreword

In promoting these interests, JEDEC engages in numerous activities conducted through its committees, departments, and Board of Directors. These activities are conducted under strict policies designed to promote and stimulate our free enterprise system and to make sure that laws for maintaining and preserving this system are vigorously followed. These guidelines constitute an important means for accomplishing this purpose and to assure that the Association's legitimate objectives are achieved by lawful means.

These guidelines reflect the best judgment of the standards of conduct and legal restraints that must be observed to protect against violations of the law. Experience has shown that questions and situations will arise, from time to time, that are not covered by these guidelines, but which, nonetheless, will require legal advice in order to make sure that the activity is legally proper and avoids embarrassment to the Association and participating members. JEDEC Legal Counsel must address such questions in a timely and thorough manner.

JEDEC LEGAL GUIDELINES

(Published for the guidance of members and staff of the JEDEC Solid State Technology Association in the conduct of JEDEC activities.)

1 General Guidelines Applicable to All JEDEC Activities

This chapter includes general guidelines applicable to all JEDEC activities. They are required to be read and followed by all members of JEDEC and its staff, chairmen and members of all committees and other JEDEC-sponsored groups.

1.1 Improper Activities and Programs

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

- 1) **Restraint of Trade Agreements:** The establishment of prices, production quotas, or 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, JEDEC meetings relating to any of these matters are improper and committee chairmen, staff and participants should take affirmative action to assure that no such discussions are initiated or pursued.
- 2) **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.
- 3) **Terms and Conditions of Purchase and Sale:** Any discussion at, or in conjunction with, JEDEC 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 for 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.
- 4) **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 JEDEC meetings of industry costs are normally not permitted.
- 5) **Future Plans:** Programs involving the exchange of company information relating to future plans affecting the design, research and development, production, and distribution or marketing of products are also improper. Any discussions at JEDEC meetings relating to such programs are not permitted.

1.1 Improper Activities and Programs (cont'd)

6) Boycotting Customers or Products: Any activity involving the exclusion 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.

1.2 Procedures for Conducting Activities

1) Notices and Agendas: Notices and agendas for JEDEC 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 guidelines. All agendas otherwise shall be in conformity with rules established by JEDEC Legal Counsel or shall be specifically approved by him or her. Whenever feasible, background information which would be helpful in the consideration of items on the agenda should be distributed in advance of meetings.

2) 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. Committee chairmen and JEDEC staff personnel shall make sure that all actions and discussions at meetings are kept within the bounds of proper alliance activity. Committee chairmen 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 JEDEC Legal 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 JEDEC Legal Counsel. Committee chairmen should follow the published agenda and not depart there from except for a good and legitimate reason, in which event the minutes should record the reasons for such departure.

a) Voting in Committees: All Committees shall adopt rules consistent with these guidelines to insure that each company represented shall be entitled to vote in a manner that 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.

3) Preparation and Review of Minutes: Detailed minutes of all meetings shall be taken and recorded. Minutes 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.

4) Approval of Minutes: All minutes of meetings shall be approved by JEDEC Legal Counsel before distribution. Upon approval, they should be distributed to all members of the committee.

2 Special Guidelines Applicable to Engineering Standardization Programs

This chapter contains legal policies applying specifically to the operations and conduct of all JEDEC engineering standardization and related programs. It details the general policies of JEDEC and supplements the procedures contained in JEDEC "Manual of Organization and Procedure." In addition to the rules established in this chapter, all engineering standardization programs are required to be conducted in accordance with the rules set forth in chapter 1 of these Legal Guidelines.

2.1 Limitations on Standardization Programs

JEDEC standardization programs shall be confined to the formulation of standards within the rules set forth in this chapter defining or describing the dimension, quality, reliability, operating characteristics, performance, nomenclature, or any combination of these, and similar factors relating to electronics and related products, processes, systems, and procedures. These programs include not only those sponsored or initiated by JEDEC and its members but also those recommended by Government agencies.

2.2 Statement of Policy

The following statement of policy, reflecting the basic objectives of all standardization programs, shall be included in all JEDEC standards:

JEDEC engineering standards are designed to serve the public interest by eliminating misunderstandings between manufacturers and purchasers, facilitating interchangeability and improvement of products, and assisting the purchaser in selecting and obtaining, with minimum delay, the proper product for this particular need. Existence of such standards shall not in any respect preclude any member or non-member of JEDEC from manufacturing or selling products not conforming to such standards.

Standards are proposed or adopted by JEDEC without regard to whether their proposal or adoption may in any way involve patents on articles, materials, or processes. By such action, JEDEC does not assume any liability to any patent owner, nor does it assume any obligation whatever to parties adopting JEDEC standards.

In all cases, however, specific requirements and restraints expressed elsewhere in these guidelines must govern.

2.3 Basic Rules for Conducting Programs

All JEDEC standardization programs shall be conducted in accordance with the following basic rules:

- 1) They shall be carried on in good faith under policies and procedures that will assure fairness and unrestricted participation;
- 2) Participation shall be extended to all technically qualified members of the industry, including representatives of user groups where appropriate, irrespective of membership in JEDEC;
- 3) Each program shall be shown to serve one or more of the public interest objectives as provided in clause 2.4;

2.3 Basic Rules for Conducting Programs (cont'd)

- 4) 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;
- 5) They shall not be proposed for or indirectly result in effectuation of a price fixing arrangement, facilitating price uniformity or stabilization, 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 clause 2.4; and
- 6) Personnel participating in such programs as the representatives of members of the industry should be technical personnel who shall not have primary responsibility for marketing or for management of marketing personnel.

2.4 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:

- 1) Promotion of interchangeability or improvement of products;
- 2) Elimination of misunderstandings or confusion between manufacturers and buyers with respect to the products;
- 3) Providing assistance to the purchaser in selecting and obtaining with minimum delay a suitable product for his particular need; or
- 4) Serve a declared governmental or public interest.

2.5 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 proposed for standardization to all persons participating in or contributing to the program involved irrespective of their membership in JEDEC. Committee activities should be limited to discussions of the engineering and technical aspects of standardization or the procedures relating thereto.

2.6 Special Rules for Conducting Standardization Programs

- 1) 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.
- 2) 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 clause 2.4.

2.6 Special Rules for Conducting Standardization Programs (cont'd)

3) 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 standardization activity, involving bargaining among manufacturers, distributors or dealers, and including but not limited to matters of uniform warranties, conditions of acceptance and rejection, and terms or conditions of transaction is the proper concern of each interested company acting individually and is not a proper alliance activity. (See clause 1.1 bullet 3).

4) 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 that 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 manufacturers and the user, or include ranges of AQL's for the same purpose.

5) 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.

6) 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 JEDEC staff members or any person acting in the capacity of a JEDEC committee member. JEDEC 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.

7) Acceptability of Standards: All proposed standards recommended by JEDEC engineering committees or task groups shall be submitted for final review and approval to industry members in accordance with the JEDEC Manual of Organization. No standard shall be recommended for adoption unless it receives substantial industry acceptance.

8) Final Adoption: Final adoption of proposed standards shall be in accordance with the JEDEC "Manual of Organization and Procedure." In the process of adopting a standard, consideration shall be given to all comments of industry and user interests where applicable, irrespective of JEDEC membership, and, if there is substantial opposition to the adoption of a proposed standard, the program involving such standard should be abandoned or referred to an appropriate committee or task group for further consideration.

2.7 Procedures for Commenting on Military Specifications and Products

In offering comments or recommendations to elements of the DOD on Military standardization documents, the following procedures shall be followed:

- 1) Participation shall be unrestricted and extended to all companies that have made known their interest regardless of membership in JEDEC or on the cognizant committee or committees;
- 2) 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;
- 3) Comments and recommendations shall be offered merely as such, limited to the technical aspects of the specifications, and shall reflect any divergency of views among those participating;
- 4) Copies of comments and recommendations shall be sent to all company representatives known to have an interest;
- 5) All submissions to military departments shall contain a statement that the comments and recommendations reflect only the views of the group participating; and
- 6) They shall be reviewed and submitted by JEDEC staff in accordance with the established procedures.

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