



## National Electrical Manufacturers Association

### Guidelines for Conducting NEMA Meetings

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#### General

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NEMA is a member-focused association committed to the development of industry-leading Standards, effective government advocacy, and decision-quality business intelligence. NEMA offers a platform for its members to engage with each other to develop consensus documents and positions that strengthen the industry. To facilitate effective discussion, NEMA members, member representatives, staff, and other meeting participants are required to respect each other, act in a civil manner, and abide by the [NEMA Code of Conduct and Ethics](#).

#### Antitrust

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Trade association meetings can benefit competition and consumer welfare but participants must be vigilant about antitrust concerns to avoid illegal agreements. At NEMA meetings, commercial topics shall not be discussed or acted upon. Specifically, avoid discussing:

- Prices or components like discounts and credit terms;
- Price lists coordinated price changes;
- Licensing or validity of patents;
- Sales or production quotas;
- Customer allocation or division of territories;
- Boycotts or markets/product exclusions;
- Company statistics, market shares, or merchandising methods;
- Commercial practices of particular competitors or customers;
- Commercial liabilities, warranties, or terms of sales,

Antitrust violations carry steep penalties: organizations may face fines up to \$100M per offense, and individuals may be fined up to \$1M and face up to 10 years in jail. Additionally, private lawsuits can result in treble damages and high legal costs. To mitigate risk, NEMA takes a conservative approach to antitrust issues to avoid even the appearance of impropriety.

## Notice & Agenda

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Each NEMA meeting must be preceded by a notice sent to participants. The meeting agenda should also be provided. This will alert participants to the business to be considered, enabling them to prepare for a productive meeting. The agenda can also alert participants and staff to matters which may raise legal questions for which the advice of counsel may be sought prior to the meeting.

## Standards

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When discussing standardization activities at meetings, NEMA policy mandates that the focus be solely on technical, engineering and safety factors, and exclude commercial considerations like pricing or market share. Discussions relating to licensing, patent construction and validity shall not take place at standards development meetings. Since NEMA standards are voluntary, there must be no agreement to adhere to them or any discussions of conformance implementation. Participants involved in NEMA's standardization activities shall read the [NEMA Technical Policies and Procedures](#).

### **Bring Essential Patent Claims to the attention of NEMA early in the standards development process.**

NEMA and ANSI policies provide that standards may embrace “essential patent claims” if technical reasons justify that approach. A patent claim is deemed “essential” if its use is necessary for compliance with the NEMA Standard or proposed NEMA Standard and no feasible alternatives exist. Participants in the NEMA standards development process must disclose known essential patent claims and are encouraged to bring essential patent claims to NEMA's attention early and at any time during the standards development process. Participants will be asked to certify at ballot if they are aware of any essential patent claims. Companies that hold essential patent claims are required to make a licensing commitment as spelled out in Section 7.9 of NEMA's [Technical Policies and Procedures](#) or applicable ANSI policy.

## Statistics

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Statistical programs are among the most valuable services NEMA can offer its membership. They are lawful so long as they are not part of a prohibited scheme to fix prices, allocate production or otherwise unreasonably restrain trade. At all statistical committee meetings, participants shall not disclose or discuss individual company data, company sales or production plans. Participation in the statistical programs is voluntary, and no one may be coerced.

## Minutes

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Minutes serve as official records of the Association, documenting what occurred during a meeting, and are often requested by litigants and investigators. The committee secretary or staff lead is responsible for ensuring the minutes are clear, complete and accurate regarding actions taken and their justification. Additionally, there are no “off the record” conversations at NEMA meetings. If you think your comments may be inappropriate for recording, they likely shouldn't be made at all.

## **AI Chatbots, Meeting Assistants, and Recordings**

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NEMA does not allow participants to record meetings (audio or video), and thus does not allow participants to use chatbots or AI “meeting assistants” to transcribe or record a meeting, typically to provide a summary of the meeting. These AI meeting assistants can collect information that was not intended to be shared, including personally identifiable information (PII) of hosts and attendees. Any accessibility concerns or request for accommodations should be raised with NEMA staff in advance of a meeting.

## **Use of Teams Chat**

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As most NEMA virtual meetings occur on Microsoft Teams, participants have the opportunity to utilize the Teams Chat function. Teams Chat should only be used to indicate votes or provide non-substantive information regarding attendance (e.g., “sorry I’m late”, “I need to step away for a moment”), or to quickly share a document or link. Teams Chat should NOT be used for substantive conversations related or unrelated to the meeting.

## **Presence of NEMA Staff Member**

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NEMA policy requires the attendance of a NEMA staff member at all meetings where NEMA business is conducted, which should be broadly interpreted. Participants shall not plan future NEMA meeting without a NEMA staff member present. If a NEMA staff member cannot attend, the meeting must be postponed. NEMA staff are trained to conduct meetings and can identify potential antitrust issues, serving as an essential safeguard for participants.

## **Informal Gatherings**

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When a NEMA meeting adjourns, it should be considered fully concluded. Informal sessions before or after a meeting can lead to discussions of “confidential” or prohibited subjects, risking anticompetitive conduct that could significantly harm participants, their companies and NEMA. Documentation of informal gatherings can be crucial in prosecutions for price fixing, as the antitrust laws apply whether it is a formal meeting, an informal session, or a conversation in a hallway.

## **Role of Counsel**

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NEMA counsel is available at all times to discuss any legal issues, concerns, or questions NEMA staff may have and is available to join any meeting that raises such concerns. Staff is encouraged to contact the General Counsel any time they have a question regarding any legal issues.