

Legal & Ethics Overview

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Legal & Ethics Issues in Standardization

- Corporations
- Health, Safety & Environment
- Antitrust & Trade Regulation
- Intellectual Property



Good Samaritan Rule

- “One who undertakes, gratuitously or for consideration, to render services to another which he should recognize as necessary for the protection of a third person or his things, is subject to liability to the third person for physical harm resulting from his failure to exercise reasonable care to [perform] his undertaking, if (a) his failure to exercise reasonable care increases the risk of such harm, or (b) he has undertaken to perform a duty owed by the other to the third person, or (c) the harm is suffered because of reliance of the other or the third person upon the undertaking.” [*Arnstein v. Manufacturing Chemists Association*, 414 F.Supp. 12 (Pa. 1976)]



Jurisdiction

- Can a nonprofit corporation in New York which provides health & safety testing services to corporations in California be held liable for the quality and accuracy of its testing services? [*Martinez v. Perlite Institute*, 120 Cal. Rptr. 120 (Cal. 1975)]



Product Listings

- Can a nonprofit corporation which tests products to a specific standard and publishes a public list that a product is certified be held liable for the use of a defective product if the corporation is aware the product does not comply with the specific standard, and yet continues to list the product as complying?
[*FNS Mortgage Service Corporation v. IAPMO*, 29 Cal. Rptr. 2d 916 (Cal. 1994)]



Product Endorsements

- Can a corporation which endorses a product for economic gain (Good Housekeeping Seal of Approval), and for the purpose of encouraging and inducing the public to buy it, be held liable to a purchaser who, relying on the endorsement, buys the product and is injured because it is defective and not as represented in the endorsement? [*Hanberry v. Hearst Corporation*, 81 Cal.Rptr. 519 (Cal. 1969)]



Failure to Develop Testing Program

- Can a nonprofit corporation which manages most of the nation's blood supply be held liable for failure to develop an adequate testing program? [*Snyder v. American Association of Blood Banks*, 676 A.2d 1036 (N.J. 1996)]



Approval of Negligent Design

- If a testing corporation is found negligent in approving a product design, can it be held liable for damages resulting from its negligence? [*Factory Mutual Insurance Company v. Factory Mutual Engineering Association*, 319 F.Supp. 880 (Ill. 2004), citing with approval, *Hempstead v. Underwriters' Laboratories*, 269 F.Supp. 109 (Del. 1967)]



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