

ICC Trademark Infringement Complaint Filed Against NFPA

In an effort to protect one of the International Code Council's most valuable assets, its family of "International Code" trademarks, the International Code Council (ICC) filed a trademark infringement complaint against the National Fire Protection Association (NFPA) on March 24, 1999. This complaint was filed after ICC became aware that NFPA used the designation "International Electrical Code™ Series" on its 1999 *National Electrical Code*® (NEC®) without ICC's consent or authorization. The infringing use of that designation by NFPA was instigated with full knowledge of the rights ICC has in its "International Code" family of trademarks, and only after NFPA failed to secure permission from ICC to use ICC's *International Electrical Code* trademark.

The International Code Council has been in discussions with NFPA for the last year to consider the full range of possible agreements, which might achieve a closer working relationship. Nevertheless, after a presentation by the president of ICC, which included information on ICC's intent to produce a family of International Codes, NFPA applied for federal trademark registrations for several International Code titles, including the *International Electrical Code*. It is ICC's belief that NFPA's subsequent trademark infringement of ICC's *International Electrical Code* is an apparent attempt to interfere with ICC's business plans.

The International Code Council and NFPA have been negotiating cooperative opportunities in the promulgation of joint codes, including a joint code development process. As part of the proposed business relationship, ICC has considered granting permis-

sion to NFPA to use the trademark *International Electrical Code*, but the parties were unable to reach an agreement. Even so, negotiations and discussions between the parties regarding other potential areas of cooperation have continued. However, despite NFPA's infringement of ICC's trademark rights, ICC President Jon Traw stated, "[it] was never the intent of ICC to terminate negotiations with the filing of this trademark infringement complaint, but merely a matter of protecting the future of our code documents. The International Code Council and NFPA representatives agreed with George Miller, NFPA president, who stated at the start of these negotiations that we may not be able to agree on all matters, but we should focus on those matters with which we can reasonably foresee reaching agreement."

The National Fire Protection Association's continued use of ICC's trademark in connection with the sale of the NEC® is likely to cause confusion or deceive users into believing that ICC was involved in the development and production of this document. ICC Board Chairman Mike Perrone says the trademark complaint was filed with the intention of acquiring NFPA's cooperation in removing the *International Electrical Code* trademark from the 1999 NEC®. The International Code Council entered into negotiations with NFPA with high hopes that the fundamental differences in philosophy, approach and system for developing codes and standards between the two groups could be reconciled. "It is unfortunate that NFPA has chosen to terminate negotiations for cooperative efforts because of a dispute over the infringement of an ICC trademark," says Perrone.

ICC CODE DEVELOPMENT HEARINGS

September 12-17, 1999 • St. Louis, Missouri

Don't forget! The annual conference is your opportunity to observe and participate in the code development hearings. This year's conference will include code sessions on challenges to the *International Building Code*, *International Energy Conservation Code* (formerly the Model Energy Code), *International Fire Code*, *International Fuel Gas Code*, *International Mechanical Code*, *International One- and Two-Family Dwelling Code*, *International Plumbing Code*, *International Private Sewage Disposal Code*, *International Property Maintenance Code*, *International Residential Code*, and *International Zoning Code*. As participants debate the items on the agenda in this last opportunity to vote on code changes for the 2000 *International Code* series, they will gain a better understanding of the codes, leading to more informed and consistent code enforcement.



LEGEND: AS = Approved as Submitted; D = Disapproved; AM = Approved as Modified; WP = Withdrawn by Proponent; ASF = Approved as Submitted from the floor through assembly action; DF = Disapproved from the floor through assembly action; NA = No Action

IBC General Subcommittee Hearing Results

The International Building Code — General Subcommittee met on Monday, March 22, 1999 in Costa Mesa, California. There was a total of 192 proposed code changes heard. The following table indicates the results:

COMMITTEE ACTIONS

AS	AM	D	WP	TOTAL
61	12	110	9	192
32.0%	6.0%	57.0%	5.0%	100%
38.0%		62.0%		

ASSEMBLY ACTIONS

AM or D to ASF		AS or AM to DF		TOTAL
Pass	Fail	Pass	Fail	11
0	6	5	0	

IBC Occupancies Subcommittee Hearing Results

The International Building Code — Occupancies Subcommittee met on March 15-16, 1999 in Costa Mesa, California. There was a total of 406 proposed code changes heard. The following table indicates the results:

COMMITTEE ACTIONS

AS	AM	D	WP	NA	TOTAL
90	34	242	39	1	406
22.2%	8.4%	59.6%	9.6%	0.2%	100%
30.6%		69.4%			

ASSEMBLY ACTIONS

AM or D to ASF		AS or AM to DF		TOTAL
Pass	Fail	Pass	Fail	20
4	13	2	1	

IBC Fire Safety Subcommittee Hearing Results

The International Building Code — Fire Safety Subcommittee met on March 19-21, 1999 in Costa Mesa, California. There was a total of 473 proposed code changes heard. The following table indicates the results:

COMMITTEE ACTIONS

AS	AM	D	WP	TOTAL
138	37	231	67	473
29.0%	8.0%	49.0%	14.0%	100%
37.0%		63.0%		

ASSEMBLY ACTIONS

AM or D to ASF		AS or AM to DF		TOTAL
Pass	Fail	Pass	Fail	14
0	7	1	6	

IBC Means of Egress Subcommittee Hearing Results

The International Building Code — Means of Egress Subcommittee met on March 17-18, 1999 in Costa Mesa, California. There was a total of 446 proposed code changes heard. The following table indicates the results:

COMMITTEE ACTIONS

AS	AM	D	WP	TOTAL
122	36	241	47	446
27.0%	8.0%	54.0%	11.0%	100%
35.0%		65.0%		

ASSEMBLY ACTIONS

AM or D to ASF		AS or AM to DF		TOTAL
Pass	Fail	Pass	Fail	7
0	6	0	1	

IBC Structural Subcommittee Hearing Results

The International Building Code — Structural Subcommittee met on March 19-21, 1999 in Costa Mesa, California. There was a total of 452 proposed code changes heard. The following table indicates the results:

COMMITTEE ACTIONS

AS	AM	D	WP	TOTAL
138	83	182	49	452
31.0%	18.0%	40.0%	11.0%	100%
49.0%		51.0%		

ASSEMBLY ACTIONS

AM or D to ASF		AS or AM to DF		TOTAL
Pass	Fail	Pass	Fail	
0	7	2	1	10

IRC Plumbing/Mechanical Subcommittee Hearing Results

The International Residential Code — Plumbing/Mechanical Subcommittee met on March 17-18, 1999 in Costa Mesa, California. There was a total of 243 proposed code changes heard. The following table indicates the results:

COMMITTEE ACTIONS

AS	AM	D	WP	NA	TOTAL
70	34	106	28	5	243
28.8%	14.0%	43.6%	11.5%	2.1%	100%
42.8%		57.2%			

ASSEMBLY ACTIONS

AM or D to ASF		AS or AM to DF		TOTAL
Pass	Fail	Pass	Fail	
3	3	1	1	8

IRC - Building/Energy Hearing Results

The International Residential Code — Building/Energy Subcommittee met on March 23-26, 1999 in Costa Mesa, California. There was a total of 826 proposed code changes heard. The following table indicates the results:

COMMITTEE ACTIONS

AS	AM	D	WP	NA	TOTAL
208	62	430	112	14	826
25.2%	7.5%	52.0%	13.6%	1.7%	100%
32.7%		67.3%			

ASSEMBLY ACTIONS

AM or D to ASF		AS or AM to DF		TOTAL
Pass	Fail	Pass	Fail	
10	21	6	3	40

IFC Hearing Results

The International Fire Code Committee met on March 22-26, 1999 in Costa Mesa, California. There was a total of 915 proposed code changes heard. The following table indicates the results:

COMMITTEE ACTIONS

AS	AM	D	WP	TOTAL
309	104	413	89	915
34.0%	11.0%	45.0%	10.0%	100%
45.0%		55.0%		

ASSEMBLY ACTIONS

AM or D to ASF		AS or AM to DF		TOTAL
Pass	Fail	Pass	Fail	
3	10	6	5	24

IMC Hearing Results

The International Mechanical Code Committee met on March 15-16, 1999 in Costa Mesa, California. There was a total of 247 proposed code changes heard. The following table indicates the results:

COMMITTEE ACTIONS

AS	AM	D	WP	NA	TOTAL
67	19	133	24	4	247
27.1%	7.7%	53.8%	9.7%	1.7%	100%
34.8%		65.2%			

ASSEMBLY ACTIONS

AM or D to ASF		AS or AM to DF		TOTAL
Pass	Fail	Pass	Fail	
0	7	0	1	8

IPC Hearing Results

The International Plumbing Code Committee met on March 16-17, 1999 in Costa Mesa, California. There was a total of 181 proposed code changes heard. The following table indicates the results:

COMMITTEE ACTIONS

AS	AM	D	WP	TOTAL
50	13	86	32	181
28.0%	7.0%	48.0%	17.0%	100%
35.0%		65.0%		

ASSEMBLY ACTIONS

AM or D to ASF		AS or AM to DF		TOTAL
Pass	Fail	Pass	Fail	
2	9	1	3	15

IFGC Hearing Results

The International Fuel Gas Code Committee met on March 16, 1999 in Costa Mesa, California. There was a total of 94 proposed code changes heard. The following table indicates the results:

COMMITTEE ACTIONS

AS	AM	D	WP	TOTAL
41	6	34	13	94
44.0%	6.0%	36.0%	14.0%	100%
50.0%		50.0%		

ASSEMBLY ACTIONS

AM or D to ASF		AS or AM to DF		TOTAL
Pass	Fail	Pass	Fail	
8	2	6	1	17

IECC Hearing Results

The International Energy Conservation Code Committee met on March 22-23, 1999 in Costa Mesa, California. There was a total of 76 proposed code changes heard. The following table indicates the results:

COMMITTEE ACTIONS

AS	AM	D	WP	TOTAL
31	23	17	5	76
41.0%	30.0%	22.0%	7.0%	100%
71.0%		29.0%		

ASSEMBLY ACTIONS

AM or D to ASF		AS or AM to DF		TOTAL
Pass	Fail	Pass	Fail	
0	1	0	0	1

IPMC Hearing Results

The International Property Maintenance Code Committee met on March 21, 1999 in Costa Mesa, California. There was a total of 44 proposed code changes heard. The following table indicates the results:

COMMITTEE ACTIONS

AS	AM	D	WP	TOTAL
10	10	22	2	44
23.0%	23.0%	50.0%	4.0%	100%
46.0%		54.0%		

ASSEMBLY ACTIONS

AM or D to ASF		AS or AM to DF		TOTAL
Pass	Fail	Pass	Fail	3
0	1	0	2	

IZC Hearing Results

The International Zoning Code Committee met on March 21, 1999 in Costa Mesa, California. There was a total of 2 proposed code changes heard. The following table indicates the results:

COMMITTEE ACTIONS

AS	AM	D	WP	TOTAL
0	1	1	0	2
0%	50.0%	50.0%	0%	100%
50.0%		50.0%		

ASSEMBLY ACTIONS

AM or D to ASF		AS or AM to DF		TOTAL
Pass	Fail	Pass	Fail	0
0	0	0	0	

Errata to the 1999 Report of the Public Hearing to the International Codes

S125-99

Committee Action: Approval as Modified

Modify proposal as follows:

**TABLE 1622.2.5-1
SEISMIC COEFFICIENTS FOR NONBUILDING STRUCTURES**

NONBUILDING STRUCTURE TYPE	R	Ω_0	C_D	STRUCTURAL SYSTEM AND HEIGHT LIMITS ^c (FT)			
				SEISMIC DESIGN CATEGORY AS DETERMINED IN SECTION 1616			
				B	C	D	E & F
Electrical Transmission towers, substation wire support structures, distribution structures	3	1½	3	NL	NL	NL	NL
Truss: Steel and Aluminum	1½	1½	1½	NL	NL	NL	NL
Pole: Steel	1½	1½	1½	NL	NL	NL	NL
Wood	1½	1½	1½	NL	NL	NL	NL
Concrete	1½	1½	1½	NL	NL	NL	NL
Frame: Steel	3	1½	1½	NL	NL	NL	NL
Wood	2½	1½	1½	NL	NL	NL	NL
Concrete	2	1½	1½	NL	NL	NL	NL

Committee's Reason: (1) The 1997 NEHRP provisions as specified in the Appendix of Chapter 14 were not included in the IBC and therefore the IBC draft provisions are inappropriate for these non-building structures. The NEHRP TS13 committee developed appropriate criteria for checking inertia forces against the industry loads of extreme wind, ice, and unbalanced conductor tension. Therefore, the current IBC wording should be deleted until TS13 can provide an approved NEHRP provision. (2) The industry structural load requirements of extreme wind, ice and unbalance conductor tension provide adequate structural systems to resist seismic (inertia) lateral forces. Numerous utility studies and industry guidelines/technical papers support this conclusion. (3) The seismic performance of electrical transmis-

sion, substation, and distribution structural systems as provided by industry practice have not contributed to inertia force problems in past earthquakes. The very few problems that have been reported are more directly related to foundation/facility siting issues. (4) The current IBC provision raises a big question: which building official has jurisdiction over a transmission line that crosses city/county/state boundaries. (5) The current IBC provision does not give the building official any guidance on what is an acceptable and appropriate standard to apply to these types of nonbuilding facilities.

Assembly Action: No Motion

(continued on next page)

ERRATA (continued from preceding page)**S126-99****Committee Action:** Disapproval**Committee's Reason:** Self-supporting and guyed telecommunication towers suffered damage after the Loma Prieta earthquake. These structures are stand-alone structures and should be regulated by the IBC.**Assembly Action:** No Motion**S127-99****Committee Action:** Disapproval**Committee's Reason:** Concerns were raised about the enforceability of the following code language:

- 1) "...suitably designed and securely installed so as not to..."
- 2) "...maintain its integrity for the purpose of providing the required fire resistance protection..."

Assembly Action: No Motion**G156-99****Committee Action:** Approval as Modified**Modify proposal as follows:**

**APPENDIX CHAPTER 31-1
FLOOD RESISTANT CONSTRUCTION**

303.1 Placement Prohibited. The placement of manufactured homes shall not be permitted in flood hazard areas subject to high velocity wave action and in floodways.

Re-number remaining sections.

Committee Reason: Coordination with the approval of G147-99, and to provide a complete method for a local jurisdiction to comply with the requirements of the National Flood Insurance Program without other local ordinances.**Assembly Action:** No Motion

**IRC Chapter 41
Referenced Standards**

ACIACI 530-98/ASCE 5-98/
TMS 0402-98Building Code
Requirements for
Masonry Structures**FS44-99****Committee Action:** Approval as Modified**Modify current Table 705.4 as follows:****TABLE 705.4**

Group	FIRE RESISTANCE RATING (HOURS)
A, B, E, F-2, H-4, I, R, R-1, R-2, S-2, U	3 ^a
F-1, H-3 ^b , H-5, M, S-1	3
H-1, H-2	4 ^b
E-2, S-2, R-3, R-4	2

^a Walls shall be not less than 2-hour fire resistance rated where separating buildings of Types II or V construction.^b For Group H-1, H-2 or H-3 buildings, also see Sections 415.4 and 415.5.**Committee Reason:** This proposal was heard before code changes FS43,44,45,46,48, 49, 50 and 51. The proposed revisions to the table reflect a reasonable compromise among submitted code changes FS43,44,45,46,48, 49, 50 and 51. The proposed ratings reflect the typical fuel loads associated with the respective occupancies.**Assembly Action:****No Motion****FS369-99****Committee Action:****Disapproval****Committee Reason:** The minimum clearances should be based on the manufacturer's installation instructions for the specific type of equipment, and not based on roof covering maintenance issues. As the minimum clearance increases, the resulting loads on the roof due to lateral wind pressure will increase, thus potentially affecting the cost associated with the proposal.**Assembly Action:****No Motion**



Errata to the 1998 International One- and Two-Family Dwelling Code (first printing)

Pages 45-62 **Revise Table 502.3.1(1) heading as follows:**

GRADE	SIZE	DESIGN VALUE IN BENDING “F _b ” (psi)			MODULUS OF ELASTICITY “E” (psi)	GRADING RULES AGENCY
		Normal duration	Snow loading	7-Day loading		
^						

Page 64 **Revise Table 502.3.1(2) heading as follows:**

GRADE DESIGNATION	GRADING RULES AGENCY (See Footnotes a, b, c, d)	SIZE CLASSIFICATION	DESIGN VALUE IN BENDING “F _b ” (psi)			MODULUS OF ELASTICITY “E” (psi)
			Normal duration	Snow loading	7-Day loading	
^						

Pages 67 and 69: **Revise Tables 502.3.2(1) and (2) second page heading (last 2 columns) as follows:**

SPACING (inches)	JOIST SIZE (inches)
^	

Page 138: **Revise Table 802.4.2(1) entry @ 2x10; 12.0 spacing; 0.4 E; to read: “14-4”**

Pages 139-145: **Revise Tables 802.4.2(1) - (4) second page heading (last 2 columns) as follows:**

SPACING (inches)	JOIST SIZE (inches)
^	

Pages 147-175 **Revise Tables 802.4.2(5) - (19) second page heading (last 2 columns) as follows:**

SPACING (inches)	RAFTER SIZE (inches)
^	

Page 212: **Revise Table 1306.1 to read as follows:**

RESIDENTIAL-TYPE APPLIANCES	CLEARANCE (inches)			
	Above top ^b	From front	From back	From sides
^				
Boilers and water heaters:				
Automatic oil or combination gas and oil	6	24	6	6
Automatic gas	6	18	6	6
Solid	6	48	6	6
Electric	6	18	6	6
Central furnaces:				
Automatic oil or combination gas and oil	6	24	6	6
Automatic gas	6	18	6	6
Solid	18	48	18	18
Electric	6	18	6	6
Floor furnaces:				
Automatic oil or combination gas and oil	36	12	12	12
Automatic gas	36	12	12	12
Room heaters ^c :				
Circulating type:				
Oil or solid fuel	36	36	36	36
Gas	36	24	12	12
Radiant or other type:				
Oil or solid fuel	36	36	36	36
Gas	36	36	18	18
Gas with double metal or ceramic back	36	36	12	18
Fireplace stove:				
Solid fuel	36	36	36	36

(continued on next page)



ERRATA TO THE 1998 IOTFDC (continued from the preceding page)

For **SI**: 1 inch = 25.4 mm.

^a Reductions in the required clearance shall be permitted in accordance with Table 1306.2.

^b Same clearances required from top and sides of warm air bonnet or plenum of central furnaces.

^c Room heaters shall be installed on noncombustible floors.

**Errata to the Public Hearing Results
on the 1999 Proposed Changes to the International Codes
Published in Codes Forum of the May/June 1999 magazine.**

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ASF = Approved as Submitted from the floor through assembly action; DF = Disapproved from the floor
through assembly action; P = Motion by the assembly passed; F = Motion by the assembly failed; NA = No Action

Code Change Number	Committee Action	Assembly Action
International Mechanical Code		
M151-99 PT2	AS	
International Property Maintenance Code		
PM13-99.	AM	DF F
PM14-99.	AM	DF F
PM43-99	D	ASF F

**Calendar of Events
1999/2000**

September 1999

- 12-17 BOCA/ICBO/SBCCI Joint Annual Conference, St. Louis, Missouri
- 17-18 ICC Board of Directors Meeting, St. Louis, Missouri

April 2000

- 9-20 2000 ICC Code Development Public Hearings, Birmingham, Alabama



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