

INTELLECTUAL PROPERTY LAW SECTION
Meeting Minutes
February 5, 2004

Present (via telephone): David Kelley, Catherine Collins, Craig Baldwin, Lisa Smith, Charles Ashbrook, Catherine Brown, James Drake, Beverly Bunting, Denise Glassmeyer, Laura Slenzak, Kelly Miller, Lynn Chard.

Mr. Kelley called the meeting to order at approximately 9:30.

1. Secretary/Treasurer Report

The Council passed a motion to approve the minutes. Mr. Kelley requested that the past minutes be posted on the website and that we consider having links to the ICLE web pages concerning the seminars we are offering. Mr. Baldwin will follow up on this.

Mr. Baldwin reported that the Section account balance was \$62,324.43

Spring seminar expenses were approximately \$4,000 last year and summer expenses were about \$6,000. Summer expenses may be higher this year because more speakers are attending.

Various options were discussed for spending the surplus. Mr. Kelley suggested making the website more interactive and possibly having a webcast on a topic of interest. Ms. Slenzak suggested supporting work study by providing a stipend or scholarship to someone in a master's program.

Ms. Glassmeyer suggested supporting a specialized IP journal and also suggested sponsoring a northern Michigan IP seminar geared to the interaction between business and IP law. She will contact both Jason Young and Jeanne Marshall, who live in northern Michigan, to see if this suggestion is viable.

5. Madrid Protocol – IPLS Seminar

The council is investigating having a Madrid Protocol seminar in the end of October or early November. This would also be a way to spend some of the budget surplus. The council discussed whether to have the seminar directed to non-attorney staff or to both attorneys and support staff. One proposal was a joint session with a break out session. Ms. Smith will contact the PTO and put together a tentative agenda. Ms. Slenzak will contact Cooley Law School as a possible venue for the seminar.

Ms. Chard advised that if Cooley Law School co-sponsors the seminar it may be in conflict with ICLE rules because members are not supposed to compete with ICLE. She advised that it is not an issue for the State Bar sections to offer seminars on their own. But the State Bar doesn't invest funds in CLE apparatus because of ICLE and the Bar

works with the Sections to encourage cooperation with ICLE and not to directly compete with ICLE offerings at similar times/locations. She advised that locating the seminar at one of the member law schools, or having a faculty member speak at the seminar, is not a problem. The problem is if the law school co-sponsors the seminar.

3. Spring Seminar

Ms. Ashbrook advised that the Spring Seminar is all set. Ms. Chard advised that we are on track to receive all materials on time and that we already have half of the required materials. She also advised that we have 75 registrants so far and that this is also on track based upon last year at which 255 were registered.

The PTO called and said that with the departure of Commissioner Rogan they can't have their lodging paid for unless it's a tax free organization that doesn't do any lobbying. Ms. Miller said that she talked to Robert Clark on this and that each department has a policy. Some want things paid for ahead of time, some want reimbursement later. Ms. Miller advised that ICLE is a tax exempt entity so this may be no problem if ICLE pays for the lodging. Mr. Baldwin suggested we resolve this soon to make sure there will be no conflict if the Madrid Protocol seminar is not offered through ICLE.

4. Summer Institute

Ms. Collins advised that the Summer Institute is all set, but we are still unsure as to whether Governor Granholm will speak. We will not get confirmation on this until 6-8 weeks before the seminar. To allow for this possible change in agenda, we will move the Section business meeting to Saturday morning.

The council discussed various suggestions for organizing the corporate roundtable.

The Club Invention is all set and will be at the hotel. The council had some discussion of the program content. Regarding potential liability, the council believes that this will be covered by either ICLE's umbrella or by the Grand Hotel's general liability policy.

Mr. Kelley raised the issue of the location of future Summer Seminars. For year 2005, the Grand Hotel is already reserved. The only other location that can handle a group this large is the Grand Traverse Resort, unless we use theater-style seating. Contracts are also signed for the Grand Hotel for 2006 and 2007 but can be cancelled with one years notice if we decide to change venue.

5. Proceedings

The council agreed that the Proceedings look good. Ms. Slenzak scanned the back issues already. Ms. Collins emailed scanned copies to the State Bar to try to get them added to the website. She will continue to follow up on this.

6. Michigan Bar Journal – IP Issue

Mr. Drake said the articles are all set.

7. Model State Trademark Bill

Mr. Kelley has not yet contacted John Martin at Warner, Norcross on this issue but will try to do so before the next meeting. Mr. Martin has expertise on pushing probate legislation through the legislature and could give us advice on this issue.

Ms. Slenzak suggested offering a writing contest for the best article comparing the Model State TM Law to the Michigan Current TM law. A prize of \$1000 could be offered with the winning article published in either the Proceedings or another appropriate journal. Ms. Slenzak and Ms. Glassmeyer will work together on investigating this. Mr. Kelley suggested that they talk to Sharon Severance, former council member, because she did something similar in the past. Ms. Brown offered to help also and will contact Ms. Severance because her office is next door.

8. New business

Ms. Brown asked whether patent agents can join the section and get on the ICLE membership list. The council discussed that Section membership is currently limited to active members of the Bar but there is no conceptual reason why they couldn't have affiliate membership, similar to legal assistants/administrators. Ms. Glassmeyer suggested that we explore adding patent agents or creating an option for associate membership to the Section. Ms. Glassmeyer will follow up with the Bar on the situation.

Mr. Pickell has officially resigned from the council. The council agreed that the vacancy should be filled before the next annual meeting at the Summer Seminar. The following people have expressed interest in being on the council:

Don Neighbor
Dave Wisz
Jennifer Warren
Frank Angileri
Steve Underwood

The following council members have terms that will expire after this year:

Ms. Bunting
Ms. Slenzak
Mr. Drake

Mr. Kelley suggested we discuss this further at the next meeting.

Ms. Bunting brought up the issue of the new PTO rules regarding continuing legal education and annual membership fees for practitioners. Other organizations are also submitting comments on this issue. The council agreed that we should develop and submit a position. Ms. Bunting agreed to develop a position statement saying that we

oppose the PTO fee, especially while funds are still being diverted. This item will also be discussed further at the next meeting.

The meeting adjourned by unanimous consent at approximately 11:45. The next meeting will take place on March 4 via teleconference.