

INTELLECTUAL PROPERTY LAW SECTION
Meeting Minutes
March 4, 2004

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

Mr. Kelley called the meeting to order at approximately 9:40.

1. Secretary/Treasurer Report

The Council passed a motion to approve the minutes.

Mr. Baldwin reported that the Section account balance was still \$62,324.43 less the amount billed for the last phone conference. This amount has not yet been posted.

2. Madrid Protocol – IPLS Seminar

Ms. Collins reported that Lynn Beresford is generally available to give the Madrid Protocol seminar. Suggested dates are October 19 and 20, 2004. Cooley Law School was again discussed as a possible venue. Ms. Collins will continue to make arrangements and attempt to get a firm commitment from the PTO to provide Ms. Beresford for the proposed dates.

The issue of the section's tax status was again raised, as it may relate to our ability to reimburse speakers from the PTO for their lodging and travel costs. Ms. Collins will make further inquiries at the PTO to clarify whether the section must be a 501(c)(3) entity or whether our current status is acceptable.

3. Writing Competition

Ms. Slenzak suggested using the IPLA writing contest rules for our writing contest. The council discussed announcing the winner of the writing contest at the Madrid Protocol Seminar. Flyers will be distributed to schools before final exam time to advertise for the contest. A proposed submission deadline of September was discussed.

The council discussed whether a minimum number of entries would need to be received in order to award the \$1000 prize. The consensus of the group was that the rules would allow us not to award the prize if none of the entries provided a reasonably competent and thorough discussion of the issues. Ms. Slenzak and Glassmeyer will continue to pursue setting up the writing contest.

4. Proceedings

Nothing new to report. Ms. Collins will give the CD of archived Proceedings to Ms. Brown so that they may be published on the Section website. The next edition will go out at an appropriate time to advertise for the summer seminar and also to announce the writing contest. Mr. Baldwin advised that the cost to print a normal edition of the Proceedings was approximately \$800. The Section will consider whether or not to publish the winning article from the writing contest depending upon whether the printing cost is prohibitively high.

5. Michigan Bar Journal – IP Issue

Mr. Drake confirmed that the articles are all set.

6. Model State Trademark Bill

Mr. Kelley has contacted John Martin at Warner, Norcross on this issue to find out what is involved in pushing legislation through. The process described by Mr. Kelly is long and complex and would likely require hiring a lobbyist to get it done successfully. This could be potentially very expensive. It also might require the section to register as a lobbying entity and would require us to comply with the applicable rules pertaining to lobbying. Mr. Baldwin raised the issue that this may further complicate our ability to reimburse the PTO for travel/lodging to provide seminars for us.

Ms. Smith will inquire from INTA as to their experiences in getting the PTO to provide speakers and how they have handled the reimbursement issue.

7. Council Vacancy

By unanimous vote, the council accepted the nomination of Mr. John Naber to fill the remaining term of Mr. Pickell.

8. New Business

The SBM is having a meeting on March 23, 2004 to discuss potentially allowing attorneys to have a designated specialization. Ms. Brown will go to the meeting and at that time will raise the issue of providing for affiliate Bar membership for patent agents.

The council briefly discussed the Supreme Court order regarding advocacy by the Sections. Mr. Kelley advised that the Bar has a website designed to guide people through the requirements. The consensus was that these new rules will not preclude the Section from advocating positions as long as we follow the rules.

The council had general discussion about whether we should focus our efforts on education or to expand and also become more of a lobbying/advocating group. The

general consensus is that our primary mission is education but that we should not preclude issue advocacy on a case-by-case basis as appropriate, consistent with what we have done in the past.

Regarding the PTO proposed rulemaking and the draft comments from the Section, the consensus was that the comment letter should be modified to indicate that we are opposed to the practitioner fee in general even if needed to support PTO CLE. The letter will also indicate that we do not agree with the proposed CLE requirements from the PTO. Ms. Bunting will make appropriate edits to the letter and resubmit to the council for a vote on its contents. Ms. Bunting will contact Janet Welch at the State Bar to find out whether the new Supreme Court order regarding section advocacy will affect our comments to the PTO regarding the notice of proposed rule making.

Regarding the SBM Section Newsletter, Mr. Kelley circulated it to the council prior to the meeting. The council had no specific feedback or comments but thought it was useful to have such a newsletter.

9. Spring Seminar

Ms. Chard indicated that we are all set. Registrations are at 221 so far and are expected to increase with last minute registrants to get us near the level from last year (260 registrants). All course materials are in except for those from Mr. DiPietro. The lunch will be the Italian buffet in the large dining room. Dinner with the speakers the night before will be at Dusty's Wine Cellar. ICLE has reserved but not booked the Kellogg Center for March 14, 2005. The council asked Ms. Chard to see if a Friday date in March would be available instead. Ms. Chard advised that Fridays tended to be the most difficult days to reserve but she or Ms. Miller would check into it.

10. Summer Institute

Ms. Chard advised that we are also all set for the Summer Institute. We still have no word as to whether Governor Granholm will speak. We do not expect confirmation on this until 6-8 weeks before the seminar.

Ms. Chard requested that more details be provided as to the content of the corporate roundtable luncheon.

The council may attempt to organize a networking opportunity at the Summer Institute for female members of the Section.

Regarding Club Invention, course materials will be provided by Club Invention and ICLE will be the designated licensee for purposes of the program. Liability insurance is taken care of for this program from both the Bar and the Hotel.

The meeting adjourned by unanimous consent at approximately 11:30. The next meeting is scheduled for April 1 at 9:30. The council did not discuss whether the meeting will be in person or by phone.