

**BY LAWS OF THE
INTELLECTUAL PROPERTY LAW SECTION
OF THE STATE BAR OF MICHIGAN**

**ARTICLE I
NAMES AND PURPOSES**

SECTION 1. This Section is the Intellectual Property Law Section of the State Bar of Michigan.

SECTION 2. The purposes of this Section are to study the laws and procedures pertaining to federal and state patent, trademark and copyright laws and to promote the fair and just administration of such laws; to study and report upon proposed legislation; to promote the legal education of members of the bar, and the general public on the problems of patent, trademark and copyright law by sponsoring meetings, institutes and conferences devoted to the problems of patent, trademark and copyright law by the preparation and dissemination of pamphlets and brochures with respect thereto and by preparing, sponsoring and publishing legal writings in the patent, trademark and copyright field.

**ARTICLE II
MEMBERSHIP**

SECTION 1. Section annual dues are Thirty-Five (\$35.00) dollars for each member. Annual dues are paid to the Section by the member through the State Bar of Michigan. The Section membership year runs concurrent with the State Bar of Michigan fiscal year. Any active member of the State Bar of Michigan who has paid dues to this Section for the current membership year is enrolled as a member of the Section. Any member of the Section whose annual dues are more than six months past due ceases to be a member of the Section.

SECTION 2. Newly admitted members to the State Bar of Michigan may request in writing to become members of the Section for the balance of the fiscal year, without payment of dues to the Section, if such written request is made in their first year of membership in the State Bar of Michigan.

SECTION 3. ASSOCIATES. Associates are agents registered to practice before the United States Patent and Trademark Office who are not licensed as attorneys in any state or jurisdiction and engage in a substantial portion of their activities related to practice before the United States Patent and Trademark Office in the state of Michigan. Individuals seeking registration as associate members who are not licensed by the State Bar of Michigan, after making application to the Secretary-Treasurer and approval by the council, may participate in the Section's activities as associates (without voting privileges). In making application, the person desiring to become an associate shall pay the annual dues applicable to members, as provided in Article II, Section I. Associates will be allowed to receive the Section Newsletter, participate in committees and attend all programs and meetings (without voting privileges). Any associate who is not a licensed attorney shall not, through participation in the Section, convey to the public that they are a licensed attorney or qualified to render legal advice or services other than those granted by

the United States Patent and Trademark Office.

ARTICLE III COUNCIL AND OFFICERS

SECTION 1. The officers of this Section are the Chairperson, Chairperson Elect and Secretary-Treasurer.

SECTION 2. The Council consists of the Chairperson, Chairperson Elect and Secretary-Treasurer, all of whom are members ex-officio, together with nine other members to be elected by the Section as hereinafter provided. The retiring Chairperson is an honorary member of the Council for one year following their retirement for the purpose of advising and counseling with the Council, but without right to vote unless duly elected to the Council pursuant to Sections 3 or 4 of this Article.

SECTION 3. The Chairperson, Chairperson Elect and Secretary-Treasurer are nominated and elected in the manner hereinafter provided at each annual meeting of the Section, to hold office for a term beginning on the first day of the Section membership year, and ending on the last day of the Section membership year, or until their successors have been elected and qualified, whichever is later.

SECTION 4. Of the nine elected members of the Council, three members of the Council are elected at each annual meeting of the Section, for terms of three years beginning on the first day of the Section membership year and ending on the last day of the Section membership year.

SECTION 5. No person is eligible for election to the Council as officer or voting member, if that person has served without interruption two consecutive terms, immediately preceding the term for which the election is held.

ARTICLE IV NOMINATION AND ELECTION OF OFFICERS AND THE COUNCIL

SECTION 1. NOMINATIONS. At least two weeks prior to each annual meeting of the Section, the Chairperson must appoint a nominating committee of three members of the Section. One of the members must be a member of the current Council, but the other two must not be members of the current or previous year's Council. At the annual meeting of the Section, the nominating committee reports its nominations to the Section for the offices of Chairperson Elect, Secretary-Treasurer, and members of the Council to succeed those whose terms will expire at the close of the then annual meeting, and to fill any vacancies then existing for unexpired terms. Section members in attendance at the annual meeting may also make other nominations for the same offices from the floor.

ARTICLE V DUTIES OF OFFICERS

SECTION 1. CHAIRPERSON. The chairperson presides at all meetings of the Section and of the Council. The Chairperson formulates and presents at each annual meeting of the State Bar of Michigan a report of the work of the Section for the then past year. The Chairperson performs such other duties and acts as usually pertain to that office.

SECTION 2. CHAIRPERSON ELECT. Upon the expiration of the term of office of the preceding Chairperson at the close of a membership year, the Chairperson Elect succeeds to the office of Chairperson for the following membership year. Upon the death, resignation or during the disability of the Chairperson, or upon the chairperson's refusal to serve, the Chairperson Elect performs the duties of the Chairperson for the remainder of the Chairperson's term except in the case of the Chairperson's disability and then only during such term as the disability continues.

SECTION 3. SECRETARY-TREASURER. The Secretary-Treasurer keeps a true record of all monies received and disbursed and report thereon to the Council whenever requested. Annually, the Secretary-Treasurer submits a financial report for presentation to the members of the Section and to the Board of Commissioners of the State Bar of Michigan. Consistent with the bylaws of the State Bar of Michigan, the Secretary Treasurer is responsible for the deposit of all monies of the Section in the general fund of the State Bar. The Secretary Treasurer is the custodian of all books, papers, documents and other property of the Section. The Secretary Treasurer keeps a true record of the proceedings of all meetings of the Section and of the Council, whether assembled or acting under submission. The Secretary Treasurer assists the Chairperson in the preparation of a summary or digest of the proceedings of the Section for publication in the annual report of the State Bar of Michigan. The Secretary Treasurer, in conjunction with the Chairperson, as authorized by the Council, generally attends to the business of the Section.

SECTION 2. The Council may authorize the Chairperson, with the Chairperson Elect, to appoint committees from Section members to perform such duties and exercise such powers as the Council may direct, subject to the limitations of these Bylaws and the Bylaws of the State Bar of Michigan. The Chairperson may appoint the chairperson and members of such committees and may, or on direction of the Council must, remove any chairperson or member from such committees and fill vacancies on such committees created by removal or resignation.

SECTION 3. The Council, during the interim between annual meetings of the Section may fill vacancies in its own membership or in the office of Secretary-Treasurer, or, in the event of a vacancy in both the office of Chairperson and Chairperson Elect, then in the office of Chairperson. Members of the Council, and officers so elected, serve until the close of the next annual meeting of the Section, at which time the vacancies must be filled for the remainder of their respective terms by special election conducted concurrently with the regular election as provided in Article IV herein.

SECTION 4. A quorum of the Council consists of a majority of the members of the Council. A quorum is required for the Council to transact business.

SECTION 5. If a motion relating to a subject which has not been noticed to all members of the Council at least one week prior to a meeting is carried or defeated by a vote of less than a majority of all the members of the Council, the Secretary-Treasurer must within one week notify thereof all members of the Council who were not present at the meeting. If any of the absent members notifies the other members within ten days of the sending of such notice of his intention to request reconsideration of the subject at the next meeting and personally makes such request at the next meeting, the subject must be reconsidered at such meeting and such motion may not take effect until after such meeting. Other matters disposed of at a meeting of the Council may not be brought up for reconsideration except under generally accepted rules of parliamentary procedure.

SECTION 6. The Chairperson of the Section at any time may, and upon the request of any member of the Council must, submit or cause to be submitted in writing, to each of the members of the Council, any proposition upon which the Council may be authorized to act, and the members of the Council may vote upon such proposition or propositions so submitted, by communicating their vote thereon, in writing, over their respective signatures, to the Secretary-Treasurer, who then records upon the minutes each proposition so submitted, when, how, at whose request same was submitted, and the vote of each member of the Council thereon, and keep on file such written and signed votes. If the votes of a majority of the members of Council so recorded is in favor of such proposition or if such majority is against such proposition, such majority vote shall constitute the binding action of the Council.

SECTION 7. The Council designates the time and place of its regular meetings. The Chairperson may call Special meetings upon written request to the Secretary Treasurer. Additionally, any five members of the Council may call a Special meeting upon written request to the Secretary Treasurer.

ARTICLE VI DUTIES AND POWERS OF THE COUNCIL

SECTION 1. The Council has general supervision and control of the affairs of the Section subject to the provisions of the Rules and Bylaws of the State Bar of Michigan and the Bylaws of the Section. It alone may authorize all commitments or contracts which entail the payment of money, and it alone may authorize the expenditure of all monies appropriated for the use or benefit of the Section. It may not, however, authorize commitments or contracts that entail the payment of more money during any fiscal year than the amount appropriated to the Section for such fiscal year.

ARTICLE VII SECTION MEETINGS

SECTION 1. The annual meeting of the Section may be held during the Annual Meeting of the

State Bar of Michigan, in the same city or place at such Annual Meeting of the State Bar of Michigan, or may be held at such other time and place as decided by the Council and as noticed to the Section members at least one month in advance with such program and order of business as may be arranged by the Council.

SECTION 2. Special meetings of the Section may be called by the Chairperson upon approval of the Council, at such time and place as the Council may determine.

SECTION 3. A quorum constitutes those Section members. A quorum is required for the transaction of business.

SECTION 4. All action of the Section is by majority vote of the members present.

ARTICLE VIII MISCELLANEOUS PROVISIONS

SECTION 1. The fiscal year of the Section is the same as that of the State Bar of Michigan, regardless of whether the Section holds its annual meeting in conjunction with the Annual Meeting of the State Bar of Michigan.

SECTION 2. All bills incurred by the Section, before being forwarded to the Secretary-Treasurer or to the Executive Secretary of the State Bar of Michigan for payment, must be approved by the Chairperson or the Secretary-Treasurer, or, if the Council directs, by both of them.

SECTION 3. No salary or compensation may be paid to any officer, councilor or member of a committee.

SECTION 4. These Bylaws become effective upon the approval thereof by the Commissioners of the State Bar of Michigan and by the Section in the same manner provided in Article IX for their amendment.

SECTION 5. This Section agrees to abide by the State Bar of Michigan's bylaws, Article IX regarding Public Statements. More precisely, this Section will not represent the State Bar of Michigan before any legislative body, in any court or before any other tribunal, in any other forum or to the public, unless authorized to do so by the Board of Commissioners. This Section will not take a policy position that is inconsistent with State Bar policy adopted by the Board or the Assembly. This Section will only take and publicly disclose a policy position, provided it is not inconsistent with State Bar policy if the following requirements are met:

- (a) The subject matter is within the jurisdiction of this Section, and it is within the scope of ideological activity in which the State Bar of Michigan is itself permitted to engage;

- (b) The policy position is adopted by a voting majority of the membership of this Section in accordance with our bylaws, and after written notice that such action would be considered was given to the voting members of this Section prior to our taking action;
- (c) The report, recommendation, amicus brief or other statement disclosing the policy position taken states that notice was given and the vote on the matter; and
- (d) The report, recommendation, amicus brief or other statement disclosing the policy position taken states at the outset that the policy expressed is that of the Section and does not necessarily represent the policy of the State Bar of Michigan.

If this Section adopts a policy position, it will provide within fourteen (14) days a copy of the report, recommendation, amicus brief or other written declaration of the policy or, in the absence thereof, a written summary of the policy adopted which discloses that the requirements of this Article have been satisfied, to the Executive Director of the State Bar of Michigan.

ARTICLE IX AMENDMENTS

SECTION 1. These Bylaws may be amended at any meeting of the Section by majority vote of the members of the Section present and voting, or at any other time by a majority vote of the members who return in time a duly authorized mail ballot, provided such proposed amendment was first submitted to the Council for its recommendation; and further, that no amendment so adopted becomes effective until approved by the Commissioners of the State Bar of Michigan.

SECTION 2. Any proposed amendment must be submitted in writing to the Council in the form of a petition signed by at least ten members of the Section in time for it to be considered by the Council at its last regular meeting before the meeting of the Section at which it is to be voted upon. The Council will then consider the proposed amendment at said regular meeting and prepare its recommendations thereon, which recommendations, together with a complete and accurate text of said proposed amendment, must be published in the Newsletter of the Section or otherwise distributed to the members of the Section at least thirty days prior to the meeting of the Section at which it is to be voted upon or the date set for the return of a mail ballot thereon.

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