

WSBA IP Section
Executive Committee Meeting
Agenda

January 18, 2017

BOARD MEMBERS:

- A. Elizabeth Reilly (ER) (Chair); Kevin Zeck (KZ) (Chair-Elect); Tom Satagaj (TS) (Secretary-Treasurer); Reena Ghosh (RG) (Immediate Past Chair); John Nelson (JN); Stuart Dunwoody (SD); Reid Johnson (RJ); Patchen Haggerty (PH); Makalika Nahowala'a (MN)
- B. SECTION LIAISON: Joe Terrenzio (JT)
- C. WSBA CLE LIAISON: Sondra Livingston-Carr (SLC)
- D. BOG LIAISON: JAMES DOANE (JD)
- E. TIMOTHY BILLICK: WYLC YOUNG LAWYERS LIAISON (TB)
- F. LYNDA FOSTER: NEW LAWYER SERVICE TEAM: WASHINGTON YOUNG LAWYERS COMMITTEE (WYLC) LIAISON (LF)

I. CALL TO ORDER

II. APPROVAL OF DECEMBER 14, 2016 MINUTES

- A. December 14, 2016 Minutes distributed via email by TS on January 11, 2017.
- B. Comments

III. BUDGET

- A. INTELLECTUAL PROPERTY SECTION FINANCIALS
- B. SEPTEMBER – OCTOBER – NOVEMBER (2016) PLEASE, SEE EMAIL FROM (JT) DATED DATED DECEMBER 22, 2016

IV. IP SECTION CLES:

A. **FY 2016 - Inland Empire Intellectual Property Institute:**

- i. Confirmation by JT that \$2500 check was sent from WSBA to GU.
- ii. Confirmation by JT on documentation of Committee approval of GU Scholarship requested by JN to ER on December 8, 2016.
- iii. Documentation sent to JN and JT by ER on December 8, 2016 including November 14, 2016 minutes reciting: "JN – Confirm that \$2500 Scholarship to will be awarded at IEIPI?" and "ER – Yes, confirmed." and
- iv. Documentation: Budget FY2017: "**Scholarships/Donations/Grants -** We grant \$2,500 in [5] scholarships to the three local law schools [UW, US, GU], often donate to 1 or more other location IP non-profit organizations (e.g., Washington Lawyers for the Arts), and sponsor law students to attend various CLEs. As a result, \$12,000 appears to be a reasonable estimate for FY 2017's Scholarships/Donations/Grants line item."
- v. TS: Re – authorization of 5 scholarships of SU, UW, GZ students for IP Section CLEs – FY 2018
- vi. SLC:

B. **FY 2017 – Annual Institute:**

- i. KZ and ER Co- chairs
- ii. KZ informed SLC on January 5, 2017: Tuition for IP Annual Institute at \$320 for non-members and \$295 for members.
- iii. “Join the Section” price, which is \$320 and includes the \$25 section membership fee.
- iv. Announcement distributed to WSBA IP listserv and other WSBA sections on January 12, 2017.
- v. Confirmed Date: **March 10, 2017**
- vi. Venue: Washington State Convention Center (WSCC)
- vii. Update: With JN no longer an IPEC member KZ working to direct student scholarship awards at UW, SU. ER will assist as needed.
- viii. Update: KZ reached out to the following UW School of Law contacts regarding the WSBA IP Scholarship Program on December 28, 2016:
 - 1. Zahr K. Said, Associate Professor of Law, Lead Faculty Director, CASRIP (Center for the Advanced Study and Research on Innovation Policy), University of Washington School of Law, zahr@uw.edu
 - 2. Robert w. Gomulkiewicz
 - 3. Anna Bakhmetyeva
- ix. Update: KZ reached out to the following US contact regarding the WSBA Scholarship Program on December 28, 2016:
 - 1. Margaret Chon, Seattle University School of Law, mchon@seattleu.edu
- x. CLE Meet and Greet Preparation/Management, KZ will arrange. KZ will attempt to solicit a sponsor for wine/beer. ER will assist. Any additional volunteers?
- xi. Faculty and Agenda:

<p>PATENT TRACK:</p> <p>8:30 a.m. [60 min] Patent Law – Year in Review Theo Angelis – K&L Gates, Seattle</p> <p>9:30 a.m. [60 min] Patent Litigation Strategies in Light of Alice Jerry Riedinger – Perkins Coie LLP, Seattle</p> <p>10:30 a.m. BREAK</p> <p>10:45 a.m. [60 min] Post-Grant Practice – Year in Review Scott McKeown – Oblan Spivak, Washington D.C.</p>	<p>COPYRIGHT/TRADEMARK TRACK:</p> <p>8:30 a.m. [60 min] Copyright Law – Year in Review Mark Wittow – K&L Gates</p> <p>9:30 a.m. [60 min] Trademark Law – Year in Review Patchen Haggerty – Perkins Coie, LLP</p> <p>10:30 a.m. BREAK</p> <p>10:45 a.m. [60 min] The Recent Expansion of gTLDs: Potential Benefits and Pitfalls Panel [Alvaro Alvarez, General Counsel, Donuts, Inc., Vice President and General Counsel Donuts, Inc., Email: alvaro@donuts.email ; additional panelists tbd].</p>
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11:45 a.m. LUNCH – KEYNOTE SPEAKER
 [75 minutes]
 Keynote Speaker: United States District Court Judge Benjamin Settle

AFTERNOON PLENARY SESSIONS

1:00 p.m. [60 min]

Data Privacy & Cybersecurity: Why It Matters to the IP Practitioner

Aravind Swaminathan – Orrick, Herrington & Sutcliffe, Seattle, WA

2:00 p.m. [60 min]

Defend Trade Secrets Act Overview

Nagendra Setty - Orrick, Herrington & Sutcliffe, San Francisco, CA

3:00 p.m. BREAK

3:15 p.m. [45 min]

Washington State Specific Intellectual Property Provisions

4:00 p.m. [60 min]

Ethics

Michael E. McCabe – Funk & Bolton

5:00 p.m. - Complete online evaluations * Adjourn

5:15 p.m. - 6:30 p.m. – Meet & Greet:

C. FY 2017 - IP Licensing CLE:

- i. TS & RG are chairs
- ii. Venue: WSBA Conference Room (WCC)
- iii. SLC and JT request confirmation of date for WCC [suggested for August 2017]
- iv. TS and RG are scheduling a planning session.

D. FY 2017 - IP Essentials CLE:

- i. ER will chair; co-chair not yet named
- ii. Venue: WSBA Conference Room (WCC)
- iii. Date: Friday, September 29, 2017
- iv. ER – spoke to SLC on January 5, 2017 to reach out to Lynda Foster to coordinate timing of IP Essentials CLE/and New Lawyer IP Boot Camp CLE

V. NEW BUSINESS:

- A. Appointment of a replacement for John Nelson – Member at large
 - i. IP Section Bylaws (Please, see Addendum at pg. 8-9)
- B. Occurrence of IPEC Annual Meeting and Election of Officers
 - i. Election of Officers (if not at Annual Meeting) should be prior to IP Annual Retreat so that newly elected Officers may participate in carving out Annual Budget for upcoming FY.
 - ii. IP Section Bylaws (Please, see below, “Addendum”)

iii. Electronic Elections :(JT) The current process that most section use is as follows:

- The section's puts out a call or nominees and works with its nominating committee to generate a list of candidates.
 - All the candidates and their statements are sent to the sections team. We put together an election poll with Survey Monkey and send it out to all section members in an eblast.
 - The poll is usually open for about 2 weeks. We ask the section leadership to, also, send reminders through the section list serve.
 - Once the poll closes, JT reports the results to the section leadership and arrange for an announcement eblast.

 - The proposed electronic system in the WSBA bylaws Art. 11 will likely be similar.
- C. Confirm with KZ that WSBA was informed that tuition fee for IP Section CLEs will not change. (Please, see above at IP Annual Institute)
- i. Currently KZ informed SLC on January 5, 2017: Tuition for IP Annual Institute at \$320 for non-members and \$295 for members.
 - ii. "Join the Section" price, which is \$320 and includes the \$25 section membership fee.
- D. Re – authorization of 5 IP Scholarships: 1 GU; 2 UW; and 2 SU
- i. Please, see above **FY 2016 - Inland Empire Intellectual Property Institute:**
 - ii. Reminder to authorize IP Scholarships in (Budget FY – 2018)
- E. Discuss Referendum petition for WSBA annual fee reduction, the WA SC order on January 5, 2017
- i. Petition to reduce fees: (Please, see below, "Addendum")
 - ii. WSBA GOVERNANCE (PLEASE SEE LINK BELOW)

<http://www.wsba.org/~media/Files/About%20WSBA/Governance/Supreme%20Court%20Order%2025700-B-571.ashx>

iii. **NOTICE REGARDING LICENSE FEE ROLLBACK PETITION:**

On Jan. 5, 2017, the Washington Supreme Court entered an order affirming 2018, 2019, and 2020 license fees approved by the Board of Governors at its Sept. 29, 2016, Board meeting. In addition, the Court stated that if such current license fee rollback petition were to pass, the license fee proposed by the petition, as well as the requirement of tying future license fee increases to the consumer price index would not be reasonable.

At its Jan. 26-27, 2017, Board meeting in Spokane, the Board of Governors will discuss whether holding the referendum vote is appropriate in light of the Court's order given that a vote by the active membership to pass such a referendum would be moot.

- VI. BOG Meeting – January 26 - 27, 2017
- i. Jan. 26–27, 2017, at Gonzaga University in Spokane
 - ii. Meeting materials will be posted here Friday, Jan. 20.
 - iii. <http://www.wsba.org/About-WSBA/Governance/Board-Meeting-Schedule-Materials>
 - iv. Update: WSBA BOG & Article XI
 - v. Article XI, SECTIONS of the WSBA Bylaws will be revisited at the BOG meeting scheduled for January 26-27 at Gonzaga University in Spokane.
 - vi. You may contact your BOG Liaison, James Doane with any comments regarding the proposed amendments.

- VII. DATA PRIVACY LAW SUBCOMMITTEE:
 - A. Members: KZ, RG, RH
 - B. Update at January 18, 2017 IPEC meeting

- VIII. IP SECTION BYLAWS REVIEW COMMITTEE UPDATE:
 - I. Members: KZ, TS, & ER
 - II. Committee to meet in January

- IX. IP LEGISLATIVE PRIMER
 - i. Update: (JT) Contact Alison Phelan that the IP Section is interested in greater participation re IP Legislative Primer.

- X. OTHER WSBA ACTIVITY:
 - G. TS: The [McCarthy Trademark Symposium](#) described in the attached .PDF will be **held in Seattle at Amazon's Corporate Conference Center on February 17, 2017, 9am-5pm**. This Symposium, presented by the [McCarthy Institute](#) and Microsoft, features an outstanding lineup of highly accomplished private and corporate trademark experts including J. Thomas McCarthy, author of the renowned *McCarthy on Trademarks and Unfair Competition* multi-volume treatise, Joe Feretti, VP & Chief Counsel, Global TM at PepsiCo and President-Elect of INTA, and many others.

- XI. OTHER ITEMS:
 - A. Data Archive project (KZ, TS, ER) and Survey of Membership project (KZ) – Postponed until 2017
 - B. Update:(JD) 5 BOG positions opening up in 2017
 - ii. Any IP Section members or Executive Committee members running?
 - C. JT reported that the next Open Sections night is January 19, 2017;
 - iii. At least TS and KZ to attend
 - iv. Update: (KZ) Donation of \$50 in IP Section funds to Open Sections night;

- XII. ER – Propose next meeting, Wednesday, February 15, 2017

- XIII. ADJOURN

ADDENDUM

I. IP Section Bylaw

Section 5.09 Interim Appointments

“In the event of a vacancy during the interim between annual meetings, the Executive Committee shall appoint a successor to serve until the next annual meeting and until a successor is duly qualified.”

ARTICLE II. MEETINGS OF THE MEMBERSHIP

Section 2.01 Annual Meeting. The annual meeting of the Section shall be held at a time and location established by the Executive Committee.

Section 2.04 Agenda

Among the business to be transacted at the annual meeting by the membership shall be the election of Officers and other members of the Executive Committee.

ARTICLE V. ARTICLE 6. ELECTIONS

Section 5.01 The annual meeting of the Executive Committee shall be held prior to the annual meeting of the Section.

Section 5.02 Officers Each year, at the initial meeting of the Section, the membership shall elect a Chairperson, a Chairperson-elect and a Secretary-Treasurer, each to serve in the office so appointed for a one- year term. Each year thereafter, the Chairperson shall retire from the position of Officer and become the last retiring Chairperson, the Chairperson-elect shall become the Chairperson, the Secretary- Treasurer shall become the Chairperson-elect, and a Secretary-Treasurer shall be elected from a non-Officer member of the Executive Committee who has served for at least one full year, each to serve in the designated position for a one-year term.

a. Non-Officer Members of the Executive Committee. Each year, the membership shall elect from the Section members non-Officer members of the Executive Committee in the number necessary to fill non-Officer vacancies in the class of non-Officer members whose term is expiring. Each non-Officer member who, at the end of that member’s term(s), has not been elected to the office of Secretary-Treasurer shall resign from the Executive Committee.

Section 5.03 Chairperson

The Chairperson-elect shall automatically succeed to the office of the Chairperson. In the event the office of Chairperson-elect shall be vacant, then a Chairperson shall be elected in the same manner as set forth in Section 6.02 of these Bylaws.

Section 5.04 Chairperson-elect

The Secretary-Treasurer shall automatically succeed to the office of the Chairperson-elect. In the event the office of the Secretary-Treasurer shall be vacant, then a Chairperson-elect shall be elected in the same manner as set forth in Section 6.02 of these Bylaws.

Section 5.05 Nominations

The Chairperson may annually appoint a Nominating Committee of not less than three members of the Section not members of the Executive Committee, which committee shall make nominations for the office of non-Officer members of the Executive Committee to succeed those whose terms will expire at the close of the meeting, and to fill vacancies then existing for unexpired terms. Nominations for the Secretary-Treasurer by the Nominating Committee shall be, if possible, from the class of non-Officer members of the Executive Committee whose term is expiring. Other nominations for the same offices may be made from the floor.

Section 5.06 Voting

All elections shall be by hand unless otherwise ordered by resolution duly adopted by the Section at the annual meeting at which the election is held.

Section 5.07 Term of Office

The term of office shall begin on the first day of October following the annual meeting and shall end on the last day of September of the following year. In the year of enactment of the modification to the term of office, the Officers and members of the Executive Committee having terms that would have expired at the end of an annual meeting shall remain in office until the end of the last day of September of the year of enactment.

II. SAVE THE WSBA - PETITION

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noreply@legalez.com



Reply |
Sun 9/25/2016, 1:12 AM

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Having problems viewing this e-mail? [Click here.](#)

Dear WSBA Colleague:

The Board of Governors (BOG) is about to vote on bylaw amendments that should be concerning to all WSBA members. These include eliminating the word "Association" from the WSBA name to de-emphasize the organization's role as our professional association and adding three more non-elected persons to the BOG, none of whom shall be lawyers. The BOG will also soon consider whether or not to eliminate or curtail the right of WSBA members to recall Board members or propose referendums.

The San Juan County and Whatcom County Bar Associations, and WSBA Section Leaders, have urged that the BOG not impose these bylaw changes, and several newly-elected members of the Board oppose the changes. (See letters at www.legalez.com). However, the current Board, set on rushing the changes through, intends to vote before the new Governors take office, at the September 29 meeting, where they also plan to approve increases in the annual license fee.

The Petition presented below will permit the membership to protect themselves and their Association with the current right of referendum under Article VIII of the WSBA Bylaws.

Please help save the WSBA as a democratically-governed "Association" by signing and mailing the Petition to the address shown below.

PRESERVATION OF MEMBERSHIP RIGHTS

THE UNDERSIGNED WSBA MEMBERS PETITION THAT A REFERENDUM BE HELD TO AMEND THE BYLAWS OF THE WSBA TO PROVIDE AS FOLLOWS:

"The WSBA Board of Governors shall take no actions which would have the effect of impairing, compromising or reducing in any way the referendum and Board recalls rights enjoyed by the WSBA members under the WSBA Bylaws, as such rights currently exist in the WSBA Bylaws as of September 20, 2016."

Printed Name	Signature	WSBA #
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Printed Name	Signature	WSBA #
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Please print this **Petition**, sign, and return by US Mail or scanned PDF document via email to the following address:

Petition Coordinator

1818 W Francis, # 184
Spokane, WA 99205 or
EMAIL: bill@legalez.com