

January 2020



IPO Standing IP Committee Policy Manual

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This manual provides a blueprint for IPO committee operations. It explains how committees are organized and how appointments are made, defines the primary responsibilities of committee leadership, and outlines expectations for committee activities. For questions about IPO committees, contact the IPO office at (202) 507-4500 or committees@ipo.org.

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I. Introduction

IPO Governance

Board of Directors

The Board of Directors is the governing and policy-setting body of the organization and operates in accordance with the association's vision and principles (<https://ipo.org/index.php/about/>).

Most members of the Board (<https://ipo.org/index.php/board-of-directors/>) are corporate chief intellectual property counsel. There are 44 sustaining corporate board members. Sustaining corporate members are elected for two-year terms that may be renewed consecutively. Five board members are regular corporate members of IPO. They are elected for nonrenewable two-year terms. One inventor is elected to the Board for a two-year term that may be renewed. Board members are nominated by the Nominations Committee and elected by the membership during the IPO Annual Meeting.

The Board meets five times a year: 1) in January; 2) in conjunction with the IPO Committee Leadership Meeting, usually in March; 3) in May or June; 4) immediately before the IPO Annual Meeting in September; and 5) in conjunction with the IPO Education Foundation Awards Dinner in December.

Executive Committee

The nine-member IPO Executive Committee (<https://ipo.org/index.php/find-a-committee/?division=Management+Committee&CommitteeCode=EXEC>) has the authority to act on behalf of the Board between meetings. Its members are the IPO President, Vice-President, Treasurer, and Immediate Past-President, IPO Education Foundation President, and four at-large members elected from among the Board members for staggered two-year terms.

Officers

IPO officers include the IPO President, Vice-President, Treasurer, and Secretary. The President, Vice-President, and Treasurer are elected by the IPO Board of Directors. The Executive Director serves as the Secretary.

Strategic Plan

The IPO Board of Directors engages in strategic planning exercises every three years. The next strategic planning exercise will take place in 2020. Committee activities are guided by the strategic plan. Committee leaders may be given assignments by task forces or committees responsible for assisting the staff with implementing the strategic plan



Standing IP Committees

Standing IP Committees report to the IPO Board of Directors. Currently 29 Standing IP Committees are organized into six divisions (see <https://ipo.org/index.php/find-a-committee/>) for the current committees and their leadership):

- Business and Professional
- Copyright
- International IP Law and Practice
- Litigation and Dispute Resolution
- Patents
- Trademarks

The number of committees is subject to change annually. Each committee is devoted to a particular aspect of IP law or business of interest to IP owners. All IPO members are eligible to join a Standing IP Committee, including any employee, partner, or associate in a member company or law firm.

Committees comprise one or more chairs, one or more vice chairs, a secretary, a board liaison, a staff liaison, and the members.

IPO members must submit an application online (www.ipo.org/joinacommittee) for official appointment and to be added to the committee roster. Only IPO members are permitted to join IPO committees. Nonmember participation in standing committees is prohibited, except when invited as a guest speaker.



II. Expectations of Committee Leaders and Members

Committee Chairs and Vice Chairs

Committee chairs and vice chairs are appointed by the IPO President for one-year terms that run from January 1 to December 31. Chairs and vice chairs can be reappointed for additional terms, but reappointments are often limited to give other members leadership opportunities. Chairs are typically selected from corporate members of IPO and vice chairs are typically selected from law firm members, although corporate members sometimes serve as vice chairs. More than one chair or vice chair will be appointed if the committee has a large membership or expected to have a large workload.

Chairs and vice chairs should be in regular communication with their board and staff liaisons for guidance about existing board resolutions and other policy positions, historical information such as rejections of certain recommendations, whether changes in circumstance merit revisiting a position, and projects regarding which the Board is not likely to be receptive. Although the number and scope of projects undertaken by committees will vary, chairs and vice chairs should expect to devote an average of two to three hours a month to committee work.

Committee leaders are strongly encouraged to attend IPO meetings including the Committee Leadership Meeting in March and IPO Annual Meeting in September.

Chairs and vice chairs should update their staff liaison if their contact information changes.

Committee chairs and vice chairs are encouraged to recruit IPO members to their committees and to help identify potential future leaders.

Committee Secretaries

Every committee must have a secretary appointed by the chair(s) and vice chair(s) for a one-year term. The role of the secretary is to handle administrative tasks such as distributing meeting reminders and agendas, taking roll on committee calls, producing the minutes of committee calls, collecting committee votes on proposed resolutions, and assisting the chair(s) and vice chair(s) as needed. Secretaries should open committee calls in the event the staff liaison is unavailable.

Committee Members

Committee members are appointed for two-year terms. Members should expect to devote an average of one to two hours a month to committee work. At the end of the two-year term, IPO will ask committee members to indicate their interest in rejoining and will solicit new members for the committee from the membership at large. At that time committee members can rejoin a committee or join a different committee.



Voting and Non-Voting Members

Voting members are expected to participate substantively in discussions, draft letters and participate in preparing proposed resolutions, vote on proposed resolutions, and participate in as many committee calls as possible. It is left to the discretion of the chair(s), vice chair(s), and staff liaison to assess whether voting members actively participate and to reclassify a member as non-voting if active participation is not maintained.

Non-voting members participate in committee calls and receive all communications of the committee but may not vote on proposed resolutions.

Starting in 2020, IPO corporate members are permitted to serve on multiple committees as either voting or non-voting members. All other members, such as law firm and individual members, are permitted to serve on only one committee as a voting member and as a non-voting member on up to three committees.

No more than three members of an IPO member company or firm can serve as voting members on a single committee. In making committee appointments, consideration is given to achieving balance in the number of corporate, law firm, and other member classes on a given committee, as well as achieving industry diversity.

An exception to these policies is that any IPO member can serve as a voting member on any Business and Professional committee, in addition to other committee memberships.

Board Liaisons

A member of the IPO Board of Directors is appointed annually by the IPO President to each Standing IP Committee as a non-voting member. The board liaison acts as a line of communication between the Board and a committee, as a sponsor and advocate for the committee. Board liaisons should participate in committee calls and stay in regular communication with committee leadership. The board liaison should help identify projects for the committee that might be of interest to the Board.

Board liaisons help committees create agendas that are in line with Board views by making sure they are aware of resolutions and other positions the Board has adopted and by encouraging committees to explore changing positions based on changes in circumstance that merit revisiting a position. Board liaisons also help committees avoid spending time on projects to which the Board is not likely to be receptive. Board liaisons are encouraged to highlight significant committee milestones or activities to the IPO Board to occasionally brief and seek direction from the IPO Executive Committee on committee projects.

Staff Liaisons

An IPO staff member is assigned to each Standing IP Committee as a non-voting member. The staff liaison participates on committee calls; advises the committee on the history concerning issues the committee might consider pursuing, including resolutions adopted and rejections of



previous recommendations; contributes substantively concerning legal, legislative, and management issues; answers questions regarding IPO policy and procedure, the 3-year strategic plan, and the organization's vision, principles, and existing positions; and provides assistance to committee leadership as needed. Staff liaisons work with board liaisons to guide the committee in selecting projects and setting the agenda to be generally in line with Board positions while also giving committees leeway to explore topics of interest to their members. Chairs and vice chairs should communicate with their staff liaison frequently on committee matters.

When necessary, staff liaisons and the IPO Executive Committee might decide to bypass the committee structure to propose resolutions to the IPO Board. In those instances, the staff liaison will try to seek the committee's view, including asking the committee to vote if time permits.



III. Standing IP Committee Operations

Committee Leader Appointments and First Meetings (January through March)

The IPO President appoints committee chairs and vice chairs at the beginning of each calendar year. (Note: In the event of a delay in appointments, committee leaders from the previous calendar year should continue to lead their committee until new leaders are announced.) The expectation is that committee leaders will work together to coordinate committee activities and facilitate committee discussion on a regular and consistent schedule. Throughout the year, committee leaders work closely with their board and staff liaisons to develop issues to present to the IPO Board of Directors.

In the first few weeks of committee operations, chairs and vice chairs should identify committee secretaries and inform their staff liaison of their selection.

Communicating with Committee Members

Chairs and vice chairs should hold monthly conference calls with their members to facilitate sharing information about issues within the committee's jurisdiction and to collaborate on committee projects. IPO Connect enables communication with committee members—it contains a complete, up-to-date committee roster. Instructions for using IPO Connect are included in Section VI.

Identifying Committee Projects

Committee projects can be initiated in several ways. The IPO Board, Executive Committee, or officers might ask a committee to investigate an issue or develop a recommendation for Board action. (Refer to Section IV for instructions on proposing resolutions and https://ipo.org/wp-content/uploads/2019/06/Template_for_Board_Reports-2-1.doc for a template.)

Chair(s) and vice chair(s) are also encouraged to propose projects to their committee that are within the scope of the committee charter and consistent with IPO's vision and principles. In addition to recommending positions on legislation and proposed regulations, committees can undertake legal or business research, prepare informational papers to educate IPO members or the Board of Directors about an issue, organize educational sessions to be held during the IPO Annual Meeting or other conferences on request, or work with IPO to develop programs for IPO's IP Chat Channel™.

Often, IPO staff liaisons ask committees to recommend IPO positions in response to new developments in IP law. All committee leaders should monitor and share information about developments within the committee's jurisdiction. The *IPO Daily News*™ reports on late-breaking developments; committees are strongly encouraged to identify and prepare brief news items in their field that will be of interest to the general membership.

Staff liaisons and board liaisons track and report to the Board the status of committee projects.



Spring Committee Leadership Meeting and Developing an Annual Action Plan

Each spring IPO hosts a Committee Leadership Meeting that brings together all committee leaders and the full IPO Board of Directors.

In advance of the meeting, committees are asked to develop an Annual Action Plan. This document describes the committee's planned activities for the year, which should include 2-3 "deliverables" such as proposing resolutions to the IPO Board, creating white papers to educate the IPO membership about current issues, developing proposals for IP Chat Channel™ webinars, or holding meetings with USPTO or other government officials. In the annual plan, committees should indicate whether they are proposing changes to the committee charter. Any proposed modifications should be indicated in redline and explained for consideration and approval by the IPO President.

Each committee's annual plan will be distributed to all meeting attendees, and each committee will have an opportunity to make a brief presentation about its work to date and plans for the remainder of the year during the meeting. Time is reserved during the meeting for networking with other committee leaders including via an opening night reception.

IPO Annual Meeting Committee-Organized CLE Sessions

Committees host CLE sessions during the IPO Annual Meeting. A request for proposals will be sent by the IPO staff in the spring. Several of the proposals will be selected for the Annual Meeting program. Committees whose proposals are accepted will be prompted for additional information, such as proposed speakers, by the IPO staff. Speakers for committee sessions should be selected from the committee members and must be approved by IPO leadership.

IPO Chat Channel™ Webinars

Committees are encouraged to develop proposed webinars for the IPO Chat Channel™, which in most cases will be moderated by IPO's Deputy Executive Director and Chief Policy Counsel. Proposals for one-hour webinars can be submitted directly to Samantha Aguayo at samantha@ipo.org and should include basic information such as a proposed title or topic, a brief description of the issues to be covered, and recommended speakers. Upon approval, the committee will be asked to assist in producing marketing materials and other help in planning the webinar.

Annual Reports

In November, chair(s) and vice chair(s) are responsible for preparing an Annual Report that summarizes committee activities, suggests future activities to aid incoming committee members/leadership, and provides general information about developments on IP issues falling within the committee's jurisdiction. These reports might also recommend issues IPO should (or should not) continue to address within the committee structure and new issues that might



deserve attention. The IPO staff will send a message in the fall concerning the requirements and deadline for this report.

Outstanding Committee of the Year Award

The Outstanding Committee of the Year Award is presented to one or more committees during the IPO Annual Meeting to recognize outstanding service in promoting reliable, effective, and up-to-date intellectual property systems. Winners receive:

- Recognition by the IPO President at the Annual Meeting;
- Plaque for committee chair(s), vice chair(s), secretary, and board liaison;
- Recognition on the IPO website and mention in the *IPO Daily News™*; and
- 25% discount on annual meeting registrations for committee members and leaders.

IV. Guide to Proposing Resolutions for Adoption by the Board

The IPO Board of Directors meets five times per year (see <https://ipo.org/index.php/committee-resources/> for the schedule). To propose a resolution for adoption by the Board, a committee must draft the proposed resolution and a brief memo explaining the recommended position and conduct a vote of its members. The general timeline for developing proposed resolutions (subject to change) is below:

Eight or more weeks before board meeting: Identify issue, notify staff liaison, and begin drafting resolution and supporting memo.

Five weeks before board meeting: Complete resolution and supporting memo and circulate to committee for recorded vote.

Three weeks before board meeting: Submit final memo, including record of committee vote, to staff liaison.

Proposed resolutions require a quorum, meaning votes (for, abstain, or against) by a majority of the voting committee members. The Board considers committee votes extremely important to its consideration of proposed resolutions. Given the importance of achieving a quorum, chairs and vice chairs are responsible for encouraging eligible committee members to vote.

The memo supporting the proposed resolution should be brief (generally three to four pages) and include the following sections:

- Issue
- Resolution(s)
- Past Actions
- Background & Proposal
- Committee Votes For and Against

When considering whether to include a proposed resolution on the agenda for an upcoming board meeting, the IPO Executive Committee might ask the committee to discuss the recommendation by phone. If the proposed resolution is selected for a board meeting agenda, one or two members of the committee will be asked to present the proposal to the Board in person or by phone during a board meeting. Typically chair(s) or vice chairs(s) attend on the committee's behalf; occasionally another committee member who contributed extensively to drafting the proposal might be asked to participate. (See https://ipo.org/wp-content/uploads/2019/06/Template_for_Board_Reports-2-1.doc for a template.)

Tips on Presenting Resolutions to the IPO Board

- The IPO staff will notify you when and where to report or to dial in if participating by phone. When you join a board meeting, you will be introduced and board members will be referred to the page in their materials where your memo begins. You will be invited to present the proposed resolution, followed by questions from board members.
- Be concise: Your presentation should be less than five minutes in most instances. The Board receives proposed resolutions two weeks in advance of the meeting, so a high-level overview generally suffices to introduce the proposal.
- Know your audience: The Board comprises leaders from large companies that likely have views on the topics you will address. Some may have advocated to Congress or other governmental body concerning their company's position. There might be differences in views among board members and potentially among your committee's members. When possible, it is helpful to identify common ground to help build consensus. Do not emphasize divisive areas that are not material to the recommendation. On the other hand, where there are two strong points of view on an issue, it be useful to provide a point/counterpoint to present the two perspectives.
- Be prepared: During the question period, you might be asked about process and your sense of the committee's views on alternative approaches to the resolution. Possible modifications may be proposed for your reaction. Being prepared for these possibilities will assist the Board in its deliberations.
- Common concerns/questions raised by the Board:
 - Questions about the choice of specific terms and whether the committee considered alternative wording or approaches. The language of the resolution should be as clear as possible because it will be published, but the supporting memo will not.
 - Timing relative to other IPO Board activities, expected Congressional action on legislation or agency action on rulemaking, and other considerations relevant to the need to adopt a resolution immediately or await potential future events.
- Presentation to the Board should include:
 - Context: Explain why the committee is proposing the resolution, including precipitating events and relevant prior activities.
 - Background: Discuss the important issues raised and addressed by the committee. Explain the process followed at the committee level, including any negotiations on wording. This part of the presentation should be concise.
 - Discuss the resolution: Highlight specific, critical language in the resolution, especially if there was disagreement about how to handle any issues.
 - Committee voting: Discuss the results of the committee vote, including the level of participation (particularly by corporate members) and the reasons expressed by any member who opposed the resolution.
- A resolution should a policy statement that enjoys the broadest possible consensus within the IPO Board. Be aware that proposed resolutions are often amended by the Board before adoption for this reason and are sometimes sent back to a committee to consider the Board's feedback.



V. Guide to Preparing Letters and Comments

Committees are expected to study requests for comments on proposed U.S. and international regulations and to draft responses for approval by the IPO leadership. In the U.S., requests are typically published in the *Federal Register* and outline a specific proposed rule or other issues to be addressed by public comments. Other countries have similar mechanisms for requesting public comments on proposed governmental actions.

Committees may also recommend that IPO submit letters to legislative or administrative agencies outside the context of a direct request, for example to comment on legislation or to offer input on an issue that is not currently the subject of proposed rulemaking.

Committees generally identify a small group of members to prepare an initial draft for feedback by the full committee on a phone call or by email. Comments and letters are expected to fairly reflect a consensus on an issue but do not require a committee vote before submission to the staff liaison for obtaining approval by IPO leadership. The staff liaison will provide a template for comments and letters.

Comments and letters are typically signed by IPO's President or Executive Director and are submitted to the relevant government body by the IPO staff. Committees who participate in preparing comments or letters typically receive recognition in the IPO Daily News™; committee leaders should identify for their staff liaisons those members who actively participated.



VI. Using IPO Connect for Committee Business

IPO Standing IP Committee members should communicate with their entire committee using this area of the IPO Website.

How To Login to IPO Connect:

1. Open a web browser and go to <http://connect.ipo.org>
2. Click on “Login to view members only content”
3. Login using the same User and Password you would use for IPO.org
4. If you cannot remember your password, you can request a new one at <http://www.ipo.org/password> (If you are still experiencing problems logging in, please email committees@ipo.org to get your password reset)

What Can I Do on IPO Connect?

Check your Committee Roster

IPO Connect is regularly synced with the IPO database. It should be your first stop if you need to see who is currently on your committee.

To check your roster:

1. Sign in to IPO Connect
2. Click the “Committees” link in the top navigation area
3. Click on the committee name to view recent activity
4. To view the full roster, click on the “Members” tab

Send a Message to the Committee

Messages sent through IPO Connect are delivered in real time to the email address we have on file for each committee member.

To send a message:

1. Sign in to IPO Connect
2. Click the “Committees” navigation item
3. Click on your committee name



4. Click on the “Discussions” tab, and then “+Post New Message” on the right-hand side of the page
5. Give the message a subject
6. After writing your message using the text editor, click “Send” to send immediately or “Attach” if you would like to attach a document (a document can also be an Outlook calendar invitation)
7. When uploading an attachment, be sure to complete steps 1 and 2 on the form
8. When you have your document uploaded, click “Finish” at the bottom of the form to finalize the attachment

Share or Archive a Document

Occasionally, you might want to upload a document to share later with your committee or save it for archival purposes.

To Upload a Document:

1. Sign in to IPO Connect
2. Click the “Committees” navigation item
3. Click on your committee name
4. Click on “Add Document” under “Latest Shared Files” in the bottom left-hand corner of the page
5. Fill out a Title and Description for the document
6. Select your committee from the “Library” list
7. After you upload your document in step 2, be sure to click “Next” at the bottom of the form to add your document

Send an Outlook Invitation

To ensure high attendance at your monthly calls, we encourage you to send an Outlook iCalendar attachment to your call announcement messages.

To Create the Invitation:

1. Create an outlook calendar item for your committee’s call as you normally would within Outlook, but instead of saving it to your calendar or inviting attendees, click on “Save As” and save it in iCalendar format to your computer desktop



To Send the Outlook Invitation:

2. Sign in to IPO Connect
3. Click the “Committees” navigation item
4. Click on your committee name
5. Click on the “Discussions” tab, and then “+Post New Message” on the right-hand side of the page
6. Give the message a subject
7. After writing your message using the text editor, click “Attach” to attach the iCalendar file just as you would any other type of file
8. When uploading an attachment, be sure to complete steps 1 and 2 on the form
9. When you have your document uploaded, click “Finish” at the bottom of the form to finalize the attachment
10. Click “Send”
11. When committee members open the attachment, it will save to their personal outlook calendar
12. Alternatively, the committee secretary can download a roster of committee members (by visiting the “Members” section on IPO Connect and using the “Export” function to download an Excel file) and send the Outlook reminder directly to that list. Keep in mind that the committee roster is continuously updated as new members join the committee and when members leave their companies and firms. The secretary should download a new roster and update the recipient list on at least a monthly basis to ensure current committee members receive information about committee calls.

Create a Sub-Committee

On occasion, it can be helpful to create a subcommittee to work on a specific project. Once created, a subcommittee will have all the functionalities of the parent committee.

To Create a Subcommittee:

1. Send an email to your IPO staff liaison.
2. In the email, please include:
 - a. The name of your committee
 - b. The name of the subcommittee you are requesting



- c. Which members of your committee should be on the subcommittee.
3. The IPO staff will enter the data and respond when the subcommittee is in place.



VII. Tips for Committee Chairs and Vice Chairs

Establish Regular Communication

Set a schedule for monthly conference calls for the full committee and send a reminder message and meeting agenda before each call.

- Make sure all committee members are on the official IPO roster.
- Direct individuals interested in signing up for a committee to www.ipo.org/joinacommittee.
- Publish a schedule and attach a calendar invitation to your message to increase participation. Instructions for sending a calendar invitation via IPO Connect or through Outlook are found in Section VI.
- Communicate regularly with committee members about developments of interest to keep members engaged outside of regular committee calls.
- Committee leaders should communicate with each other outside of full committee calls as needed. Many committee leaders have monthly calls to plan the agenda for each call of the full committee.
- Hold an in-person committee business meeting during the IPO Annual Meeting.

Adding Committee Members to Committee Email List

IPO Connect, IPO's professional networking site, includes a discussion group for every committee. Encourage new committee members to login to IPO Connect to view previous messages and get an overview of the work of the committee. Refer to Section VI for more information about IPO Connect.

Be Aware of Deadlines

Committees are must submit an Annual Action Plan for discussion during the Committee Leadership Meeting and an end-of-year Annual Report; deadlines will be communicated by the IPO staff and published on the IPO website. Proposed resolutions for adoption by the IPO Board must be submitted three weeks before a board meeting (see Section IV). Comments and letters should be submitted to the staff liaison two weeks before the due date for submissions (see Section V).

Please be aware of and strive to meet these deadlines.

Create Subcommittees to Increase Participation

Create ad hoc or standing subcommittees to work on particular projects and report back to the full committee. Subcommittees are particularly useful for large committees. They allow the



committee to pursue multiple projects simultaneously and provide more committee members an opportunity to get more involved with the committee's work. Committee leaders should check in regularly with each subcommittee to ensure that they are on track and working toward the committee's goals. Subcommittees are often asked to report to the full committee on their progress during monthly calls. Contact your staff liaison to request that IPO Connect groups be created for subcommittees.



VIII. Frequently Asked Questions

Q: I was contacted by an IPO member who would like to serve on a committee. How do they sign up?

A: Direct that member to sign up online at www.ipo.org/joinacommittee. Applications are generally processed weekly. Applicants receive confirmation of appointment in about a week.

Q: Someone applied for my committee, but they aren't showing up in IPO Connect. What do I do?

A: It can occasionally take up to 10 business days for a member's application for a committee to be approved. If it has been longer than that or if they received a confirmation email but are not receiving committee communications, contact the IPO office at (202) 507-4500 or committees@ipo.org.

Q: Where can I find my committee's charter and the names of members on my committee?

A: A link to the list of IPO's Standing IP Committees, including membership listings and charters can be found at <https://ipo.org/index.php/find-a-committee/>. A list of committee members is also accessible on your committee's page in IPO Connect.

Q: What do I do if I change companies/firms?

A: Please email committees@ipo.org explaining the change and include your new information. If your new company/firm is an IPO member, we will update our records. If it is not, you will be referred to IPO's membership department.

Q: Do proposed comments and letters to government agencies require a committee vote before being submitted for IPO leadership approval?

A: If your committee generally has consensus on proposed comments/letters, you need not take a committee vote before submitting them to your staff liaison for approval by IPO leadership.

Q: How does our committee recommend that IPO file an Amicus Brief?

A: Follow the IPO procedure for requesting that the Board file a brief, which is available at <https://ipo.org/wp-content/uploads/2019/06/SubmittingAmicusBriefs.pdf>. Contact Hannah Denny at hdenny@ipo.org or (202) 507-4498 with questions.

Q: When does my committee need to submit a document for approval prior to its deadline?

A: Generally, two weeks prior to the deadline for submission of letters and comments (see Section V) and three weeks for reports concerning proposed resolutions (see Section IV).