



September 30, 2016

Dear AIPPI-US Members,

This newsletter provides an update on our Division's activities.

**IMPORTANT:** There is an ad hoc committee being formed in urgent need of volunteers. See details below.

## **AIPPI-US Response to Questionnaire on the TRIPs/IP and Genetic Resources**

The AIPPI international Standing Committee on TRIPs and the Standing Committee on IP and Genetic Resources have asked all national groups of AIPPI to respond to a questionnaire on the requirement of indicating the source and/or country of origin of genetic resources and traditional knowledge in patent applications. The response would actually be an update to a questionnaire response that national groups prepared on the same topic in 2010. The US Group prepared a response to the questionnaire in 2010.

Kelly Hyndman, who is one of the US members of the TRIPs standing committee, has agreed to help pull together the US group response. But we need several other US group members to help prepare the answers to the questionnaire. I estimate that we will need at least two months to prepare our response.

If you're interested in being part of the ad hoc committee to work on the questionnaire response, please let me know as soon as possible.

## **AIPPI-US Division Annual Meeting and International Reception, Friday, October 28, 2016**

We will have our Annual Meeting in Washington during the AIPLA Annual Meeting on Friday afternoon, October 28, 2016 at 4:30 pm. Among other things, the meeting will include our formal elections (based on the Nominating Committee report, below), a brief update on our past year's activities, and a vote on a change in our operating procedures (see below).

In addition to the meeting, we will continue with an expanded version of what is now becoming a tradition - a reception following our meeting. This reception, which we are calling the "International Reception," will be open to all persons attending the AIPLA who are interested in the AIPLA's international activities, with a special emphasis and invitation to international attendees at the AIPLA meeting. We are still seeking sponsors for this reception.

## **Proposed Change to the Division Operating Procedures**

The Steering Committee has proposed creating a new officer position for the AIPPI-US Division, namely the position of Immediate Past Chair. Specifically, the changes will include the following:

Creation of an Immediate Past Chair position, who will also become a part of the Steering Committee

Definition of the Immediate Past Chair's roles and functions

Clarification that all Officers of the Division and members of the Division who are also members of the Bureau of AIPPI are not counted among the number limitations of the Steering Committee

Adoption of these proposed changes will be voted on at AIPPI-US Annual Meeting. Any comments should be provided to the Secretary before then.

## **Report of the AIPPI-US Division Nominating Committee**

In accordance with the Operating Procedures of the AIPPI-US Division (the "Division"), Division Chair Phil Swain, with the concurrence of AIPLA and AIPPI-US Division President-Elect Mark Whitaker, appointed the following members to serve on the Division's Nominating Committee for 2016:

- Robert W. Sacoff, Chair
- Salvatore Anastasi
- Richard Beem
- David W. Hill
- Andrea Kamage

The Committee was tasked with recommending candidates to serve as Division Officers and Steering Committee Members for the coming year. Our recommendations were subject to the approval of the AIPLA President-Elect, Mark Whitaker. Mr. Whitaker has approved them, and the nominees identified in this Report will be put forward for election at the Division's Annual Meeting in Washington, DC on October 28, 2016.

The Committee is committed to promoting diversity in the Division's leadership, including but not limited to IP specialty areas, law firm and corporate practice, and racial, ethnic, gender, sexual orientation and geographic diversity. The Committee strives to balance the benefits of continuity for those Officers and Steering Committee Members who have performed exemplary service, with the benefits of bringing new individuals into the leadership ranks when excellent candidates are identified.

The Committee met and deliberated through numerous conference calls and email exchanges, and has unanimously agreed to the nominations set forth in this Report.

Officer Positions: Under the terms of the Division Operating Procedures, Division President-Elect Mark Whitaker shall automatically succeed the Division President, Denise DeFran-

co, at the conclusion of the President's term. The Committee nominates the following members to serve as Officers for 2016-17:

- President-Elect - Myra McCormack
- Chair - Maria Scungio
- Vice-Chair - Marc Richards
- Secretary - John Carson
- Treasurer - Joshua Goldberg

Steering Committee Positions: Seven Steering Committee Members are completing their terms this year:

- Chris Scherer
- Ray Farrell
- Sunhee Lee
- Larry Welch
- Dale Nelson
- Bing Ai
- Dave Hill

The Division Operating Procedures permit Steering Committee Members to be reelected to a second consecutive two-year term, for a maximum term of four years. All of the current Members whose terms are expiring have served a single two-year term, and are therefore eligible for re-election to a second two-year term.

The Committee believes all these Steering Committee Members have performed in an exemplary fashion. Therefore, after careful consideration, the Committee nominates the following six Members to serve new 2-year terms on the Steering Committee.

- Chris Scherer
- Ray Farrell
- Sunhee Lee
- Dale Nelson
- Bing Ai
- Dave Hill

Larry Welch will be going off the Steering Committee this year, but the Committee acknowledges with gratitude his outstanding contributions on the Steering Committee and the Division for the past two years, as well as his ongoing exemplary service as Chair of the AIPPI Programme Committee.

Open Steering Committee positions also include those vacated by Maria Scungio and John Carson in order to be recommended for nomination as Division Chair and Secretary, respectively. The Committee nominates Sharon Israel and Kim Van Voorhis to serve new two-year terms on the Steering Committee. The Committee also nominates our immediate past Chair Phil Swain and Vice Chair Peter Schechter to serve on the Steering Committee for 1-year terms, in order to maintain staggered terms.

All nominees have been contacted and all have agreed to serve if elected. The Committee

Chair notes that the Division's former Chair Dave Hill recused himself from any involvement in the decision to nominate him to the Steering Committee.

For information, the Steering Committee Members who still have one year remaining on their terms are:

- Monica Barone
- Andrea Kamage
- Bea Koempel-Thomas
- Kelly Hyndman
- Chris Carani

Finally, we note that John Osha has been serving as Deputy Reporter General and we expect he will have been elected First Deputy Reporter General by the time of the Division's annual meeting. John therefore remains automatically entitled to an additional position on the Steering Committee as a result of his position on the AIPPI Bureau.

### **Report on the AIPPI 2016 Milan World IP Congress September 16 - 20, 2016**

Over 2100 participants from 87 countries, including over 135 from the US, participated in a very successful congress in Milan earlier this month. Our US Group was very actively involved throughout the Congress, with 13 official standing delegates participating in the plenary sessions and executive meeting, and many US representatives participating as leaders and speakers in the working sessions and plenary sessions on the working questions. Many US members also spoke in the panel sessions and the other meetings throughout the congress.

The panel session presentations are available at this link:

<http://aippi.org/panel-sessions2016/>

Resolutions were adopted on the following topics:

- Patents: Added matter: the standard for determining adequate support for amendments
- Designs: Requirements for protection of designs
- Copyrights: Linking and making available on the Internet
- Security Interests over Intellectual Property
- Publication of Patent Applications (based on a proposal by the Standing Committee on Patents)
- IP and Green Technology (based on a proposal by the Standing Committee on IP and Green Technology)

In the Executive Committee Meeting on Tuesday, September 20, the following US members were elected to positions on the AIPPI international bureau and certain AIPPI statutory committees.

- John Osha (First Deputy Reporter General)
- Peter Schechter (Membership Committee)
- Josh Goldberg (Communications Committee)
- John Carson (Venue Selection Committee)

- Phil Swain (Nominating Committee).

On Tuesday evening, September 20, Bob Sacoff was honored with the AIPPI Award of Merit.

Other highlights of the Milan Congress included a First time attendees/young lawyers meeting and reception, an In-house/corporate attorneys meeting, and a Women in AIPPI reception. The social program included a cultural night at the world famous La Scala Opera House and the Pinacoteca di Brera Museum, and a Closing Dinner at the Hangar Bicocca, a “post industrial environment” (old sheds turned into exhibition space).

## **Conclusion**

The AIPPI-US Division can always use your help and active support. Please take advantage of some of the many opportunities to get more involved in the work of our Division. We are looking forward to the AIPPI Milan Congress in September, continued growth in our numbers, and further expansion in our activities. Please let me know if you have any ideas or thoughts in this regard.

*“AIPPI-US Division - become an international IP lawyer.”*

With best regards,

Philip C. Swain  
Chair, AIPPI-US Division





