

3.1 Permanent Committees

3.1.1 Mark Protection Committee (Including Nominations for MPC)

The annual report of the Mark Protection Committee (“MPC”) is attached to this agenda as Appendix 1.

The MPC met on Thursday, August 14, at the ExCeL London Docklands in London, England, at Loncon 3.

Nominations for the WSFS Mark Protection Committee are in order at the Preliminary Business Meeting. Nominees must accept nomination and indicate their residence zone within one hour of the end of the Preliminary Business Meeting. Current MPC members are:

- **Elected 2011, term ending in 2014:** Linda Deneroff (West), Dave McCarty (Central); Warren Buff (East)
- **Elected 2012, term ending in 2015:** Stephen Boucher (RoTW); Scott Dennis (Central) and Donald Eastlake III (East);
- **Elected 2013, term ending in 2016:** Ben Yalow (East), Kevin Standlee (West), and Tim Illingworth (Central);
- **Worldcon Representatives:**
 - Chicon 7 – Sandra Levy (until 2014)
 - LoneStarCon 3 – Randall Shephard (until 2015)
 - Loncon 3 – Paul Dormer (until 2016)
 - Sasquan – Glenn Glazer (until 2017)
 - Detcon 1 – Deb Geisler (until 2017)
- **Officers of the Mark Protection Committee**
 - Chair: Kevin Standlee
 - Secretary: Linda Deneroff
 - Treasurer: Scott Dennis
 - Agent for Canada: Adrienne Seel

The members whose terms of office expired at this Worldcon are: Warren Buff (East), Dave McCarty (Central), and Linda Deneroff (West). Due to zone residency restrictions, we can elect at most one person from any zone or up to three people from the Rest of the World, but not more than three people overall. Write-in votes are allowed, but write-in candidates must also submit their consent to election by the close of balloting. Nomination acceptance forms are available at the head table staff.

The Hugo Awards Marketing Committee (HAMC) members are Dave McCarty (Chair), Cheryl Morgan, Kevin Standlee, Craig Miller and Mark Olson. This is a subcommittee of the Mark Protection Committee, and their report is made to the MPC.

The Worldcon Website Working Group (WWWG) is chaired by Mike Scott and has a variable membership. This is a subcommittee of the Mark Protection Committee, and their report is made to the MPC.

Recommendations: The Mark Protection Committee recommends passage of the following resolution:

3.1.1.1 Short Title: WIPT Good

Resolved, That the WSFS Business Meeting recommends that the Mark Protection Committee establish a Worldcon Intellectual Property Trust (“WIPT”) to act as a legal entity for holding title to WSFS’s service marks, such entity to be under the control of the Mark Protection Committee.

Commentary: The WSFS service marks (“Worldcon,” “Hugo Award,” etc.) are registered in the U.S. to the World Science Fiction Society, an unincorporated society. While the United States Patent & Trademark Office (“USPTO”) is willing to issue mark registrations to unincorporated associations, the equivalent bodies in most other countries that have hosted Worldcons are unwilling to do so. They will issue registrations only to individuals or to legal entities such as trusts, corporations, and the like.

The policy of the MPC has been for many years to attempt to register WSFS’s marks in any country that has hosted more than one Worldcon (U.S., United Kingdom, Canada, and Australia). If we consider the European Union to be a single entity for the purpose of this policy, it would also be in the list, and would of course include the UK. However, none of these countries except the U.S. will recognize the unincorporated WSFS as an entity that can actually hold title to service marks.

Our U.S. and UK legal counsels have recommended that we establish a legal trust (which can be in the U.S.) under the control of the WSFS MPC, and that this trust be the legal entity that holds title to the WSFS marks. All members of the MPC would be trustees of this entity, whose sole purpose would be to hold title to the WSFS marks on behalf of WSFS-sanctioned conventions (Worldcon and NASFIC).

The MPC has historically appointed individuals or legal entities in non-U.S. countries (generally non-profit corporations that have run Worldcons in those countries) to act as the MPC’s agent in those countries. Under this historical precedent, the MPC could appoint individuals to hold WSFS’s service marks on our behalf, indemnifying those individuals for any expenses incurred as our agent. On the other hand, establishing a permanent legal entity would probably be a more stable long-term solution to the issue.

The MPC is sensitive to concerns about the Committee creating permanent legal entities, and therefore asks for the Business Meeting's advice before it takes further action toward protecting WSFS's marks in countries outside of the U.S.