

AMERICAN BAR ASSOCIATION SECTION OF INTELLECTUAL PROPERTY LAW

SCOPE OF COMMITTEES

(As of October 21, 2008)

DIVISION I - PATENTS

COMMITTEE NO. 101 - PATENT LEGISLATION

Scope of Committee: Pending federal legislation relating to the patent laws or affecting patent rights which does not relate directly to the work of another committee as herein outlined. The committee also studies and makes recommendations for suggested revisions of the existing United States patent laws, subject to correlation with the work of other committees.

COMMITTEE NO. 102 - INTERNATIONAL PATENT TREATIES & LAWS

Scope of Committee: Patent problems arising out of differences in the laws and practices of various countries, including:

- (1) the rights of United States inventors to obtain patent protection in other countries and the rights of foreign nationals to the benefit of United States laws;
- (2) the rights of United States manufacturers to export patented products to foreign countries and the rights of foreign manufacturers to import patented products into the United States; and
- (3) the international conventions and treaties involving patent rights; except as assigned to Committee 109 and 404, or Division X.

COMMITTEE NO. 103 - PATENT AND TRADEMARK OFFICE AFFAIRS--PATENTS

Scope of Committee: Practice before the Patent and Trademark Office in patent matters; and the administration of the Patent and Trademark Office and its fees and services with relation to patents. The committee also studies and makes recommendations with respect to the Rules of Practice in Patent Cases and procedures in the Patent and Trademark Office in connection therewith.

COMMITTEE NO. 104 - PATENT INTER PARTES PROCEEDINGS

Scope of Committee: Practice before the USPTO involving any inter partes proceedings, including interferences, inter partes reexaminations and any other inter partes post-grant review proceedings that may be established in the USPTO. The committee will consider and address relevant legal precedent, proposed legislation and proposed rules presented by the USPTO relevant to such inter partes proceedings.

COMMITTEE NO. 108 - PATENT SYSTEM POLICY PLANNING

Scope of Committee: Problems concerning basic improvements in the United States patent system, including:

- (1) long range planning for improving the administration of the patent system;
- (2) study of mechanisms for improving specifications, drawings and claims in patents and for establishing more uniform constructions by the Patent and Trademark Office and Courts of the requirements of patentability;
- (3) extension of the patent system to additional forms of intellectual property; and
- (4) study of changes and innovations in the patent laws of other countries and determination of their applicability to the United States.

COMMITTEE NO. 112 - PATENT LITIGATION

Scope of Committee: Practice in the Federal Trial Courts in cases involving patent law matters; and problems concerning improvements in the patent litigation process in the Trial Courts, including decreasing costs and length of pendency of cases; studying and making recommendations where appropriate in cooperation with other ABA entities with respect to the Federal Rules of Civil Procedure, local Trial Court rules or the U. S. Code respecting Trial Court practice and procedure in patent law; and reporting on significant recent developments in patent litigation..

DIVISION II - TRADEMARKS AND UNFAIR COMPETITION

COMMITTEE NO. 201 - FEDERAL TRADEMARK LEGISLATION

Scope of Committee: Pending federal legislation relating to the trademark laws or affecting trademark rights which does not relate directly to the work of another committee as herein outlined. The committee also studies and makes recommendations for suggested revisions of the existing United States trademark laws subject to correlation with the work of other committees.

COMMITTEE NO. 202 - INTERNATIONAL TRADEMARK TREATIES & LAWS

Scope of Committee: Trademark problems arising out of differences in the practice and laws of various countries, including:

- (1) the rights of United States citizens to obtain trademark protection in other countries and the rights of foreign trademark owners to obtain trademark protection in the United States;
- (2) the laws of foreign countries and of the United States relative to the rights of exportation and importation of trademarked goods; and
- (3) the international conventions and treaties involving trademark rights.

This committee cooperates with other Sections and Committees of the A.B.A., such as the A.B.A. Section of International Law.

COMMITTEE NO. 203 - PATENT AND TRADEMARK OFFICE AFFAIRS--TRADEMARKS

Scope of Committee: Practice before the United States Patent and Trademark Office in trademark matters; and the administration of the Patent and Trademark Office and its fees and services with relation to trademarks. The committee also studies and makes recommendations with respect to the Rules of Practice in Trademark Cases and procedures in the Patent and Trademark Office in connection therewith.

COMMITTEE NO. 204 - STATE TRADEMARK LAWS

Scope of Committee: Problems arising from different state trademark laws, including:

- (1) the possibility of substantial uniformity in state trademark laws;
- (2) the unnecessary burdens placed upon trademark owners by some state trademark laws;
- (3) the relationship of state trademark laws to the use of trademarks in interstate and foreign commerce;
- (4) trademark definitions under state law; and
- (5) state anti-dilution laws; and
- (6) problems pertaining to interpretations of the Uniform Deceptive Trade Practices Act and Section 43(a) of the Lanham Act, 15 U.S.C. §1125a.

This committee cooperates with other Sections and Committees of the A.B.A., such as the National Conference of Commissioners on Uniform State Laws in the area of uniform state trademark legislation.

COMMITTEE NO. 205 - UNFAIR COMPETITION--TRADE IDENTITY

Scope of Committee: Problems of law and practice, both federal and state but not foreign, in all areas of unfair competition other than trade secrets, interference with contracts, and related areas, including:

- (1) conflicts between trademarks, trade names and corporate names;
- (2) dress of goods and other means of designating source or sponsorship;
- (3) product simulation law not involving patents, copyrights or trade secrets;
- (4) protection of characters, formats and titles of literary works and the like;
- (5) trade libel, disparagement and false advertising and comparative advertising;
- (6) protection against commercial exploitation of an individual's identity; and
- (7) problems pertaining to interpretations of Sections 43(a) and 43(c) of the Lanham Act, 15 U.S.C. §1125 (a), (c).

This committee cooperates with other Sections and Committees of the A.B.A., such as the National Conference of Commissioners on Uniform State Laws in trade name, deceptive trade practices, and other trade identity areas.

COMMITTEE NO. 207 - FRANCHISING

Scope of Committee: National and international developments with respect to legislative, statutory, regulatory and judicial matters pertaining to all aspects of franchising and the franchise agreement, including, but not limited to investment, licensing, intellectual property rights, transfers, litigation, terminations, and, excepting insofar as expressly within the jurisdiction of Committee 403, domestic antitrust and trade regulation overtones of those franchising operations founded upon trademarks and other trade identity indicators.

COMMITTEE NO. 208 - TRADEMARK LITIGATION

Scope of Committee: U.S. federal and state court litigation that involves trademarks, trade dress, trade identity and unfair competition, including:

- (1) Discovery and evidentiary issues;
- (2) Expert witnesses;
- (3) Trial practice;
- (4) Appellate practice;
- (5) Remedies; and,
- (6) Foreign litigation as it affects U.S. interests.

DIVISION III - COPYRIGHTS

COMMITTEE NO. 301 - COPYRIGHT LEGISLATION

Scope of Committee: Pending federal legislation relating to the copyright laws or affecting copyright rights which does not relate directly to the work of another committee as here in outlined. The committee also studies and makes recommendations for suggested revision of the existing United States copyright laws subject to correlation with the work of other committees.

COMMITTEE NO. 302 - INTERNATIONAL COPYRIGHT TREATIES AND LAWS

Scope of Committee: Copyright problems arising out of differences in the laws of various countries, including:

- (1) the rights of United States citizens to obtain copyright protection in other countries and the rights of foreign authors to obtain copyright protection in the United States;
- (2) the laws of foreign countries and of the United States relative to the rights of exportation and importation of copyrighted works; and
- (3) the international conventions and treaties involving copyright.

This committee cooperates with other Sections and Committees of the A.B.A., such as the A.B.A. Section of International Law.

COMMITTEE NO. 303 - COPYRIGHT OFFICE AFFAIRS

Scope of Committee: Practice and procedure before the Copyright Office of the Library of Congress and the Copyright Arbitration Royalty Panels; and the administration of the Copyright Office and its fees and services. The committee also studies and makes recommendations with respect to the rules and regulations of the Copyright Office and practice before the Copyright Arbitration Royalty Panels.

COMMITTEE NO. 304 - VISUAL ARTS AND DRAMATIC WORKS

Scope of Committee: Copyright and related legal issues in creating, exploiting, and protecting the following categories of works: (1) visual arts comprising pictorial, graphic, and sculptural works, including 2-dimensional and 3-dimensional works of fine, graphic, and applied art, photographs, prints and art reproductions, maps, globes, charts, technical drawings, diagrams, architectural works and models; and (2) dramatic works, including choreography, pantomimes, plays, treatments, and scripts prepared for cinema, radio, and television.

COMMITTEE NO. 306 - BROADCASTING, SOUND RECORDINGS & PERFORMING ARTISTS

Scope of Committee: Problems of (a) broadcasting, including radio, television and CATV; (b) sound recordings, including compulsory licensing and coin-operated players; and (c) performing artists, including their live performances, recordings and audio-visual works.

COMMITTEE NO. 310 - COPYRIGHT LITIGATION

Scope of Committee: Monitoring and reporting on recent developments in U.S. copyright litigation, inclusive of both procedural and substantive concerns such as:

- Registration prerequisites
- Authorship and originality
- Substantial similarity
- Fair use
- Secondary liability
- Remedies

This committee will work cooperatively to avoid duplication of topics addressed by other copyright committees that are focused on specific substantive areas.

DIVISION IV - RELATED LEGAL ISSUES

COMMITTEE 402 - UNIVERSITY INTELLECTUAL PROPERTY LAW

Scope of Committee: Facilitation of the development and use of intellectual property law by universities and review and assessment of the impact of government policies, legislation and regulations on the ability of universities to engage in the transfer of technology including:

- (1) ownership of inventions and patents resulting from federally supported research;
- (2) ownership of rights in data and software produced during the course of federally funded research;
- (3) restrictions on federal funding affecting the retention and distribution of income derived through the technology transfer function;
- (4) restrictions and/or mandates on the dissemination of the tangible products of research;
- (5) changes in Federal Agency policies or responsibilities affecting university-government relationships;
- (6) University - government - private sector relationships affected by changes in the patent laws or through other legislation.

The Committee seeks coordination and cooperation with other Section Committees in addressing relevant concerns.

COMMITTEE NO. 408 - INTERESTS OF INDIVIDUALS AND SMALL BUSINESSES

Scope of Committee: Problems peculiar to small businesses in obtaining the benefits of and complying with the patent, trademark, copyright and related laws. Where appropriate, specific problems or recommended solutions to such problems will be referred by the committee to the Section Vice-Chairman for referral to specific committees of the Section.

COMMITTEE NO. 409 - ANTITRUST MATTERS

Scope of Committee: The general impact of the U. S. antitrust laws upon patents, trademarks, copyrights and other intellectual property rights. This committee cooperates with other Sections and Committees of the A.B.A., such as the A.B.A. Section of Antitrust Law.

COMMITTEE NO. 410 - TRADE SECRETS AND INTERFERENCES WITH CONTRACTS

Scope of Committee: Problems of law and practice, federal, state and foreign, in trade secret, unfair interference with contractual rights and related areas of unfair competition, including:

- (1) breach of confidential obligations and misappropriation of trade secrets;
- (2) protection of confidential information through contracts with suppliers, employees, customers or others;
- (3) unfair interference with or inducement to breach of contract;
- (4) wrongful appropriation of the values of developments of others; and
- (5) application and enforcement of civil claims under the Racketeer Influenced and Corrupt Organization Act (RICO), 18 U.S.C. §1961 et seq., and similar state statutes.

This committee cooperates with the National Conference of Commissioners on Uniform State Laws in trade secret and related areas.

COMMITTEE NO. 412 - INDUSTRIAL DESIGNS

Scope of Committee: Domestic and foreign protection of industrial designs, including legislative, judicial, and administrative developments; coordination of activities with appropriate committees in Divisions I, II and III.

COMMITTEE NO. 413 - IP LICENSING

Scope of Committee: All issues relating to intellectual property licensing and other contracts involving the ownership, transfer or exchange of intellectual property rights, excluding security interests which are within the scope of Special Committee 465 and franchising issues which are within the scope of Committee 207.

DIVISION V - PROFESSIONAL & SECTION RELATIONS

COMMITTEE NO. 501 - COMMITTEES

Scope of Committee: Assists the officers and Council and makes recommendations with respect to committees, their numbers, titles, make-up and functions, including suggestions for elimination, consolidation, or splitting of committees, and the jurisdiction thereof.

COMMITTEE NO. 502 - ETHICS & PROFESSIONAL RESPONSIBILITY

Scope of Committee: Matters relating to the ethics of our profession and professional responsibility and discipline, including:

- (1) considers requests for opinions from Section members on matters involving professional ethics and, subject to the approval of the Section Council, forwards a proposed opinion to the A.B.A. Committee on Ethics and Professional Responsibility;
- (2) reports to the Section and advises with respect to opinions of the A.B.A. Committee on Ethics and Professional Responsibility;
- (3) reports to and advises the Section with respect to proposals for amendments to the Code of Professional Responsibility, including advertising by lawyers and any code of ethics for practitioners before Administrative Tribunals; and
- (4) considers and makes recommendations with respect to lawyers' professional liability insurance, and reports on legislative and judicial developments respecting professional liability of those who practice law in the fields of special interest to this Section.

Through the Section Chair and Council, this committee cooperates with other Sections and Committees of the A.B.A. and its affiliated organizations, such as the A.B.A. Committee on Ethics and Professional Responsibility and the A.B.A. Committee on Professional Discipline.

COMMITTEE NO. 503 - LONG RANGE PLANNING

Scope of Committee: To explore the Section's goals for the future and any changes in Section operations which should be made to achieve those goals.

COMMITTEE NO. 504 - MINORITIES IN THE PROFESSION

Scope of Committee: To secure the full, fair and equal participation of minorities in intellectual property law.

COMMITTEE NO. 505 - MEMBERSHIP

Scope of Committee: Develop Section membership and increase Section member retention. This committee works with other appropriate Section entities and, on ABA-wide membership and communication, with appropriate ABA entities.

COMMITTEE NO. 508 - ECONOMICS OF THE PROFESSION

Scope of Committee: Matters affecting the economic interests of members of the Section and of patent, trademark, and copyright lawyers generally, such as retirement plans, pension programs, office organization and management, costs, fee schedules, and the like. This committee cooperates with other Sections and Committees of the A.B.A. and affiliated organizations.

COMMITTEE NO. 509 - PRO BONO

Scope of Committee: Section support for appropriate pro bono activities of the intellectual property bar, including cooperation with entities within the American Bar Association concerned with pro bono activities and with other entities concerned with pro bono activities specifically relating to intellectual property law.

COMMITTEE NO. 510 - YOUNG LAWYERS

Scope of Committee: Special challenges of and opportunities for young lawyers in, or interested in, the fields of law of the Section, including becoming integrated fully into the activities of the Section. Programs to deal with such challenges and opportunities will be recommended to Council.

COMMITTEE NO. 511 - CORPORATE PRACTICE

Scope of Committee: All aspects of intellectual property practice unique to corporate practitioners that do not specifically fall within the scope of another committee.

COMMITTEE NO. 514 – WOMEN IN THE PROFESSION

Scope of Committee: To secure the full, fair and equal participation of women in intellectual property law.

DIVISION VI - LITIGATION, ALTERNATIVE DISPUTE RESOLUTION & RELATED ISSUES

COMMITTEE NO. 601 - TRIAL AND APPELLATE RULES AND PROCEDURE

Scope of Committee: Practice in the federal and state courts, both trial and appellate, in cases involving intellectual property law matters; monitoring, reporting on and recommending action on procedural matters, including improvements in the litigation process in the trial and appellate courts; studying and making recommendations where appropriate in cooperation with other ABA entities with respect to legislation regarding trial and appellate court practice and procedure in intellectual property law; and screening and making recommendations to the ABA Standing Committee on the Federal Judiciary respecting the qualifications for appointments to the Court of Appeals for the Federal Circuit.

COMMITTEE NO. 602 - ALTERNATIVE DISPUTE RESOLUTION (ADR)

Scope of Committee: Problems concerning the utilization of alternative dispute resolution procedures to litigation in the Courts in cases involving patents, trademarks, copyrights and related matters.

COMMITTEE NO. 603 - INTERNATIONAL TRADE COMMISSION

Scope of Committee: Practice before the U.S. International Trade Commission (ITC) and enforcement of IP rights by the Department of Homeland Security (DHS) in patent, trademark, copyright and related matters pursuant to 19 U.S.C. 1337 and 1337a; pending or proposed legislation relating to the ITC and DHS; and the administration of the ITC and the DHS as it relates to the enforcement of ITC orders by DHS. The committee studies and makes recommendations with respect to the rules and regulations of the International Trade Commission and DHS relating to proceedings before them pursuant to the aforesaid Sections 1337 and 1337a and with respect to pending or proposed legislation regarding said Sections and/or DHS enforcement of orders issued by the ITC.

COMMITTEE NO. 605 - AMICUS BRIEFS

Scope of Committee: Studies recent decisions and considers the advisability of Section participation in briefs amicus curiae to be filed in pending litigation, particularly litigation in the Supreme Court of the United States and, for patent cases, in the Court of Appeals for the Federal Circuit, and makes recommendations to Council through the Section Chairman concerning such briefs.

COMMITTEE NO. 611 - INSURANCE

Scope of Committee: Studies insurance coverage availability for intellectual property lawsuits and their use to secure litigation expense reimbursement and insurer-funded settlements of potentially covered lawsuits.

DIVISION VII – INFORMATION TECHNOLOGY

COMMITTEE NO. 701 - SOFTWARE TECHNOLOGY

Scope of Committee: All intellectual property issues relating to software technology but excluding software development and licensing.

COMMITTEE NO. 705 - COMPUTER & INTERNET LEGISLATION

Scope of Committee: Pending federal and state legislation relating to computers and the Internet. The committee will study and make recommendations for suggested revisions of laws in the United States with respect to computer and Internet legislation and will report on similar developments in other countries.

COMMITTEE NO. 706 - COMPUTER HARDWARE TECHNOLOGY

Scope of Committee: Intellectual property issues related to computer hardware technology.

COMMITTEE NO. 709 - SOFTWARE DEVELOPMENT & LICENSING

Scope of Committee: All aspects of software development and licensing, including open source issues.

COMMITTEE NO. 710 - DATABASES & E-COMMERCE

Scope of Committee: All legal issues relating to databases and e-commerce but excluding online security and e-privacy issues.

COMMITTEE NO. 711 - ONLINE SECURITY & E-PRIVACY

Scope of Committee: All aspects of online security and e-privacy but excluding issues within the scope of Committee 710.

DIVISION VIII - MEETINGS AND RESOLUTIONS

COMMITTEE NO. 802 - ABA ANNUAL MEETING – INCLUDING SECTION ANNUAL MEETING

Scope of Committee: Cooperates with Section Chairman and headquarters staff in arranging the educational program for the ABA Annual Meeting and in supervising all details in connection with the speakers and other participants in the program.

COMMITTEE NO. 803 - RESOLUTIONS

Scope of Committee: Responsible for oversight of the preparation of resolutions and the procedures, requirements and formalities by which resolutions are proposed to become Section policy by action of the Section's Committees, Council and membership. The committee monitors compliance by the Section's committees and task forces with respect to the format and content of resolutions, as well as resolutions which may be submitted in writing by any member, and recommends appropriate additions, changes and actions to assure compliance with the procedures and requirements set forth in the Section Manual such that the Council and membership can give informed consideration to the resolutions. The committee provides guidance to committee and task force chairs and vice chairs regarding the Section process, procedures, requirements and formalities as set forth in the Section Manual. The committee reviews resolutions proposed in late reports of committees and task forces and recommends to Council a classification for such resolutions. The committee works in cooperation with the Officers and Parliamentarian to develop and recommend appropriate improvements and other changes to Section procedures, requirements and formalities with respect to preparation of resolutions related to the development of Section policy.

COMMITTEE NO. 805 - SPRING CONFERENCE

Scope of Committee: Considers, reports on and makes recommendations to Council concerning proposed legal education programs of interest to the members of this Section including the Spring Conference, but not including the Annual Meeting or Summer Conference programs.

COMMITTEE NO. 806 - CLE TELECONFERENCES

Scope of Committee: The impact of availability of insurance coverage for intellectual property lawsuits through pertinent insurance policies on litigation expense reimbursement and strategy, including the settlement of such lawsuits.

SECTION OF INTELLECTUAL PROPERTY LAW

SPECIAL COMMITTEES

(As of September 1, 2008)

DIVISION I - PATENTS

COMMITTEE NO. 159 – Special Committee on Nanotechnologies

COMMITTEE NO. 161 – Special Committee on IRS Treatment of Donated Patents

COMMITTEE 163 – Special Committee on WHO Intellectual Property Policy

DIVISION II – TRADEMARKS AND UNFAIR COMPETITION

COMMITTEE NO. 254 – Special Committee on Trademarks & the Internet

DIVISION III – COPYRIGHTS

COMMITTEE NO. 355 – Special Committee on Copyrights & the Internet

DIVISION IV – RELATED LEGAL ISSUES

COMMITTEE NO. 463 – Special Committee on Promotion and Marketing Law

COMMITTEE NO. 465 – Special Committee on IP Security Interests

DIVISION V – PROFESSIONAL PRACTICE AND SECTION RELATIONS

COMMITTEE NO. 557 – Special Committee on the Judicial Intern Opportunity Program

DIVISION VI – LITIGATION, ALTERNATIVE DISPUTE RESOLUTION, AND RELATED ISSUES

COMMITTEE NO. 656 – Special Committee on the Federal Circuit

DIVISION VII – INFORMATION TECHNOLOGY

COMMITTEE NO. 758 – Special Committee on Computer Gaming

DIVISION VIII – MEETINGS AND PUBLICATIONS

COMMITTEE NO. 856 – Special Committee on the ABA Mid Year Meeting

COMMITTEE 859 – Special Committee on the 2009 National LEI Conference