IDAHO STATE BAR

UNIFORM SECTION BY-LAWS

Intellectual Property Law Section

ARTICLE I
NAME AND PURPOSE

Section 1 - NAME:

This Section shall be known as the Intellectual Property Law Section of the Idaho State Bar.

Section 2 - FIELD:

Section activities shall pertain to the field of domestic and international patents, trademark, and copyright property rights, unfair competition and licensing issues.

Section 3 - OBJECTIVES:

This Section is created to enhance the skills of its members and to serve the interests of the public. In the furtherance of these objectives, this Section shall

(a) study problems relating to the designated field of law enumerated above;

(b) disseminate information on problems relating to such field of law by preparing articles for publication in the Advocate; circulating a newsletter to its members; presenting lectures or seminars at its annual meeting and at other meetings during the year that may be held for that purpose; promoting the publication of appropriate practice manuals, handbooks and forms; and meeting to discuss problems that are common to the practitioners in the above designated field of law;

(c) propose such legislation as the Section may from time to time deem appropriate in the public interest, and offer, when requested, advice or assistance to any legislative committee or other legislative body on proposed legislation dealing with its designated field of law, provided, that any position taken, statements issued, or legislation proposed must first be approved by the Board of Commissioners of the Idaho State Bar;

(d) prepare statements pertaining to the field of law on issues that affect the public interest, provided that (1) any position taken, statements issued, or legislation proposed must first be approved by the Board of Commissioners of the Idaho State Bar, (2) the Section, or any member acting on its behalf, shall clearly state that such position, statement or proposed legislation does not represent the policy of the Idaho State Bar, but only the policy of the Section, except where the statement, position, or proposed legislation has been formally approved or adopted by the members of the Idaho State Bar pursuant to the provisions of Rule 906 of the Idaho State Bar Commission rules, and (3) statements of policy of the Section shall be adopted only in accordance with Article VII, Section IV of these by-laws; and

(e) engage in such other activities not hereinabove enumerated that are consistent with the objectives of the Section.

Section 4 - CLE POLICY:

Any educational programs conducted by the Section shall be coordinated with and cosponsored by the Idaho State Bar or the Idaho Law Foundation, Inc., for purposes of avoiding conflicts in schedules or duplication of educational programs and for purposes of receiving assistance from the Idaho State Bar/Idaho Law Foundation staff in the preparation of program content and pricing. It is specifically recognized that the profits and/or losses from such continuing legal education offerings shall inure to Idaho State Bar.

ARTICLE II
MEMBERSHIP AND DUES

Section 1 - MEMBERSHIP:

(a) Any member of the Idaho State Bar or Registered Patent Agent in good standing may become a member of this Section.

(b) Any law student, law professor, or judicial law clerk may become a non-voting member of this Section.

(c) Application for membership shall be made upon the appropriate form supplied by the Idaho State Bar.

(d) The membership shall be based on the calendar year.

(e) Non lawyer section members shall be nonvoting members and shall not be eligible to serve as officers of the section.

Section 2 - DUES:

Members of the Section shall pay such annual dues as the Council of the Section may direct, subject to the approval of the Board of Commissioners of the Idaho State Bar. The dues shall be set at a level adequate to cover the expenses of operating the Section, including, but not limited to, administrative expenses of the Idaho State Bar, Section officers' travel and meeting expenses, and publications of the Section. Sections may not charge members annual dues of more than $50 without prior approval by the Board of Commissioners.

ARTICLE III
OFFICERS AND COUNCIL

Section 1 - OFFICERS:

The officers of the Section shall be a Chairperson; three Vice Chairpersons, one each for Eastern, Northern, and Southern Idaho; a Secretary; and a Treasurer. In addition, the Executive Director of the Idaho State Bar will serve as assistant treasurer without voting rights.

Section 2 - COUNCIL:

There shall be a governing Council which shall consist of the immediate past chairperson of the Section and the current officers of the Section.

ARTICLE IV
POWERS AND DUTIES OF THE COUNCIL

Section 1 - AUTHORITY:

The Council shall manage the affairs of the Section, subject to the provisions of the Idaho Bar Commission Rules, the "Rules and Procedures for Establishing a Section," the duties of the Executive Director enumerated below, these by-laws, and the right of the members to decide any issue at a duly-called membership meeting. The Council shall fix the Section dues subject to approval by the Board of Commissioners of the Idaho State Bar and shall authorize all commitments or contracts that entail the expenditures of funds.

Section 2 - DELEGATION:

The Council may authorize the chairperson to make commitments or expend money and to perform such duties and exercise such powers as the Council may from time to time direct, subject to the limitations of Section 1 of this Article.

Section 3 - QUORUM:

A simple majority of the Council present at any meeting shall determine any question. One half of the members of the Council shall constitute a quorum.

Section 4 - MEETINGS:

Council meetings may be held in person or by conference call. The section governing council may vote on any issue by email or by written ballot.

Section 5 - EXECUTIVE COMMITTEE:

The officers of the Section shall constitute the executive committee. All powers and duties of the Council shall be exercised and performed by the executive committee when the Council is not in session, except as to the fixing of dues and as further limited by resolution of the Council.

Section 6 - CALL:

The Council shall meet at the call of the chairperson or upon the request of three members thereof. Reasonable notice shall be given for every meeting.

ARTICLE V
POWERS AND DUTIES OF OFFICERS

Section 1 – DUTIES OF OFFICERS

In addition to the duties set forth in the other sections of this article, the officers shall regularly attend meetings of the Section and the Council and shall regularly participate in Section activities.

Section 1 - CHAIRPERSON:

The chairperson, or the chairperson's designee, shall preside at all meetings of the Section and the Council. S/He shall formulate and present to each annual meeting of the Idaho State Bar a written report of the work of the Section from the preceding year. In addition, s/he shall give such periodic written or oral reports to the Board of Commissioners of the Idaho State Bar as it may require. S/He shall perform such other acts as usually pertain to such office.

Section 2 - VICE CHAIRPERSON:

Upon the death, resignation or inability for any reason of the chairperson to act, a vice chairperson shall perform the duties of the chairperson.

Section 3 - SECRETARY:

The secretary shall keep an accurate record of the proceedings of all meetings of the Section, the Council and the executive committee of the Section.

Section 4 – TREASURER:

The Treasurer shall keep duplicate records of all the dues collected and all expenses of the Section and shall present a report to the membership at each regular meeting of the Section.

Section 4 - EXECUTIVE DIRECTOR/ASSISTANT TREASURER:

The Executive Director of the Idaho State Bar shall serve as assistant treasurer, without voting privileges, and shall be responsible for receiving dues money, disbursing funds, keeping the books of the Section, and seeing that the Section operates in accordance with the rules and procedures of the Idaho State Bar, including, but not limited to, the expenditure of funds and the payment of expenses.

ARTICLE VI
FINANCIAL MANAGEMENT

Section 1 - ACCOUNTING

All funds of practice sections shall be funds of the Idaho State Bar and shall be administered by the Idaho State Bar. Section funds are subject to the financial rules and procedures of the Idaho State Bar. As with Idaho State Bar funds, section funds will be accounted for by the accrual method of accounting.

Section 2 - EXPENSE POLICY

Section expenditures are subject to the same restrictions as Idaho State Bar funds. The Idaho State Bar is an integrated bar, and as such, is limited in its ability to engage in legislative and political activity. This limitation applies to section activities, programs and the expenditure of section funds. Expenditures must be for activities that are within the scope of the purposes of the Section and the Idaho State Bar.

Section 3 - GRANT REQUESTS

No section shall, without prior authorization of the Board of Commissioners, make a grant request to an outside entity in the name of the section or the Idaho State Bar.

Section 4 - FISCAL YEAR

The fiscal year for section accounts shall be the calendar year.

Section 5 – SECTION FUNDING

Sections are required to comply with the Policy on Funding of Sections and the fund balance limits established by the Board of Commissioners.

ARTICLE VII
MEETINGS AND ELECTIONS

Section 1 - ANNUAL MEETING:

The annual membership meeting of the Section shall be held during the course and at the place as set by the Governing Council of the Section. Proper notice of the annual membership meeting shall be given to all Section members. Further regular meetings may be established by the Council, and the chairperson or Council may call such special meetings as may be necessary. Reasonable notice of each meeting shall be given.

Section 2 - QUORUM:

Ten members of the Section shall constitute a quorum for the transaction of business. Action of the Section shall be by a majority vote of the members participating and qualified to vote.

Section 3 - TERM OF OFFICE:

Officers and council members, except ex officio members, shall be elected by the Section at the annual meeting for terms of one year. Elections shall be by secret ballot. The following exception to the herein-stated one-year term shall be, as follows:

(a) For those officers duly elected at the Section's 2005 annual meeting and wishing to continue their service, the term for those officers shall continue until July 31, 2007.
(b) For those officers duly elected at the Section's 2005 annual meeting and wishing to end their service at the end of the standard one-year term, the Section shall issue a call for nominations to fill the posts being thus vacated and the new officers duly elected for said posts shall serve a less-than one-year term, ending July 31, 2007.

Section 4 - POLICIES:

Statements of policy or position may be adopted by vote of a majority of the members of the Section at a regular meeting or by a majority of members voting by email so as to afford the greatest opportunity for participation of the members of the Section.

ARTICLE VIII
IMPLEMENTATION, AMENDMENTS, AND DISCONTINUANCE

Section 1 - EFFECTIVE DATE:

These by-laws shall become effective and this Section shall be created upon the execution hereof by ten members of the Idaho State Bar and upon approval by the Board of Commissioners.

Section 2 - AMENDMENT:

These by-laws may be amended by majority vote of the Council or by majority vote of the members at any duly-called meeting, but no amendment shall be effective until approved by the Board of Commissioners.

Section 3 - DISCONTINUANCE:

The Executive Director of the Idaho State Bar shall maintain a list of members of this Section. At such time as the membership of the Section shall number less than fifty (50), the Executive Director shall report that fact to the Board of Commissioners for the purpose of determining whether the Section should be continued.