

MINUTES OF THE MARK PROTECTION COMMITTEE
December 6, 2019

MEMBERS PRESENT

Members of the Mark Protection Committee (“MPC”) present at the meeting in Albuquerque, New Mexico, at SmofCon, in Boardroom East of the Hyatt Regency Albuquerque Hotel on December 6, 2019, were Judy Bemis (elected until 2021), Stephen Boucher (elected until 2021), Linda Deneroff (elected until 2020), Cliff Dunn (appointed by Discon II until 2022), Donald E. Eastlake III (elected until 2021), Ron Oakes (appointed by NASFiC 2020 until 2022), Kevin Standlee (elected until 2022), Mike Willmoth (appointed by NASFiC 2019 until 2021), Ben Yalow (elected until 2022) and Bruce Farr as WIP Director attended in person. Jo Van Ekeren (elected until 2022) attended via Zoom. Eight members were needed for a quorum.

The meeting was scheduled for 5p.m, but was called to order at 5:35 p.m. due to the tardiness of the Chair who had been meeting with George R. R. Martin in Santa Fe, New Mexico.

Finances –Tammy Coxon, as representative from Dublin 2019, gave the MPC a check for \$2,500. The MPC understands that San Jose will soon make its payment to the MPC, which could potentially be \$3,000. The MPC currently has \$7,855 in the bank. So, the MPC may soon have as much as \$13,355.

There is a group in Denmark that gives Hugo Awards for movies. They act as if they don’t know about our awards and claim they’ve been around for 30 years. However, we have thus far found no evidence that they’ve been trying for more than six months to give awards. The MPC discussed and approved having our British attorneys send a letter telling the Danish group that they may not call their awards “Hugo Award”. Various fall back strategies were discussed in case they don’t comply. It cost us quite a bit to settle with Hugo Boss, but this case may be less costly. Jo suggested sending the Hugo Claus letter to our attorneys as a sample for them to use to write a similar letter to the Danish group and we may do this if it can be located.

Members of the AO3 community are continuing to cause headaches for the MPC.

Don has to be in Madrid, Spain, for work most of the week before ConZealand and won’t be arriving there till Friday, which will be after the current MPC’s final meeting. Steven suggested leaving things till ConZealand and appointing a presiding officer for that meeting or electing a vice president. Jo Van is willing to be Vice Chair and to chair the Thursday meeting at ConZealand. Since the MPC has plenary authority with respect to its Officers, with no objection, the position of Vice Chair was created and Jo was appointed Vice Chair. She does not want to put her name on letters regarding AO3 due to possible blow-back and Don indicated he would generally be willing to sign such letters.

There are two issues for the MPC with regard to AO3. There is the general issue of AO3 members not understanding that the website was the award winner, not the individual contributors. But in particular the MPC has to deal with a creator of enamel pins that say “Hugo Award Winning Fanfiction Author.” That individual sent a message to her supporters saying she changed her website to say “Award Winning Fanfiction Author” but is still making and plans to ship the infringing pins and she has now set up an Etsy site showing the actual Fanfiction Hugo Award Author pin that violates our trademark.

Don proposed sending Kickstarter (where she first advertised her pin) a follow-up letter, but the Kickstarter campaign is over. Jo contended that the MPC needs to send ETSY a letter showing (a) the letter we sent to Kickstarter, (b) the fact that this pin producer flouted that letter and (c) ask ETSY to take down her site. Etsy was very good about taking down a prior site when the MPC pointed out a trademark violation. Assuming Etsy does take the site down, the MPC may still want its British attorneys to send her a letter demanding she cease and desist selling them. Ms. Simms has already produced the pins. The MPC must be able to show it's done its due diligence and protected its trademark.

The first message the MPC received from Kickstarter said they didn't see the problem but that was because the project site had been dishonestly modified as explained above. Don sent Kickstarter a lengthier letter pointing out that the Kickstarter project still planned to violate our trademark and got no further response (though we did not specifically ask for one). The MPC can ask its U.S. attorney to write a letter to Kickstarter on its behalf, even though the campaign is complete, to ask that the site be taken down. It might cost \$1,000 to pursue this. However, A03 is going to be a festering sore for years to come. The issue is someone selling stuff using an MPC/WIP trademark without permission. The MPC should also ask the UK attorney whether it is worth threatening to sue or suing the creator of the pins.

At this point Stephen Boucher left the meeting.

It was suggested we ask ConZealand to put something in their Code of Conduct ("COC") about violation of WSFS's intellectual property rights after proper warning. Don will ask Daniel Spector (ConZealand's MPC representative) and Colette Fozard as the WSFS Division Head to add this to their COC. Tammy Coxon is ConZealand's Hugo Administrator, and Nicholas Whyte is her second. Don will meet with the relevant members of ConZealand present at this SMOFcon.

Ben Yalow joined the meeting. He said the general rule of thumb is for the MPC member representing a convention to report back to that convention. For ConZealand, that member is Daniel Spector.

The more general issue is for people who are putting "Hugo Award Winner" in their Linked-In (and other) résumés. Jo is very good at finding contact information and asked to be the first-line researcher. She will relay any findings to Don. She thought it would be a good idea to put a disclaimer on the WSFS website using a nonpersonal email address. The MPC will continue this discussion online and review Jo's text before putting anything on the website. Linked In may not do anything, but sending users on Linked In that do this a message, even if they do nothing, will show our continued due diligence. The MPC will try polite emails first, and Linda will create letterhead for Jo.

Billy Van Ark has followed up on attempting to obtain a GSuite account for the MPC. Kevin was delayed in letting HAMC member, Cheryl Morgan, know that the MPC plans to do this. Cheryl is one of the main webmaster for the various WSFS sites and needs to be part of this. Going with GSuite changes the nature of our email. It makes email management easier and allows for more email addresses as well as providing unlimited document-sharing space. If and when MPC sends a cease-and-desist letter, it will be more credible coming from a wsfs.org address rather than a personal email address. GSuite will also provide permanent email aliases such as chair@mpc.org. The MPC will be able to archive all the minutes and members will be able to look at anything a prior year's group did. GSuite also provides video archiving because it comes with an unlimited and free YouTube account. Cheryl and Billy will work together to do the "under the hood" work. There's a lot of hand-shaking to go back and forth. By unanimous consent the MPC agreed to proceed with this.

Kevin also pointed out that an article in the Oil City News of Cheyenne, Wyoming, regarding a retired judge there who was the 1997 recipient of “The Hugo Award for Outstanding Service to Wyoming Citizens”. The MPC has never heard of this before, but this does not seem to be a violation of our trademark because it does not seem to relate to science fiction or fantasy.

The meeting adjourned at 6:30 p.m.