

MEETING OF MARK PROTECTION COMMITTEE
September 23, 2023

MEMBERSHIP AND STRUCTURE

The final meeting of the Mark Protection Committee (“MPC”) for 2022-2023 was called to order via Zoom at 10:07 a.m. Pacific Daylight Savings Time. The MPC is the only permanent body of the World Science Fiction Society (“WSFS”), created by authority of the WSFS Constitution. Membership in the MPC also constitutes membership in the board of directors of Worldcon Intellectual Property (“WIP”), a California nonprofit corporation. This meeting took the place of the meeting traditionally held on the first day of Worldcon.

Members in attendance were Kevin Standlee (elected until 2025), Judy Bemis (elected until 2023), Joni Dashoff (elected until 2023), Linda Deneroff (elected until 2024), Cliff Dunn (appointed by DisCon III until 2023), Donald E. Eastlake III (elected until 2024), David Ennis (appointed by Buffalo NASFiC until 2026), Linda Ross-Mansfield (appointed by Pemmi-Con until 2025), Alissa Wales (appointed by Glasgow until 2026), Ben Yalow (elected until 2025), as well as Bruce Farr, a nonvoting member of the Mark Protection Committee (“MPC”) also Treasurer.

BUSINESS

Mark Protection Committee report to WSFS

After review, and without discussion or objection, the 2023 MPC report to WSFS was approved and will be submitted at Chengdu.

Standing Policies Proposal

We reviewed our Standing Policies list that Don created awhile ago. The first item says that we will attempt to register the WSFS marks in countries where there have been at least two Worldcons.

Item two breaks down the prioritization for attempting to register the marks. Since the time Don created this list, we have added Lodestar to our list of awards. We agreed to place Lodestar in the medium category. Currently, the highest category consists of Worldcon, Hugo Award, the Hugo Award Logo. The medium category now consists of WSFS, Lodestar Award, and the distinctive design of the Hugo Award trophy. The lowest priority consists of World Science Fiction Convention and World Science Fiction Society. While these latter two were granted protection in the U.S. they most likely would be rejected elsewhere, since they are descriptive. Also, the NASFiC award does not need to be registered outside North America.¹

We have been pulling in more money since the conventions have been giving us 50 cents per member. It will allow us to pursue marks in Canada and Australia. Though Canada would normally take priority, Ben suggested (without any objection) that we prioritize Australia over Canada, since almost any infraction

¹ Kevin noted that we ask committees to contribute toward the maintenance of the MPC, though we don’t mandate it. He noted, however, that NASFiCs should not be asked to spend as much on us since there are fewer marks (really only one in particular) to protect. We have never codified the contributions, but in recent years we’ve requested \$.50 per WSFS member (or supporting member). (It used to be \$1 per voter.) We also noted that not every NASFiC has voting rights; e.g., Pemmi-con did, but Buffalo will not since the only currently filed bid is the Seattle bid). Kevin suggested that NASFiC get a 50% discount; i.e., paying only \$.25 per supporting or attending member, since NASFiCs tend to be smaller conventions and have fewer things that have to be protected. This is a post-con expense, and if the convention doesn’t have money, we don’t expect it to give us anything.

of our marks Canada will leak into the U.S., where they are protected and we can go after infringers with our U.S. registration. There is an IP attorney in Australia who is a fan.

The UK is not part of the EU now, but it is grandfathered for anything previously registered in the EU as part of the transition. New marks would have to be registered in the UK and the EU. There are four countries still in the EU that have held Worldcons: Finland, Germany, the Netherlands, and Ireland.

Item three on Don's list was noting that the MPC does not intend to contest the awards of the Chicago International Film Festival, which consist of the Bronze, Silver and Gold Hugo Awards since they do not conflict with WSFS' marks.² The first Gold Hugo Award from the Chicago International Film Festival in 1965. We would never be able to stop them from using it, and it doesn't cause any significant confusion.

The fourth item notes that it is our policy that no one needs permission to use the term "Hugo Award" to describe the Hugo Award. However, we will encourage that such use be accompanied by a citation of the Society's marks and/or the registered trademark symbols.

Ben suggested a fifth item: a recognition of our agreement with Hugo Boss. We are required to make sure that people who use our marks do so in a way that does not conflict with the Hugo Boss settlement. We will do this offline, in conjunction with our attorney, to make sure our verbiage is accurate. Linda Ross-Mansfield suggested we use the actual verbiage in the agreement with Hugo Boss. Essentially, we will not produce Hugo Award clothing, and they will not produce anything with the word "Hugo" on any type of clothing. Linda noted we should encourage everyone to use the full term "Hugo Award".

By acclamation, the Standing Proposals as amended were adopted and incorporated herein by reference. We will come back with an updated version of these policies by next year's Worldcon.

Post Business Meeting MPC/WIP Meeting in Chengdu

The next incarnation of the MPC/WIP is bound to hold a meeting after the final meeting of the WSFS business meeting in Chengdu. A quorum consists of 8 members. Ben believed we will have 5 elected members whose terms expire in 2024 or later who will be attending Chengdu: consisting of Don Eastlake, Dave McCarty, Kevin Standlee, Nicholas Whyte and Ben Yalow, as well as Chen Shi, Chengdu's appointee. The chair of Chicon 8 (Helen Montgomery) will also be attending and can name a representative, for a total of 7 MPC members. Therefore, we need only one MPC representative from any one of the other Worldcons/NASFiCs with appointed members to make a quorum. Kevin will assume the task of contacting those committees to find a member who is attending the Chengdu Worldcon and have them be a temporary MPC representative for purposes of that meeting. Nicholas, in his capacity as the WSFS Division Manager for Glasgow, can also appoint a representative from Glasgow to attend the meeting. (Appointed members can effectively have proxies because they serve at the pleasure of their appointing convention; elected members cannot.) The Seattle bid committee will be able to appoint someone one since they will have two people who will be attending Chengdu.

Don is bringing some computer equipment and has a free Zoom account, but there is no guarantee a Zoom from China will work. While a free account is limited to 40 minutes, it's easy enough to log back in when the time is up. 10 a.m. in China is 10 p.m. on Saturday in the eastern U.S. and 7 p.m. in the Pacific time zone, but it screws the folks in Europe. (But this meeting screwed the Far Eastern folks.)

² Joni noted that we need to keep after the Victor Hugo Award in Denmark and make sure it is not in conflict with the WSFS marks. Don believes their domain name has expired and that they don't seem to be a persistent problem. We had our attorney send them a cease-and-desist email, but we don't know if they ever received it since we did not have a response.

If we cannot pull together a meeting at Chengdu, the current officers will continue to serve until we can hold an online meeting. That meeting will take place no later than the closing date of SMOFCon 40 (December 3).

Business to Refer to 2023-24 MPC/WIP Board

The order of business for our next meeting will include

- Further discussion of the policies discussed above.
- Review the budget. Bruce noted that Sasquan gave us about \$10,000, much more than they were nominally required to.

The meeting adjourned at 11:02 a.m. Pacific Daylight Savings Time.