MEETING OF MARK PROTECTION COMMITTEE
December 3, 2023

MEMBERSHIP AND STRUCTURE

A special meeting of the Mark Protection Committee ("MPC"), jointly with the Board of Directors of Worldcon Intellectual Property ("WIP"), for 2023-2024 was called to order in person in Salon A of the Marriott Hotel Providence Downtown in Providence, Rhode Island, during SMOFCon 40 and via Zoom at 9:02 a.m., Eastern Standard 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 WIP, a California nonprofit corporation.

Present were Alan Bond (appointed by Seattle in 2025 until 2027), Judy Bemis (elected until 2026), Joni Dashoff (elected until 2026), Linda Deneroff (elected until 2024), Donald E. Eastlake III (elected until 2024), David Ennis (appointed by Buffalo NASFiC until 2026), Dave McCarty (elected until 2024), Chris Rose (appointed by Chicon 8 until 2024), Linda Ross-Mansfield (appointed by Pemmi-Con until 2025), Kevin Standlee (elected until 2025), Alissa Wales (appointed by Glasgow until 2026), Nicholas Whyte (elected until 2025), Mike Willmoth (elected until 2026), and Ben Yalow (elected until 2025), as well as Bruce Farr (nonvoting member and Treasurer). Attending via Zoom were Alan Bond, Linda Ross-Mansfield, Mike Willmoth and Alissa Wales. Some SMOFCon support staff also attended. The meeting was open to all members, both in person and online, of SMOFCon 40.

CURRENT BUSINESS

Hugo Award Website: Mr. Standlee reported that as of a few days ago the changes to Hugo Award Website requested by the U.S. Patent and Trademark Office ("USPTO") were approved. For background: our attorney, Esther Horwich, had told of some items that were needed to make it easier for the USPTO to understand that we are protecting our mark. We redesigned the header of the page to add the Hugo Award logo. In addition, Esther needed to submit a picture of the rocket without a base as a clean way for the USPTO to see the design of the rocket (the base seemed to confuse the examiners). Cheryl Morgan unmounted one of her trophies, took a clean picture, and sent it to Esther to forward to the USPTO.

Budget: Mr. Farr reported that we currently have approximately $18,800 in the bank, so we are in good shape financially. This year we received $3,000 from Chicon 8, which we gratefully acknowledge. There are no dues outstanding since we just received nearly $3,000 from Chengdu[1], which we also gratefully acknowledge. Our expenses mainly have had to do with trademark registrations, Lonestar search, and domain filings.

Bruce has slowly been going through our past financial records prior to when he started keeping our financials and trying to fill in some missing gaps. He is looking for the records for 2010 since we do not have anything noted from them. Ben will check the records to see what he can find regarding those funds. There may not have been any money donated to the MPC that year if Aussiecon IV lost money.

We are now able to list our financial reports on the MPC website. Linda will gather the information and post it to the MPC site.

[1] The money from Chengdu is not part of the $18,800 noted as our bank balance, since it had just been received.

Voluntary Contributions To MPC/WIP

Typically, our total expenses in any given year comes to $2,761 and our income comes to about $3,350. Currently we are in good shape because in 2015 Sasquan donated $10,500. However, the average yearly expense may go up as Mr. Farr continues to record some in-kind or other expenses, such as paying for foreign registrations. Our major expenses are around various mark registrations plus attorney fees and related items. In some years we have had to rely on the kindness of some Worldcons, and they donated more money than they had to.

Mr. Yalow noted that our expenses are going to continue to climb. We have more marks, and they will need to be renewed over time, which also means more legal fees and USPTO, EUIPO, and other agency fees. From what he's been able to tell, our $3,000 income average will probably have to rise to approximately between $3,500 and $4,000, when we include the new marks. He noted that registering marks in additional locations will also increase our expenses. We are going to try for Canada again, now that we have an entity the Canadian government can recognize as holding marks. Mr. Yalow also noted that if we excluded the extraordinary income from our balance sheet, we would be in the red financially. We are bringing in less than even $3,000,much less $3,500 at either the $1 per voter rate or the $.50 per voter rate. At the former rate we receive $2,000 or less per year; at the $.50 per WSFS member we might get $3,000. Either formula puts us in the red.

Mr. Standlee noted that while in the past we have asked for $1 per voter in site selection, he felt that was a bad way to calculate a Worldcon's contribution to the MPC since the number of people voting can be erratic and convention members who don't vote don't contribute. He felt, in the past, that we should ask for $.50 per WSFS member, but now felt that even that was not enough but that $1 per WSFS member might be too much. Mr. Farr proposed we ask for $.75 per WSFS member.

Mr. Whyte noted that WSFS memberships are a relatively new concept, which is why this has not been used in the past.[2] Mr. Standlee noted that conventions are not required to give anything to the MPC since it is not in the Constitution. Mr. Whyte then suggested the MPC approach the chairs of the next 2 or 3 Worldcons or bids to see if they would agree to such an increase.

Mr. Standlee noted that we as a committee ASK, not DEMAND, a donation, and he suggested passing a resolution with the new request.

Ms. Dashoff, the treasurer of the Worldcon in 2001 (MilPhil) agreed we should change the way we request funds since the number of voters depends on whether a bid is contested. Membership numbers also vary, especially between the U.S. and other Worldcon s, but not as greatly. She agreed we should put something in writing so that future conventions will understand how to make their contribution.

Mr. Yalow objected to basing our contribution on WSFS membership. He felt the numbers vary enormously in either scenario. He believed we should offer Worldcon committees an option since that makes it clear the contribution is voluntary. The constitution does not mandate that anyone give us any money; we get it because committees are nice to us. He did suggest raising the voter contribution to

[2] Previously, the terminology was supporting and attending members. We as a committee ask for or suggest, but not demand, a donation.

either $1.25 or $1.50, but it still should be a choice for the individual Worldcon as to which option they will use.

Mr. Eastlake noted that the vote for Chengdu and the vote for Seattle varied by 20 to 1 in the number of voters. Worldcon membership vary, but not by such a huge ratio.

Ms. Bemis felt it was important to have something in writing so that Worldcon treasurers are not surprised by the request for a voluntary contribution.

Mr. McCarty felt having two guidelines would make things more confusing. We should give them one guide, based on WSFS membership, and payment should be voluntary.

Alan Bond noted that a convention that had a small number of voters will have significantly fewer funds as a startup, and that will change their budget for Worldcon.[3]

Ms. Ross-Mansfield felt we should stop referring to voting in our calculations and simply use the WSFS membership because the latter, as a whole, gets the benefit of what we do. And they only pay it after a Worldcon is over.

Mr. Ennis asked about the NASFiC discount. Neither the NASFiC nor the proposed ASFiC has WSFS memberships. Mr. Standlee noted that for purposes of NASFiC and ASFiC, the terminology for now remains as supporting and attending members. Mr. Standlee noted that non-Worldcon conventions sanctioned by WSFS have fewer marks to use and protect; e.g., currently World Science Fiction Society, WSFS, and NASFiC. Therefore, he believed we should give such non-Worldcon conventions a 50% discount of our requested contribution on payments based on WSFS and/or supporting and attending memberships.

Mr. McCarty then suggested that if the proposed price is $.75 for Worldcon, it should be $.25 (rather than $.37½) per non Worldcon member in order to make the calculation as simple as possible for Worldcon treasurers.

The budget provided by Mr. Farr are included in the minutes of this meeting as Exhibit A.

> ***Resolved, That*** **the Mark Protection Committee requests that future Worldcons donate US$0.75 per WSFS member, and non-Worldcon conventions sanctioned by WSFS contribute US$0.25 per attending or supporting member, to the MPC for the purpose of funding the committee's ongoing operations.**

Without objection, this motion was adopted.

Secretary's Report: Ms. Deneroff reported that the minutes of our previous meetings in September and October are completed and will be posted on the MPC website, wsfs.org, as soon as possible.

UNFINISHED BUSINESS

MPC Policies re Hugo Boss: See https://www.wsfs.org/committees/mark-protection-committee/mpc-resolutions/ for the list of adopted MPC resolutions. At the September 24, 2023 meeting, we discussed

[3] Mr. Standlee noted that MPC dues should be a "below the line" budget item. If a Worldcon loses money, we do not ask them for a contribution. Variable cost budget.

establishing a standing policy acknowledging our agreement with Hugo Boss, but we never actually did so – This is a reminder that it needs to be completed.

Australian Service Mark Registration: Mr. Standlee said at a previous meeting that he would contact the Australian fan who is an IP attorney about determining what it would take to register relevant marks in Australia, but he has not yet done so.

Mr. Yalow reiterated that we continue to hold off obtaining Canadian registration because Canada has more protection based on our U.S. marks. He said one couldn't hold a convention in Canada without commerce that spilling over into the U.S. Therefore, he favored trying to obtain Australian registration. They have held 4 Worldcons, the last one is 2010, and we believe they are considering holding another one.

Kevin will contact the Australian attorney. Kevin suggested prioritizing Australia. Yalow said Australia had 4 Worldcons and are theoretically in the process of putting together a bid for the not too distant future and should maintain the priority over Canada. Dublin is covered under the European Union. Ms. Ross-Mansfield noted that we should check if there is protection for Commonwealth countries; that might make a stronger case for Australia and, presumably, Canada.

New Zealand, Japan and China are not currently on our priority list for obtaining service marks because each has held only one Worldcon.

All countries in the European Union, which no longer includes United Kingdom of Great Britain and Northern Ireland, subscribe to protections from the European Union Intellectual Property Organisation, where we have some, but not all, of our marks registered. Our long-form marks are not registered there because it would be a lot harder and more expensive to register those. The UK registration is grandfathered into the UK equivalent organization as a result of the EU registration.

NEW BUSINESS

1) Mr. Whyte asked for the sense of the MPC on a new issue he raised. He felt that the current method of choosing people to be on the MPC by the Business Meeting was and is primitive, consisting of a series of single count ballots, with each of them returning a single person. He felt it would be a more sophisticated methodology and more representative to use a preferential vote count that would return three people simultaneously. As explained, the method Mr. Whyte was recommending is a different form of instant runoff voting from what WSFS currently uses for the Hugo Awards, Site Selection, and MPC elections. This alternative method is used in public elections in Ireland and elsewhere in Europe. He felt the current method was undesirable because a minority opinion among the voters is not going to be represented, being outvoted by the majority each time on each of the three counts (should there be such a minority). However, if the members are elected simultaneously, then each of them will represent roughly a third of the voters participating, and there will be more space for minority opinion to be taken into account. Mr. Standlee suggested that Mr. Whyte write up a case study and send it to the MPC.

Mr. Eastlake noted that *Robert's Rules of Order* suggests using the current method when there is a committee with a targeted purpose in order to get people on the committee who support that purpose. The proposed system is good for a committee with broad general interest so that it represents all the interests. He did not say where the MPC falls in that spectrum. Therefore, he felt it would be good to

have text referencing a specific technique that covers all the corner cases, then we could recommend a constitutional amendment.

Mr. Yalow had three general comments: (a) Arrow's Theorem. If we have more than three people voting, we have more than three candidates, we are going to have failure, no matter what we do. He prefers our current system because from voting for Hugo Awards and things like that, most people at least minimally understand the correct way to vote in that system. If we change the system, people will try different ways to vote to try to achieve the outcome they want, and we will only confuse voters. Nicholas's recommendation might be preferable, but we will simply confuse people.

Mr. Standlee noted, however, watching from the head table of the business meeting, he was pretty sure that there have been tellers who did not count the MPC election votes correctly. So, no matter what we do, it should be more prescriptive in order to give the tellers a recipe and not assume they know how to count the votes. He concurred that Mr. Whyte should write up something describing the proposed procedure that we can discuss and then vote upon.

2) In Chengdu, Mr. McCarty had dinner with the folks that run *SF World*. It is their earnest desire to make the Chinese community more connected to the Hugo Awards. To that end, even though they are a professional organization, they would like to create their version of a fanzine blog to update people on the Hugo Awards, post links from the West, and lead community discussions. They would like to call the blog "Hugo Communications, " but they feel uncomfortable without having permission to use our marks. They are asking for guidelines for use of the marks in this context.

Mr. Standlee noted that there is at least one other site called Hugo Book Club that reviews books for possible Hugo Award nomination and said he felt as long as they aren't abusing use of the term, they don't really need our permission.

Mr. Rose was concerned that the name "Hugo Communications" implies an official public relations stance – at least in English – rather than something unofficial.

Ms. Dashoff noted that we created an agreement with an Arab group to use the term Hugo Award in connection with publishing Hugo winners and finalists. She suggested we modify that and create a contract for the Chinese group.

Mr. McCarty noted that SF World is the largest sf publisher in the world, and nominal fee will not bother them.

Mr. Standlee thought a contract was a good idea because will give us some oversight if they started abusing the privilege. The committee agreed We will pursue a contract with them.

Mr. Yalow would like it clear in our records that while we think this is a fine thing to do, correct usage of our marks does not require a license from us.

Ms. Deneroff asked if this will simply be a discussion of Hugo finalists or past Hugo Awards, or more generally sf oriented. Mr. McCarty believes it will be, at least at first, a platform for educating Chinese fans what the awards are, how they can participate, how they connect, but also to discuss science fiction and find things to possibly nominate. But fanzine activity is the goal, and they will not be officially communicating officially on behalf of WSFS.

Mr. McCarty will propose language and send it to the list.

3) Ms. Bemis asked if someone on the MPC is still doing research to make sure our marks are not abused. Mr. Standlee noted we have searches on the marks, so if something turns up, we can respond in a timely manner. We also respond to reports of potential abuse, which means about once a year someone tells us of the Gold and Silver Hugos.

FUTURE MEETINGS

The final meeting of the 2023-2024 term will be August 8, 2024, unless we decide to schedule it earlier[4].

The first meeting of the 2024-2025 term will be August 12, 2024, but it might possibly be on the 11th, if the Business Meeting ends sufficiently early to allow time to hold it immediately after the Business Meeting on that day.

The meeting adjourned at 10:03 a.m. Eastern Standard Time.

[4] Unlike the initial meeting of the term where we elect officers, this meeting is only traditionally held on the first day of Worldcon and does not have to be held then. For the 2022-2023 term, we met online via zoom a few weeks before Worldcon.

EXHIBIT A

Close of WSFS FY (June 30)	2005	2006	2007	2008	2009	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020	2021	2022	2023	**Average**
Expenses																			(to 9-23)	
Mark Renewals	$ -	$ 200.00	$ 3,000.00	$ 650.00	$ 1,200.00	$ -	$ 130.00	$ -	$ -	$ -	$ -	$ -			$ 1,105.00			$ 825.00	$ 1,243.00	**$ 439.63**
Canadian Registration	$ 90.00	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ 5,000.00									**$ 267.89**
EU Registration	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ 6,500.00	$ 4,905.25				$ 565.00				**$ 630.01**
Attorneys' Fees	$ 1,900.00	$ -	$ 270.00	$ -	$ -	$ -	$ -	$ 735.00	$ 1,850.00	$ 4,886.32		$ -			$ 149.00	$ 910.00	$ 225.00			**$ 575.02**
Mailbox	$ 50.00	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -								**$ 2.63**
Hugos												$ 300.00	$ 149.00	$ 340.01	$ 344.41	$ 194.00		$ (45.36)		**$ 67.48**
Bank Fees including Wires												$ 138.00	$ 134.70			$ 14.00				**$ 15.09**
Misc	$ -	$ -	$ -	$ -	$ -	$ -	$ 165.00	$ 128.00	$ -	$ -	$ -	$ 20.00		$ 20.00			$ 70.00	$ 45.00	$ 95.00	**$ 28.58**
Domain Names (and website)	$ 200.00	$ -	$ -	$ -	$ -	$ -	$ -	$ 73.29	$ -	$ 274.75	$ 80.25	$ 105.00	$ 144.31	$ 51.97	$ 947.29	$ 187.14	$ 156.36	$ 365.47	$ 532.42	**$ 164.12**
UK Legal Costs	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ 9,800.00	$ -	$ -	$ 1,038.36							**$ 570.44**
Total Expense	**$ 2,240.00**	**$ 200.00**	**$ 3,270.00**	**$ 650.00**	**$ 1,200.00**	**$ -**	**$ 295.00**	**$ 936.29**	**$ 1,850.00**	**$ 14,961.07**	**$ 11,580.25**	**$ 5,468.25**	**$ 1,466.37**	**$ 411.98**	**$ 2,545.70**	**$ 1,870.14**	**$ 451.36**	**$ 1,190.11**	**$ 1,870.42**	**$ 2,760.89**
Income	**$ 1,297.00**	**$ -**	**$ 1,400.00**	**$ 1,300.00**	**$ 2,000.00**	**$ -**	**$ -**	**$ 800.00**	**$ 4,168.82**	**$ 400.00**	**$ 28,751.00**	**$ 2,813.61**	**$ -**	**$ 4,582.00**	**$ -**	**$ 2,765.00**	**$ 3,906.00**	**$ 6,338.00**	**$ 3,100.00**	**$ 3,348.50**
Noreascon IV	$ 1,297.00																			
LACon IV			$ 1,400.00																	
Nippon 2007				$ 1,300.00																
Anticipation Montreal 2009 (paid below for "Farcaster" and EU Marks by CANSMOF)																				
Denvention 3					$ 2,000.00															
Aussiecon IV									$ 4,168.82											
Detcon NASFiC											$ 900.00									
CANSMOF Fancaster											$ 4,556.00									
SCIFI Fancaster											$ 5,000.00									
CANSmof EU Marks											$ 1,750.00									
Private Donor EU Marks Reg											$ 1,750.00									
Renovation								$ 800.00			$ 500.00									
Chicon 7 (revenue not shown, but was received)																				
Anonymous Donor. Misc										$ 400.00									$ 100.00	
LonestarCon 3											$ 3,795.00									
Loncon 3												$ 1,813.61								
Sasquan											$ 10,500.00	$ 1,000.00								
MidAmeriCon II														$ 3,162.00						
Helsinki 2017														$ 1,420.00						
Dublin 2019 (includes $565 paid to Clarke Willmott)																$2,765.00				
San Jose 2018																	$3,906.00			
New Zealand																		$2,000.00		
DC 2021																		$4,338.00		
Chicon 2022																			$3,000.00	

Close of WSFS FY (June 30)	2016	2017	2018	2019	2020	2021	2022	2023	2024	2025	2026	
Expenses	**$ 5,600**	**$ 3,166**	**$ 4,400**	**$ 1,600**	**$ 1,600**	**$ 1,600**	**$ 1,700**	**$ 2,200**	**$ 1,600**	**$ 1,600**	**$ 3,600**	**$2,021.00**
US Mark Renewals		$ 200	$ 100				$ 100	$ 600				$100 per mark based on current schedule of renewals due
Canadian Registration	$ 2,400											$300 per mark based on eight marks
EU Registration											$ 750	$6500 (including attorney fees) paid in 2015. Renewals due in 2026
Australian Registration			$ 1,200									Estimated cost of eight marks, good for ten years
Attorneys' Fees (US)	$ 1,500	$ 1,500	$ 1,500	$ 1,500	$ 1,500	$ 1,500	$ 1,500	$ 1,500	$ 1,500	$ 1,500	$ 1,500	Based on average 2005-2015 annual cost
Attorneys' Fees (Canada)	$ 1,600											Guess on Canadian attorney fees
Attorneys' Fees (UK)		$ 1,038									$ 1,250	Estimated costs of 10-year renewals
Attorneys' Fees (Australia)			$ 1,500									Guess on Australian attorney fees
Wire Fees		$ 92										
Misc		$ 43										Checks (2017)
Web Hosting/Mailbox		$ 144										
Cover-It-Live		$ 149										
Domain Names	$ 100		$ 100	$ 100	$ 100	$ 100	$ 100	$ 100	$ 100	$ 100	$ 100	Average cost of 5 domains, typically renewed for five year periods.
Average Annual Expense	**$ 2,606**	**$ 2,281**	**$ 2,192**	**$ 1,947**	**$ 1,990**	**$ 2,046**	**$ 2,120**	**$ 2,204**	**$ 2,205**	**$ 2,407**	**$ 2,811**	
Average WSFS Members/yr	5,000	5,000	5,000	5,000	5,000	5,000	5,000	5,000	5,000	5,000	5,000	
Average Dues Needed	**$ 0.52**	**$ 0.46**	**$ 0.44**	**$ 0.39**	**$ 0.40**	**$ 0.41**	**$ 0.42**	**$ 0.44**	**$ 0.44**	**$ 0.48**	**$ 0.56**	
Income	$ 3,162	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	**$287.45**
MidAmeriCon II	$ 3,162											
Worldcon 75												
Worldcon 76												
Dublin 2019												