

MINUTES OF THE MARK PROTECTION COMMITTEE WORLD SCIENCE FICTION SOCIETY

Sunday, August 9, 2009

The meeting of the Mark Protection Committee was called to order at 11:35 a.m. in the Palais des Congrès in Montreal, Canada. Members present were Mark Olson, Dina S. Krause, Stephen Boucher, Kent Bloom, Mark Linneman, Michael Walsh, Ben Yalow, and Adrienne Seel. Scott Dennis and Ian Stockdale were absent. Michael Walsh was temporarily appointed as Renovation's representative in place of Mr. Stockdale. Also attending were David Hurst, Lew Wolkoff, and Yale Greenspoon.

1. Election of Officers

Kevin Standlee declined re-nomination as chair of the MPC so that there will not be a perceived conflict of interest in reporting to himself as chair of the Hugo Award committee. Tim Illingworth was elected as Chair of the MPC, Don Eastlake was elected as Vice Chair; Linda Deneroff was re-elected as Secretary, and Scott Dennis was re-elected as Treasurer.

2. Hugo Award Marketing Committee The committee agreed to reappoint the existing members of the Hugo Marketing Committee. Mark Olson declined to be reappointed. The committee will now consist of Kevin Standlee, Grant Kruger, Cheryl Morgan and Craig Miller. Further appointments must be ratified by the Mark Protection Committee via the MPC's email list. The HAMC must also report their proposed actions back to the MPC before acting upon them.

3. HAMC Plans for 2009-2010

1. Registration of Hugo Award Logos: The MPC directed that the subcommittee cannot spend money without permission from MPC.

2. Incorporation: The subcommittee will encourage the use of the Hugo Award Logo in as many appropriate places as possible, such as on the covers of Hugo Award-winning books. Approved.

3. Hugo Voting Packages: Mr. Kent Bloom proposed that HAMC take no action regarding the Hugo Voter Package as it is not in its purview. If Aussiecon or another Worldcon takes this on, however, it is all right to publicize it on the Hugo Awards website. This item was struck from HAMC's 2009-10 plans.

4. Hugo Awards Website: The subcommittee will consider redesigning the Hugo Awards Website if necessary.

5. Hugo Winners Stickers: Any significant licensing income shall be forwarded to the currently seated Worldcon. No specific licensing fee has yet been set; it is currently ad hoc.

6. Hugo Award Merchandise: Any significant income from mark licensing will be forwarded to the currently seated Worldcon. No specific licensing fee has yet been set; it is currently ad hoc.

The HAMC plans for 2009-2010, as amended, were accepted by the Mark Protection Committee.

4. Hugo Logo Award

The results of the Hugo Logo Award were embargoed until the Hugo ceremony later that evening.

5. MPC Policy

As a matter of policy, the MPC adopted the model that any significant income to MPC shall be forwarded to the currently seated Worldcon.

6. New Business

Don Eastlake volunteered to compile the standing policies of the MPC, and Mark Olson suggested running them past our lawyer. We should never concede issues contrary to our interests in writing.

5. Canada Mark Report

Adrienne Seel suggested that the committee not file in Canada until she figures out exactly where and how this is to be done since the Canadian office is refusing to recognize us as a group. Ms. Seel has a couple of other resources to try to resolve the issue, but it won't happen quickly. Canada does not consider unincorporated entities as legal entities, but, since Canada has reciprocity with the U.S., what is considered a person in the U.S. is supposed to be

good enough for Canada. Could we create a small Canadian corporation to be held in trust by MPC? Alternatively, might we use Anticipation's corporation (CanSMOF, Inc.) to hold the marks in trust for WSFS? This is what we've done in Australia. There is a \$50 per application fee to be paid to the Canadian Intellectual Property Office to recognize documents that have come from the USPTO. That money will come from Anticipation's donation to MPC.

6. Worldcon Website Rebuild

Grant Kruger has apologized for dropping the ball on updating the Worldcon.org and WSFS.org websites. (See Worldconwonder.org for sample layout.) He anticipates working on it further once he returns from his honeymoon. The meeting off the Mark Protection Committee adjourned at 12:29 p.m.

Linda Deneroff

Secretary

REPORT OF MARK PROTECTION COMMITTEE ACTIONS

August 2009 - July 2010

Members of the Mark Protection Committee from August 2009 through July 2010 were as follows, with the expiration of membership listed in parentheses after their name: Tim Illingworth (elected until 2010, Chair), Linda Deneroff (elected until 2011, Secretary), Scott Dennis (elected until 2012, Treasurer), Kent Bloom (appointed by Denvention Three until 2010), Stephen Boucher (elected for until 2011), Donald E. Eastlake III (elected until 2012), Eugene Heller (alternate appointed by Anticipation until 2011), Dina S. Krause (appointed by ReConstruction until 2012), Mark Linneman (appointed by Aussiecon 4 until 2012), Mark Olson (elected until 2011), Ruth Sachter (elected until 2012), Adrienne Seel (appointed by Anticipation until 2011), Kevin Standlee (elected until 2010), Ian Stockdale (appointed by Renovation until 2013), and Ben Yalow (elected until 2010).

The beginning of the year was busy, but trailed off later, and there are a number of unresolved issues. Major accomplishments of the Mark Protection Committee between August 2009 and July 2010 include the following.

1. Forgotten in the Montreal discussions was that Sean Wallace of Prime Books had approached us with a proposal to publish a Hugo Winners Showcase, "just like the Nebula Showcase. It would include the winners, along with the runners-up contributions, from the previous year." (Sean's words.) He has Mary Robinette Kowal lined up as editor, and he's been lining up the rights for the various contributions from this year, in anticipation of having the volume out a few months before the 2010 Worldcon. He would like to license the marks for the purpose of the title and promotion and is willing to pay \$100/volume for the license rights. His intent is for it to be an annual collection if the first one works out. After discussion it was agreed that it would be a nonexclusive license for a two-year period, renewable each year until either party opts out by writing to the other party and for a specific present-dayoriented anthology series and nothing else. (e.g., "... for use on an annual anthology of stories which were Hugo nominees or winners in the past three years . . ."). While the MPC has stated that substantial income from projects goes to the currently seated Worldcon, MPC considers \$100 to be simply a license fee to MPC. Sean Wallace (for Prime Books) and Scott Dennis (for the MPC) signed the licensing agreement for the Hugo Winners

Showcase at World Fantasy in October, and Sean paid Scott the \$100 royalty. In November, the Hugo Awards Showcase was announced <<http://www.thehugoawards.org/2009/11/introducing-the-hugo-awardsshowcase/>>.

2. Also at World Fantasy, Kevin Standlee took the opportunity to give Scott Dennis the original signed copy of the Hugo Logo Design contract with Jeremy Kratz.

3. In December, Ruth Sachter notified us of a website <<http://contextualpsychology.org/node/4230>> that was using “World Con”. They removed the terminology when asked to do so by Kevin Standlee.

4. In April, Kevin notified the MPC, per HAMC’s instructions to not add anyone to the committee without running the person by the Mark Protection Committee first, that HAMC wanted to add Kate Kligman to the Hugo Awards Marketing Committee. He noted Kate has been very actively working on the 2010 Hugo Awards (and is expected to be working on the awards in 2011), and would bring additional marketing knowledge and energy to the committee. In an email to MPC dated April 19, 2010, Kate provided a “functional resume of sorts” to the MPC. Mark Olson questioned what she meant by “Convention has agreed to use my software. This will give us 3 years of amazing stats and retention trends across 3 years,” commenting that “It sounds like someone keeping track of voters between conventions.” Ms. Kligman was appointed, though there was further discussion of the issue (without resolution).

5. At the end of June, the MPC was contacted by Rachel Gold of the San Diego Convention Center, indicating she was “updating the World Science Fiction Society account for [her] records” and wanting to know “where you are planning to hold your convention in 2012, and 2013? How much gross square footage does your exhibit space use? What is the size of your general session? Do you have any breakouts, and if so, how many? What days do you usually hold your convention (Ex: Sunday-Tuesday)? How many move-in, move-out, and show days do you usually have? What month do you usually hold your meeting? How many peak sleeping rooms do you have?” Both Ben and Kevin responded to her, clarifying the way in which Worldcon sites are selected.

6. While dealing with other domain issues, Don Eastlake registered Worldcon.info and wsfs.info for the MPC. Items that were never finally acted upon (according to the Secretary’s notes) include:

1. At the end of December we had a similar situation with another website <<http://worldcon2010.com/>>, which went as far as to use “worldcon” in its domain name. The parent group is called GSSA and they’d already held at least one “world con” in 2009. The consensus of MPC was to follow up on this, but as of August 2010, the secretary does not believe there was any follow up.

2. In February, Ruth Sachter reported seeing a website promoting a Perry Rhodan worldcon. The site was in German, and she was unsure whether this was a just a PhantaNews headline (like Variety does) or if the Perry Rhodan folks were using worldcon again for their gathering. We wrote to them in 1998 asking them to stop. No further action was reported.

3. Also in February, Kevin reported that an event billing itself as “Convencion Internacional de Ciencia Ficción,” (a title which doesn’t touch us) was referred to in an article as a “World Science Fiction convention” in connection with a Battlestar Galactica convention in Spain <<http://www.eitb.com/news/entertainment/detail/350206/basque-town-ofbasauri-hosts-world-science-fiction-convention/>>. While Mark Olson felt “a newspaper article which (a) shows every likelihood of being a one-shot error and (b) isn’t in our market . . . [p]robably [is] not worth even writing an email”, Don Eastlake felt we should “send an email to the outlet and to the con so they know we exist and do monitor. Otherwise, for all we know, the con might decide this ‘one-shot error’ in the article is a great idea and adopt it.” However, no further action was reported.

4. February also saw the Worldcon.com domain name become available for sale (for approximately \$2,000). The consensus was that this was too much to pay a cybersquatter, and suggestions were made to offer \$100-\$200, but again no further action was reported.

5. In April, Kevin Standlee noted that someone has set up a Hugo Awards page on Facebook <<http://www.facebook.com/pages/Hugo-Award/103800512992768?v=desc>> – and that he had signed up to keep an eye on it. He also noted <http://www.facebook.com/pages/World-Science-Fiction-Convention/110443052310175?>

v=wiki and <http://www.facebook.com/pages/World-Science-Fiction-Convention/110443052310175?ref=ts> – none of which were established by HAMC or controlled by HAMC or the MPC. Additionally, he discovered that the “pirate” Hugo, Worldcon and WSFS pages are probably automatically generated by Facebook, which is apparently doing a lot of this and which increases the likelihood that an official complaint could make the pages go away. It does not appear any action was taken.

6. Again in April, Kevin reported several DeviantArt accounts that start with ~WorldCon (see <http://hetaliawc-rp.deviantart.com/friends/> for a list. <http://hetaliawc-rp.deviantart.com/> shows that this is related to something called a “Hetalia world conference role play.” Ben felt we should send them a letter asking them to always call it a world conference, which they do on their home page, in places.

7. Another April action item came from our attorney, Esther Horwich. In the past, Kevin had asked her about registering a mark on the design of the trophy rocket and registering the new Hugo Award Logo as a service mark. Esther reported “The current filing fee for an on-line trademark application is \$325.00. Legal fees run in the vicinity of \$500 to \$1000 depending upon how anal the trademark examiner is. If there is opposition, which is unlikely given the specialized nature of the goods/services and the uniqueness of the mark, costs could go much higher.” It might be cheaper to do several marks simultaneously, since questions might be batched together, and she doesn’t expect the initial registration costs to exceed \$1500 per mark unless something highly unusual happens. Esther also looked at the current logo and the download files and said (a) that’s sufficient for registration and (b) short of spending another \$500 for a professional search, it doesn’t appear that our logo infringes upon existing registered marks. Kevin proposed that we instruct our attorney to (a) move on registering the trophy rocket design, the Hugo Awards Logo, and the Hugo Awards Winner Logo, but only if Esther thinks she can bundle the legal fees to cover the costs – not to exceed \$3500 if we do all three, and probably less than \$2000 unless we get really unlucky.

8. April’s final action was in regard to the nearly-dead WSFS web site, WSFS.org, which points to Michael Wallis’ old (dead) mailing address and due to expire on June 14. Kevin suggested that perhaps Don Eastlake, whose name and address is on the Worldcon.org registration, might see if it were possible to get the address fixed, all the domains pointed at the same address, and renew the registration for a few years. Don Eastlake has been working on this and is trying to get it sorted out.

9. In May, Grant Kruger reported that he was still working on the Worldcon web pages. However, his “biggest holdup has always been wresting control of the domains. I got a volunteer who said he was expert at this, but he never seemed to succeed either. I’m not sure what the holdup was as this volunteer was almost completely responsive for long periods, and the whole domain end of thing is not my expertise. I have to confess that I let that whole situation hold me up and be a stumbling block. I screwed up. I was also worried that once it was out there I’d be the only fan willing to maintain it, and the fact is that this site would need a team of people willing to spruce up the content and keep it updated thereafter. I had a big push to try and have it ready by the last Worldcon, which failed, between my own wedding and my failure to corral my volunteer. . . . I’ve set it up with Drupal, a wonderful team that is ideal for giving ownership of the website to a team of people, rather than a couple of techies. This, along with a public ISP option, will mean that the team that own this site and its hosting can be any size we choose, but it ought to be a dozen, with maybe 4 team leads. Or some structure we come up with ourselves. Drupal is geared towards having a host of roles with a host of different permissions. This can still happen . . . and pretty quickly.” David Dyer-Bennett (in his email of May 3, 2010) offered to help Grant resolve the domain issues, but there has been no further word as to the resolution of this problem.

Hugo Awards Marketing Committee

Report to Mark Protection Committee and WSFS, July 2010

Membership

The members of the Hugo Awards Marketing Committee are Kevin Standlee (Chair), Grant Kruger, Kate Kligman, Craig Miller, and Cheryl Morgan.

Accomplishments in 2009-10

1. Logo Contest

We unveiled the Hugo Award Logo at Anticipation. Reaction to the logo has been positive. The logo is now appearing on some Hugo-winning books. (John Scalzi's *Your Hate Mail Will Be Graded* being the first of which we are aware.) Web sites are using the logo correctly when referring to the Award. We recommended that the MPC register the logo (and the design of the Hugo Awards trophy rocket) as service marks.

2. Hugo Awards Web Site

We continue to maintain the official Hugo Awards Web Site, <http://www.TheHugoAwards.org/> (The old www.hugo.org site redirects there.) We continue to field questions regarding the Hugo Awards through the web site, and make corrections when prompted to do so in conjunction with the FOLLE Committee.

3. Hugo Award Showcase

In consultation with the MPC, we facilitated a licensing agreement with Prime Books to publish an annual Hugo Award Showcase. The first edition of this new series has now been published. Prime Books will pay a nominal \$100 royalty to the MPC for each edition. The initial agreement is for two years and is renewable. Scott Dennis executed the contract (and collected the initial royalty payment) from Prime Books at the 2009 World Fantasy Convention in San Jose.

4. Hugo Award Voter Package

We worked with the current Hugo Awards Administration Subcommittee to promote the Hugo Awards and in particular to promote the Hugo Awards Voter Package. Being able to obtain electronic copies of most nominees has proven to be a popular attraction.

Recommendations

1. Mark Protection Notice

We recommend that the MPC propose the following amendment to the WSFS Constitution:

Short Title: Mark Notice Revision

Moved, to amend the standard service mark notice in section 2.2 of the WSFS Constitution by ~~striking out~~ and inserting words as shown:

Section 2.2: Marks. Every Worldcon and NASFiC Committee shall include the following notice in each of its publications:

"World Science Fiction Society", "WSFS", "World Science Fiction Convention", "Worldcon", "NASFiC", ~~and "Hugo Award"~~, the Hugo Award Logo, and the distinctive design of the Hugo Award Trophy Rocket are service marks of the World Science Fiction Society, an unincorporated literary society.

2. Register Marks

The MPC took no action on our recommendation from this past year that the MPC undertake registration of the Hugo Award Logo and the Award Rocket Design. We renew this recommendation, noting that the MPC's attorney expressed a willingness to proceed with the registration on our behalf and that her initial search of the UPSTO database found nothing that appeared to be a conflicting use.

3. Continue HAMC

We recommend that the MPC continue to Hugo Awards Marketing Committee as currently comprised and under the same organizational structure. Should the HAMC wish to change its membership, it shall propose such changes to the MPC, and such changes shall take effect unless rejected by the MPC within 10 days of being posted to the MPC's mailing list.

Plans for 2010-11

Assuming the MPC continues the HAMC per recommendation 3 above, the committee plans to undertake the following projects:

1. Registration of logos

Work with the MPC to implement Recommendation 2 (register marks). If necessary, raise funds to pay for such registration.

2. Encourage Use of Logo

Work with future Worldcons to publicize the Hugo Award logo to further establish it as the official logo of the Award. Work with publishers and others to encourage the correct and continued use of the logo in conjunction with Hugo Award-nominated and –winning works.

3. Hugo Voter Package

Work with future Worldcons to attempt to provide recommendations for the Hugo Voter Package so that they can use it to promote Worldcon membership and interest in the Hugo Awards.

4. Hugo Awards Web Site

Continue to administer TheHugoAwards.org. Cooperate with the Worldcon Web Site Redesign team where necessary to avoid duplication of effort. Plans in the MPC to redesign Worldcon.org and WSFS.org will remain separate, and those site re-launches, if they do happen, will be separate from TheHugoAwards.org for the next few years at least.

5. Merchandise

In light of the MPC's actions at its meetings at Anticipation, we have no plans for stickers or other merchandise-licensing arrangements to promote the Hugo Award.

Financial Report – Mark Protection Committee – World Science Fiction Society
1 August 2009 through 31 July 2010

	Amount	Balance
Cash on hand as of 1 August 2009		8350.69
Paid to Deb Geisler	-167.00	8183.69
Paid to Kevin Standlee	-40.60	8143.09
Paid to Donald Eastlake	-81.94	8061.09
Owed to Donald Eastlake for various Marks	-129.79	7931.30
Balance as of 31 August 2010		7931.30

All amounts are in US dollars.

I do not at this point anticipate a donation from St. Louis NASFIC .

It is the practice of the Business Meeting and Mark Committee to encourage non-US based Worldcons to use their suggested donation amounts to further the interests of the Society through protection of the Marks in their own countries. Consequently, I have not expected a donation from Anticipation. It is the practice of the Treasurer to not request donations from US Worldcons until after they have been held.

-- Scott Dennis