

## As Time Goes By – Extending the NYIPLA's Reach

From time to time over the years, the NYIPLA Board of Directors has contemplated various ways to extend the Association's reach beyond the existing membership. Illustratively, during the 1991-92 Association year, then-President Peter Saxon requested comment by committee chairs on a Board proposal to admit, as a new class of affiliate or observer members, registered U.S. patent agents, as well as foreign patent agents who are permitted to represent clients before a foreign patent office.

In an April 1992 letter on the subject, Mr. Saxon noted that both groups of patent agents "should be able to affiliate with our Association, since we share common interests. As a practical matter, many of our members regularly deal with U.S. and foreign agents. Since our stated objects in promoting and maintaining intellectual property laws, in educating persons in such laws and in cooperating with foreign associations in harmonizing international conventions are compatible with the common interests of such agents, we [the 1991-92 NYIPLA Board of Directors] would like to consider permitting them to affiliate with our Association."

Mr. Saxon also observed that "The By-laws in Article III, Sections 3 and 4 now provide that a member of the Association who is a patent agent may be a 'life' member or a 'retired' member. There was a time when patent agents were members of this Association. We [the 1991-92 NYIPLA Board] believe that they should be considered again."

The proposal concerning U.S. and foreign patent agents was discussed at a Board meeting held in conjunction with the 1992 Annual Meeting. After lively discussion, the proposal was tabled for future consideration.

Fast forwarding into that future by twenty-one years, our Association's current Board recently requested approval by the membership of a change to the By-

laws that will allow registered U.S. patent agents in good standing, who are located in our Association's geographic region, to be Associate members of the Association. As Associate members, they will be entitled to all of the privileges of membership except those of voting and holding office.

We can imagine a variety of reasons why this change to the By-laws will benefit U.S. patent agents, the Association, and the IP community at large. Such agents will be able to attend NYIPLA educational programs at the member rate, which will make such programs more affordable and thus encourage them to attend. Since many such agents work for corporations, their presence as members of our Association will likely increase our corporate membership base. To the extent that agents' practice skills become improved by virtue of NYIPLA membership, the IP community stands to gain. In addition, patent lawyers within our Association may benefit if they are retained to enforce patents obtained by agents having practice skills enhanced by their NYIPLA experience.

The prior proposal regarding admitting foreign patent agents as NYIPLA members remains more complicated in view of differences in licensure requirements among foreign countries. A common denominator is that leaders in the intellectual property field in foreign countries are not licensed attorneys in the American sense. Nonetheless, they typically are skilled in technology and patent matters, and are licensed by their federal government. The patent work that they handle is largely analogous to that of non-litigating U.S. patent practitioners.

One benefit of admitting foreign patent agents is that it may increase our Association's cultural diversity. Another benefit is that it might enhance the fabric of our Association's educational programs in this time of rapid business globalization. Enhanced social interaction with our IP colleagues abroad is another likely benefit. Alas, however, this is a topic for another day.

For the time being, I encourage you to offer "welcome" to the registered U.S. patent agents in our Association's geographic region who may wish to join our ranks. It is my hope that they will find a happy home here.



*Dale Carlson, a partner at Wiggin and Dana, is NYIPLA Historian and a Past President.*