

IPIM meeting with LEO

4 May 2020:

Action minutes



Working for diversity and inclusion in IP

(Meeting convened via ZOOM)

Present: Ben Buchanan (Chair), Andrea Brewster, Liz Dawson, Julie Dunnett, Richard Goddard, Mark Foreman, Michael Silverleaf, James St Ville, Julia Florence, Keven Bader, Lee Davies

Purpose of Meeting

Principally to discuss Andrea's proposal to transition IP Inclusive to a Community Interest Company (CIC). A proposal document and some funding models were circulated for consideration prior to the meeting. As a less pressing matter, Andrea was also seeking thoughts on IP Inclusive interacting with non-UK IP professionals.

Proposals for Future Structure

There was consensus amongst the IPIM members that a CIC would be an appropriate structure for IP Inclusive. It was also agreed that the objectives of IP Inclusive likely would not meet the 'charitable purposes' test. It was also confirmed that even if they did meet this test, under current rules there would be no obligation for IP Inclusive to become a charity. Andrea emphasised that the detail set out in the document as to how 'IP Inclusive Limited' might operate (eg choice of and number of Directors and board members and their roles) was not set in stone and was very much a matter for discussion with IPIM. On the question of timing, in view of the current pandemic, it was noted that the proposed change was envisaged to happen in around 12 months' time. Some thoughts around the detail were aired, but it was agreed that the proposed timescale gave sufficient time for the detail to be ironed out and no decisions were needed at the present time. It was considered that we need to have a greater understanding of the details around structuring and governance and legal implications before taking this proposal back to our respective organisations. Andrea proposed that it would be appropriate to wait until the structure was agreed before seeking legal advice on structures and governance mechanisms. Pro bono advice would be appreciated and IPIM members were asked to consider if any of their contacts may be able to provide this.

A point regarding reputational risk was raised, in that the IP community is likely to continue to regard an 'independent' IP Inclusive as linked to the four founder members, in particular CIPA and CITMA and this should be taken into account when considering the exact structure and management of the CIC.

Actions: All to consider whether they have contacts who may be able to provide pro bono legal advice at the appropriate time and let Andrea know.

Funding Models

The funding models provided by Andrea were discussed; Andrea noted that these were very much a starting point for discussion, and a means of assessing the feasibility of raising the necessary income. It was noted that the subscription for in-house departments was set at zero, as corporate departments are unlikely to have budget for separate, external D&I activities. It is easier for IPFed to provide funds directly, on behalf of industry. The following points were raised for consideration:

- IP lawyers in large firms may be in a similar situation to in-house patent department;
- There should be a mechanism for including individuals who wish to participate but whose firm is not a signatory to the IP Inclusive charter;
- Does the funding model cover remuneration of a Chair as well as a Chief Executive?
- The post-Covid business landscape may reduce the ability and appetite of firms to provide additional funding for expanding IP Inclusive
- A subscription model alone is unlikely to raise sufficient funds – one option is a blended subscription/sponsorship model.

It was recognised that IP Inclusive gains a large benefit from firms hosting events and providing catering and it would be desirable to retain this. Andrea proposes to have discussions with key supporters, as well as reaching out more widely to the IP Inclusive community.

Next steps

Andrea will put together an outline survey in order to gauge support for the proposed CIC (giving top-line information regarding structure) and various funding models. This will be sent to IPIM for review and approval before the consultation begins.

Action: Andrea to prepare a draft survey and circulate to IPIM.

IP Inclusive activities outside the UK

Andrea has received a number of expressions of interest in IP Inclusive from outside the UK, eg recently from group of attorneys in Eire wishing to hold an event in parallel with the Women in IP remote coffee mornings. Andrea had suggested they market the event as being 'in association with' IP Inclusive and IPIM agreed this was the correct approach. It was pointed out that expanding IP Inclusive outside the UK had a number of difficulties, e.g there are different challenges regarding D&I in different countries, even within Europe. It was appreciated that there could be value in having links with like-minded groups around Europe, for example to support D&I issues arising at the EPO, but it was noted that 'mission-creep' should be avoided.

AOB

Ben and Andrea have reviewed the Constitution and confirmed it does not preclude having a non-executive Chair or prevent a member with observer status from chairing. However, in order to clarify the situation some minor changes of wording have been proposed to accommodate non-executive positions within IPIM. Ben will circulate to IPIM, and requested any comments by email.

Action: Ben to circulate marked-up Constitution for consideration and comment by all.

Liz noted that more funds are needed to pay Andrea for the coming months; CIPA agreed to cover May and June.

Action: Liz to invoice CIPA for Andrea's May and June remuneration.

Date of next meeting

Doodle polls will be sent out for meetings between IPIM and Andrea to be held in late June, early September and early December.

Action: Julia to arrange Doodle Polls