

**BYLAWS**  
**INTELLECTUAL PROPERTY LAW SECTION**  
**NORTH CAROLINA BAR ASSOCIATION**

**ARTICLE I**

**Name and Purpose**

Section 1. **Name.** This Section shall be known as the Intellectual Property Law Section of the North Carolina Bar Association.

Section 2. **Purpose.** The purpose of the Section shall be to further the purposes of the North Carolina Bar Association as stated in Article 1.2 of its By-laws and to bring together members of the North Carolina Bar Association with a special interest in the practice of Intellectual Property Law.

**ARTICLE II**

**Membership**

Section 1. **Eligibility.** Any member in good standing of the North Carolina Bar Association shall be eligible for membership in the Section.\*

Section 2. **Admission to Membership.** Admission to membership shall be by application and by payment of the Section dues.

Section 3. **Quorum for Meeting of Membership.** Those members present at meetings duly called as provided for in the ByLaws shall constitute a quorum.

Section 4. **Affiliate Membership.** The Section Membership Committee may enroll, upon request and upon payment of the then current Section dues as affiliate members of the Section individuals who are not admitted to practice law in any state who have an interest in the Section's

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\* Article 7.5 of the Bylaws of the N.C. Bar Association provides: "Ex-Officio Members. The President, President-Elect and Executive Director shall be ex-officio members of all sections and section councils."

activities, as defined herein below (hereinafter “affiliates”). The purpose of affiliate membership is to foster the development and communication of multi-disciplinary information utilized in intellectual property law, but not to encourage the unauthorized practice of law. The number of affiliates shall not exceed one-third of the Section membership determined annually as of the date of commencement of the N.C. Bar Association’s fiscal year. Affiliate membership applications shall be accepted on a first-come, first-serve basis, determined from the date of receipt. If the one-third cap is exceeded by a number of applications received on the same day, the successful applicants shall be determined randomly from all those received on the last day. “Affiliate” or “affiliate member” means any person not admitted to practice law in any state, who has met the qualifications and criteria promulgated by the United States Patent and Trademark Office for practice as a patent agent. Affiliates shall have all the privileges accorded to members of the Section except that affiliates shall not vote, hold office, or participate in the selection of officers or members of the Section Council, or advertise affiliate membership in any way.

### **ARTICLE III**

#### **Officers**

**Section 1. Chair and Vice-Chair.** The Chair and Vice-Chair of the Section shall be appointed by the President of the North Carolina Bar Association. The Council (see Article IV) may submit recommendations for each office in writing by no later than March 1 of each year. The Chair shall perform the duties and have the responsibilities of the Chief Executive Officer of the Section. The Chair shall preside at meetings of the Council and at meetings of the Section. The Chair shall have such other and further duties as the Section, from time to time, may provide. The Vice-Chair shall assume the duties of the Chair in the absence of the Chair and shall have such other and further duties as the Chair or the Section, from time to time, may provide.

Section 2. **Secretary.** The Section may elect a Secretary who shall, in consultation with the Director of Section Activities of the North Carolina Bar Association, maintain the rolls and records of the Section and shall have the further responsibility of preparing and maintaining such other records and reports of the Section as may become necessary. The Secretary shall have such other duties as the Chair or the Section, from time to time, may provide.

Section 3. **Treasurer.** The Section may elect a Treasurer who shall, in consultation with the Director of Section Activities of the North Carolina Bar Association, maintain the financial records of the Section and shall provide such reports and records of the Section as may become necessary. The Treasurer shall be the Chair of the Membership Committee and have such other duties as the Section Chair or the Section, from time to time, may provide.

Section 4. **Term.** Officers of the Section shall serve a one-year term which shall coincide with the terms of office of the officers of the North Carolina Bar Association. No Section officer shall serve more than two consecutive terms in the same office except upon application to and approval by the Board of Governors of the North Carolina Bar Association.

## **ARTICLE IV**

### **Council**

Section 1. **Composition.** The Section shall have a Council composed of the officers of the Section and the immediate past chair of the Section, fifteen members elected by the membership of the Section, and all Committee Chairs.

Section 1.a. **Young Lawyers.** At least one voting member on the Council shall be 36 years of age or younger at the time of election.

Section 2. **Nomination.** The Chair of the Section shall appoint a nominating committee of five members of the Section who shall prepare a report of the nominating committee to be

presented at the organizational meeting and thereafter at the annual meeting of the Section. The annual report of the nominating committee shall contain nominations for five members of the Council to serve for a term of three years. The initial report of the nominating committee shall include nominations for five members of the Council who shall serve a one-year term, five members of the Council who shall serve two-year terms and five members of the Council who shall serve three-year terms.

Section 2.a. **Vacancy**. The nominating committee shall make nominations to fill any vacancies which may occur on the Council. Additional nominations may be made from the floor in accordance with the election procedures to be specified by the Section.

**Section 3. Powers**. The Council shall be the governing body of the Section subject to the control of the Board of Governors of the North Carolina Bar Association.

**Section 4. Regular Meetings**. The Council shall hold an annual meeting and other meetings as needed.

**Section 4.a. Attendance at Meetings**. All elected, and appointed officers, and members of the Council shall endeavor to attend each meeting of the Council and each meeting of the Section. Any officer or Council member who fails to attend: (1) Two successive meetings of the Council, or a meeting of the Council and successive meeting of the Section, without first advising the Chair or Vice-Chair of the reasonable cause for his or her absence or, (2) Four successive meetings of the Council, or any combination of four successive meetings of the Council and Section; shall be deemed to have resigned from the office or Council membership previously elected and such office or membership shall thereby be vacated.

**Section 5. Quorum**. Five (5) members of the Council shall constitute a quorum for the purpose of transacting business.

**Section 6. Special Meetings**. Special meetings of the Council shall be held at any time at

the call of the Section Chair, any three members of the Council or of the President or the Board of Governors of the North Carolina Bar Association.

Section 7. **Notice of Meetings.** All meetings of the Council, except the annual organizational meeting, shall be upon not less than ten (10) days notice by mail.

Section 8. **Rules of Meetings.** Business of the Council meetings shall be conducted in accordance with Robert's Rules of Order.

## **ARTICLE V**

### **Committees**

Section 1. **Standing Committees.** The Council may designate such standing committees as it may deem appropriate.

Section 2. **Special Committees.** The Chair or the Council may appoint special committees as either may deem appropriate.

Section 3. **Jurisdiction.** The Council shall establish the jurisdiction of the Section committees and shall resolve any disputes among its committees. The Board of Governors of the North Carolina Bar Association shall govern any disputes concerning the jurisdiction of the Section committees in relation to the jurisdiction of the various Sections, and Standing and Special Committees of the North Carolina Bar Association.

Section 4. **Executive Committee.** There shall be a standing committee denominated the Executive Committee. It shall be chaired by the Chair of the Section and shall have as its other members the immediate Past Chair, Vice-Chair, Secretary and Treasurer of the Section. It shall have the power to act in the place and the stead of the Council in the intervals between meetings of the Council. Three of the five members shall constitute a quorum, and all action shall be by a majority vote of the Executive Committee. The Chair or Vice-Chair of the Section may call a meeting of the Executive Committee upon reasonable notice to all Committee members. Any

action of the Executive Committee shall be reported at the next meeting of the Council.

## **ARTICLE VI**

### **Miscellaneous Provisions**

Section 1. **Annual Meeting of the Section.** The Section shall have at least one annual meeting for the entire membership of the Section each year. During the same year, the Section may have such other meetings of the entire Section as the Council or Chair may deem necessary. The annual meeting of the Section shall be held at such time as the Council shall designate on not less than 30 days' notice. The nominating committee of the Section shall make its report and the Section shall hold elections for the members of the Council at its annual meeting. Business at the annual meeting shall be conducted in accordance with Robert's Rules of Order.

Section 2. **Amendments.** Any amendments or additions to these By-Laws shall be upon the approval of a majority of the members of the Section present and voting at the annual meeting. Upon such approval by the Section, such amendments or changes shall be presented to the Board of Governors of the North Carolina Bar Association for approval. No changes or amendments shall be effective until approved by the Board of Governors of the North Carolina Bar Association.

Section 3. **Publications.** The Section may produce and distribute a newsletter or other publications in furtherance of its objectives. Any such publications shall be produced in consultation with the President and Executive Director of the North Carolina Bar Association.

Section 4. **Continuing Legal Education.** In order that the North Carolina Bar Association may continue to coordinate Continuing Legal Education programs so as to provide the greatest possible benefit to all members of the North Carolina Bar Association, all Continuing Legal Education programs shall be conducted in consultation with the Continuing Legal

Education Committee of the North Carolina Bar Association Foundation.

Section 5. **Budget.** The Section shall, upon request, submit its budget to the Board of Governors of the North Carolina Bar Association for its review and approval.

Section 6. **Reports.** The Section will submit an annual report to the Board of Governors and the President of the North Carolina Bar Association. The Section shall submit such other reports as may be requested by the Board of Governors or the President of the North Carolina Bar Association.

Section 7. **Expenditure of Funds.** Except as otherwise provided herein or in the Bylaws of the North Carolina Bar Association, the Section may expend the funds it collects through the payment of dues in the manner that it sees fit consistent with the goals and purposes of the North Carolina Bar Association. However, the Section is not empowered to spend funds in excess of those actually on hand, nor may it obligate the North Carolina Bar Association in any financial matter.

Section 8. **Authentication.** These Bylaws were approved by the Board of Governors of the North Carolina Bar Association on October 6, 1989, and revised on April 9, 1999, October 12, 2001, and February 20, 2003.