



**Governance Committee Report**  
NFI Board Meeting  
Portsmouth, New Hampshire, USA  
May 3 & 4, 2018

Governance Committee  
Chair: J Helm

This report covers Governance Committee activities from November 1, 2017 to April 15, 2018

J Helm assumed Chair after the meetings in Edmonton in November 2018. The following have been achieved or are in process.

**Administrative Support to the NFI and Board of Directors**

**Core Documents:** Work is underway to identify a collection of important organizational documents that will be posted on the web and are intended to support new Board members and those who might be interested in learning about organizational structure and core policies.

**Financial Oversight:** The Financial Oversight Council continues to review banking statement of conveniently chosen months twice a year. In addition they have regular but occasional reviews of other contracts held by the NFI. Results are reported at subsequent Board Meetings and are recorded in the minutes. All is currently in order. Members of the Oversight Council rotate amongst the Board.

**Intellectual Properties:** The Intellectual Properties Sub-Committee now is part of Governance. The following is an update from the attached full report filed by G McAnulty.

**NFI 2017-2018 covering the period 1 October 2017 – 30 April 2018**

- The word NIDCAP (wordmark) was first registered with the US Trademark & Patent Office (USTPO) 12/28/1999 for a period of ten years and was renewed in 2009. The Combined Declaration of Use and Renewal under Sections 8 & 9 is due by 28 December 2019, ten years post the second registration registration. The application will be submitted by December 2018, one year prior to expiration.
- NIDCAP trademark (wordmark) was first registered for 'use' in Argentina as a foreign registration on 1 November 2007 (#2,192,564) and has been submitted for renewal prior to the expected expiration 1 November 2017. The renewal application was submitted in January, 2017. Renewal review is pending and a response is expected 5-7 months after submission, June-August, 2018.

**Legal Support:** Newly assigned to Governance. The NFI continues to have relationship with the following, managed by G McAnulty.

- Nutter McClennen & Fish LLP for issues relating to intellectual property, trademarks and copyright issues.

- HR Hatch Insurance Agency for Directors and Officers Liability Insurance
- Morgan, Lewis & Bockius, LLP (Gerald Kehoe, Partner) for pro bono advice.

### **Nominations and Elections**

**Nominations and Elections:** Plans will be developed during the May Board of Directors Meeting as to timing and strategies for this year's elections. Proposal will be submitted to reconsider balance of elected and appointed Directors.

### **Member Services**

**Membership:** Membership includes 259 members in good standing. In good standing includes payment of dues within the fiscal year and therefore includes members who paid this year's dues (136) or last year's and may still owe this year's payment (66) as the deadline for paying dues is the end of the fiscal year.

#### **NFI Membership by Category:**

	Professional	Student	Family	Emeritus	Honorary
April 2018	197	43	13	4	2

**French Chapter:** No update at this time.

**Friends and Sign Ups:** Friends pay \$15 annually; Sign Ups are from website; all receive periodic announcements and it is a free service.

	Friends	Sign Ups
April 2018	10	220

- The NFI Membership Office continues to be maintained and managed in Raleigh, North Carolina, USA (J Helm). Membership dues and NIDCAP Training Center fees are invoiced each year early in the new fiscal year after the annual Membership Meeting. Reminders are sent periodically. The NFI continues to maintain 3 Google groups to facilitate membership communication. These include one for the membership at large, one for trainers, trainers-in-training, and NIDCAP Training Center Directors and one for the Board of Directors. These are administrated by G McAnulty, S Kosta, and J Helm.
- The French Chapter is managed by J Sizun in Brest, France.
- Communication with Friends and Sign Up are provided by Member Services (J Helm)

**Membership Survey:** Membership Survey will continue under the guidance of J Tyebkhan and K Spence. Results will be shared with the Board before the NIDCAP Trainers Meeting in October 2018.

## **Technology**

Internet services to the NFI continue with the web site and all the affiliated pages. These are managed by S Kosta. Google list serves continue as stated above. In addition Governance manages the NFI's database.

**Training Database:** The database was introduced to the Membership and training provided to Trainers over the last several year's in an effort to develop a single database of NIDCAP and APIB training. It was utilized to summarize training last year. It continues and Trainers will be encouraged several times this year to keep up-to-date. Plans are on underway to upgrade so that recertification information can be managed on this data base and individuals can manage their own records (S Kosta, G McAnulty, J Helm). It has been developed. Next steps are to pilot the process and then support Program Committee in launching and maintaining.

Respectfully submitted by:



James M. Helm, PhD

James M Helm, PhD  
Vice President, NFI Board of Directors  
Chair, Governance Committee



**NFI Intellectual Property Report**  
NFI Board of Directors  
Interim Meeting May 2018 Portsmouth, NH

**UPDATE** - NFI 2017-2018 covering the period 1 October 2017 – 30 April 2018

- *The word NIDCAP (wordmark) was first registered with the US Trademark & Patent Office (USTPO) 12/28/1999 for a period of ten years and was renewed in 2009. The Combined Declaration of Use and Renewal under Sections 8 & 9 is due by 28 December 2019, ten years post the second registration registration. The application will be submitted submitted by December 2018, one year prior to expiration.*
- *NIDCAP trademark (wordmark) was first registered for 'use' in Argentina as a foreign registration on 1 November 2007 (#2,192,564) and has been submitted for renewal prior to the expected expiration 1 November 2017. The renewal application was submitted in January, 2017. Renewal review is pending and a response is expected 5-7 months after submission, June-August, 2018.*

**STATUS**

Renewal notification for all NFI registrations will be sent by the NFI attorney's office in the year prior to the expiration. The status of the registration of the NFI trademark, logo, wordmark (NIDCAP) and certification mark as of this report are indicated below. It was decided that the 'old' NFI/NIDCAP logo with the word 'nidcap' in lower case Times New Roman font would be allowed to expire to be replaced by the 'new' mark with nidcap in script. This was achieved as of 12 August 2014.

**Trademark/Wordmark** refers to NIDCAP as both an identifying name and the graphic representation of that name or logotype. NIDCAP is registered in two categories:

**Class 16** - Printed publications, namely, newsletters, instructional and teaching materials, and standards of practice manuals, in the field of newborn care and assessment.

**Class 41** - Educational and training services, namely, training in observation and assessment of newborn behavior, educational conferences, research presentations and competency examinations, all in the field of newborn health care; and providing a website featuring information in the field of newborn health care.

The registration process has been completed in the United States for trademark, logo and wordmark.

Additionally, the **Wordmark** (NIDCAP) has achieved Foreign Registration in Classes 16 and 41 in Argentina, Canada, and International Trademark Registration (under the Madrid Protocol) in the European Union (EU), China, Norway, Poland, Romania, Portugal and Switzerland. The ten year renewal of the registration was submitted in March 2016; accepted 8 August, 2016 with registration now valid until 8/8/2026. Subsequent designation in Iran is considered complete as of April 2016 as no refusal was issued by that country to the trademark's publication within the opposition period allowed.

**Certification Mark** indicates that products or services identified with this mark meet the standards of an organization with national accreditation for *both* testing and certification. When the Notice of Allowance was issued, a *Specimen of Use* in the form of an embossed Training Certificate and the *Certification of Standards* in the form of "Quality Assurance of Training" (QAT) documents were filed. The specimen and standards were accepted and the registration was issued in January, 2008. The Certification Mark is embossed on all training certificates issued by the NIDCAP Federation International. A new certification mark was created in 7/2013 to reflect the revised NFI logo. Upon expiration of the previous certification mark (Reg. #3,376,364) this revised certification mark was submitted to the USTPO for registration. The new logo itself has been registered separately, independently of the certification mark (Reg. # 4,375,173, 7/30/2013) and is the image that is being used for certificate embossing. The new Certification mark was registered with the USTPO on October 28, 2014 (Reg. No. 4,627,706) and will be valid until October 28, 2024, ten years from the registration date. The registration can be renewed indefinitely thereafter for successive 10-year terms.




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<sup>1</sup> The goods/services are displayed with their short titles pursuant to TMEP (Section 1401.2(b)) to assist in quickly identifying the content in the specific class and do not represent the full description of goods/services.



<sup>2</sup> U.S Patent and Trademark Office - USTPO

**Trademark/Wordmark and Certification Mark** (as of 30 September 2017)

**United States**

<u>Mark</u>	<u>Ser./Reg.</u>	<u>Class Goods/Services</u>	<u>Status</u>
	3,314,889	Class 16 – printed materials	This mark was registered with the US Patent and Trademark Office (USTPO) 10/16/ 2007. The Section 8 and 15 were due by 10/16/2013 with renewal due by 10/16/2017. The registration for this mark was allowed to expire to be replaced by the new trademark.
	3,265,111	Class 41 – educational services	This mark was registered with the USTPO 7/17/2007. The Section 8 and 15 ‘continuing use/ incontestability’ affidavits were accepted 7/17/2013. The Combined Declaration of Use and Renewal under Sections 8 & 9 w was submitted in February, 2017 and acceptance was received in March. The registration is valid for a 10 year term until July 17, 2027.
	4,375,173	Class 16 – printed materials Class 41 – educational services	This mark was registered with the USTPO 7/30/2013. The renewal is due in the year prior to the expiration date of 7/30/2023.
<u>Mark</u>	<u>Ser./Reg.</u>	<u>Class Goods/Services</u>	<u>Status</u>

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	3,376,364	IA – Certification mark for individuals	This mark was registered with the USTPO 1/29/2008. The Sections 8 and 15 were due 1/29/2014. They have been allowed to expire by intentional failure to renew these components. They were replaced by the new logo certification mark.
	4,627,706	IA – Certification mark for individuals	This certification mark was created 7/2013 to reflect the revised NFI logo. Upon expiration of the previous certification mark (3,376,364) this mark was submitted to the USTPO for registration. The logo itself has been registered 7/30/2013 (Reg. # 4,375,173). The Certification Mark was registered 28 October 2014 and is valid until 28 October 2024. The registration can be renewed indefinitely thereafter for successive 10-year terms.
NIDCAP	2,303,276	Class 16 – printed materials Class 41 – educational services	This word mark was registered with the USTPO 12/28/1999 and renewed in 2009. <b><i>The second renewal is due in the year prior to the expiration date of 12/28/2019.</i></b>
<i>Voice of the Newborn</i>	4,379,042	Class 16 – printed materials Class 41 – educational services	This mark (tagline) was registered with the USTPO on 8/6/2013. The renewal is due in the year prior to the expiration date of 8/6/2023.
<i>Mentoring caregivers. Changing hospitals. Improving the future for newborns and their families.</i>	4,375,172	Class 16 – printed materials Class 41 – educational services	This mark (tagline) was registered with the USTPO on 7/30/2013. The renewal is due in the year prior to the expiration date of 7/30/2023.

## Foreign Registrations

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## Argentina

<u>Mark</u>	<u>Ser./Reg.</u>	<u>Class Goods/Services</u> <sup>1</sup>	<u>Status</u>
NIDCAP	2,192,564  2,192,564	Class 16 – printed materials  Class 41 – educational services	This mark was registered on 11/1/2007 and <i>renewal is due in the year prior to the expiration date of 11/1/2017. It was filed with the Argentine Patent and Trademark office on 9/4/2017 and will take 5 to 7 months to process.</i>

## Canada

NIDCAP	TMA 696449	Class 16 – printed materials Class 41 – educational services	This mark was registered on 9/13/2007. The renewal is due in the year prior to the expiration date of 9/12/2022.
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## International Registration (under the Madrid Protocol)

<u>Mark</u>	<u>Ser./Reg.</u>	<u>Class Goods/Services</u> <sup>1</sup>	<u>Status</u>
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NIDCAP	896009	Class 16 – printed materials Class 41 – educational services	The NIDCAP mark was protected under International Registration 8/8/2006 in EU, China, Norway, Poland, Romania, Sweden, Portugal; Switzerland by subsequent designation recorded 1/6/11 with protection granted 1/4/12). Subsequent registration in Iran is considered compete (4/2016) as a refusal was not submitted to the International Bureau within the applicable time limit within which opposition is allowed. International Registration under the terms of the Madrid protocol was due for renewal due by 10/16/2017. The process which must be initiated one year prior to expiration. It was renewed 8 August 2016 for a period of 10 years (8/8/2026).
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**COPYRIGHTS United States**

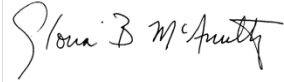
<b><u>Title of the Work</u></b>	<b><u>Reg. No.</u></b>	<b><u>Registration Date</u></b>	<b><u>Status</u></b>
Three Decades of Training and Supporting: NIDCAP	PA 1-701-517	6/4/2010	Registered US Copyright Office
NIDCAP Training Binder	TX 7-599-969	9/6/2012	Registered US Copyright Office
NIDCAP Training Center Development Binder	TX 7-596-678	6/30/2012	Registered US Copyright Office
APIB Training Binder	TX 7-596-177	9/7/2012	Registered US Copyright Office
NIDCAP Nursery Certification Program Manual	TX 7-670-655	9/7/2012	Registered US Copyright Office

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NIDCAP Nursery Certification: Changing Hospital Care for Infants and their Families	PA 1-942-852	5/15/2015	Registered US Copyright Office
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Respectfully submitted,



Intellectual Property Sub-Committee

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