



Governance Committee Report
NFI Board Meeting and Membership Meeting
Porto, Portugal
October 19 and 21, 2018

Governance Committee
Chair: J Helm

This report covers Governance Committee activities from November 1, 2017 to September 30, 2018.

J Helm assumed the Chair after the meetings in Edmonton in November 2017. 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 statements of two conveniently chosen months twice a year. In addition, other contracts held by the NFI are reviewed on a periodic basis as well. Results are reported at subsequent Board Meetings and are recorded in the minutes. All is currently in order as per last review in May 2018. 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 September 2018

- The mark NIDCAP (Stylized/Design, reg. no. 4375173) was first registered with the US Trademark and Patent Office (USTPO) 7/30/2012. The five-year maintenance filing was submitted and accepted 7/30/2018.
- 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. 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 and certified for a 10 year period ending 11/1/2027.
- The status for other trademarked / wordmarked / certification marks are detailed in the attachment.

Legal Support: Is now 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: The election process for seats on the Board of Directors was managed by J Helm and D Vittner. This included a nomination period and on-line voting. In-person voting for Director seats for 3-year terms on the Board of Directors will occur at the Membership Meeting in Porto, October 21st, 2018.

Member Services

Membership: Membership includes 228 members in good standing. In good standing includes payment of dues within the fiscal year.

NFI Membership by Category:

	Professional	Student	Family	Emeritus	Honorary
October 2018	173	40	9	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; this is a free service.

	Friends	Sign Ups
October 2018	10	252

- 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.

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- The French Chapter is managed by J Sizun in Brest, France.
 - Communication with Friends and Sign Ups are provided by Member Services (J Helm)

Membership Survey: The 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: 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 years 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 underway to upgrade so that certification renewal information can be managed on this data base and individuals can manage their own records (S Kosta, G McAnulty, J Helm). Certification renewal per se has been developed. Next steps are to pilot the process and then support the Program Committee in launching and maintaining this service.

Respectfully submitted by:



Date: October 9, 2018


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

Attachment: Intellectual Properties Sub-Committee Report



NFI Intellectual Property Report
NFI Board of Directors Meeting
October 2018 Porto, Portugal

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

-  *The mark NIDCAP (Stylized/Design, reg. no. 4375173): was first registered with the US Trademark & Patent Office (USTPO) 7/30/13. The five year maintenance filing was submitted and accepted 7/30/18. The ten year renewal is due in the year prior to the expiration date of 7/30/23.*
- *The word NIDCAP (wordmark, reg. no.2303276) was first registered with the 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 12/28/19, ten years post the second registration. The application will be submitted by December 2018, one year prior to expiration.*
- *The trademark tagline (Voice of the Newborn, reg. no. 4379042) with the USTPO on 8/6/13. The five year maintenance filings were submitted and accepted 8/15/18. The ten year renewal is due in the year prior to the expiration date of 8/6/23.*

The trademark tagline (Mentoring caregivers. Changing hospitals. Improving the future for newborns and their families. reg. no. 4375172) was first registered with the USTPO on 7/30/13. The five year maintenance filings were submitted and accepted 8/13/18. The ten year renewal is due in the year prior to the expiration date of 7/30/23.

- *NIDCAP trademark (wordmark, reg. no. 2947299) was first registered for ‘use’ in Argentina as a subsequent foreign registration on 11/1/ 2007 (reg. no. 2192564) with renewal due prior to the expiration date of 11/1/2017. Renewal was filed with the Argentine Patent and Trademark Office and certified (reg. no. 2947299) for a 10 year period ending 11/1/27.*

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;

¹ 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.



² U.S Patent and Trademark Office - USTPO

accepted 8/6/ 16 with registration now valid until 8/8/26. Subsequent designations were made for non-Madrid Protocol countries, Canada, Argentina and Iran. Iran was considered complete as of April 2016 as no refusal was issued by that country to the trademark’s publication within the allowed opposition period.

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. no. 3376364) this revised certification mark was submitted to the USPTO for registration. The new logo itself has been registered separately, independently of the certification mark (reg. no. 4375173, 7/30/2013) and is the image that is being used for certificate embossing. The new Certification Mark was registered with the USPTO on October 28, 2014 (reg. no. 4627706) 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.




Trademark/Wordmark and Certification Mark (as of 30 September 2018)

United States

<u>Mark</u>	<u>Serial/ Registration #</u>	<u>Class Goods/Services¹</u>	<u>Status</u>
	3314889	Class 16 – printed materials	This mark was registered with the US Patent and Trademark Office (USPTO) 10/16/ 07. The Section 8 and 15 were due by 10/16/13 with renewal due by 10/16/17. The registration for this mark was allowed to expire to be replaced by the new trademark.
	3265111	Class 41 – educational services	This mark was registered with the USPTO 7/17/07. The Section 8 and 15 ‘continuing use incontestability’ affidavits were accepted 7/17/13. The Combined Declaration of Use and Renewal under Sections 8 & 9 was accepted and registration is valid for a 10 year term until 7/17/27.

¹ 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.

² U.S Patent and Trademark Office - USPTO

	85764840/ 4375173	Class 16 – printed materials Class 41 – educational services	This mark NIDCAP (Stylized/Design): was first registered with the USPTO 7/30/13. The five year maintenance filing was submitted and accepted 7/30/18. The ten year renewal is due in the year prior to the expiration date of 7/30/23.
	3376364	IA – Certification mark for individuals	This mark was registered with the USPTO 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.
	4627706	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 USPTO 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.
<p>NIDCAP</p>	2303276	Class 16 – printed materials Class 41 – educational services	This word mark was registered with the USPTO 12/28/1999 and renewed in 2009. The second renewal is due in the year prior to the expiration date of 12/28/2019.

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² U.S Patent and Trademark Office - USPTO

<i>Voice of the Newborn</i>	85764628/ 4379042	Class 16 – printed materials Class 41 – educational services	This mark (tagline) was first registered with the USPTO on 8/6/2013. <i>The five year maintenance filings were submitted and accepted 8/15/18. The ten year with renewal is due in the year prior to the expiration date of 8/6/23.</i>
<i>Mentoring caregivers. Changing hospitals. Improving the future for newborns and their families.</i>	85764737/ 4375172	Class 16 – printed materials Class 41 – educational services	This mark (tagline) was first registered with the USPTO on 7/30/13. <i>The five year maintenance filings were submitted and accepted 8/13/18. The ten year with renewal is due in the year prior to the expiration date of 7/30/23.</i>

Foreign Registrations

Argentina

<u>Mark</u>	<u>Ser./Reg.</u>	<u>Class Goods/Services¹</u>	<u>Status</u>
NIDCAP	2192563 2947299	Class 16 – printed materials Class 41 – educational services <i>Class 16 – printed materials Class 41 – educational services</i>	This mark was first registered on 11/1/2007 with renewal due prior to the expiration date of 11/1/2017. <i>Renewal was filed with the Argentine Patent and Trademark Office and certified for a 10 year period ending 11/1/2027.</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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² U.S Patent and Trademark Office - USPTO

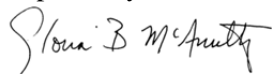
International Registration (under the Madrid Protocol)

<u>Mark</u>	<u>Ser./Reg.</u>	<u>Class Goods/Services</u> ¹	<u>Status</u>
NIDCAP	896009	Class 16 – printed materials Class 41 – educational services	The NIDCAP mark was protected under International Registration 8/8/06 in EU, China, Norway, Poland, Romania, Sweden, Portugal; Switzerland by subsequent designation, 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 opposition applicable time limitation. International Registration under the terms of the Madrid Protocol was renewed 8/8/16 for a period of 10 years (8/8/2026).

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<u>Title of the Work</u>	<u>Reg. No.</u>	<u>Registration Date</u>	<u>Status</u>
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
NIDCAP Nursery Certification: Changing Hospital Care for Infants and their Families	PA 1-942-852	5/15/2015	Registered US Copyright Office

Respectfully submitted,



Intellectual Property Sub-Committee, 30 September 26, 2018

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² U.S Patent and Trademark Office - USPTO