CONSTITUTION OF
THE PATENT AND TRADEMARK OFFICE
SOCIETY

August 2019

Dedicated to the improvement and appreciation of the United States Patent and Trademark Systems

ARTICLE I - Name
Sec. 1 The name of the organization shall be:
THE PATENT AND TRADEMARK OFFICE SOCIETY.

ARTICLE II- Purposes
Sec. 1 The purposes of the SOCIETY shall be to further the technological development of the United States insofar as the patent and trademark
systems are or may be factors, to promote the American patent and trademark systems and foster a true appreciation of those systems, to cultivate the highest standards of professional ethics among patent and trademark practitioners and Patent and Trademark Office professionals, to promote the professional, intellectual and social welfare of the members of the SOCIETY and to perform any other lawful purposes ancillary to the patent and trademark systems.

**ARTICLE III - Membership**

Sec. 1 The membership of the SOCIETY shall be comprised of active, associate and honorary members.

Sec. 2 (a) Every employee of the Patent and Trademark Office who is engaged in the examination of applications for patent or trademarks, or engaged in professional work ancillary thereto, and those employees of the Patent and Trademark Office whose classification position rating is GS-7 or higher, and those employees of the Patent and Trademark Office whose eligibility for membership was previously established and who were in fact members of the SOCIETY shall be deemed eligible for active membership.

(b) Associate membership shall be open to former employees of the Patent and Trademark Office who were members or were eligible to be members of the SOCIETY at any time during their Patent and Trademark Office tenure, to registered patent attorneys and agents, to trademark practitioners, to patent practitioners for Federal agencies, to Federal judges, to all other professionals engaged in work related to procuring patents or trademarks for others, and to students and other interested parties.

(c) Distinguished individuals may be eligible for one year honorary memberships. Nominations or recommendations for such memberships shall be submitted to the Board of Directors, hereinafter referred to as the BOARD, and must be approved by a two-thirds vote of the BOARD present at a regular meeting.

**ARTICLE IV - Dues**

Sec. 1 Dues of the active and associate members shall be fixed by a two-thirds vote of the BOARD. No dues shall be required of honorary members.

Sec. 2 Upon non-payment of dues by a member for an unreasonable time after notice of arrearage has been given to the member by authority of the Treasurer, the Membership Chairperson shall drop the member's name from the roll of active members or the roll of associate members.
ARTICLE V - Officers, Board of Directors, and Election

Sec. 1 The Officers of the SOCIETY shall be President, a Vice President, a Secretary, an Administrator, and a Treasurer.

Sec. 2 The BOARD shall be composed of the five elected officers; the immediate past-President; elected representatives from areas of representation comprising organizational branches of the Patent and Trademark Office in such numbers and proportions as may be determined to be representative each year by the outgoing BOARD, consistent with Administrative organization or reorganizations of the Patent and Trademark Office which from time to time may be put into effect; and the Chairperson of the Board of Governors of the Journal or their designated representative.

Sec. 3 (a) Nominations for Officers shall be by a petition acknowledging the nominee's willingness to run for the particular office set forth in the petition, which must be signed by at least 15 active members of the SOCIETY.

(b) Nominations for elected representatives to the BOARD shall be by petition acknowledging the nominee's willingness to run for representative of one of the areas of representation provided for under Section 2 of this Article, specifying the area of representation, and signed by seven active members of the SOCIETY from the representative's area.

(c) There shall be a Call for Nominations, which is the period during which nominating petitions are accepted.

Sec. 4 (a) Each nominee for an elective position shall be an active member. No member shall concurrently hold two elective positions on the BOARD. No member of the BOARD shall concurrently hold office or be a member of the executive committee of any Patent and Trademark Office sanctioned organization which has collective bargaining or negotiating rights with the administration of the U.S. Patent and Trademark Office. No member of the BOARD shall concurrently act on behalf of the administration of the U.S. Patent and Trademark Office, on collective bargaining or negotiating conducted with any Patent and Trademark Office organization sanctioned for such collective bargaining or negotiating. The eligibility of each nominee shall be verified by the Election Committee before the nominee's name is placed on the ballot.

(b) Eligibility based upon location in one of the areas of representation as set forth in Section 2 of this Article shall be determined as of the first day of the Call For Nominations. Eligibility to vote shall be limited to active members.

(c) The President of the SOCIETY shall not be eligible to run for the position of President for more than three consecutive full terms in such office.
Sec. 5 (a) Prior to the annual meeting of the SOCIETY, the active members of the SOCIETY shall be notified of the Call For Nominations. The notice shall set forth the positions to be filled, the requirements for a nominating petition, and the date on which nominations will close, which date shall be at least seven (7) business days after the notice of the Call For Nominations.

(b) Nominating petitions must be delivered to the Election Committee by the last day of the Call For Nominations.

Sec. 6 (a) At least ten (10) business days prior to the date of the annual meeting, election ballots shall be made available to active members in accordance with Section 4(b) of this Article.

(b) Separate ballots shall be made available to active members listing the nominees for officer positions in order determined by lot.

(c) Separate ballots shall be made available to active members, listing in order determined by lot the nominees for positions on the BOARD to be elected from the members' area of representation, as determined by Section 2 of this Article.

(d) Ballots shall be cast personally over 3 consecutive business days.

(e) Election on the ballot shall be by plurality. In the event of a tie, a runoff election between the tied candidates shall be conducted over three consecutive business days commencing as soon as reasonably possible, and concluding at least one week prior to the annual meeting. Any subsequent tie shall be resolved by a vote of the BOARD prior to the annual meeting.

(f) Ballots may provide for write-in candidates.

Sec. 7 The Officers and members of the BOARD shall assume office at the close of old business at the annual meeting of the SOCIETY next following the election.

Sec. 8 Any Officer may be removed for cause at any stated meeting of the SOCIETY by a vote of 3/4 of the members present, provided that said Officer is given two weeks' notice of the proposed action, which notice includes a statement of the charges, and provided further that a copy of said statement be furnished to the BOARD at the same time if the charges did not originate in the BOARD. The BOARD by a 3/4 vote of the members present at a meeting thereof may suspend any Officer from exercising the duties of his office for a period of up to six weeks from the time the statement of charges is given to the Officer.

The BOARD by a 3/4 vote of the active members present at a meeting thereof may appoint an active member to exercise the duties of a suspended Officer during the period of their suspension.

Sec. 9 Any member of the BOARD, including the immediate past-President, may be removed for cause at any meeting of the BOARD by a 3/4 vote of the
members present, provided that said member is given two weeks' notice of
the proposed action, which notice includes a statement of the charges, and
provided further that a copy of said statement be furnished to the BOARD at
the same time if such charges did not originate in the BOARD.

Sec. 10 (a) A vacancy in the office of Vice President, Secretary, Administrator, or
Treasurer occurring during the year shall be filled for the balance of the term
by a majority vote of the BOARD present at a meeting thereof acting upon
recommendations received in writing and signed by at least 10 active
members, after 10 days' notice as to the existence of the vacancy.

(b) A vacancy in any representative position on the BOARD occurring
during the year may be filled for the balance of the term by a majority vote
of the BOARD present at a meeting thereof acting upon recommendations
received in writing and signed by at least 5 active members of the affected
area of representation, after 10 business days' notice to the areas of
representation as to existence of the vacancy.

ARTICLE VI - Duties of Officers

Sec. 1 The President shall preside at the meetings of the SOCIETY and of the
BOARD; shall, with the Secretary, sign all written contracts and obligations
of the SOCIETY unless the president and/or Secretary respectively
otherwise delegate this duty with a reporting of such delegation to the
BOARD within a reasonable time; shall appoint the standing committees
provided for herein and shall appoint such special committees as they deem
necessary to implement the activities of the SOCIETY; shall be an ex
officio member of all committees except the Election Committee; shall have
an annual report prepared and published. The President shall faithfully
observe that this Constitution is followed.

Sec. 2 The Vice President shall discharge the duties of the President in case of
absence or unavailability; shall assume the office of President if a vacancy
occurs in that office; shall perform such other duties as the President may
require for the proper administration of the SOCIETY.

Sec. 3 The Secretary shall keep minutes of the meeting of the SOCIETY and of the
BOARD; shall issue notices of all meetings of the SOCIETY and of the
BOARD; shall conduct the usual distribution of information of the
SOCIETY; shall maintain the records and distribution of inventory of the
SOCIETY; and shall be custodian of the Seal of the SOCIETY.

Sec. 4 The Administrator shall notify members of their election; shall issue notices
of all constitutionally mandated activities; and shall keep the Constitution,
standing rules, and other records belonging to the SOCIETY not
specifically under the charge of any other officer, which records shall be
open to inspection to members of the SOCIETY.
Sec.  5  The Treasurer shall be the custodian of the funds of the SOCIETY and shall be responsible for the receipt of all money due it; shall be responsible that all money due the SOCIETY, received by the Treasurer, be deposited in an account of the SOCIETY established as set forth in Article IX, Sec. 4; shall establish such account in the name of the SOCIETY; shall keep a full and accurate account of all money received and disbursed; shall report at each annual meeting and BOARD meetings when requested, on the state of the funds.

ARTICLE VII - Duties of Board of Directors, Board of Governors, and Committees

Sec.  1  The BOARD shall be the sole administrator and director of the affairs of the SOCIETY. Actions and decisions of the BOARD properly taken at its meetings shall be binding upon succeeding BOARDS, unless specifically provided otherwise in such actions, or until specifically rescinded by a majority vote of a succeeding BOARD. The BOARD shall adopt dues, budget, subscription and advertising rates for the succeeding year before the end of December each year.

Sec.  2 (a)  The SOCIETY shall cause to be published a medium of expression which shall bear the title Journal of the Patent and Trademark Office Society, hereinafter referred to as JOURNAL, for the exchange of thought in the fields of Patents, Trademarks, Copyrights, and related matters.

(b)  There shall be a Board of Governors of the JOURNAL, hereinafter referred to as the GOVERNORS, which shall consist of 6 GOVERNORS composed of three elected Governors, an Editor-in-Chief, an Executive Director and a Financial Director. The President and Vice President shall be ex officio members of the GOVERNORS. The GOVERNORS shall be responsible to the BOARD for the publication and administration of the JOURNAL. The GOVERNORS shall establish the editorial policy of the JOURNAL.

(c)  The Editor-in-Chief shall be an active member and in addition to the duties as a member of the GOVERNORS shall be responsible for administering the editorial policy of the GOVERNORS.

(d)  

I.  The Executive Director shall be an active member and in addition to duties as a member of the GOVERNORS shall be responsible for administering the policy of the GOVERNORS and the BOARD in regard to the business affairs of the JOURNAL.

II.  The Financial Director shall be an active member and in addition to duties as a member of the GOVERNORS shall be responsible for administering the policy of the GOVERNORS and the BOARD in regard to the financial affairs of the JOURNAL; shall be responsible that all
money due the SOCIETY through the JOURNAL operations be given to the Treasurer; shall receive funds appropriated annually or otherwise by the BOARD for the operation of the JOURNAL and shall serve as a member of the Budget and Finance Committee.

(e) The GOVERNORS shall annually, during the month of July, elect one of the Governors to serve as chairperson.

(f) Subsequent to initial appointment, the BOARD shall meet in May of each year for the purpose of nominating candidates from among the active members for the Office of the elected Governor whose term expires that year. The BOARD shall meet in June of each year for the purpose of electing by majority vote one of the candidates previously nominated to the Office of Governor for a 3-year term. The Governor so elected shall assume office on July 1.

(g) A vacancy in a position of elected Governor shall be filled for the unexpired term thereof by a majority vote of the BOARD from candidates nominated from the active members at a meeting of the BOARD held at least 2 weeks previous to the meeting of the election.

(h) The Editor-in-Chief and the Executive Director and Financial Director shall serve four-year terms, respectively, commencing on the date of assumption of position.

(i) A vacancy, created through expiration of term or otherwise, in the position of Editor-in-Chief, Executive Director or Financial Director shall be filled by majority vote of the GOVERNORS with the advice and consent of the BOARD.

(j) Any Governor may be removed for cause, in the same manner set forth in Article V, Sec. 9.

(k) Each vacancy in a position of Governor must be advertised to the active members at least two weeks prior to nomination or selection.

Sec. 3 The President shall appoint standing committees and may create and appoint such special committees as from time to time shall be necessary for the conduct of the affairs of the SOCIETY. Standing committees shall be:

- Membership;
- Legislative; Education; Science Fair; Social; Distribution; Public Relations; Election; Advisory Steering; Budget and Finance; and Insurance.

Sec. 4 The Membership Committee shall devise ways and means of increasing and retaining active and associate membership in the SOCIETY, consistent with Article II hereof and shall advise the BOARD on membership matters. The membership chairperson shall be responsible for the enforcement of Article IV, Section 2.

Sec. 5 The Legislative Committee shall advise the BOARD as to pending legislation and regulations of interest to the SOCIETY, and shall recommend such action as it deems appropriate for the SOCIETY to take
with respect to such legislation and regulations. The Legislative Committee shall at the direction of the BOARD effect liaison between the SOCIETY and the Congress of the United States.

Sec. 6 The Education Committee shall consider and recommend to the BOARD the adoption of such means as will further the objects of the SOCIETY and will impart professional knowledge to the SOCIETY members and shall be responsible for planning and implementing such educational programs as are adopted by the BOARD and referred to the Education Committee.

Sec. 7 The Science Fair Committee shall consider and recommend to the BOARD for adoption any activities involving the judging of student science fairs by persons acting in the name of the SOCIETY and shall be responsible for the organization of judging teams and the judging in the name of the SOCIETY at student science fairs.

Sec. 8 The Social Committee shall consider and recommend to the BOARD the adoption of such means as will further the object of the SOCIETY to promote social intercourse between members, and shall be responsible for planning and implementing such social programs as are adopted by the BOARD.

Sec. 9 The Distribution Committee shall consider and recommend to the BOARD the adoption of such means as may be appropriate to impart information to the membership concerning the SOCIETY, the Patent and Trademark Office and the Patent and Trademark systems.

Sec. 10 The Public Relations Committee shall consider and recommend to the BOARD the adoption of such means as may be appropriate to promote the SOCIETY, and the Patent and Trademark systems. This committee shall be responsible for implementing public relations policy set by the BOARD.

Sec. 11 The Election Committee shall be responsible for supervising the election procedures set forth in Article V hereof, shall promulgate such additional rules as may be necessary for implementing such election procedures, and shall furnish the Administrator with a full written report of each election.

Sec. 12 The Advisory Steering Committee, whose membership shall include the most immediate past-President still an active member of the SOCIETY, shall review miscellaneous suggestions and present to the BOARD for its consideration those which it deems to be within the purview of the objects of the SOCIETY.

Sec. 13 The Budget and Finance Committee shall consist of five members, two of whom shall be the Treasurer of the SOCIETY and the Financial Director of the JOURNAL. The Treasurer shall be the Chairperson of this Committee. This Committee shall receive budget requests of all committees, conduct hearings, and prepare a proposed budget by line item to be presented to the BOARD no later than the regular November meeting. All budget requests shall be presented with the proposed budget. This Committee shall submit recommendations as to dues, subscription rates and advertising rates at said
November meeting of the BOARD. This Committee shall monitor the expenditure of appropriated funds by the various units of the SOCIETY and report to the President and the BOARD on its findings. This Committee may recommend a policy to the BOARD. This Committee shall advise the President and the BOARD on budget matters, as necessary.

Sec. 14 The Insurance Committee shall consider and recommend to the BOARD the adoption of such insurance policies as may be appropriate for the SOCIETY and its members.

Sec. 15 The Chairperson of the GOVERNORS and of all Committees shall keep a written record of their actions, which records shall be available to the BOARD.

Sec. 16 The chairperson of the GOVERNORS and of all Committees shall make annual reports on their operations to the BOARD and interim reports as required by the President.

Sec. 17 The Board of Governor[s] and the Chairperson of all Committees shall submit their budget recommendations by line item and justification therefor for the following fiscal year to the Budget and Finance Committee by October 1.

Sec. 18 Any member of a standing or special committee may be removed by the President.

Sec. 19 The PTOS’s Bylaws also include additional duties of the Board of Directors, Board of Governors, and Committees. These Bylaws are incorporated herein by reference, constitute parts of this Constitution and is attached hereto. In the event the terms and conditions of this Constitution and the terms and conditions of the Bylaws conflict, the terms and conditions of this Constitution shall prevail.

**Article VIII - Meetings**

Sec. 1 The annual meeting of the SOCIETY shall be held during the month of February at such time and place as may be set by the President.

Sec. 2 The BOARD shall meet each month to consider such matters as may come before it and to conduct the business and affairs of the SOCIETY.

Sec. 3 Upon written request of 100 active members it shall be the duty of the BOARD to issue a call for a special meeting of the SOCIETY, or the BOARD may on its own motion issue such a call. The call for the special meeting shall set forth the time, date, place and purpose of such meeting.
No other business than that stated in the call for a special meeting shall be conducted at such meeting.

Sec. 4 Any number above twenty-five (25) active members present at a meeting of the SOCIETY shall constitute a quorum to conduct business.

Sec. 5 Any number above one-half members of the BOARD eligible to vote shall constitute a quorum to transact business at a meeting of the Board.

Sec. 6 Associate members and honorary members may attend any meeting of the SOCIETY, but shall not have the right to vote at such meetings.

Sec. 7 Robert's Rules of Order Newly Revised shall serve as strong guidance but not an absolute in all questions not otherwise provided for herein, which Rules may be supplemented or suspended by a 2/3 vote of active members present at any meeting, after determination of the presence of a quorum.

ARTICLE IX - Fiscal and Budget

Sec. 1 An integrated accounting system shall be established and maintained to cover all activities of the SOCIETY.

Sec. 2 The fiscal year will begin on January 1 of each year.

Sec. 3 (a) A single appropriated Annual Budget covering all of the activities of the SOCIETY shall be established for each fiscal year. The Annual Budget shall include separate line items covering major categories of SOCIETY and JOURNAL operations.

(b) The Budget and Finance Committee shall prepare a proposed Annual Budget for the succeeding fiscal year and shall present the proposed Annual Budget no later than the November meeting of the BOARD.

(c) The Annual Budget shall be adopted by the BOARD before the end of December each year.

Sec. 4 Accounts shall be established by the Treasurer for the SOCIETY. Such accounts shall have the principal insured by a federal governmental agency. All of the SOCIETY's income and monies shall be deposited in said accounts. The Treasurer may transfer funds between said accounts and can establish new accounts. Withdrawals from the accounts shall only be made as authorized by the Annual Budget or by special appropriation approved by the BOARD. The Treasurer will oversee and maintain said accounts. All checks drawn on any account must be co-signed by two of the following: The Treasurer, the President, and the Vice President. Electronic payments drawn on any account may be utilized with written approval by two of the following: the Treasurer, the President, and the Vice President.

Sec. 5 A checking account in the name of the JOURNAL shall be established and maintained by the Financial Director. No withdrawals from this checking account shall be made except as authorized by the GOVERNORS in accordance with the Annual Budget or special appropriation approved by the
BOARD. All checks drawn on this checking account shall be co-signed by the Financial Director and one other Governor.

Sec. 6 Reasonable amounts of money not needed for immediate operating expenses may be withdrawn from the SOCIETY’S accounts for investment by the BOARD on the recommendation of the Budget and Finance Committee to assure that maximum prudent income may be realized on said money. An undifferentiated JOURNAL Reserve in the amount of 30% of the immediate past year's budgeted amount for the operation of the JOURNAL shall be established yearly and maintained by the Treasurer as a safeguard for creditors of the Journal and any time the BOARD appropriates from the reserves of the Society an amount to encroach upon the JOURNAL reserve, such appropriation to the extent of the encroachment, shall require 3/4 vote of the BOARD and one month's notice in writing to all members of the BOARD and all GOVERNORS.

Sec. 7 The GOVERNORS and all committees shall report to the BOARD as to all of their expenditures by line item occurring since their preceding report when requested by the President or the BOARD.

Sec. 8 All financial records and accounts of the SOCIETY shall be examined annually by a Certified Public Accountant designated by the BOARD. The BOARD may request an audit.

ARTICLE X - Amendments

Sec. 1 An amendment to this Constitution may be proposed by a majority vote at any meeting of the BOARD, or by a majority vote at any meeting of the SOCIETY. All proposed amendments must be presented in writing. The Secretary shall cause a copy of the proposed amendment to be distributed to the active members within thirty (30) days after proposal, together with instructions as to balloting. A proposed amendment shall be considered to be adopted and shall take effect immediately, unless otherwise provided, if approved by a majority of the votes cast provided at least 100 votes shall be cast.