

PARTNERS IN POLICYMAKING[®]

**COPYRIGHT
TRADEMARK
LICENSING AGREEMENT**

COPYRIGHT

Our decision to seek protection for the Partners program and the Partners in Policymaking name dates to 1996 when we requested an opinion from the Minnesota Attorney General's Office regarding state ownership of copyrights. This was a first step to preserving the quality and integrity of the program.

The Attorney General's opinion specifically addressed materials related to the Partners program, and stated that we can obtain and enforce copyrights for those materials created by our Council as "original works of authorship" or created for us by someone else as a "work for hire." The Partners packet (Coordinators Handbook, Curriculum Highlights, testimonial booklet entitled Partners in Policymaking Restored Our Independence!, and videotape entitled Sharing the Challenge: Partners in Policymaking™) contains copyrighted materials. This copyright protection extends to "derivative works" which would include materials subsequently modified or adapted by us, recordings (audiotapes), or translations.

TRADEMARK

In September 1997, we began the process of applying for trademark registration of "Partners in Policymaking" with the United States Patent and Trademark Office. The application process includes a demonstration that the mark is "used in commerce," either interstate or foreign, and a records search to ensure that the mark is distinctive and one that could not be confused with, or similar to, another mark. Those steps were successfully completed in December 1998. In April 1999, we received official trademark registration notice from the United States Patent and Trademark Office.

A trademark or service mark serves several functions. The primary function identifies the origin of a product, or service as in the case of the Partners in Policymaking program, with a common source, the Minnesota Governor's Council on Developmental Disabilities.

A second and equally important function of a trademark is that it provides quality assurance. Thus, a leadership training program bearing the name Partners in Policymaking is expected to be a certain type of leadership training program -

- * Value based;
- * Competency based;
- * Teaches leadership skills, best practices, and how to influence public policy at all levels of government;
- * Conducted over eight, two-day weekends;
- * Includes at least 128 hours of training;
- * Covers specific topic areas;
- * Utilizes the expertise and experience of presenters with a national (as opposed to local) perspective and knowledge of best practices in the topic areas;
- * Involves readings, homework, and a public policy project;
- * Regularly updated and improved.

This quality assurance function of a trademark as it relates to the Partners in Policymaking program also speaks to the integrity and credibility of the program. For funders or potential funders, a certain degree of security and reliability is assured. An investment made in a service that bears a trademark is an investment that carries less risk because of this quality assurance function.

PROGRAM LICENSING AGREEMENT

A license, by its very nature, is a permission to use. The Program Licensing Agreement, prepared by the Minnesota Attorney General's Office, sets out specific conditions attached to the replication of the Partners in Policymaking program. These conditions include how and in what way the trademark and trade name "Partners in Policymaking" can be used, and the distribution of materials for use in the Partners program and ownership of copyright.

The Agreement places certain responsibilities on the Licensee (the organization that has been granted permission to replicate the Partners program), including the responsibility to maintain the standards that we, as the Licensor, have set for the program, and to oversee the manner in which the program is conducted. These responsibilities also reinforce the quality assurance function of the trademark itself.

We have a responsibility to maintain control over the nature and quality of the service that is provided under our trademark. If we fail to do so, we place those trademark rights in jeopardy. The responsibilities of Licensee and Licensor are complementary. Together we are preserving and protecting a leadership training program that is intended to benefit the participants - parents of young children with developmental disabilities and adults with disabilities who know best what they need in terms of services and supports but are consistently kept out of the decisionmaking arena.

The quality of the Partners program is reflected in the graduates and whether they acquire the personal leadership skills that the program is designed to teach. The formal steps we have taken with respect to the Partners program were begun after ten years of experience with the program, responding to hundreds of technical assistance calls, and observing programs in the United States that did not meet the standards we had set.