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Sent: 14 Jun 2017 14:00:33 +0000
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Subject: RE: Authority to sign - Clarification

Two points of clarification:

First, in the final sentence, the modifier "as set forth in Sections 325 and 1820 of the MPEP" should come earlier (specifically, immediately after "only the specific titles"), as there are acceptable variations that are not specifically set forth in 325 and 1820 (e.g., assistant secretary).

Second, even though it is not specifically listed, Chairman of the Board would be an acceptable variation of Chairman of the Board of Directors, since "Board" in this context is commonly understood to be the board of directors (whereas simply Chairman would not be acceptable as there could be other chairpersons, e.g., chairman of the office morale committee).

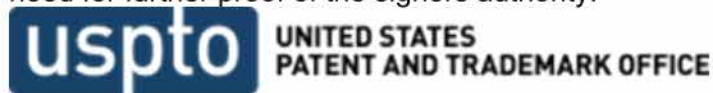
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From: Cole, Richard
Sent: Tuesday, June 13, 2017 9:05 AM
Subject: Authority to sign

The question came up a few weeks ago as to whether someone with the title "CLO" (presumably Chief Legal Officer) had the apparent authority to sign a Power of Attorney and other documents on behalf of a corporate applicant. In the past there have been situations where we have been willing to accept a title if it contained the word "Officer" in view of the language in MPEP 325 which states:

An officer (chief executive officer, president, vice-president, secretary, or treasurer) is presumed to have authority to sign on behalf of the organization... A person having a title (administrator, general counsel) that does not clearly set forth that person as an officer of the assignee is not presumed to have authority to sign the submission on behalf of the assignee.

However, after further discussions with OPLA, Petitions, and the MPEP staff, it has been decided that such should not be the office practice. From this point forward, only the specific titles, and their acceptable variations, as set forth in Sections 325 and 1820 of the MPEP (relevant portions reproduced below) should be accepted as having authority to sign without need for further proof of the signors authority.



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MPEP 325

...An officer (chief executive officer, president, vice-president, secretary, or treasurer) is presumed to have authority to sign on behalf of the organization. The signature of the chairman of the board of directors is acceptable, but not the signature of an individual director. Modifications of these basic titles are acceptable, such as vice-president for sales, executive

vice-president, assistant treasurer, vice-chairman of the board of directors. In foreign countries, a person who holds the title "Manager" or "Director" is normally an officer and is presumed to have the authority to sign on behalf of the organization. A person having a title (administrator, general counsel) that does not clearly set forth that person as an officer of the assignee is not presumed to have authority to sign the submission on behalf of the assignee.

MPEP 1820

... Where a person signs on behalf of a legal entity (an organization such as a corporation, university, nonprofit organization, or governmental agency), his or her name and the capacity in which he or she signs should be indicated. Proof of the person's authority to sign on behalf of the legal entity will be required if that person does not possess apparent authority to sign on behalf of the legal entity and that person has not submitted a statement that he or she is authorized to sign on behalf of the legal entity (discussed below). An officer (President, Vice-President, Secretary, Treasurer, Chief Executive Officer, Chief Operating Officer or Chief Financial Officer) of an organization is presumed to have authority to sign on behalf of that organization. The signature of the chairman of the board is also acceptable, but not the signature of an individual director. Variations of these titles (such as vice-president for sales, executive vice-president, assistant treasurer, vice-chairman of the board of directors) are acceptable. In general, a person having a title (manager, director, administrator, general counsel) that does not clearly set forth that person as an officer of the organization is not presumed to be an officer or to have the authority to sign on behalf of the organization. However, an exception is made with respect to foreign juristic applicants. This is because in foreign countries, a person who holds the title "Manager" or "Director" is normally an officer or the equivalent thereof; therefore, those terms are generally acceptable as indicating proper persons to sign applications for foreign applicants. However, titles such as "Manager of Patents," suggesting narrowly limited duties, are not acceptable. An attorney does not generally have apparent authority to sign on behalf of an organization.

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