

BINGHAM

LEGAL ISSUES FOR TRADE ASSOCIATION MANAGEMENT

LEGAL INSIGHT. BUSINESS INSTINCT.

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TAX-EXEMPT STATUS

- Governance and Oversight
- Focus on Central Purpose: Promotion and Improvement of Conditions of Trade / Profession / Industry
- Avoidance of Advancement of Interests of Individual Members or Third Parties

TAX-EXEMPT STATUS (CONTINUED)

- Filing Requirements
- Compensation

WEBSITE

- Disclaimers / Limitations
- Rights of Access/Use
- Copyrights
- Privacy
- Linked Site Limitations

TECHNOLOGY AND IP PROTECTION

- Secure Trademarked Name Rights
- Created and Purchased IP - Protect Rights and Obtain Indemnities
- Standard-Setting

ANTITRUST

- Membership Restrictions Should Be Tailored and Non-Discriminatory
- Codes of Ethics Should Be Narrowly Tailored and Not Commercially Restrictive
- Discipline, If Any, Should Be Standardized and Impartial

ANTITRUST (CONTINUED)

- Joint Research Projects: Should Be Open and Innovative
- Group Buying: Mind the 35/20 Rule
- Avoid Any Appearance of Collusion and Discussion of Prices, Costs, Customers, Territories or Markets
- Statistical Reporting/Information Sharing Should Be Restricted and Historical In Nature

POLITICAL AFFAIRS

- Registration
- Political Contributions / Political Action Committees (State and Federal)
- *Noerr* Protections Have Limitations

CONTRACT ISSUES

- Identify Nature of Organization/ Non-Profit Status
- Limitations on Access to Members
- Limitations on Exposure / Indemnity Protection
- Local, Controlled Dispute Resolution



BINGHAM

Daniel Savrin is an accomplished trial lawyer. He represents clients in a wide range of antitrust, white collar criminal and complex commercial litigation matters. He also has an active practice counseling individuals, corporations and trade associations. Daniel is ranked as one of *The Best Lawyers in America*, and is listed in *Chambers USA: America's Leading Lawyers for Business* and in *Lawdragon 3000 Leading Lawyers in America*.

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