

Draft Charter.

Discussion document. Not yet adopted. Founding Members under discussion. Public comment open.

STATUS	Pre-formation. Not yet announced.
FOUNDING MEMBERS UNDER DISCUSSION	Roger Hahn (PatentBench); CBlindspot team (DraftBench, ValueBench announced); third Founding Member TBA .
TARGET ANNOUNCEMENT	2026 · venue TBA
DOCUMENT DATE	April 29, 2026
COMPANION DOCUMENT	OIPC Open Questions, v0.1
DISTRIBUTION	openipcouncil.org/charter · Apache-2.0 default for accredited methodology

§ 1 Purpose

The Open IP Council exists to establish, govern, and steward open standards for evaluating AI tools used in intellectual property workflows. The Council's outputs are reproducible benchmarks, shared methodology conventions, and integrity standards that buyers, vendors, insurers, and academics can rely on as a credible reference for procurement, professional responsibility, and academic citation.

The Council does not own any individual benchmark. It coordinates, accredits, and publishes joint reports. Each benchmark remains independently owned by its maintainer.

The Council exists because the alternative is that every vendor markets its own internal benchmark and no buyer has a reliable basis for comparison. This pattern has played out badly in adjacent industries (security scanners, EDA tools, legal research) and is currently playing out in AI patent tools.

§ 2 Core Principles

Five principles, intended to be durable across decades, not negotiated per release.

- 01 **Open methodology, open results.** Every accredited benchmark publishes versioned methodology, harness source, and result artifacts. Apache-2.0 default. Methodology disputes resolved through public processes, not closed committees.
 - 02 **Independent benchmark ownership.** No benchmark is owned by the Council. Each is owned by its maintainer. The Council accredits and coordinates; it does not control.
 - 03 **Tracks A and B.** Every accredited benchmark combines a hard ground-truth signal (Track A) with an expert panel signal (Track B). Composite scores publish both tracks separately alongside the merged composite.
 - 04 **Integrity floors over deductions.** Where a workflow has bright-line legal or professional-responsibility violations — fabricated citations under Therasense, inequitable conduct, conflicts of interest — the benchmark imposes a hard floor on composite score, not a deduction. Catastrophic conduct is not averaged into a passing grade.
 - 05 **Vendor-neutral governance.** No single vendor, law firm, or platform holds majority influence. Governance is structured to prevent capture by any one stakeholder class.
-

§ 3 Scope

The Council's scope is AI tooling for intellectual property workflows.

In scope: patent prosecution, drafting, prior art search, claim construction, invalidity analysis, infringement analysis, valuation, trademark prosecution, copyright analysis, IP litigation analytics.

Out of scope: general legal AI not specific to IP, contract review, e-discovery, general practice management.

The Council recognizes that the boundary between IP and general legal AI will blur over time. The scope review is annual.

§ 4 Stakeholder Classes

Five stakeholder classes, intentionally distinct because their incentives diverge.

CLASS	DESCRIPTION	EXAMPLES
Maintainers	Individuals or organizations operating an accredited benchmark	PatentBench (Hahn), DraftBench (CBlindspot), future maintainers
Vendors	Commercial AI tools subject to benchmarking	DeepIP, Solve Intelligence, Patlytics, IP Author, Rowan, frontier LLMs
Buyers	In-house IP departments and law firms procuring AI tools	Fortune 500 IP teams, AmLaw 100 IP groups
Insurers and risk carriers	Underwriters of professional liability for IP attorneys	Aon Affinity, Marsh, AIG specialty lines
Academic and standards	Law professors, academic institutions, professional bodies	Stanford CodeX, NYU IP, Berkeley CTSP, AIPLA, IPO, FCBA

Each class is represented in governance with structural protections against any single class dominating. See § 7.

§ 5 Membership Structure

NOTE. Membership openness is unresolved and is the subject of Open Question 1 in the companion document. The structure below is the current draft proposal pending resolution.

This draft proposes a tiered membership model.

Tier 1 — Founding Members

Closed list, fixed at formation. The maintainers who launch the Council with their benchmarks. Founding Members hold permanent seats on the Governance Board and have founding-status branding rights. Founding Member status cannot be conferred after the formation window closes.

Tier 2 — Accredited Maintainers

Operators of benchmarks that have passed the Council's accreditation review. Hold seats on the Methodology Council. Open to individuals, organizations, and academic institutions.

Tier 3 — Stakeholder Members

Vendors, buyers, insurers, and academic institutions who agree to the Council's principles, pay membership dues (if applicable), and participate in working groups. Open membership with light vetting.

Tier 4 — Observer Members

Any individual or organization that wants to receive announcements, attend public meetings, and submit comments. Free, no vetting beyond an anti-spam check.

This model lets the Council remain open in spirit (Tier 4) while protecting governance from capture (Tiers 1 and 2 closed to qualified maintainers only) and giving stakeholders a meaningful voice (Tier 3).

§ 6 Benchmark Accreditation

A benchmark becomes Council-accredited through a documented review process.

- 01 **Application.** Maintainer submits methodology, harness source, result schema, governance plan, and a statement of how the benchmark satisfies the five core principles.
 - 02 **Public comment.** 60-day public comment period during which any stakeholder can file methodology objections.
 - 03 **Methodology Council review.** Existing Accredited Maintainers review the application against published criteria. Decision is by 2/3 supermajority. Appeals go to the Governance Board.
-

- 04 **Annual reaccreditation.** Each accredited benchmark publishes an annual conformance report. Failure to publish is grounds for de-accreditation after a 90-day cure period.

ACCREDITATION CRITERIA

- Open methodology, open harness, public reproducibility
- Dual-track scoring or documented justification for single-track design
- Track A integrity standard or hard-floor for legal violations where applicable
- Public test set, or documented hold-out protocol where confidentiality requires
- Vendor-neutral governance of the benchmark itself
- Reproducibility by third parties within a 5% scoring delta

§ 7 Governance Structure

Three bodies, three different purposes.

7.1 GOVERNANCE BOARD

The senior governing body. Sets strategic direction, ratifies methodology decisions, approves new accreditations, manages finances, hires the Executive Director if any.

Composition: 9 seats, distributed to prevent stakeholder-class capture.

SEATS	CONSTITUENCY	TERM
3	Founding Members	Permanent
2	Accredited Maintainers (elected by Methodology Council)	2 years, rotating
1	Vendor representative	2 years, rotating
1	Buyer representative	2 years, rotating
1	Insurer or risk carrier representative	2 years, rotating
1	Academic representative	2 years, rotating

Cap: no single stakeholder class can hold more than 4 of 9 seats. Founding Members hold 3 seats permanently and cannot exceed that count.

Decision rule: simple majority for routine matters, 2/3 supermajority for accreditation, methodology principle changes, and amendments to this charter.

7.2 METHODOLOGY COUNCIL

The technical body. Reviews benchmark accreditation applications, resolves cross-benchmark methodology disputes, maintains the shared harness conventions and result schema standards.

Composition: one representative per Accredited Maintainer. Founding Members hold seats by virtue of operating accredited benchmarks. New maintainers join as their benchmarks are accredited.

Decision rule: simple majority for technical recommendations, 2/3 supermajority for accreditation decisions.

7.3 STAKEHOLDER WORKING GROUPS

Open-membership working groups organized by topic. Initial proposed groups:

- Vendor Adapter Standards (vendor-led, drives interoperability)
- Buyer Procurement Integration (buyer-led, drives adoption in RFPs)
- Insurance and Risk (insurer-led, drives malpractice underwriting integration)
- Academic Methodology Review (academic-led, drives scholarly publication)

Working groups produce non-binding recommendations to the Governance Board and Methodology Council. They are the primary mechanism for stakeholder voice without complicating governance.

§ 8 Integrity Standards

A small set of integrity standards apply to all accredited benchmarks regardless of workflow domain.

8.1 THE THERASENSE STANDARD

Any accredited benchmark that evaluates AI tools producing content for filing with a patent or trademark office must include a fabrication-detection layer with a hard floor on composite score.

DOCTRINAL BASIS. *Therasense, Inc. v. Becton, Dickinson & Co.*, 649 F.3d 1276 (Fed. Cir. 2011) (en banc), establishing affirmative egregious misconduct — including citation of nonexistent prior art — as per se material under the inequitable conduct doctrine.

Operational requirement: any cited US patent or publication number must be verified against an authoritative source (USPTO PatentsView API, USPTO Patent Public Search, or jurisdictional equivalent). Citations that fail verification trigger a hard floor: composite score equals 0.0 for that draft or output.

This standard is **not optional** for in-scope benchmarks. It is a non-negotiable accreditation criterion.

8.2 THE CONFLICT STANDARD

Maintainers of accredited benchmarks disclose all financial relationships with evaluated vendors, including consulting, equity, board service, and paid panel participation. Conflicts do not disqualify; nondisclosure does.

8.3 THE REPRODUCIBILITY STANDARD

Every published benchmark run must include sufficient artifacts (inputs, outputs, configuration, raw API responses) for any third party with reasonable resources to reproduce the run within a 5% scoring delta. The 5% threshold is a working figure and is open to revision by the Methodology Council.

§ 9 Founding Members

NOTE. Founding member composition is unresolved and is the subject of Open Question 4 in the companion document.

This draft proposes the following Founding Members at announcement:

- **Roger Hahn** — PatentBench, patent prosecution benchmark, live in production
- **CBlindspot** — DraftBench (pre-filing drafting) and ValueBench (announced, valuation)
- **Third Founding Member** — **TBA**; preferably from law firm, corporate in-house, academia, or an existing standards body.

The case for a third Founding Member at launch: two members can be framed as a partnership; three or more is a coalition. Coalition framing is meaningfully stronger for press, vendor pressure, and resistance to existing brand collisions in this space.

CANDIDATE CATEGORIES

- Academic institution (Stanford CodeX, NYU IP, Berkeley CTSP)
- Existing standards body joining as a sponsor (AIPLA, IPO, FCBA)
- Second open benchmark already in development (PriorArtBench maintainer if one emerges)
- Respected individual practitioner with an open-source benchmark project

§ 10 Roadmap

PHASE	WINDOW	MILESTONES
Formation	2026	Council formation announcement; Founding Members named; Charter v1.0 published; first public meeting scheduled
Initial accreditation	Jun–Sep 2026	Accreditation criteria finalized; first formal accreditations of PatentBench and DraftBench; Stakeholder Working Groups stood up; first members enrolled across Tiers 2–4
First annual cycle	Oct–Dec 2026	First annual Council report; joint cross-benchmark publication; Insurance and Risk working group engages first carrier (target: Aon Affinity)
Expansion	2027	Federation expanded to 4–5 accredited benchmarks; procurement integration with Mitrastech or Onit; first academic partnership for ClaimConstructionBench or InvalidityBench
Institutionalization	2028	Council moves to non-profit incorporation or sponsorship under existing institution (AIPLA, Linux Foundation, IPO, or equivalent); academic publication of methodology framework

This document is a discussion draft. Open questions are tracked in the companion document *OIPC Open Questions, v0.1*. Comments and revisions welcomed at comments@openipcouncil.org.

Open IP Council · openipcouncil.org · OIPC-CHARTER-v0.1 · April 29, 2026