

Open Questions.

Six unresolved items in public comment alongside the draft Charter.
Each carries its own comment window and decision path.

DOCUMENT	OIPC Open Questions, v0.1
COMPANION TO	OIPC-CHARTER-v0.1
STATUS	Public comment open
COMMENT CHANNEL	comments@openipcouncil.org · subject must include question number (e.g., "OQ-04")
DECISION AUTHORITY	Methodology Council (technical) · Governance Board (structural)

The questions below are intentionally not resolved in Charter v0.1. Each will be settled before Charter v1.0 publishes. Where an answer exists in the draft, it is marked as a current proposal pending public comment.

0Q-01

Membership openness

Should Tier 3 stakeholder membership be open to any organization that pays dues, or gated by Working Group sponsorship?

Current proposal (Charter § 5): open with light vetting. Open Working Group sponsorship not required, but encouraged.

Comment window: 60 days · Decision: Governance Board, simple majority.

0Q-02

Single-track justification

Under what conditions can an accredited benchmark publish a single-track score (Track A only, or Track B only)? The Methodology Council requests case examples from drafting and trademark prosecution domains.

Current proposal (Charter § 2 & § 6): documented justification required; default is dual-track.

Comment window: 90 days · Decision: Methodology Council, 2/3 supermajority.

0Q-03

Reproducibility threshold

The 5% scoring-delta reproducibility threshold (§ 8.3) is a working figure. Is there a defensible empirical basis for tightening to 3%, or for varying it by domain?

Current proposal: 5% delta as the universal initial standard; revisable by the Methodology Council annually based on observed reproducibility variance across accredited benchmarks.

Comment window: 90 days · Decision: Methodology Council, simple majority.

0Q-04

Third Founding Member

Two members can be framed as a partnership; three or more is a coalition. Candidate categories under discussion: academic institution (Stanford CodeX, NYU IP, Berkeley CTSP), existing standards body sponsor (AIPLA, IPO, FCBA), or a respected practitioner with an open-source benchmark project.

Submissions accepted: until Apr 30, 2026. After that, the seat closes at formation; later members enter as Tier 2.

Comment window: 60 days · Decision: Founding Members, unanimous.

0Q-05

Insurance integration

What evidentiary standard would a professional-liability carrier accept for using OIPC benchmark scores in malpractice underwriting and rate determination?

First-mover targets: Aon Affinity, Marsh, AIG specialty lines, Hiscox, CNA. The Insurance & Risk Working Group will lead.

Comment window: rolling · Decision: Insurance & Risk Working Group, ratified by Governance Board.

0Q-06

International scope

OIPC v0.1 is US-centric (USPTO, Therasense). What is the path to EPO, JPO, KIPO, and CNIPA without diluting the integrity floors? In particular, can the Therasense Standard be implemented in jurisdictions whose inequitable-conduct doctrine differs?

Current proposal: the Therasense Standard adapts to each jurisdiction's authoritative verification source; the hard-floor mechanic is jurisdiction-neutral.

Comment window: 120 days · Decision: Methodology Council with regional advisor input.

How to file a public comment

- 01 Email comments@openipcouncil.org with the question identifier (e.g., 0Q-04) in the subject line.
- 02 Include the affiliation under which you are commenting (in-house counsel, law firm, vendor, academic, observer). Affiliation is published with the comment unless you request anonymization, which the Council grants by default for comments from individual practitioners.
- 03 Comments are aggregated, published quarterly, and weighed by the body with decision authority for that question.
- 04 Withdrawal: a commenter may request comment removal at any time before the decision date.

What happens at v1.0

Each open question resolves to one of three outcomes when Charter v1.0 publishes:

- **Resolved:** the proposed answer is adopted as written into the charter; the question is closed.
- **Resolved with modification:** public comment surfaces a better answer; the charter language updates.
- **Deferred:** question remains open with a new comment window and a target resolution date in v1.1 or later.

Outcomes are published with reasoning. The Council does not publish vote tallies for individual decisions.

Open IP Council · openipcouncil.org · OIPC-OPEN-QUESTIONS-v0.1 · April 29, 2026.
Companion to OIPC-CHARTER-v0.1. Public comment open.