

Application of Gerard F. Dunne for the American Canoe Association Board of Directors

1. Why are you interested in servicing on ACA's Board

I have served on the ACA Board in the past, including a term as Vice President; and have a strong commitment to the mission for the ACA. I am and have been Chair of the Atlantic Division since 2010; and am particularly interested in Chairing the Properties Committee of the Board.

2. What specific knowledge, skills, abilities and talents will you bring?

Legal Knowledge

I am an attorney admitted to practice in New York, and have kept abreast of the evolution of the New York not-for-profit law. Inasmuch as the ACA is a New York not-for-profit organization, this legal knowledge would be of value to the Board. I am an intellectual property attorney with over 40 years of litigation experience throughout the country.

Olympic and Paralympic NGB operations

I was a member of the Board of the ACA at the time it applied for and was granted its National Governing Body (NGB) status by the then USOC and now USOPC; and served on the committee that was involved in negotiating the ACA Bylaws to be an NGB.

I am also an active member of USA Weightlifting, the NGB for the Olympic sport

of weightlifting; and served on its Board committee for the revisions of its Bylaws. As such, I was directly involved with negotiations with lawyers for the USOC re certain Bylaw changes requested by the USOC but opposed by USAW.

#### Human Resources

My wife has spent her career in human resources and I have used her assistance and her experience and knowledge on many occasions on behalf of the ACA. As Atlantic Division Chair, I am the person most responsible for the operation and administration of the ACA camp at Lake Sebago, and have had to monitor, mediate and oversee in the many occasions that arise in the administration of the ACA Camp, including matters involving employees, the volunteer Committee Chairs and members, as well as the ACA members that may have concerns or problems with the camp.

As a prior ACA Board member, I investigated for the Board several matters involving a Board member behavior as well as employee behavior, and reported to the Board for action to be taken, or resolved the matter.

I am a coastal kayak and tandem canoe instructor; and consider the excellent instruction and guidance provided by the ACA to the recreational paddler to be extraordinary, and consider it most critical to preserve and maintain the ACA as the “gold standard” for instruction and safety for the recreational paddler.

#### ACA Administrative Experience

As the Chair for the Atlantic Division for the past 11 years, I have the primary

responsibility for the administration and maintenance of the ACA Camp at Lake Sebago in Harriman State Park, NY. The ACA Camp has thousands of visits from ACA members each year, and is a wonderful recreational and instructional venue for the ACA members; and as such I am primarily concerned with maintaining this facility for the enjoyment and use of our members. I also believe the ACA involvement in developing Sugar Island is vital, as a wonderful and historic resource for the ACA and its members. Recreation and stewardship, as well as instruction, would thus be a high priority for me as an ACA Board member.

I am a competitive Masters athlete for USA Weightlifting, and a certified coach by USAW. I have been Masters National and Masters Pan American Champion several times; and still train and coach the sport of Olympic-style weightlifting. I have been an administrator and official for National competitions for USAW. I am knowledgeable about competition from both the athlete's perspective and that of an administrator and official. I am well experienced in competitions within the structure of an NGB, and well understand the value of high-quality competitions and youth development for the success of the NGB mission of the ACA.

3. What do you believe are the most important challenges facing the ACA at this time?

A. Developing youth athletes.

B. Maintaining the “gold standard” for instruction.

C. Secure the future of the ACA Camp at Lake Sebago and Sugar Island

4. How would you address these challenges?

A. Assure the continued development of the ACA Camp at Lake Sebago and Sugar Island as a prime and ever-lasting recreational and instructional benefit for the members of the ACA. As chair of the Atlantic Division and the person responsible for the administration of the ACA Camp at Lake Sebago for over ten years, I have come into contact with thousands of ACA members and experience first hand the desires and sometimes evolving expectations from the members of the ACA. As a volunteer instructor, I have taught classes with hundreds of members; and understand the needs and desires of our members seeking instruction.

B. Continue and support the excellence of SEIC and our instructor development programs.

C. To develop an annual system of regional and national competitions for canoe and kayak, both for flat water and slalom, at all age levels. Youth competitions are important to develop our talent; masters competitions are important for “masters” athletes to encourage these athletes to continue in the sport and become a pool of knowledgeable athletes to serve as coaches and administrators.

With USA Weightlifting, I assist at national championships, including the various

age group National championships organized by USAW, and understand the value and how to organize, develop and administer age group competitions for youth, junior and masters athletes.

I have also trained at the Olympic Training Center (OTC) in Colorado Springs and have lived (albeit for a short time) with those athletes including paralympic athletes at the OTC. I understand well the nature and value of competition, and the needs and expectations of competitive athletes.

5. Do you have any previous experience serving on a non-profit Board? Are you currently serving on a Board?

I have served several terms as a member of the ACA Board, including one term as Vice-President

As Chair of the Atlantic Division, I have been a member of the Atlantic Division Board for the past 11 years.

For over 25 years, I have been a member of the Board of a not-for-profit independent school, Grades K-through 12, in New York City.

I am a member of the Board of the NYC area local weightlifting committee of USAW.

6. What do you expect from the ACA to make service on the Board personally rewarding for you?

I value the mission of the ACA, both for recreational paddlers and the NGB obligations to our athletes. Assisting in that mission and knowing I helped make the world a better and safer place to paddle is my expected reward.

7. Have you reviewed the job description? Are you willing to make a commitment to the listed obligations, including time, work and financial contributions?

Yes.

2. Which of ACA's major tenets (instruction, recreation, competition and stewardship) do you feel is most important? Why?

I am a coastal kayak and tandem canoe instructor; and consider the excellent instruction and guidance provided by the ACA to the recreational paddler to be extraordinary, and consider it most critical to preserve and maintain the ACA as the "gold standard" for instruction and safety for the recreational paddler.

As the Chair for the Atlantic Division for the past 10 years, I have the primary responsibility for the administration and maintenance of the ACA Camp at Lake Sebago in Harriman State Park, NY. The ACA Camp has thousands of visits from ACA members each year, and is a wonderful recreational and instructional venue for the ACA members; and as such I am primarily concerned with maintaining this facility for the enjoyment and use of our members. I also believe the ACA involvement in developing Sugar Island is vital, as a wonderful and historic resource for the ACA and its members. Recreation and stewardship would thus be a high priority.

I am a competitive Masters athlete for USA Weightlifting, and a certified coach by

USAW. I have been Masters National and Masters Pan American Champion several times; and still train and coach the sport of Olympic-style weightlifting. Competition within the structure of an NGB is of value to me and of no less value than stewardship and recreation.

3. How will you serve all of ACA's diverse membership?

As chair of the Atlantic Division and the person greatly responsible for the ACA Camp at Lake Sebago for over ten years, I have come into contact with thousands of ACA members and experience first hand the desires and sometimes evolving expectations from the members of the ACA. As a volunteer instructor I have taught classes with hundreds of members; and understand the needs and desires of our members seeking instruction.

With USA Weightlifting, I assist at most national championships, including the various age group National championships organized by USAW, and understand the value and how to organize, develop and administer age group competitions for youth, junior and masters athletes.

I have also trained at the Olympic Training Center (OTC) in Colorado Springs and have lived (albeit for a short time) with those athletes including paralympic athletes at the

OTC. I understand well the nature and value of competition, and the needs and expectations of competitive athletes.

4. Please list your top three priorities if you are elected to ACA's Board.

1. Assure the continued development of the ACA Camp at Lake Sebago and Sugar Island as a prime and ever-lasting recreational and instructional benefit for the members of the ACA.

2. Continue and grow the excellence of SEIC and our instructor development programs.

3. To develop an annual system of regional and national competitions for canoe and kayak, both for flat water and slalom, at all age levels. Youth competitions are important to develop our talent; masters competitions are important for "masters" athletes to encourage these athletes to continue in the sport and become a pool of knowledgeable athletes to serve as coaches and administrators.

5. Do you have any conflicts of interest that would impact your ability to serve on ACA's Board? Conflicts include any area where a Board members action or service on

the Board might reasonably be expected to create benefit for themselves or a family member, that they would not otherwise gain.

No.

## Gerard (“Jerry”) F. Dunne

Graduated Manhattan College in 1969 with a Bachelor of Engineering degree, and the University of Baltimore Law School with a JD degree in 1974.

Patent Examiner in the bio-mechanical arts at the United States Patent and Trademark Office from June of 1969 until October of 1974.

Associate attorney in the Law Office of Albert C. Johnson, 1974-1977

Wyatt, Gerber and Shoup, 1977-1994. Partner in 1980 in a 35 person law firm September 1994

Founded Law Office of Gerard F. Dunne, P.C. in 1994 to present

### Bar Admissions

Admitted to the State and Federal courts of New York, as well as the Federal appellate courts of the Federal, Second, Third, Seventh, Eighth and Ninth Circuits; and the United States Supreme Court.

### Litigation

Beginning in the early 1980s, Jerry has been “first chair” primarily responsible for litigation of patent, trademark, copyright and related matters in Federal courts across the country. He has obtained multiple orders to show cause and temporary restraining orders and preliminary injunctions in counterfeiting cases; and has substantial experience as plaintiff as well as defense counsel in litigation involving not only patents, trademarks, copyrights and unfair competition, but also gray market and trade dress cases, and related antitrust matters.

### Legal Accomplishments

The law in intellectual property has been advanced in several areas due to Jerry’s appellate work. Jerry represented the originators of The Cabbage Patch Kids dolls in trademark and copyright matters around the country, and in *Original Appalachian Artworks, Inc. v. Granada Elecs., Inc.*, 816 F.2d 68, 73 (2d Cir. 1987) he sustained a holding he obtained in the trial court through the Supreme Court that gray market items which differed materially from the products sold in the United States violate the U.S. trademark laws. This decision has formed the basis for much of the subsequent gray market litigation in the United States. In *Knitwaves, Inc. v. Lollytogs, Ltd.*, 71 F.3d 996 (2nd Cir. 1995,) Jerry established limits of the trade dress laws as relating to product copying. After a trial in *Imig, Inc. v. Electrolux Home Care Products, Ltd.*, 2008 U.S. Dist. LEXIS 25478, 2008 WL 905898, (E.D.N.Y. 2008,) Jerry won the right for his client to continue marketing unpatented vacuum cleaners clearly copied from an industry leader. His appeal to the Third Circuit overturned a copyright decision denying copyright protection to

masks in *Masquerade Novelty, Inc. v. Unique Industries, Inc.*, 912 F.2d 663, 670-71 (3d Cir. 1990;) and enabled his client's copyrights to be enforced.

#### Volunteer Activities

Jerry has volunteered on several boards for non-profits, including having served on the National Board for the American Canoe Association (serving a term as Vice president), Chair of the Atlantic Division of the American Canoe Association and several local non-profits.

He volunteers as the pole vault coach at Archbishop Molloy High School, and still competes at the National level in masters sports, including multi National Champion and Pan American champion in Olympic-style weightlifting; and is a Category 1 international referee in Olympic-style weightlifting and certified sports performance coach.

Jerry is a member of the Sebago Canoe Club in Brooklyn, New York, and an ACA coastal kayak and tandem canoe instructor. Jerry has been Chair of the Atlantic Division of the ACA since 2010, and is responsible for the administration of the ACA Camp at Lake Sebago.