

CNIPA

COMMITTEE OF NATIONAL INSTITUTES OF INTELLECTUAL PROPERTY ATTORNEYS

Statutes

(as last amended 3rd May 2014)

I

- 1) The Committee is called the

**COMMITTEE OF NATIONAL INSTITUTES
OF INTELLECTUAL PROPERTY ATTORNEYS**

with the abbreviated title CNIPA

- 2) CNIPA is currently composed of representatives of the following Member Institutes (which term includes member associations):

Österreichische Patentanwaltskammer (AT);

Chambre des Conseils en Propriété Industrielle de Belgique (BE);

Komora patentových zástupců České republiky (CZ).

Patentanwaltskammer (DE);

Colegio Oficial de Agentes de la Propiedad Industrial (ES);

Compagnie Nationale des Conseils en Propriété Industrielle (FR);

Chartered Institute of Patent Attorneys (GB);

Hrvatska Komora patentnih zastupnika i zastupnika za žigove (HR);

Magyar Szabadalmi Ügyvivői Kamara (HU);

Association of Patent and Trade Mark Agents (IE);

Ordine dei Consulenti in Proprietà Industriale (IT);

Liechtensteinischer Patentanwaltsverband (LI);

Orde van Octrooigemachtigden (NL);

Polska Izba Rzeczników Patentowych (PL);
Associação Portuguesa dos Consultores em Propriedade Industrial (PT);
Camera Nationala a Consilierilor in Proprietate Industrială din România (RO);
Svenska Patentombudsföreningen (SE).

II

The main objects of CNIPA shall be:

- 1) Close co-operation between the Member Institutes;
- 2) To exchange opinions and so far as possible – with due regard to the working rules of each Member Institute - to agree on matters of interest to the Member Institutes, subject to # III.15 below;
- 3) To exchange information as to the laws and practice in Europe and in other countries concerning patents, designs, trade marks, copyright and other forms of intellectual property; and
- 4) To make, support or co-ordinate representations to governmental and other bodies on matters of interest to patent attorneys, including improvements in laws and practices.

III

The following rules are adopted:

Membership

- 1) The Executive Committee may invite other institutes (which term includes associations) to join CNIPA as full Member Institutes and to be represented on the Executive Committee. More than one institute may be invited from a country or region,

should such be considered desirable. Any institute invited shall fulfil the following conditions:

- a) The institute shall be a national or regional institute of intellectual property attorneys to which belong a significant number of that country's or region's patent attorneys on a list officially recognised by the national patent office or by a corresponding authority such as the European Patent Organisation;
 - b) The official recognition referred to in (a) shall as prerequisites require future patent attorneys to have a technical qualification such as an engineering or science degree and to pass an effective professional examination in patent law;
 - c) The institute shall have the right to discipline members for professional misconduct; and
 - d) The national patent office or corresponding authority shall be in Europe.
- 2) CNIPA may invite other organisations to take part in some or all of its discussions, even if such organisations are not eligible for membership.

The Executive Committee

- 3) CNIPA shall comprise an Executive Committee composed of the Presidents of the Member Institutes or their substitutes and the Executive Committee shall act in the name of CNIPA.
- 4) The Executive Committee:
 - a) shall make decisions regarding subjects that are placed on the agenda for any of its meetings;
 - b) shall elect from within Member Institutes a President, a Vice-President and a Treasurer;

- c) shall discharge the President, the Vice-President and the Treasurer from responsibility for their mandates; and
- d) shall make decisions regarding amendments to the statutes, which amendments shall be submitted to the Member Institutes at least three months before the respective meeting of the Executive Committee.

Elections

- 5) a) The office of Secretary General shall cease and the present Secretary General shall become President for an initial term of three years from 9th November 2003, subject to III 5(b) below;
- b) The elections to the offices of President, Vice-President and Treasurer shall be held at meetings of CNIPA. They shall assume office immediately following the end of the meeting at which each election is held, unless otherwise decided.
- c) The President, Vice-President and Treasurer shall each be elected or re-elected for three years. Their office may be terminated by the Executive Committee at any time. The President, the Vice-President and/or the Treasurer may resign at any time, on one month's notice.
- d) The President shall not be a member of the same Member Institute for more than two consecutive terms of office, i.e., for more than six consecutive years. The space of at least one term of office, i.e. three consecutive years, shall then elapse before a member of the same Member Institute may be elected President.
- e) The elections to the offices of President, Vice-President and Treasurer shall be effected by secret ballot, separately for each office. If, at the first ballot, an absolute majority of the whole Executive Committee is not obtained, a second ballot shall be held. If this still fails to produce an absolute majority, a third ballot, with relative majority, shall be held. In case of equality, lots shall be drawn to decide.

f) The term of three years specified in III 5(a) and III 5(c) above can be reduced or extended to expire at the end of a meeting at which the elections are held, by decision of the Executive Committee. The decision shall be valid if adopted in accordance with the first sentence of III 12(b) below.

6) a) The President shall preside at and chair the meetings of the Executive Committee. The Vice-President shall replace the President in all his/her duties whenever the President does not attend, or if requested by the President to do so.

b) The President, the Vice-President and the Treasurer shall be members of the Executive Committee, but shall not have a vote unless they are representing their Institute, except as in # III 12b below.

c) Although he/she need not personally carry out the tasks, the President shall be responsible for:

- i) calling meetings of the Executive Committee;
- ii) sending out invitations for the meetings, with at least one month's notice unless the matter is urgent;
- iii) sending an agenda for each meeting, at least one month in advance unless urgent;
- iv) drawing up and distributing the minutes of each meeting;
- v) circulating important information; and
- vi) representing CNIPA in discussions with or submissions to third parties, for which task the President can nominate a suitable person from a Member Institute.

d) The Treasurer is responsible for holding any funds of CNIPA. He will annually present an account to the President, for distribution to the Member Institutes, unless there have been no transactions. Any payment on behalf of CNIPA must be authorised by the signature of the President, of the Vice-President or of the Treasurer.

7) The President, Vice-President and Treasurer shall all be responsible to the Executive Committee and shall assume the duties and responsibilities of the management of CNIPA.

8) The Executive Committee shall meet at least once a year. It shall also meet when a request to that end is addressed to the President of CNIPA by at least half of the Member Institutes. At his discretion, the President can call a meeting at any time.

Meetings of the Executive Committee

9) a) Each Member Institute shall be represented by its President or his/her substitute. In the absence of its President, any Member Institute can designate a substitute.

b) Each Member Institute may designate two further delegates as observer delegates.

10) Each Member Institute shall have one vote only, or, if there is more than one Member Institute from a country or region, a fraction of one vote shall be agreed by the Executive Committee such that the total vote from that country or region shall be one.

11) At meetings of the Executive Committee, discussions and the related documents shall, so far as possible, be in English. Documents in other languages may be used where necessary, for example where they are not to be presented to governmental or other bodies as a result of discussions of the Committee. Translations agreed by the President shall be deemed to be authentic.

Voting at Meetings

12) a) The Executive Committee shall only validly meet if a quorum of at least one-quarter of the Member Institutes is achieved, proxies being ignored for this pur-

pose. If such a quorum is not achieved, a new meeting shall be called with a delay of at least one month. The Executive Committee shall then validly meet, even if there is no such quorum, on the agenda for the meeting which could not be held.

b) The decisions of the Executive Committee shall be valid only if they are adopted with a majority of those present at the meeting and proxies. If there is equality of votes, the chairman of the meeting shall decide. A majority of three-quarters of those present at the meeting and proxies is necessary for the admission of any new National Institute, for amending the Statutes of CNIPA and for terminating the office of the President, Vice-President or Treasurer.

c) If one month's notice has not been given of any resolution in general terms, the representative of a Member Institute, in voting on such a resolution, may cast a conditional vote and in such case such vote shall not be effective unless and until confirmed by notice to the President, any such notice to be given within two weeks or such longer time as may be agreed by the Executive Committee.

d) Every National Institute or Association not represented by its President or his/her deputy may give a written proxy to any other Member Institute, and such Member Institute shall then validly act as delegate and exercise the vote of the National Institute from which it received the proxy.

Fundamental Questions of Patent Attorney Practice

13) a) An opinion concerning fundamental questions of Patent Attorney practice shall only be expressed on behalf of CNIPA if the opinion is unanimously agreed by the Executive Committee, with no negative votes and no formal abstentions. If no unanimous agreement can be reached, voting shall be used to determine whether there is a majority opinion, how big that majority is and whether the minority opinion is so strongly held that no compromise is possible. Following such voting, an action or submission in the name of CNIPA is only to be taken or made upon a resolution which has been supported by at least two thirds of the Member Institutes.

b) On fundamental questions of Patent Attorney practice, agreement may be made to express both a majority opinion and a minority opinion. When no agreement can be reached to express either opinion, the meeting may agree by a majority vote of those present at the meeting to give an indication that CNIPA is unable to reach an agreed opinion.

Subscriptions, etc.

14) a) Each Member Institute may be required to pay a subscription, the amount of which depends on an agreed annual budget and/or an agreed amount for events organized by the Executive Committee. The amount of the subscription and the proportion of contribution shall be decided by the Executive Committee for each coming year or each coming event, respectively, the Member Institutes contributing in equal shares (or if a group of Member Institutes represents a country or region, the Member Institutes and groups of Member Institutes contributing in equal shares), unless otherwise agreed.

b) Expenditure by representatives in attending meetings shall not be borne by the Executive Committee.

c) Member Institutes are invited to bear any expenses borne by the Members when representing CNIPA in discussions with or submissions to third parties.

d) The duties of President, Vice-President and Treasurer shall not be paid.

Internal Matters of Member Institutes

15) CNIPA shall not concern itself with, and shall not have power to criticise, the personal membership, the rules governing professional conduct, or any other internal matter, of any Member Institute.

Associate Membership

- 16) CNIPA may create a class of associate membership. Any associate member shall be a member of a Member Institute and shall be a patent attorney on a list officially recognised by the National Patent Office or by a corresponding authority such as the European Patent Organisation. Such associate members shall not as such be members of the Executive Committee. Such associate members may be required to pay an annual subscription.

Dissolution

- 17) In case of dissolution of CNIPA, the funds of CNIPA shall be distributed to the Members Institutes only if the funds cannot be transferred to one or more non-profit organisations which pursue objects similar to those of CNIPA and whose statutes forbid the distribution of their income and of their funds to their members.