

## **STATUTES<sup>1</sup>**

### **OF THE POLISH CHAMBER OF PATENT ATTORNEYS**

passed on 15 November 2002 by the Extraordinary (6<sup>th</sup>) National Convention of Patent Attorneys and amended by the 5<sup>th</sup> National Convention of Patent Attorneys held on 6-7 May 2005 and by the 6<sup>th</sup> National Convention of Patent Attorneys held on 11 September 2009 and on 27 November 2009.

## **Chapter I**

### **General provisions**

#### **Article 1**

The Polish Chamber of Patent Attorneys hereinafter referred to as the “self-government” acts on the basis of the Act of 11 April 2001 on Patent Attorneys (Journal of Laws no. 49, item 509, as amended), hereinafter referred to as the “act” and in compliance with the present statutes.

#### **Article 2**

The present statutes defines the detailed organizational structure of the self-government, number and borders of the regions as well as specific regulations regarding the actions of the self-government and its authorities, manner in which the members of these authorities are appointed, revoked and the manner in which the composition of these authorities is supplemented; the statutes also set out the rules of determining the number of delegates for the National Conventions of Patent Attorneys (Article 45 of the Act).

#### **Article 3**

1. Polish Chamber of Patent Attorneys shall comprise all patent attorneys and patent attorney trainees.
2. Polish Chamber of Patent Attorneys shall represent its members and ensure that the profession of a patent attorney is performed with due diligence and within the framework of public interest and for the purpose of its protection (Article 7.2 of the Act).
3. Polish Chamber of Patent Attorneys shall have legal capacity. Its independence is subject to judicial protection (Article 7.3 of the Act).

#### **Article 4**

1. Duties of the self-government include in particular:
  - 1) taking actions in order to ensure conditions for due performance of the profession of a patent attorney,
  - 2) representation of patent attorneys and patent attorney trainees and protection of their professional interest,
  - 3) cooperation in creation and application of the intellectual property law, as well as in the scope of organizing and performing the profession of a patent attorney,
  - 4) improvement of professional qualifications of patent attorneys and education of trainees,
  - 5) supervision regarding due performance of profession of patent attorneys and patent attorney trainees,
  - 6) carrying out research in cases concerning the issues of intellectual property.

(Article 43.1 of the Act)

2. When performing the duties mentioned in section 1 above, the self-government shall act in cooperation with government and local authorities, other professional self-

governments and social organizations, as well as it shall resolve disciplinary cases and carry out publishing activity. (Article 43.2 of the Act)

#### **Article 5**

1. Operation of all authorities of the Polish Chamber of Patent Attorneys is based on an honorary work of its members.
2. Elected members of authorities and members of committees and teams for specific issues mentioned in Article 26 hereof shall be entitled to reimbursement of expenses incurred in connection with their work within the said authorities.
3. The rules of reimbursement of such expenses shall not exceed the rules of reimbursement of expenses set out for the employees.

#### **Article 6**

The registered seat of the Polish Chamber of Patent Attorneys shall be Warsaw and the area of operation shall be the territory of the Republic of Poland.

### **Chapter II**

#### **Authorities of the self-government – manner of appointing and revoking of members of these authorities and the manner of supplementation of their composition**

#### **Article 7<sup>2</sup>**

1. The authorities of the self-government shall be as follows:
  - 1) National Convention of Patent Attorneys hereinafter referred to as the “National Convention”,
  - 2) National Council of Patent Attorneys hereinafter referred to as the “National Council”,
  - 3) Audit Committee,
  - 4) Disciplinary Court of Appeals
  - 5) Disciplinary Court
  - 6) Disciplinary Proceedings Representative
  - 7) Regional assemblies of patent attorneys.

(Article 44.1 of the Act)

2. The number of members of self-government authorities selected by means of a vote shall be as follows:
  - 1) The National Council of Patent Attorneys shall consist of 26 persons, comprising a separately elected president (President of the Polish Chamber of Patent Attorneys), 12 deans elected by regional assemblies of patent attorneys and 13 members elected by the National Convention,
  - 2) The Audit Committee shall consist of 12 persons,
  - 3) The Disciplinary Court of Appeals shall consist of 12 persons,
  - 4) The Disciplinary Court shall consist of 12 persons.
3. 2 elected Deputies of the Disciplinary Proceedings Representative do not constitute authorities of the self-government.

## **Article 8**

1. The term of duty of the self-government authorities shall be four years, however the authorities are obliged to operate until new authorities become validly constituted (Article 44.4 of the Act).
- 1a<sup>3</sup>. The term of duty of the deputies of the Disciplinary Proceedings Representative, deans and members of regional councils of patent attorneys who do not constitute authorities of the self-government shall be four years and shall commence along with the term of duty of the self-government authorities.
2. The term of duty of a member of a self-government authority shall expire as a result of the member's:
  - 1) resignation from duty,
  - 2) expungement from the list of patent attorneys,
  - 3) final and valid adjudication of a disciplinary penalty mentioned in Article 58.1.2 through 58.1.4 of the Act,
  - 4) revocation by the authority which appointed a member,
  - 5) occurrence of circumstances listed in Article 3.4 or non-observance of the condition defined in Article 44.2 of the Act.

## **Article 9**

1. The elections for the self-government authorities shall be secret and without a limit for the number of candidates (Article 44.6 of the Act).
- 1a<sup>4</sup>. Secret vote shall be held also in a situation in which the number of candidates is equal or lesser than the number of vacant positions.
2. The elected candidates shall be those who obtain the biggest number of votes.
3. If several candidates obtain equal number of votes, an additional election shall be held for these candidates. Out of these candidates, elected shall be the one who obtains the biggest number of votes.
4. The President of the Polish Chamber of Patent Attorneys shall become a candidate who obtains more than half of duly cast votes. Should none of the candidates obtain the required majority, a new vote shall be held immediately thereafter.
5. In the repeated vote, the election shall be made from between two candidates who obtained the biggest number of votes in the first vote.
6. A candidate who obtains bigger amount of votes in the repeated vote shall become the President of the Polish Chamber of Patent Attorneys.

7. The Disciplinary Proceedings Representative shall be elected in the manner set out in sections 4-6 above.
8. Election of the deputies of the Disciplinary Proceedings Representative, deans and members of regional councils of patent attorneys who do not constitute authorities of the self-government shall be held in accordance with the rules and in the manner set out for voting of self-government authorities.

#### **Article 10**

1. Elections shall be carried out by the returning committee appointed by the National Convention. The returning committee must not comprise persons who are candidates for the self-government authorities.
2. The candidates may be presented to the National Convention by any Convention's participant who holds an active voting right. Presented person must consent to become a candidate.
3. The elections may be held with the use of electronic devices.

#### **Article 11**

National Council and Audit committee shall be constituted within one week from the election at the latest.

#### **Article 12**

1. If the President of the Polish Chamber of Patent Attorneys that is, at the same time, the head of the National Council, is unable to perform their duties due to expiry of the term within the period between National Conventions, the National Council shall vote for a new head of the National Council.
2. If the President of the Polish Chamber of Patent Attorneys is temporarily unable to perform their duties, the National Council shall appoint one of the President's deputies to perform the duties of the head of the National Council.
3. Provisions of sections 1 and 2 above shall be applicable to the Disciplinary Proceedings Representative.
4. The authorities of the self-government may supplement their compositions with new members prior to the next National Convention, appointed from among the persons who obtained the biggest number of votes in the last elections and who were not appointed.
5. The members of the self-government authorities as well as the deputies of the Disciplinary Proceedings Representative, deans and members of regional councils of patent attorneys who do not constitute authorities of the self-government may be revoked from their positions in the manner in which they were appointed.

### **Chapter III**

#### **National Convention of Patent Attorneys**

#### **Article 13**

The National Convention of Patent Attorneys, hereinafter referred to as the "National Convention", shall constitute the highest authority of the self-government (Article 48.1 of the Act).

#### **Article 14**

The participants in the National Convention shall be, with the reservation of Article 17.2 through 17.4 hereof, patent attorneys with active voting rights and, patent attorney trainees without active voting rights (Article 47.1 of the Act).

#### **Article 15**

Duties of the National Convention shall be as follows:

- 1) passing of the statutes of the Polish Chamber of Patent Attorneys,
- 2) passing of operational guidelines for the self-government and its authorities,
- 3) passing of ethical guidelines for the patent attorney profession,
- 4) defining rules of carrying out the elections for the self-government authorities and specification of number of members of these authorities,
- 5) election of the President of the Polish Chamber of Patent Attorneys being simultaneously the head of the National Council of Patent Attorneys,
- 6) election of the members of the National Council of Patent Attorneys, Audit Committee, Disciplinary Court of Appeals, Court of Appeals, Disciplinary Proceedings Representative and his deputies,
- 7) defining the self-government's rules of financial management, as well as guidelines regarding the determination of membership fee,
- 8) examination and approval of the reports of the National Council of Patent Attorneys, Audit Committee, Disciplinary Court of Appeals, Court of Appeals and Disciplinary Proceedings Representative,
- 9) Passing of other resolutions.

(Article 48.2 of the Act).

#### **Article 16**

1. The National Convention shall be announced by the National Council and held seven days before the expiry of the term of the self-government authorities at the latest. (Article 47.4 of the Act)
2. The participants of the National Convention should be notified of its date and agenda at least four weeks in advance.
3. The rules of the National Convention shall define the organization of the National Convention and the manner in which the members of the self-government authorities are elected.
4. The National Convention shall pass resolutions by a simple majority of votes, with the reservation of Article 17.1 and Article 47.
5. In case of announcement of the National Convention, the deans shall be obliged to announce the Regional Conventions at least two weeks prior to the date of the National Convention.

#### **Article 17**

1. The National Convention may authorize the National Council, by virtue of a resolution passed by a majority of 2/3 votes to announce the subsequent Convention to be held as a convention of delegates.
2. If the National Convention is announced to be held as the convention of delegates, the National Council shall define in the convention rules the manner of election and number of delegates from individual regions.
3. The number of delegates mentioned in section 2 above shall be set by the National Council as proportional to the number of patent attorneys in the region, with the reservation that the number of delegates from each region must not be lower than two.
4. The participants in the National Convention held as a convention of delegates shall be, apart from the delegates, members of the National Council whose term is about to expire, Chairman of the Disciplinary Court of Appeals, Chairman of the Disciplinary Court, Chairman of the Audit Committee and the Disciplinary Proceedings Representative who shall hold advisory powers.

## **Chapter IV**

### **Extraordinary National Convention of Patent Attorneys**

#### **Article 18**

1. The Extraordinary National Convention of Patent Attorneys, hereinafter referred to as “Extraordinary National Convention” may be announced by the National Council in one of the following manners:
  - 1) at Council’s own decision,
  - 2) at the motion of the presiding body or Audit Committee,
  - 3) at the motion of at least one-fifth of the total number of members of the self-government, containing the agenda agreed by the members submitting such motion. (Article 49.1 of the Act)
2. The Extraordinary National Convention should be announced, with indication of the agenda, within two months from the date of submission of the motion for announcement of the Convention. (Article 49.2 of the Act)
3. The agenda of the Extraordinary National Convention may be extended during the Convention by means of a vote. This provision does not refer to extension of the agenda by the election of new self-government authorities. (Article 49.3 of the Act)

#### **Article 19**

In case of announcement of the Extraordinary National Convention, the deans shall be obliged to announce the Regional Assemblies of Patent Attorneys at least a week prior to the announced date of the Extraordinary National Convention.

## **Chapter V**

### **National Council of Patent Attorneys**

#### **Article 20**

1. The National Council of Patent Attorneys comprises the head of council and members elected by the National Convention and the deans.
2. The Presiding Body of the National Council shall comprise the head of council as well as the deputies of the head, secretary, treasurer and members elected by the National Council from the group of its members (Article 50.2 of the Act)
3. The Presiding Body of the National Council is the executive authority of the National Council and shall report to the National Council on its operations (Article 50.3 of the Act)

## **Article 21**

1. Duties of the National Council shall comprise:
  - 1) representation of the self-government,
  - 2) opining drafts of legal acts and presentation of conclusion and suggestions in cases regarding intellectual property issues and those pertaining to the profession of a patent attorney,
  - 3) passing of the budget of the National Council and approval of reports regarding budget expenses,
  - 4) management of financial issues of the self-government,
  - 5) examination of the motions of the Audit Committee,
  - 6) determination of the amount of membership fee and manner of exemption in part or in full from the obligation of paying the membership fee, as well as cases in which retired persons or pensioners are exempt from the obligation to pay the membership fee,
  - 7) organization of the patent attorney traineeships, inclusive of passing the programme and rules of traineeship and professional qualification examinations,
  - 8) organization of trainings and other forms of continuing professional education,
  - 9) appointment of a temporary deputy of a patent attorney and temporary administrator of a patent attorney's office, in cases set out in the act,
  - 10) appointment of the head of National Council and Disciplinary Proceedings Representative – if their terms of duty expire in the period between the National Conventions,
  - 11) maintenance and updating of publicly available registers:
    - a) employment places of patent Attorneys,
    - b) patent Attorneys' offices,
  - 12) acting before registry and statistical authorities with the motions for instigation of proceedings regarding the expungement from registers of organizations carrying out operations in the scope of assistance in cases relating to intellectual property in a manner incompliant with the provisions of the act,
  - 13) carrying out other duties of the self-government, not reserved for other of its authorities.

(Article 51 of the Act)

2. Other duties mentioned in section 1.13 above include in particular the following:



- 1) performing duties assigned by the National Convention,
- 2) constant improvement and promotion of professional ethics,
- 3) international cooperation,
- 4) cooperation with universities, scientific societies and organizations,
- 5) examination of cases regarding the performance of the profession of a patent attorney and protection of interests of the self-government's members,
- 6) examination of cases and motions submitted by the self-government's members,
- 7) keeping a register of self-government members,
- 8)<sup>5</sup> notifying the Head of the Patent Office of the Republic of Poland on occurrence of reasons known to the self-government grounding the expungement of the list of patent attorneys.

### **Article 22**

Declarations of will on behalf of the Polish Chamber of Patent Attorneys shall be made, with reservation of Article 44, individually by the head of the National Council or two deputies of the head of the National Council acting jointly.

### **Article 22a<sup>6</sup>**

1. A document certifying the capacity to act on behalf of the Polish Chamber of Patent Attorneys is the "minutes of election of the President of the Polish Chamber of Patent Attorneys" constituting an excerpt from the minutes of National Convention signed by the Chairman of the Convention and secretary.
2. A document certifying the capacity of the National Council head's deputies, treasurer and secretary to act on behalf of the Polish Chamber of Patent Attorneys is the "minutes of election of the Presiding Body of the National Council of Patent Attorneys" constituting an excerpt from the minutes of National Convention signed by the President of the Chamber.

### **Article 23**

The scope of duties of the Presiding Body of the National Council includes in particular:

1. carrying out current duties of the National Council,
2. preparation of draft resolutions for the National Council,
3. enforcement of the resolutions of the National Council,
4. budget execution,
5. submission of annual financial statements to the National Council.

### **Article 24**

1. The head of the National Council shall manage the works of the National Council and its Presiding Body.
2. Sessions of the National Council shall be open for patent attorneys, shall be held when necessary, however at least four times in a year. In exceptional situations, the National Council may decide that the session will be held in a closed-door manner.
3. Sessions shall be announced by the head of the National Council at their own initiative or subject to the motion of the members of the National Council.
4. The Audit Committee may also submit a motion for carrying out a session of the National Council.

5. The head of the National Council or their deputy shall preside the session of the National Council.
6. Persons invited by the head of the National Council may take part in the sessions of the National Council with advisory powers.
7. Sessions of the National Council shall be recorded. Resolutions passed by the National Council shall be numbered and entered into the register of resolutions. A resolution should be entered into the register within 7 days from date of its passing and sent immediately through the office of the Polish Chamber of Patent Attorneys to the President of the Patent Office of the Republic of Poland.
8. The National Council shall pass the regulations regarding its own operation.

#### **Article 25**

1. In order for the National Council to validly pass a resolution, presence of at least half of its members is required, inclusive of the presence of the head or deputy head of the National Council.
2. The National Council shall pass resolutions with a simple majority of votes in an open vote, whereby the resolutions regarding personal issues – in a secret vote.
3. In case of equal number of votes in an open vote, the vote of head of the National Council shall be decisive.

#### **Article 26**

1. The National Council may appoint permanent or temporary committees or workgroups for addressing specific issues.
2. Persons invited by the head of the National Council may take part in the works of the committees and workgroups mentioned in section 1 above.

#### **Article 27**

1. For the purpose of office and administrative services for the self-government authorities, the National Council shall create the office of the Polish Chamber of Patent Attorneys and shall pass the rules of its operation.
2. The head of the National Council or their authorized deputy shall supervise the office operation and decision-making in the scope of employment of personnel, inclusive of the office manager.

### **Chapter VI**

#### **Audit Committee**

#### **Article 28**

1. The Audit Committee shall assume control over the statutory operation of the National Council (Article 52 of the Act).
2. The Audit Committee shall carry out control with consideration of criteria of correctness, purposefulness, diligence and prudence.
3. The Audit Committee shall evaluate, as part of its control authority, the annual financial statements and issue an opinion regarding the approval thereof.

#### **Article 29**

Duties of the Audit Committee shall include:

- 1) auditing, at least once in a year, the operation of the National Council of Patent Attorneys with particular consideration of financial management,
- 2) auditing, at own initiative or at the request of the National Council of Patent Attorneys, specific issues or problems and part or types of operation,
- 3) presentation of remarks and conclusions concerning the self-government operation to the National Council of Patent Attorneys,
- 4) submission of opinions concerning the approval of the report of the National Council of Patent Attorneys presented to the National Convention of Patent Attorneys,
- 5) submission of report on own operation to the National Convention of Patent Attorneys.

### **Article 30**

1. The Audit Committee shall elect the chairman, deputy chairman and secretary from among its members.
2. Chairman of the Audit Committee shall manage the works of the committee.
3. Sessions of the Audit Committee shall be held as needed, however at least twice a year.
4. Sessions shall be announced by the chairman of the Audit Committee at own initiative or at the motion of the members of the Audit Committee.
5. National Council of Patent Attorneys may also submit a motion for carrying out a session of the Audit Committee.
6. The chairman of the Audit Committee or their deputy shall preside the session of the Audit Committee.
7. The sessions of the Audit Committee shall be recorded. The resolutions of the Audit Committee shall be numbered and entered into the register of resolutions.

### **Article 31**

1. In order for the Audit Committee to validly pass a resolution, presence of at least half of its members is required, inclusive of the presence of the head or deputy head of the National Council.
2. The Audit Committee shall pass resolutions with a simple majority of votes.
3. In case of equal number of votes, the vote of head of the Audit Committee shall be decisive.

### **Article 32**

1. Audits shall be performed by at least two members of the Audit Committee in the presence of persons responsible for the operation being audited.
2. The Audit Committee is authorized to demand submission of relevant reports and explanations, presentation of documents and take other control actions, as well as order experts to perform specified actions.
3. The Audit Committee shall prepare an audit protocol containing the conclusions and recommendations. The protocol shall be handed to the head of National Council.
4. In case of finding that the operation of the National Council is incorrect, the Audit Committee shall indicate existing discrepancies to the head of National Council and shall set out a period of time for removal thereof.

### **Article 33**

1. The Chairman of the Audit Committee or a member of the Committee thereby authorized shall participate in the sessions of the National Council.
2. The Audit Committee shall be authorized to motion for repeal of a resolution of the National Council.

### **Article 33a<sup>7</sup>**

At least once a year, a joint session of the Audit Committee and the National Council of Patent Attorneys dedicated to audit issues shall be held.

## **Chapter VII**

### **Disciplinary Proceedings Representative. Disciplinary Court. Disciplinary Court of Appeals.**

### **Article 34**

1. The Disciplinary Proceedings Representative shall carry out the explanatory proceedings and submit motions for instigation of disciplinary proceedings (Article 53.3 of the Act).
2. The Disciplinary Court shall examine disciplinary cases of patent attorneys and patent attorney trainees submitted by the Disciplinary Proceedings Representative as well as the complaints about the decisions of the Disciplinary Proceedings Representative (Article 53.1 of the Act).
3. The Disciplinary Court of Appeals shall examine the means of appeal against the judgments of the Disciplinary Court (Article 53.2 of the Act).

### **Article 35**

The organization and scope of duties of the Disciplinary Proceedings Representative, Disciplinary Court and Disciplinary Court of Appeals are specified in provision of Articles 59-64 of the Act and executive provisions issued on the basis of Article 68 of the Act.

### **Article 35a<sup>8</sup>**

At least once a year, a joint session of the Disciplinary Proceedings Representative, Disciplinary Court and Disciplinary Court of Appeals and the National Council of Patent Attorneys dedicated to disciplinary issues shall be held.

## **Chapter VIII**

### **Regions. Regional assemblies of patent Attorneys.**

### **Article 36**

The national organizational structure of the Polish Chamber of Patent Attorneys consists of regions.

### **Article 37**

The areas of individual regions are as follows:

- 1) Mazowiecki region – area of Mazowieckie province,
- 2) Śląski region – area of Śląskie province,
- 3) Dolnośląski region – area of Dolnośląskie and Opolskie provinces,
- 4) Wielkopolski region – area of Wielkopolskie and Lubuskie provinces,
- 5) Małopolski region – area of Małopolskie and Świętokrzyskie provinces,
- 6) Łódzki region – area of Łódzkie province,
- 7) Pomorski region – area of Pomorskie province and Elbląg county,
- 8) Lubelski region – area of Lubelskie province,
- 9) Zachodniopomorski region – area of Zachodniopomorskie province,
- 10) Podkarpacki region – area of Podkarpackie province,
- 11) Podlaski region – area of Podlaskie and Warmińsko-Mazurskie provinces except for Elbląg county,
- 12) Kujawsko-Pomorski region – area of Kujawsko-Pomorskie province.

### **Article 38**

Patent attorneys and patent attorney trainees domiciled within the area of a given region comprise the Regional Assembly of Patent Attorneys, hereinafter referred to as “Regional Assembly” (Article 54.1 of the Act).

### **Article 39**

1. Duties of the Regional Assembly are as follows:

- 1) election of delegates for the National Convention,
- 2) election of a dean,
- 3) passing of motion to be presented to the National Convention,
- 4) performance of other duties set out in the Statutes.

(Article 54.3 of the Act)

2. Other duties mentioned in section 1.4 above include, in particular, the following:

- 1) election of members of the Regional Council of Patent Attorneys, hereinafter referred to as the “Regional Council”,
- 2) examination and approval of the reports of the Regional Council.

### **Article 40**

1. Participants of the Regional Assembly shall be notified on the date and agenda of the assembly two weeks before that date at the latest.
2. The Regional Assembly shall pass resolutions by a simple majority of votes.

### **Article 41**

1. The operation of the Regions in the period between the Regional Assemblies shall be managed by the Regional Council.

2. The Regional Council shall comprise the dean – as the head of the Regional Council – and members, from among whom the Regional Council may appoint the deputy head and secretary.
- 2a<sup>9</sup>. The number of members of the Regional Council shall be determined by the Regional Assembly.
3. Duties of the Regional Council shall be as follows:
  - 1) professional integration of patent attorneys and creation friendly relationships,
  - 2) assistance in professional trainings of patent attorneys and education of patent attorney trainees,
  - 3) facilitation of liaison and cooperation with the self-government authorities,
  - 4) execution of the resolutions of the National Convention, National Council and Regional Assembly,
  - 5) preparation of plans of region's operational costs.

## **Chapter IX**

### **Self-government financial managements**

#### **Article 42**

1. The operation of the self-government shall be financed by:
  - 1) membership fees paid by patent attorneys and patent attorney trainees and fines mentioned in Article 58.1.3 of the Act,
  - 2) commercial operation, except for cases mentioned in Article 4.1 of the Act,
  - 3) from other financing sources, including inherited assets and donations.

(Article 55 of the Act)

2. The income from other sources mentioned in section 1.3 above include the following:
  - 1) dividends,
  - 2) financial revenue,
  - 3) subsidies,
  - 4) payments for specific purposes.

#### ~~**Article 43**~~<sup>10</sup>

[Rescinded]

### **Principles of financial management**<sup>11</sup>

#### **Article 43 (1)**<sup>12</sup>

1. The National Council shall pass the budget resolution and approve the report of the Presiding Body of the National Council on budget execution, at the motion of the Audit Committee.
2. The budget is defined as the plan of accumulation and spending of financial assets that enable the enforcement of statutory duties.

3. The budget shall contain a specification of revenue and expenses of the self-government authorities.
4. The National Council shall pass the budget for the forthcoming year a month before the year commencement at the latest, whereby it shall approve the report on budget exercise until the end of sixth month of the subsequent year at the latest.
5. The budget, the report on budget execution and annual financial report are published in the internal self-government publications.

**Article 43 (2)<sup>13</sup>**

The National Council, upon establishing the budget for the forthcoming year, shall determine the amount of money purported for the needs of the individual regions. This amount of money must not exceed 40% of income from membership fees of a given region or an equivalent of planned costs of four trainings.

**Article 43 (3)<sup>14</sup>**

The National Council shall be authorized to create reserves for specific purposes.

**Article 43 (4)<sup>15</sup>**

The National Council may create a colleague help fund from a part of membership fees and other revenues. The rules of application of this fund shall be passed as a resolution by the National Council.

**Article 43 (5)<sup>16</sup>**

Polish Chamber of Patent Attorneys shall apply accounting rules defined in the provisions in force.

**Article 43 (6)<sup>17</sup>**

The rules of financial and accounting documentation and document circulation shall be set out in the instruction passed as a resolution by the National Council.

**Chapter IX (1)<sup>18</sup>**

**Guidelines in the scope of determination of the amount of membership fee**

**Article 43 (7)<sup>19</sup>**

A patent attorney shall be obliged to pay, on the conditions set out in the act, the membership fee in the amount established annually by the National Council of Patent Attorneys (Article 15).

**Article 43 (8)<sup>20</sup>**

The National Council shall annually establish the amount of membership fee in compliance with these guidelines.

**Article 43 (9)<sup>21</sup>**

1. The National Council, acting on the basis of Article 51.6 of the Act, shall determine the amount of membership fee for the given calendar year in a resolution passed a month prior to commencement of the respective year at the latest.
2. The National Council shall determine the amount of membership fee with consideration of the needs of the self-government resulting from its duties and planned costs of execution, as well as financial possibilities of the self-government members.
3. The amount of membership fee must not exceed 130% membership fee in the previous year, rounded to full PLN.

**Article 43 (10)<sup>22</sup>**

1. The obligation to pay the membership fee shall arise as of the month following the date of entry on the list of patent attorneys or patent Attorneys trainees and, if the entry took place on the first day of the month – the obligation shall arise as of this month.
2. The obligation to pay the membership fee expires as of the end of the month in which the membership in the self-government ceases.
3. Suspension of the right to perform the profession of a patent attorney does not result in exemption from the obligation to pay the membership fee and does not affect its amount.

**Article 43 (11)<sup>23</sup>**

1. A patent attorney may be exempt from the obligation to pay the membership fee in part or in whole, if there exist justified reasons for which he is unable to pay it.
2. Outstanding membership fee may be paid in installments or extinguished in part or in whole, if there exist justified reasons for which he is unable to pay it.
3. A patent attorney aged 75 and above is not obliged to pay the membership fee.

**Article 43 (12)<sup>24</sup>**

The National Council, acting on the basis of Article 51.6 of the Act, shall pass a resolution specifying the rules of exemption in part or in whole from the obligation to pay the membership fee, as well as cases in which retired persons or pensioners are exempt from the obligation to pay the membership fee.

**Article 43 (13)<sup>25</sup>**

The National Council shall keep account of membership fee payments.

**Article 44**

- 1<sup>26</sup>. The National Council may, by means of a resolution, define the manner in which it disposes a right and enters into obligations, as to which:
  - 1) the head of the National Council may submit declarations individually,
  - 2) a joint action of the head of the National Council with one of the deputy heads or another members of the Presiding Body of the National Council, or a joint action of two deputy heads is required,
  - 3) the head of the National Council may authorize another member of the National Council or a person administering the office to make declarations of will.



- 2<sup>27</sup>. The disposition of a right and entering into liabilities regarding the purchase or sale of a real estate requires the joint action of the head of National Council with one of the head's deputies.

## Chapter X

### Final provisions

#### Article 45

1. The National Convention may establish and award honorary titles.
2. An honorary medal: "Merited for the Self-government of Patent Attorneys" is hereby established.
3. The National Council shall establish the mark, criteria and manner of awarding the medal mentioned in section 2 above.

#### Article 46

The National Council may appoint press authorities of the self-government.

#### Article 47

The resolutions concerning the adoption or amendment of the statutes shall be passed by the National Convention by majority of two-thirds of votes.

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<sup>1</sup> Uniform text.

<sup>2</sup> In the wording established by the 5<sup>th</sup> National Convention of Patent Attorneys held 6-7 September 2005.

<sup>3</sup> Added by the 5<sup>th</sup> National Convention of Patent Attorneys held 6-7 September 2005.

<sup>4</sup> Added by the 5<sup>th</sup> National Convention of Patent Attorneys held 6-7 September 2005

<sup>5</sup> Added by the 5<sup>th</sup> National Convention of Patent Attorneys held 6-7 September 2005

<sup>6</sup> Added by the 6<sup>th</sup> National Convention of Patent Attorneys held 11 September 2009 and 27 November 2009.

<sup>7</sup> Added by the 6<sup>th</sup> National Convention of Patent Attorneys held 11 September 2009 and 27 November 2009.

<sup>8</sup> Added by the 6<sup>th</sup> National Convention of Patent Attorneys held 11 September 2009 and 27 November 2009.

<sup>9</sup> Added by the 5<sup>th</sup> National Convention of Patent Attorneys held 6-7 September 2005

<sup>10</sup> Expunged by the 6<sup>th</sup> National Convention of Patent Attorneys held 11 September 2009 and 27 November 2009.

<sup>11</sup> Added by the 6<sup>th</sup> National Convention of Patent Attorneys held 11 September 2009 and 27 November 2009.

<sup>12</sup> Added by the 6<sup>th</sup> National Convention of Patent Attorneys held 11 September 2009 and 27 November 2009.

<sup>13</sup> Added by the 6<sup>th</sup> National Convention of Patent Attorneys held 11 September 2009 and 27 November 2009.

<sup>14</sup> Added by the 6<sup>th</sup> National Convention of Patent Attorneys held 11 September 2009 and 27 November 2009.

<sup>15</sup> Added by the 6<sup>th</sup> National Convention of Patent Attorneys held 11 September 2009 and 27 November 2009.

<sup>16</sup> Added by the 6<sup>th</sup> National Convention of Patent Attorneys held 11 September 2009 and 27 November 2009.

<sup>17</sup> Added by the 6<sup>th</sup> National Convention of Patent Attorneys held 11 September 2009 and 27 November 2009.

<sup>18</sup> Added by the 6<sup>th</sup> National Convention of Patent Attorneys held 11 September 2009 and 27 November 2009.

<sup>19</sup> Added by the 6<sup>th</sup> National Convention of Patent Attorneys held 11 September 2009 and 27 November 2009.

<sup>20</sup> Added by the 6<sup>th</sup> National Convention of Patent Attorneys held 11 September 2009 and 27 November 2009.

<sup>21</sup> Added by the 6<sup>th</sup> National Convention of Patent Attorneys held 11 September 2009 and 27 November 2009.

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<sup>22</sup> Added by the 6<sup>th</sup> National Convention of Patent Attorneys held 11 September 2009 and 27 November 2009.

<sup>23</sup> Added by the 6<sup>th</sup> National Convention of Patent Attorneys held 11 September 2009 and 27 November 2009.

<sup>24</sup> Added by the 6<sup>th</sup> National Convention of Patent Attorneys held 11 September 2009 and 27 November 2009.

<sup>25</sup> Added by the 6<sup>th</sup> National Convention of Patent Attorneys held 11 September 2009 and 27 November 2009.

<sup>26</sup> In the wording established by the 5<sup>th</sup> National Convention of Patent Attorneys held 6-7 September 2005 and amended by the 6<sup>th</sup> National Convention of Patent Attorneys held 11 September 2009 and 27 November 2009

<sup>27</sup> Amended by the 6<sup>th</sup> National Convention of Patent Attorneys held 11 September 2009 and 27 November 2009.