

# **CNIPA**

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

### **Statutes** **(as last amended 27th April 2019)**

#### **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);  
Suomen Patenttiasiamiesyhdistys ry (FI);  
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 Attorneys (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 Industriala din Romania (RO);  
and  
Svenska Patentombudsföreningen (SE).

#### **II**

The main objects of CNIPA shall be:

- 1) to foster 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 Section 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 maintained by the respective national or regional patent office, such as the European Patent Office, or official regulatory body;
  - b) it is a prerequisite that, in order to be entered on a list referred to in (a), a patent attorney must have passed an effective professional examination in patent law and must either have a technical qualification, such as an engineering or science degree, or have passed an effective professional examination involving the drafting, amendment and evaluation of patents and patent applications;
  - c) the Institute or the official regulatory body shall have the right to discipline members for professional misconduct; and
  - d) the national or regional patent office or official regulatory body shall be in Europe.
- 2) CNIPA may invite other Institutes to become members provided that: the primary purpose of any such Institute is to promote professional conduct in respect of an aspect of intellectual property; membership of such Institute is dependent on passing a professional examination; and the Institute or an official regulatory body shall have the right to discipline members for professional misconduct. Any such Institute shall only be able to become a member if an application from that Institute is approved nem con.
- 3) 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 shall:
  - a) make decisions regarding subjects that are placed on the agenda for any of its meetings;
  - b) elect from within Member Institutes a President, a Vice-President and a Treasurer;
  - c) discharge the President, the Vice-President and the Treasurer from responsibility for their mandates; and
  - d) 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) The elected Officers shall be the President, the Vice-President and the Treasurer.
  - a) 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.
  - b) 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.
  - c) 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. A period 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.
  - d) 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.

- e) The term of three years specified in Section III 5(b) 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 Section III 12(b) below.
- 6) The Officers shall have the following rights and responsibilities:
  - 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 Section 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, the Vice-President or 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 effect 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) At meetings of the Executive Committee:
  - 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) Voting at Executive Committee meetings shall be conducted as follows:
  - a) A meeting of the Executive Committee shall only be valid if a quorum of at least one-quarter of the Member Institutes is present, proxies being ignored for this purpose. If such a quorum is not achieved, a new meeting shall be held at least one month after the inquorate meeting. The Executive Committee shall then validly meet, even if there is no quorum, on the agenda for the inquorate meeting.
  - b) 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 have a casting vote. A majority of three-quarters of those present at the meeting and proxies is necessary for the admission of any new Institute, for amending the Statutes of CNIPA and for terminating the office of the President, Vice-President or Treasurer.
  - c) If less than one month's notice has been given for 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 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 proxy and exercise the vote of the National Institute from which it received the proxy.

### **Fundamental Questions of Patent Attorney Practice**

13) In relation to fundamental questions of Patent Attorney practice:

- 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) 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) In relation to the payment of subscriptions:

- 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 or 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 their 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 recognised by the respective national or regional Patent Office, such as the European Patent Office. 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.