

PROPOSED ARTICLES
OF THE
INTERNATIONAL STANDARDS BOARD
FOR
QUALIFIED PATENT INFORMATION
PROFESSIONALS

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Qualified Patent Information Professional

www.qpip.org

Articles of the International Standards Board for Qualified Patent Information Professionals (ISBQPIP)

ARTICLE 1: GENERAL

- 1.1 The name of the incorporated association is THE INTERNATIONAL STANDARDS BOARD FOR QUALIFIED PATENT INFORMATION PROFESSIONALS INCORPORATED (hereinafter referred to as "ISBQPIP").
- 1.2 The ISBQPIP is registered at the Chamber of Commerce (Kamer van Koophandel) in The Hague in The Netherlands as a non profit organisation.
- 1.3 The ISBQPIP may keep its secretariat at any place considered suitable.

ARTICLE 2: INTERPRETATIONS

In these Articles, unless the contrary intention appears –

"Chairperson" is a natural person who is the president of the ISBQPIP. The Chairperson is responsible for making sure that business is conducted according to the Articles and that matters are dealt with in an orderly, efficient manner;

"Committee" is a group of natural persons appointed by the Supervisory Council to perform tasks in support of furthering one or more of the purposes of the ISBQPIP;

"Continental region" is the following seven geographical regions: (1) Africa, (2) Asia including Indonesia, (3) Europe (4) Middle East (5) Oceania (Australia, New Zealand, Papua New Guinea and the South Pacific), (6) Central and South America and (7) North America including Greenland;

"Financial year" is the year ending on the 31st of December;

"ISBQPIP" is the International Standards Board for Qualified Patent Information Professionals;

"Patent agent" is a natural person who is currently registered as a patent agent and has the capacity to act before a national or regional patent office;

"Patent attorney" is a natural person who is currently registered as a patent attorney and has the capacity to act before a national or regional patent office;

"Patent information professional" is a natural person who searches, interprets, analyses and reports on patent information and other information such as scientific, technical, business, and legal information to support decision-making concerning legal questions arising from patent law;



"Patent examiner" is a natural person who is currently employed by a national or regional patent office to inspect patent specifications in accordance with national or regional patent law;

"Patent law" is a body of law pertaining to the procurement and exploitation of patent rights within a jurisdiction;

"Public officer" is a natural person who notifies relevant authorities of any changes in the official affairs of the ISBQPIP and produces annual statements;

"Qualified Patent Information Professional (QPIP)" is a natural person who has met the requirements in order to be registered as a Qualified Patent Information Professional.

"Secretary" is a natural person who is an officer of the Supervisory Council and whose role is to prepare and distribute Supervisory Council meeting agendas, record meeting minutes and keep custody of the ISBQPIP's records and ensure all the legal requirements of incorporation are carried out;

"Secretariat" is a body appointed by the Supervisory Council to assist with administrative duties to be performed;

"Simple majority" is taken to mean more than 50% of the votes casted;

"Supervisory Council" is the governing body within the ISBQPIP whose duty it is to oversee, manage and mediate the activities of each sub-committee;

"The Act" is Title 2, Book 2 of the Dutch Civil Code;

"Treasurer" is a natural person who collects and receives all fees and contributions due to the ISBQPIP, makes all payments authorized by the Supervisory Council and keeps accurate accounts and books showing the financial activities of the ISBQPIP with complete details of all receipts and expenditures made in connection with the activities of the ISBQPIP; and

"Vice chairperson" is a natural person and is the vice president of ISBQPIP. The vice chairperson shall assist the Chairperson in ensuring that the agreed tasks and functions of the Board are carried out.

ARTICLE 3: PURPOSES

The purposes of the ISBQPIP are:

3.1 to set and administer the examination that candidates may complete in order to become Qualified Patent Information Professionals, hereinafter QPIPs;



- 3.2 to determine the educational and professional qualifications required to sit the Qualified Patent Information Professional (QPIP) examination;
- 3.3 to accredit courses of study that satisfy the subject requirements of the Qualified Patent Information Professional examination;
- 3.4 to register Qualified Patent Information Professionals and to maintain the register;
- 3.5 to determine the continued professional development requirements for renewal as a Qualified Patent Information Professional and audit its fulfillment;
- 3.6 to receive and assess any complaints made against a registered QPIP about the person's professional conduct; and
- 3.7 to establish and maintain a code of professional conduct for Qualified Patent Information Professionals.

ARTICLE 4: SUPERVISORY COUNCIL

The activities of the ISBQPIP shall be governed by a Supervisory Council constituted as provided in Article 4.2.

4.1 The Supervisory Council

- (a) shall control and manage the business, finances and activities of the ISBQPIP incidental or conducive to the attainment of the purposes set out in Article 3.1-3.6 and the exercise of the powers of the ISBQPIP in accordance with these Articles, and the powers given by the Act;
- (b) shall have the authority to execute all financial and legal transactions on behalf of the ISBQPIP;
- (c) may invest and deal with the money of the ISBQPIP not immediately required for the purposes stated in Article 3.1-3.6 in such a manner as deemed fit by the Supervisory Council;
- (d) may enter and carry out any arrangements with any government, authority, non-government organization, association, club, organization, whether incorporated or not, that are conducive or incidental to furthering the purposes set out in Article 3.1-3.6 provided that the ISBQPIP shall not subscribe to or support with its funds any club, association or organization;



- (e) subject to these Articles and the Act, may perform all such acts deemed to be necessary by the Supervisory Council for the proper management of the business and activities of the ISBQPIP, including, if considered by the Supervisory Council to be necessary or convenient, the appointment of one or more delegates to perform the act;
- (f) may appoint, employ, remove or suspend such managers, clerks, secretaries, servants, workmen and other persons as may be necessary for the efficient administration of the ISBQPIP;
- (g) shall decide and impose penalties on a registered QPIP including issuing reprimand and suspending or cancelling registration in the event the registered QPIP does not meet the requirements specified in Articles 8 and 9;
- (h) shall amend the current Articles following a unanimous decision of all members of the Supervisory Council who are either present or represented; and
- (i) shall amend the current Rules entitled Rules of the International Standards Board for Qualified Patent Information Professionals (hereinafter the Rules) following a unanimous decision of all members of the Supervisory Council who are either present or represented.

4.2 The officers of the Supervisory Council shall be –

- (a) a chairperson;
- (b) a vice chairperson;
- (c) a secretary;
- (d) a treasurer; and
- (e) a public officer.

4.3 Each member of the Supervisory Council shall be

- (a) a natural person who at the time of appointment has either been
 - (i) employed or self-employed for a period of ten (10) years, immediately preceding the appointment to hold office, as either a patent information professional, patent attorney, patent agent or patent examiner; or
 - (ii) registered as a Qualified Patent Information Professional (QPIP) for a period of five (5) consecutive years immediately preceding the appointment to hold office.



- 4.4 At least one (1) of the five (5) members of the Supervisory Council shall reside in a different continental region than the other members at the time of appointment in accordance with the Rules.
- 4.5 The members of the Supervisory Council shall be appointed, subject to Article 4.9, for a term of three (3) years and may be re-appointed for one (1) further term of three years upon expiry of this term, in accordance with Rules 1 and 2, unless death, resignation, removal or another inability prevents the person from serving as a member of the Supervisory Council. A member may at any time give notice in writing of his or her resignation from the Supervisory Council with effect from such date as the member indicates. A member may be removed, with or without cause, by unanimous vote of the other members of the Supervisory Council.
- 4.6 The chairperson shall be unanimously named by the members of the Supervisory Council.
- 4.7 The Supervisory Council shall appoint from its five (5) members a vice chairperson, secretary, treasurer and public officer.
- 4.8 In the event of a vacancy in any office referred to in Article 4.2, the Supervisory Council may appoint an incumbent in accordance with Articles 4.3 and 4.4 and the incumbent so appointed shall hold office, subject to Article 4.9, until the current term of office expires.
- 4.9 The Supervisory Council may by simple majority remove any member referred to in Article 4.2 or any member of a committee before the expiration of that member's term and appoint another incumbent in accordance with Article 4.8, or in the case of a committee member, the newly appointed incumbent will serve the remaining term of the former committee member. Without limiting the grounds on which a member of the Supervisory Council or a committee member may be removed, any member who fails to act in a manner that is conducive to the purposes of the ISBQPIP as judged by the remaining members of the Supervisory Council or whose conduct brings the committee, the Supervisory Council or the ISBQPIP into disrepute may be removed in accordance with this Article.
- 4.10 A member of the Supervisory Council shall not simultaneously hold more than one of the offices referred to in Article 4.2.
- 4.11 Unless indicated otherwise, the Supervisory Council shall take decisions by a simple majority of the members of the Council.
- 4.12 The ISBQPIP may be represented by two members of the Supervisory Council or when the Supervisory Council has delegated one or more persons, by that delegate.



- 4.13 Natural persons who are employed by the ISBQPIP may not become a member of the Supervisory Council.
- 4.14 The Supervisory Council shall be convened by its chairperson with the frequency that is required to accomplish its duties as indicated in Article 4.1, or at the request by a committee of ISBQPIP as specified in Article 10.

ARTICLE 5: MEMBERSHIP

There shall be the following categories of Member:

- 5.1 Members of the Supervisory Council, being the individuals who can act and take decisions as described in Article 4.1. This membership implies the right to vote.
- 5.2 Members of the committees, being the individuals acting in any of the committees as described in Article 8. These members have the right to vote only concerning decisions to be taken by the committee on issues that fall under the responsibilities of the committee subject to any decisions that may affect the Articles and Rules, in which case the Supervisory Council will decide.
- 5.3 Registered members, being individuals who have met the requirements in order to be registered as a Qualified Patent Information Professional, and have subsequently been entered in the QPIP register. These members do not have any voting rights as such but may nominate candidates for the Supervisory Council and the committees.

ARTICLE 6 CERTIFICATION EXAMINATION

- 6.1 The examination is designed to establish whether a candidate is qualified to practice as a Qualified Patent Information Professional.
- 6.2 The examination shall be held at least once every two (2) years.
- 6.3 The examination may consist of one or more examination papers, as specified in the Rules.

ARTICLE 7 PRIOR EXPERIENCE RECOGNITION

Natural persons seeking prior recognition of experience in lieu of successfully completing the certification examination may apply to the ISBQPIP for permission to hold themselves out in public as a Qualified Patent Information Professional (QPIP). The criteria for eligibility are defined in the Rules and the Supervisory Council grants permission to the successful applicant.



ARTICLE 8 **MAINTENANCE OF REGISTRATION AS QPIP**

8.1 In order to maintain registration as a Qualified Patent Information Professional, the registered QPIP shall

- (a) pay an annual renewal fee as indicated in the Rules by 31 December; and
- (b) keep an annual record of all Continued Professional Development (CPD) activity undertaken by the registered QPIP from 1 January to 31 December of each year.

8.2 CPD activity must be recorded in sufficient detail as specified in the Rules to show that the minimum CPD requirements have been met in accordance with the Rules.

8.3 A random audit of all registered QPIPs will be conducted on an annual basis from 1 April of each year to ensure compliance with Article 8.1(b) for the period of 1 January to 31 December of the preceding year.

8.4 Should a registered QPIP fail to show that the minimum requirements for CPD have been met in an audit, the registration as a QPIP shall immediately be revoked subject to any exemptions as specified in the Rules.

8.5 In the event registration as a QPIP is revoked in accordance with Article 8.2, the candidate will need to successfully complete the certification examination as set out in Article 6 in order to become registered as a QPIP.

ARTICLE 9 **PROFESSIONAL CODE OF CONDUCT**

The ISBQPIP shall establish and maintain a publicly available code of professional conduct to which registered QPIPs must adhere in order to maintain registration as a QPIP.

ARTICLE 10 **COMMITTEES**

10.1 The Supervisory Council has the power to establish any committees in line with the purposes stated in Article 3.

10.2 The Supervisory Council shall at least establish an Accreditation Committee, an Examination Committee, a Qualifications and Continued Professional Development Committee, and a Regulatory and Disciplinary Committee.

- a. Each member of each committee specified in Article 10.2 shall be a natural person who at the time of appointment has either been:
 - i. employed or self-employed on a full time basis as a professional patent information professional, patent attorney



or patent agent for a period of five (5) years immediately preceding the appointment; or

- ii. employed as a patent examiner on a full time basis for a period of five (5) years immediately preceding the appointment; or
 - iii. registered as a QPIP.
- b. Each member of each committee shall be appointed for a term of three years and may be re-appointed for further terms of three years upon expiry of this term, unless death, resignation, removal or another inability prevents the person from serving as a member of the committee.
 - c. Each committee shall appoint from its members a committee chair.
 - d. Each committee shall take decisions by a simple majority.

10.3 The Accreditation Committee

- a. shall have at least the following duty:
 - i. reviewing applications for accreditation for training or courses and make recommendations to the Supervisory Council to accredit training or courses that provide suitable content of sufficient level as defined in the Rules to prepare candidates for the examination;
- b. shall consist of at least three (3) members appointed by the Supervisory Council; and
- c. shall be convened by its committee chair with the frequency that is required to accomplish its duties as indicated in Article 10.3.a, or as required by the Supervisory Council.

10.4 The Examination Committee

- a. shall have at least the following duties:
 - i. preparation of the certification examination papers in accordance with Article 6.1 and the associated marking sheets; and
 - ii. review the candidates' examination papers such that each answer shall be marked by two committee members separately in order to make a proposal for the grades to be awarded to each examination paper;
 - 1. in the event consensus cannot be reached between the two grade proposals, the matter shall be referred to the entire Examination Committee for a decision on the grade to be awarded;
- b. shall consist of at least five (5) members appointed by the Supervisory Council; and
- c. shall be convened by its committee chair with the frequency that is required to accomplish its duties as indicated in Article 10.4.ai-aii, or as required by the Supervisory Council.

10.5 The Qualifications and Continued Professional Development Committee



- a. shall have at least the following duties:
 - i. determine the qualifications for being eligible to sit the certification examination referred to in Article 6;
 - ii. review applications for Enrolment in the Certification Examination and decide whether a candidate is eligible to sit the certification examination in accordance with the eligibility requirements specified in the Rules;
 - iii. review applications for Prior Experience Recognition and decide whether an applicant has met all of the eligibility requirements as specified in the Rules;
 - iv. determine the continued professional development requirements necessary to maintain registration as a QPIP;
 - v. receive and assess inquiries concerning whether a proposed activity or event is recognized by the ISBQPIP as an activity or event for which CPD points can be obtained; and
 - vi. assign the number of points applicable to the event or activity proposed in accordance with Article 10.5v.
- b. shall consist of at least three (3) members appointed by the Supervisory Council; and
- c. shall be convened by its chairperson with the frequency that is required to accomplish its duties as indicated in Article 10.5ai-avi, or as required by the Supervisory Council.

10.6 A Regulatory and Disciplinary Committee

- a. shall have at least the following duties:
 - i. review any act or omission related to the ISBQPIP which improperly interferes with the functioning or activities of the ISBQPIP or otherwise damages the ISBQPIP or its reputation for which the committee may impose a penalty or punishment as prescribed in the Rules with the exception of any complaints made against a registered QPIP which shall be dealt with in accordance with Article 10.6iv;
 - ii. conduct annual random audits of all registered QPIPs at any time from 1 April of each year to ensure compliance with the CPD requirements prescribed in the Rules in the preceding calendar year by assessing the annual record of CPD activity completed by the audited QPIP;
 - iii. receive and assess any requests from a registered QPIP for an exemption in respect of the CPD requirements prescribed in the Rules;
 - iv. receive and assess any written complaints made against a registered QPIP about the person's professional conduct;
 - 1. the complaint must be in the form prescribed by the Rules;
 - 2. the registered QPIP shall be informed of the complaint by the committee and give the registered QPIP an opportunity to respond to the allegations made within the complaint;
 - 3. the committee shall make a recommendation to the Supervisory Council on the best course of action in the



committee's opinion concerning any complaint against a registered QPIP; and

- v. shall make recommendations to the Supervisory Council for amending the Code of Conduct referred to in Article 9 as necessary;
- b. shall consist of at least three (3) members appointed by the Supervisory Council; and
- c. shall be convened by its committee chair with the frequency that is required to accomplish its duties as indicated in Article 10.6.ai-av, or as required by the Supervisory Council.

10.7 An Advisory Committee

- a. may be established with the duty of providing technical, legal, and/or administrative advice regarding any matters relevant to the ISBQPIP; and
- b. shall have a number of members, a scope, and a term that the Supervisory Council shall establish and modify according to the indications provided by the Supervisory Council and one or more of the committees.

ARTICLE 11 USE OF INCOME AND PROPERTY

- 11.1 The income and property of ISBQPIP must be used solely for the promotion of the purposes stated in Article 3.
- 11.2 Members of the Supervisory Council shall receive no compensation for services rendered when performing a duty in accordance with the purposes of the ISBQPIP as stated in Article 3.
- 11.3 Notwithstanding Article 11.2, the Treasurer shall reimburse a member of the Supervisory Council or a member of a committee (established in accordance with Article 10.1) any reasonable expenses necessarily incurred by the member when performing a duty in accordance with the purposes of the ISBQPIP as stated in Article 3.

ARTICLE 12 INDEMNIFICATION

- 12.1 Each person who is or was a member of the Supervisory Council, a member of a committee established in accordance with Article 10.1, an employee, a non-director volunteer, or an agent of the ISBQPIP, or is or was serving at the request of the ISBQPIP as a director, officer, partner, trustee, employee, non-director volunteer or agent of another foreign or domestic corporation, business corporation, partnership, joint venture, trust or other enterprise shall be indemnified by the ISBQPIP to the fullest extent permitted by the laws of the Netherlands.
- 12.2 The ISBQPIP may purchase and maintain insurance on behalf of any person who is or was a member of the Supervisory Council, a member of a committee established in



accordance with Article 10.1, an employee, a non-director volunteer, or an agent of the ISBQPIP, or is or was serving at the request of the ISBQPIP as a director, officer, partner, trustee, employee, non-director volunteer or agent of another foreign or domestic corporation, business corporation, partnership, joint venture, trust or other enterprise against any liability asserted against the person and incurred by the person in any such capacity or arising out of the person's status as such, whether or not the ISBQPIP would have power to indemnify the person against the liability under these Articles or by applicable law.

- 12.3 If there is any change of the Netherlands statutory provisions applicable to the ISBQPIP relating to the subject matter of this Article 12, then the indemnification to which any person shall be entitled under this Article 12 shall be determined by the changed provisions, but only to the extent that the change permits the ISBQPIP to provide broader indemnification rights than the provisions permitted the ISBQPIP to provide before the change. Subject to Article 12.4, the Supervisory Council is authorized to amend these Articles to conform to any such changed statutory provisions.
- 12.4 ***No amendment or repeal of Article 12 shall apply to or have any effect on any person in Article 12.1 for or with respect to any acts or omissions of that person occurring before the amendment or repeal.***

ARTICLE 13 FINANCIAL YEAR AND ACCOUNTING

- 13.1 The financial year is from January 1 to 31 December of the same year.
- 13.2 At the end of the financial year, the accounting records will be closed.
- 13.3 The Treasurer will establish a balance sheet and a statement of income and expenditure and will provide this to the Supervisory Council no later than three (3) months after the end of the financial year.

ARTICLE 14 LANGUAGE

All verbal, written and printed correspondence provided in person, in print or electronically by or to the ISBQPIP shall be in English.

ARTICLE 15 AMENDMENT OF ARTICLES OR RULES

Amendments of the Articles or Rules shall only be made by unanimous decision of the members of the Supervisory Council who are either present or represented.

ARTICLE 16 CONFLICT



In the event of discrepancy between the Rules and the Articles, the Articles shall prevail.

ARTICLE 17 **HARDSHIP CLAUSE**

In cases not provided for by the Articles or Rules, the Supervisory Council shall decide.

ARTICLE 18 **DISSOLUTION**

In the event the ISBQPIP shall be dissolved voluntarily or involuntarily, all of the assets remaining after payment of all its obligations in the manner provided by law, shall be distributed to one or more non-profit organizations to be determined by a simple majority vote of the then current members of the Supervisory Council. Any such assets not so disposed of shall be disposed of by the court of the country in which the principal office of the ISBQPIP is then located, exclusively for such purposes or to such organization or organizations, as said court shall determine, which are organized and operated exclusively for such purposes.