

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 **DEFINITIONS**

In these Articles, unless the contrary intention appears –

"Articles" are the Articles of the ISBQPIP for defining the organisation and its purpose;

"Chairperson" is a natural person who is the president of the ISBQPIP, and is responsible for making sure that business is conducted in accordance with to the Articles and Rules 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;

"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 related information such as but not limited to scientific, technical, business, and legal information to support business decision-making;

"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;

"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;

"Rules" are the Rules used by the ISBQPIP to administer the Articles;

"Secretary" is a natural person who prepares and distributes Supervisory Council meeting agendas, records meeting minutes and keeps custody of the ISBQPIP's records and ensures 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 authorised 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 for becoming a Qualified Patent Information Professional (QPIP);
- 3.2** To determine the educational and professional qualifications required to sit the QPIP examination;
- 3.3** To accredit courses of study that contribute to the preparation for the QPIP examination;

- 3.4** To register QPIPs and to maintain the register;
- 3.5** To determine the continued professional development requirements for renewal as a QPIP and audit its fulfilment;
- 3.6** To receive and assess any complaints made against a QPIP about their professional conduct; and
- 3.7** To establish and maintain a code of professional conduct for QPIPs.

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

- 4.1a** Shall control and manage the business, finances and activities of the ISBQPIP incidental or conducive to the purposes set out in ARTICLE 3 and the exercise of the powers of the ISBQPIP in accordance with these Articles, and the powers given by the Act;
- 4.1b** Shall have the authority to execute all financial and legal transactions on behalf of the ISBQPIP;
- 4.1c** May invest and deal with the money of the ISBQPIP not immediately required for the purposes stated in ARTICLE 3 in such a manner as deemed fit by the Supervisory Council;
- 4.1d** 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 person to perform the act;
- 4.1e** 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;
- 4.1f** Shall decide and impose penalties on a QPIP including issuing reprimand and suspending or cancelling registration in the event the registered QPIP does not meet the requirements specified in Articles ARTICLE 8 and ARTICLE 9;
- 4.1g** Shall be responsible for establishing, maintaining and administering a Register of QPIPs.

- 4.2** The Supervisory Council shall consist of at least five (5) members and no more than nine (9) members appointed by the Professional Representatives Committee in accordance with Article 10.7a(2), and shall include
 - (1) A chairperson;
 - (2) A vice chairperson;



- (3) A secretary;
- (4) A treasurer.

4.3 Each member of the Supervisory Council shall be

4.3a A natural person who at the time of appointment has either been

- (1) 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
- (2) 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 members of the Supervisory Council shall reside in a different continent 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.

4.6 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.

4.7 The chairperson shall be unanimously named by the members of the Supervisory Council.

4.8 The Supervisory Council shall appoint from among its members a vice chairperson, secretary, and treasurer.

4.9 The Supervisory Council may by simple majority remove any member referred to in Article 4.2 before the expiration of that member's term and request the Professional Representatives committee to appoint another member in accordance with Article 4.5, the newly appointed member will serve the remaining term of the former committee member. Without limiting the grounds on which a member of the Supervisory Council 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 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 4.24.2.

- 4.11** Unless indicated otherwise, the Supervisory Council shall take decisions by a simple majority of its members. In the event of a tie the chairperson of the Supervisory Council shall have the casting vote.
- 4.12** Natural persons who are employed by the ISBQPIP may not become a member of the Supervisory Council.
- 4.13** The Supervisory Council shall convene at least once per calendar year to accomplish its duties as indicated in Article 4.1.

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.
- 5.2** Members of the committees, being the individuals acting in any of the committees as described in ARTICLE 10.
- 5.3** Registered members, being individuals who have met the requirements in order to be registered as a QPIP, and have subsequently been entered in the QPIP register.
- 5.4** Associate members, being individuals who have filed an application for Prior Experience Recognition or who have filed an application for enrolment for the certification examination.

ARTICLE 6 **CERTIFICATION EXAMINATION**

- 6.1** The examination is designed to establish whether a candidate is qualified to practise as a Qualified Patent Information Professional.
- 6.2** The examination shall be held at least once every two (2) years.

ARTICLE 7 **PRIOR EXPERIENCE RECOGNITION**

Natural persons seeking recognition of prior experience in lieu of successfully completing the certification examination may apply to the ISBQPIP for permission to represent themselves as a QPIP. The criteria for eligibility are defined in the Rules and the Supervisory Council shall grant permission to the successful applicant.



ARTICLE 8 **MAINTENANCE OF REGISTRATION AS QPIP**

- 8.1** In order to maintain registration as a QPIP, the QPIP shall
- 8.1a** Pay an annual renewal fee as indicated in the Rules by 31 December; and
 - 8.1b** Keep a record of all Continued Professional Development (CPD) activity undertaken by the 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** Should a QPIP fail to show that the minimum requirements for CPD have been met, the registration as a QPIP shall be terminated with immediate effect subject to any exemptions as specified in the Rules.
- 8.4** In the event registration as a QPIP is terminated with immediate effect in accordance with Article 8.3, 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 Supervisory Council shall establish and maintain a publicly available code of professional conduct to which 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.
- 10.2a** Each member of each committee specified in Article 10.2 shall be a natural person who at the time of appointment has either been:
- (1) Registered as a QPIP; or
 - (2) Employed or self-employed on a full-time basis as a patent information professional, patent attorney or patent agent for a period of ten (10) years immediately preceding the appointment; or
 - (3) Employed as a patent examiner on a full-time basis for a period of ten (10) years immediately preceding the appointment.
- 10.3** The Accreditation Committee
- 10.3a** Shall have at least the following duty:



- (1) Reviewing applications for accreditation for training or courses and making 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;

10.4 The Examination Committee

10.4a Shall have at least the following duties:

- (1) Preparing the certification examination papers in accordance with Article 6.1 and the associated marking sheets; and
- (2) Reviewing the candidates' examination papers.

10.5 The Qualifications and Continued Professional Development Committee

10.5a Shall have at least the following duties:

- (1) Determining the qualifications for being eligible to sit the certification examination referred to in ARTICLE 6;
- (2) Reviewing applications for Enrolment in the Certification Examination and deciding whether a candidate is eligible to sit the certification examination in accordance with the eligibility requirements specified in the Rules;
- (3) Reviewing applications for Prior Experience Recognition and deciding whether an applicant has met all of the eligibility requirements as specified in the Rules;
- (4) Determining the continued professional development requirements necessary for maintaining registration as a QPIP;
- (5) Receiving and assessing inquiries concerning whether a proposed activity or event is recognised by the ISBQPIP as an activity or event for which CPD points can be obtained; and
- (6) Assigning the number of points awarded for participation in the event or activity proposed in accordance with Article 10.5a(5).

10.6 The Regulatory and Disciplinary Committee

10.6a Shall have at least the following duties:

- (1) Reviewing 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 QPIP, which shall be dealt with in accordance with Article 10.6a(4);
- (2) Assessing compliance of QPIPs with the CPD requirements prescribed in the Rules the assessment carried out in a manner prescribed in the Rules;
- (3) Receiving and assessing any requests from a registered QPIP for an exemption in respect of the CPD requirements prescribed in the Rules;
- (4) Receiving and assessing any written complaints made against a QPIP about the person's professional conduct;



- (5) Making recommendations to the Supervisory Council for amending the Code of Conduct referred to in ARTICLE 9 as necessary;

10.7 Professional Representatives Committee

10.7a Shall be established with the duty of

- (1) Communicating information relevant to the ISBQPIP between the professional organisations being represented and the Supervisory Council; and
- (2) Electing the members of the Supervisory Council

10.7b Shall have membership as specified in the Rules.

10.8 Ad-hoc Advisory Committee(s)

10.8a May be established with the duty of providing technical, legal, and/or administrative advice regarding any matters relevant to the ISBQPIP; and

10.8b 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 DISCIPLINARY PROCEDURE

11.1 A complaint in accordance with Article 10.6a(4) may be filed against a QPIP by any natural person or legal entity.

11.2 The complaint must contain the information as specified in the Rules.

11.3 The QPIP shall be informed of the complaint by the Regulatory and Disciplinary Committee and be given an opportunity to respond to the allegations made within the complaint.

11.4 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 QPIP.

ARTICLE 12 USE OF INCOME AND PROPERTY

12.1 The income and property of ISBQPIP must be used solely for the purposes stated in ARTICLE 3.

12.2 Members of the Supervisory Council shall receive no compensation for services rendered when performing a duty in accordance with ARTICLE 3.

12.3 Notwithstanding Article 12.2, 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 ARTICLE 3.

ARTICLE 13 **INDEMNIFICATION**

- 13.1** 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.
- 13.2** 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.
- 13.3** If there is any change of The Netherlands' statutory provisions applicable to the ISBQPIP relating to the subject matter of this ARTICLE 13, then the indemnification to which any person shall be entitled under this ARTICLE 13 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 13.4, the Supervisory Council is authorised to amend these Articles to conform to any such changed statutory provisions.
- 13.4** No amendment or repeal of ARTICLE 13 shall apply to or have any effect on any person in Article 13.1 for or with respect to any acts or omissions of that person occurring before the amendment or repeal.

ARTICLE 14 **FINANCIAL YEAR AND ACCOUNTING**

- 14.1** The financial year is from January 1 to 31 December of the same year.
- 14.2** At the end of the financial year, the accounting records will be closed.



14.3 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 15 **LANGUAGE**

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

ARTICLE 16 **AMENDMENT OF ARTICLES OR RULES**

Amendments of the Articles or Rules shall only be made following a decision by simple majority of all members of the Supervisory Council.

ARTICLE 17 **CONFLICT**

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

ARTICLE 18 **FORCE MAJEURE**

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

ARTICLE 19 **DISPUTE RESOLUTIONS / JURISDICTION**

In case of any dispute between members of the ISBQPIP, between members and bodies of the ISBQPIP or between members of bodies of the ISBQPIP, an attempt shall be made to reach an amicable solution, possibly with the assistance of internal or external mediation. If this is not possible or fails, the ordinary courts which are competent in The Netherlands shall be addressed under the laws of The Netherlands.

ARTICLE 20 **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 organisations 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 organisation or organisations, as said court shall determine.

