

# DRAFT

## THE CHARTERED INSTITUTE OF PATENT AGENTS

### DRAFT REVISED CHARTER AND BY-LAWS

*The Charter and By-Laws are set out below in the form they will take if the changes now sought are made. The base text for the Charter is a consolidation of the text of the Charter of 11th August 1891 and the amendments made by the Supplemental Charters of 23rd January 1937, 21st July 1983 and 19th September 1993. The base text of the By-laws is their current form, originating in 1937 and incorporating subsequent amendments.*

*The Preamble to the Original Charter and to the Supplemental Charters are also included, as they amplify some of the wording of the Charter.*

*The basis of the current amendment throughout is to make changes where there is a specific requirement, with consequential changes, but not otherwise to attempt modernisation. The Charter and By-laws broadly work without difficulty and it is desired to concentrate attention specifically on changes rather than have potentially diffuse objection to a wholly new text.*

*The amendments in this draft fall into four categories, as set out below, and are highlighted by colours distinguishing those categories:*

**Blue:** changes amending the procedure for voting on alterations to the Charter and By-Laws;

**Red:** changes to the disciplinary provisions required for compliance with the Human Rights Act;

**Yellow:** changes relating to the change of name of the Institute to reflect modern usage of the term "patent attorney" and to provide for possible later extension of eligibility for Fellowship; and

**Green:** administrative changes.

*Wording to be deleted from the base texts is shown in italics within square brackets, and is indicated as spent where that is the reason for the deletion. Wording to be added is shown as underlined, and where it immediately follows deleted wording is to be taken as updating or otherwise replacing that wording.*

**Draft Dated 26th October, 2004**

# Preamble to The Charter of Incorporation

## Granted 11th August, 1891

Victoria by the Grace of God of the United Kingdom of Great Britain and Ireland, Queen, Defender of the Faith.

*To all to whom these presents shall come greeting.*

**Petition**

WHEREAS an Humble Petition has been presented to Us in Our Council by John Clayton Mewburn of 55 Chancery Lane in the County of London Patent Agent, William Lloyd Wise of 46 Lincoln's Inn Fields in the County of London Patent Agent, John Henry Johnson of 47 Lincoln's Inn Fields aforesaid Patent Agent, John Imray Master of Arts of 28 Southampton Buildings Chancery Lane aforesaid Patent Agent, William Carpmael of 24 Southampton Buildings aforesaid Patent Agent and George Gatton Melhuish Hardingham of 191 Fleet Street in the County of London Patent Agent setting forth (among other things) to the effect following:

That the Petitioner John Clayton Mewburn is the President and the Petitioner William Lloyd Wise is the Vice-President, and the Petitioners John Henry Johnson, John Imray and William Carpmael are Past Presidents and the Petitioner George Gatton Melhuish Hardingham is the Honorary Secretary of a Society established in 1882 in London at 57 Chancery Lane St. Andrew Holborn called the Institute of Patent Agents.

That the said Institute of Patent Agents was Registered under the Companies Acts 1862 to 1880 in the year 1882 as an Association limited by Guarantee.

**Objects of  
Institute of 1882**

That the Institute was formed for the following objects (that is to say):

- (a) To form a representative Body of the Patent Agents of the United Kingdom for the purpose of promoting improvements in the Patent Laws and in the Regulations under which they are administered.
- (b) To frame and establish Rules for the observance of Patent Agents in all matters appertaining to their professional practice.
- (c) To extend their opportunities and facilities for meeting correspondence discussion and interchanging ideas respecting matters connected with their professional practice and generally to aid in the acquisition and dissemination of knowledge appertaining to their profession.
- (d) To raise and obtain moneys by subscriptions donations or otherwise for expenditure in accomplishing the objects of the Association and to expend such moneys when raised in accomplishing such objects.
- (e) The doing of all other lawful things incidental or conducive to the attainment of the above objects or any of them.

**Application of  
Income**

That under the Memorandum of Association of the Institute the income and the property of the Association must be applied solely towards the promotion of the objects of the Association as set forth in the Memorandum of Association of the Institute and that no portion thereof can be paid or transferred directly or indirectly by way of dividend bonus or otherwise howsoever by way of profit to the persons who at any time are or have been

PREAMBLE

Members of the Institute or to any of them or to any person claiming through any of them subject to the proviso that nothing therein contained should prevent the payment in good faith of remuneration to any officers or servants of the Association or to any Member of the Association or other person in return for any services actually rendered to the Association.

That the profession of Patent Agent is one requiring an extensive and varied education, knowledge of the law relating to the granting of Our Letters Patent for Inventions of the practice under that law and of mechanical engineering chemistry and manufacturing processes of divers kinds and generally of the physical sciences and their applications to the arts and manufactures.

**Nature of the Profession**

That it is a matter of growing importance to the public and especially to the large and increasing number of persons to whom Our Letters Patent for Inventions are granted that the validity of such grants should by the exercise of professional skill and experience on the part of duly qualified Patent Agents be as far as possible secured to persons seeking the advice and counsel of such Agents in the preparation and presentation of the specifications and claims upon which such validity in great measure depends and that persons should also be competently advised as to the novelty and patentability of the inventions which they are desirous of protecting by our Letters Patent and as to the correct interpretation of such grants and should further be able to obtain from duly qualified Patent Agents reliable information as to the Patent Laws of our Colonies and Dependencies and of Foreign Countries.

**Qualifications**

That the said Institute aims at the elevation of the profession of Patent Agents as a whole and the promotion of their efficiency and usefulness to the public by requiring the observance of strict rules of conduct as a condition of membership and by setting up a high standard of professional and general knowledge and otherwise.

**Status**

That by the Patents Designs and Trade Marks Act 1888 it was enacted among other things that no person should after the first day of July 1889 be entitled to describe himself as a Patent Agent unless he were registered as a Patent Agent in pursuance of the first section of that Act, and further that Our Board of Trade should make such general rules as were in the opinion of Our said Board required for giving effect to that section.

**Registration under Act of 1888**

That Our said Board has made and published such general rules and that such rules called "The Register of Patent Agents Rules 1889" have been duly laid before Our Houses of Parliament.

**Rules, 1889**

That Our Board of Trade in recognition of the position and influence of the Institute has with the concurrence of the Institute directed by such general rules that the Institute shall keep the Register of Patent Agents required by the Act shall appoint a Registrar for that purpose shall by examinations under the entire management and control of the Institute ascertain the qualifications of persons applying to be placed on the said Register and shall grant certificates under the Seal of the Institute to those persons who satisfactorily pass such examinations and that the registration annual and examination fees prescribed by such general rules shall be paid to the Registrar appointed by the Institute.

**Duties conferred on the Institute of 1882**

**Fees**

That the Institute in accordance with the said general rules has established and kept the said Register has appointed a Registrar has duly registered all persons certified by Our said Board and entitled under the said rules to be so registered has made regulations with respect to the examinations to be held in accordance with the said rules has appointed examiners has held the first of such examinations has granted certificates under the Seal of the Institute to those

**Duties performed**

PREAMBLE

persons who satisfactorily pass such examination and has received the prescribed registration annual and examination fees.

**Objects of Incorporation**

That the Petitioners are advised and believe that the incorporation under Our Royal Charter of the Members of the Institute would tend greatly to the attainment of the objects for which it was established and would by such public recognition of the importance of the objects to be obtained as above stated enable more effective measures to be taken for minimising and restraining certain abuses and malpractices for the remedying of which the said Patent Designs and Trade Marks Act of 1888 was passed for performing the duties devolving upon the Institute under the Register of Patent Agents Rules 1889 and especially for securing the adequate education and training of Patent Agents in the duties of their profession and for maintaining a high standard of rectitude and professional conduct.

**Constitution of Institute of 1882**

That the said Institute of Patent Agents comprises among its Fellows most of the leading Patent Agents in the United Kingdom and has also a class of Associates among whom are Counsel learned in the law and Solicitors and a class of Foreign Members established in practice in our Colonies and Dependencies and in Foreign Countries as Patent Agents.

**Constitution of the Institute**

That the Petitioners desire and propose that if incorporation by Charter be granted to them all persons now Fellows of the Institute as incorporated under the Companies Acts (hereinafter called the Institute of 1882) shall be admitted Fellows of the Institute as incorporated by Charter (hereinafter called the Institute) and that all persons now Associates and Honorary and Foreign Members of the Institute of 1882 shall be admitted Associates and Honorary and Foreign Members respectively of the Institute.

**Class of Students**

That as a means of education for persons desiring to follow the profession of a Patent Agent the Petitioners desire and contemplate the establishment of a class of Students to be attached to the Institute and that with respect to the admission to membership of persons hereafter desirous of entering into the profession the Petitioners contemplate that a strict system of examination shall be established.

**Admission by Examination**

**Designations of Fellows**

That the Petitioners further desire that the Fellows of the Institute shall be authorised to annex to their names a distinctive designation and distinctive letters indicative of their membership.

AND WHEREAS by the said Petition the Petitioners on behalf of themselves and the other Members of the Institute of 1882 most humbly prayed that We would be graciously pleased to grant Our Royal Charter for incorporating the Petitioners and others under the title of the Chartered Institute of Patent Agents or such other title as to Us might seem fit and with all such powers and privileges as to Us might seem fit.

**Voluntary Winding-up of Institute of 1882**

AND WHEREAS at a Meeting duly held on the 6th day of May 1891 by a majority consisting of not less than three-fourths of the Members present a Special Resolution was carried to the effect that it was desirable that the affairs of the Institute of 1882 should be wound up voluntarily.

AND WHEREAS at a Meeting held on the 21st day of May 1891 the said Resolution was confirmed.

AND WHEREAS an advertisement of the said Resolution was on the 26th day of May 1891 duly published in the "London Gazette".

AND WHEREAS at the said last-mentioned Meeting resolutions were passed that Mr. Henry Howgrave Graham be appointed Liquidator for the purpose of winding-up the affairs of the Institute of 1882 and that the powers of a Liquidator should be exercisable by him and that the said Liquidator should take over and transfer all assets and property remaining after the satisfaction of all debts and liabilities of the Institute of 1882 to the Corporation created by these Presents.

AND WHEREAS the said Liquidator has duly wound up the affairs of the Institute of 1882 and made an account showing the manner in which the said winding-up has been conducted and the manner in which the property of the said Institute has been or is about to be disposed of and the said account was laid before a Meeting of the said Institute duly convened for the purpose.

AND WHEREAS the said Liquidator duly made a return to the Registrar of Joint Stock Companies of the said Meeting.

AND WHEREAS on the incorporation of the Chartered Institute of Patent Agents by these Presents the Institute of 1882 will cease to carry on any business or to exercise any functions and at the expiration of three months from the date of such last-mentioned Meeting will be finally dissolved and cease to exist.

**Expiration of  
Institute of 1882**

NOW THEREFORE WE having taken the said Petition into Our consideration and being satisfied that the intentions of the Petitioners are laudable and deserving of encouragement have constituted erected and incorporated and We do hereby constitute erect and incorporate into one body politic and corporate by the name of "The Chartered Institute of Patent Agents" (hereinafter referred to as the Institute) the said John Clayton Mewburn, William Lloyd Wise, John Henry Johnson, John Imray, William Carpmael, and George Gatton Melhuish Hardingham and such other persons as are by this Our Charter made or declared to be Members or as shall hereafter under the provisions of this Charter be admitted as Members of the Body Corporate hereby constituted and created with perpetual succession and a Common Seal and with power to alter and renew the same at discretion and with capacity by that name to sue and be sued and to take and hold any personal property and ~~[notwithstanding the Statutes of Mortmain] (deleted by Second Supplemental Charter)~~ from time to time to purchase acquire take and hold in perpetuity or for any term or estate any messuages lands and hereditaments ~~[the yearly value of which at the time of the respective purchases or acquisition thereof shall not exceed in the whole at one time Three thousand pounds] (deleted by second Supplemental Charter)~~ with power from time to time to sell grant lease exchange mortgage and dispose of the same And We do also ordain and declare that the Institute aforesaid shall apply its profits (if any) or other income and property in promoting its objects and shall not at any time directly or indirectly pay any dividend or bonus to its Members or any of them and that it shall be part of its constitution that it is not established for the acquisition of gain or profit by its Members as such.

**Grant of Charter**

And We do also will ordain and declare as follows (that is to say) subject to the provisions of this Our Charter the Institute shall have power to receive from the Liquidator of the Institute of 1882 and to hold all the lands buildings property rights and easements which before the date of this Our Charter were vested in the Institute of 1882 or the Liquidator thereof or in any person in trust for the Institute of 1882 or to which the Institute of 1882 was in anywise entitled and all moneys securities credits choses in action books papers effects and other property whatsoever which before the date of this Our Charter belonged to the Institute of 1882 or the Liquidator thereof or to any Trustee on its behalf and the benefit of all contracts and engagements entered into by or on behalf of the Institute of 1882

**Transfer of  
Property**

PREAMBLE

and in force before the date of this Our Charter to the same extent and for the same estate and interest as the same were previously to the date of this Our Charter vested in the Institute of 1882 or the Liquidator thereof or any Trustee on its behalf.

And We do also will ordain and declare as follows (that is to say):

*There then follows the text of the Clauses of the original Charter*

IN WITNESS whereof We have caused these Our Letters to be made Patent.

WITNESS Ourselves at Westminster the Eleventh day of August in the 55th year of Our Reign.

By Warrant under the Queen's Sign Manual.

(Signed) MUIR MACKENZIE

## **Preamble to the First Supplemental Charter** **Granted 23rd January, 1937**

George the Sixth by the Grace of God of Great Britain, Ireland and the British Dominions beyond the Seas King, Defender of the Faith, Emperor of India.

*To all to whom these presents shall come greeting.*

WHEREAS Her Late Majesty Queen Victoria did by Royal Charter of Incorporation (hereinafter called The Original Charter) dated the 11th day of August 1891 grant and declare that John Clayton Mewburn and such other persons who were then Members of The Institute of Patent Agents therein mentioned or who should at any time afterwards become Members thereof should form one body politic and corporate for the purposes recited in The Original Charter under the name of THE CHARTERED INSTITUTE OF PATENT AGENTS (hereinafter referred to as The Chartered Institute) with perpetual succession and a Common Seal

**Objects of the  
Chartered  
Institute**

AND WHEREAS by virtue of Clause 2 of The Original Charter the objects of The Chartered Institute were defined in relation mainly to the Patent Laws and the Regulations thereunder and the profession of Patent Agents in regard to patents

AND WHEREAS the Council of The Chartered Institute (hereinafter referred to as the Petitioners) have represented that it would be advantageous to include within the objects of The Chartered Institute a reference to other forms of industrial property as hereinafter defined and the laws and regulations relating thereto with which Patent Agents have always been concerned in practice before the Patent Office and the Industrial Property Department of Our Board of Trade

AND WHEREAS by virtue of Clause 10 of The Original Charter the Members of The Chartered Institute were divided into four classes only, namely: (1) Fellows, (2) Associates, (3) Foreign Members, (4) Honorary Members, this sub-division being followed in the subsequent clauses of The Original Charter

**Classes of Membership**

AND WHEREAS the Petitioners have represented that it is in the interest of Patent Agents who being Members of The Chartered Institute are British subjects resident and practising overseas that they should be entitled to describe themselves as British Oversea Members of The Chartered Institute of Patent Agents as distinguished from Foreign Members of foreign nationality and desire that the Foreign Members under The Original Charter shall be divided into two classes, and that persons who are of foreign nationality shall remain Foreign Members as heretofore but that persons who are of British nationality shall be transferred to the class of British Oversea Members

AND WHEREAS it is desirable to provide that Members of The Chartered Institute who are not Fellows may be entitled to vote upon resolutions submitted to meetings of The Chartered Institute if the Chairman of the Meeting shall rule that the subject for decision is one which affects the rights of any other class of Members as such

**Voting and Presence at Meetings**

AND WHEREAS by Section 84 of the Patents and Designs Acts of 1907 to 1932 it was enacted among other things that no person should practise describe himself or hold himself out or permit himself to be described or held out, as a Patent Agent unless

**Registration under Acts of 1907 to 1932**

- (a) in the case of an individual, he were registered as a Patent Agent in the Register of Patent Agents;
- (b) in the case of a Firm, every partner of the firm were so registered;
- (c) in the case of a Company which commenced to carry on business as a Patent Agent after the 17th day of November 1917 every director and the manager (if any) of the Company were so registered;
- (d) in the case of a Company which commenced to carry on business as a Patent Agent before that date, a manager or director of the Company were so registered;

and further, by Section 86 of the above mentioned Acts, that Our Board of Trade might make such general rules as Our said Board thought expedient, subject to the provisions of the Acts, *inter alia*, for regulating the keeping of the Register of Patent Agents under the Acts

AND WHEREAS on the 4th day of October 1932 certain Rules (known as the Register of Patent Agents Rules 1932) were made by Our Board of Trade providing, *inter alia*, for the erasure from the Register of Patent Agents of the name of any person found guilty of conduct discreditable to a Patent Agent and it is desirable that Clause 31 of The Original Charter should be altered so as to conform with the said Rules

**Rules 1932**

AND WHEREAS by Clause 31 of The Original Charter the conviction of a Member of an offence which if committed in England would be a felony must result *ipso facto* in such person ceasing to be a Member, and it is desirable that the Council should have a discretion to consider such cases on their merits as provided for in Clause 32, except in cases where the Board of Trade has caused the name of the Member to be erased from the Register of Patent Agents, or where

**Exclusion from Membership**

PREAMBLE

the Member has been held by a competent tribunal to be guilty of unprofessional conduct

**Application of Funds**

AND WHEREAS the membership as well as the funds and resources of The Chartered Institute have very greatly increased since the date of the Grant of the Royal Charter in 1891 and the Petitioners have represented that it is desirable that the yearly value of any messuages, lands and hereditaments which The Chartered Institute may at any one time take acquire and hold under the terms of The Original Charter should be increased from £3,000 to £10,000

**Grant**

NOW THEREFORE, WE, having taken the said Petition into Our Royal Consideration and being desirous of furthering the Gracious intent of Our Royal Predecessor and of promoting the advancement of the interests of The Chartered Institute of Patent Agents have willed, granted and declared and WE by Our Prerogative Royal and of Our Special Grace certain knowledge and mere motion by these Presents do hereby for Us Our Heirs and Successors will grant declare and ordain as follows (that is to say):

*There then follows the text of the Second Supplemental Charter*

WE do also further will and ordain that subject to the provisions contained in this Our Charter The Original Charter so far as unrepealed shall have full effect and validity and We do hereby confirm the same accordingly.

IN WITNESS whereof We have caused these Our Letters to be made Patent.

WITNESS Ourselves at Westminster the twenty-third day of January in the first year of Our Reign.

By Warrant under the King's Sign Manual.

SCHUSTER

## **Preface to the Second Supplemental Charter**

**Granted 21st July, 1983**

Elizabeth the Second by the Grace of God of the United Kingdom of Great Britain and Northern Island and of our other Realms and Territories, Queen, Head of the Commonwealth, Defender of the Faith;

*To all to whom these presents shall come, greeting!*

WHEREAS Her Majesty Queen Victoria did by Royal Charter (hereinafter referred to as "The Original Charter") dated the 11th day of August in the year of our Lord one thousand eight hundred and ninety-one constitute a body politic and corporate by the name of "The Chartered Institute of Patent Agents" (hereinafter referred to as "The Institute") with perpetual succession and a Common Seal

AND WHEREAS his Majesty King George the Sixth did by a Supplemental Charter (hereinafter referred to as "The Supplemental Charter") dated the 23rd day of January one thousand nine hundred and thirty-seven vary the Original Charter in certain respects:

AND WHEREAS the Institute has by a humble petition prayed that we would be graciously pleased to grant to it a further Supplemental Charter:

NOW THEREFOR KNOW YE THAT WE, having taken the said petition into Our Royal Consideration have of our prerogative Royal granted and declared and do by these presents for us, our heirs and successors grant and declare that the original Charter shall hence forth be read as though in the relevant article the words "notwithstanding the statutes of Mortmain" and the words "the yearly value of which at the time the respective purchases or acquisition thereof shall not exceed in the whole at one time ten thousand pounds" were omitted therefrom.

**Grant**

**Application of  
Funds**

IN WITNESS thereof we have caused these our Letters to be made Patent.

WITNESS ourself at Westminster the 21st day of July in the thirty-second year of our reign.

By Warrant under the Queen's Sign Manual.

OULTON

## **Preface to the Third Supplemental Charter Granted 19th September, 1991**

Elizabeth the Second by the Grace of God of the United Kingdom of Great Britain and Northern Ireland and of Our other Realms and Territories Queen, Head of the Commonwealth, Defender of the Faith:

*To all to whom these presents shall come, greeting!*

WHEREAS Her Majesty Queen Victoria did by Royal Charter (hereinafter referred to as "the Original Charter") dated the eleventh day of August in the year of our Lord One thousand eight hundred and ninety-one constitute a body politic and corporate by the name of "The Chartered Institute of Patent Agents" (hereinafter referred to as "the Institute") with perpetual succession and a Common Seal:

AND WHEREAS the Original Charter has been amended by Supplemental Charters dated the twenty-third day of January One thousand nine hundred and thirty-seven and the twenty-first day of July One Thousand nine hundred and eighty-three:

AND WHEREAS the Institute has by an humble Petition prayed that We would be graciously pleased to grant to it a further Supplemental Charter:

PREAMBLE

**Grant**

NOW THEREFORE KNOW YE THAT WE, having taken the said Petition into Our Royal Consideration and being minded to accede thereto, have of Our Prerogative Royal granted and declared and do by these Presents for Us, Our Heirs and Successors grant and declare that the Original Charter shall be amended by substituting the following for Clause 29:

*There then follows the text of the Second Supplemental Charter*

IN WITNESS whereof We have caused these Our Letters to be made Patent.

WITNESS Ourselves at Westminster the 19th day of September in the 40th year of Our Reign.

By Warrant Under The Queen's Sign Manual

**LEGG**

# Consolidated Charter of Incorporation, with By-laws

1. In this Our Charter unless the context otherwise requires:

Interpretation  
Clauses

"The Institute" or "Chartered Institute" shall from the date of Our Fourth Supplemental Charter mean the Chartered Institute of Patent Attorneys, which name shall replace the name The Chartered Institute of Patent Agents.

"The Institute of 1882" means the Institute of Patent Agents incorporated in London in the year 1882 as hereinbefore recited.

"Register of Patent Agents" means the Register established under or by virtue of The Patents Designs and Trade Marks Act 1888 or any amendment or re-enactment thereof.

"The Council" means the Council for the time being of the Institute.

"By-laws" means By-laws of the Institute made under this Our Charter.

["Commencement of the By-laws" means the time when the first Bylaws made under this Our Charter come into operation.] - spent wording

"Month" means calendar month.

"Board of Trade" includes any public Department or Authority which may be substituted by Law or by Us for Our present Board of Trade.

"Industrial Property" includes inventions the subject of the grant of Letters Patent, and designs, trade marks and other matters the subject of protection by grant or registration, in the UK through the Patent Office and the Industrial Property Department of Our Board of Trade, or through international bodies.

"Patent Office" means the office provided for under Section 62 of the Patents and Designs Act, 1907, or any [Act amendatory] amendment or re-enactment thereof.

"Industrial Property Practitioner" means a person who has been entered on any Register or List of persons qualified to practise in industrial property before the Patent Office or before international bodies.

2. Notwithstanding anything in this Our Charter contained the objects of the Chartered Institute shall (*inter alia*) be as follows:

Objects of the  
Institute

- (a) The objects for which the Institute of 1882 was formed as hereinbefore recited and to carry on the work commenced by the Institute of 1882;
- (b) To promote the education status and training of Patent Agents Industrial Property Practitioners and to maintain a high standard of rectitude and professional conduct and knowledge.
- (c) To form and maintain a Body representative of the profession of Patent Agents Industrial Property Practitioners for the purpose of promoting

CHARTER

improvements in the Laws relating to Patents, Designs and Trade Marks and other forms of industrial property and in the Regulations under which they are administered.

- (d) The doing all other lawful things incidental or conducive to the attainment of the objects of the Chartered Institute or any of them.

*Note*

*Clause 2 of the Supplementary Charter of 1937 appears to have supplemented rather than revoked Clause 2 of the Charter of 1891, which is therefore retained, represented by (a) and (b) above, with (c) from the 1937 wording and (d) from both. The “notwithstanding” wording is used as in the 1891 Clause 12 or the Clause on British Oversea Members inserted in 1937.*

**The Council**

3. There shall be a Council of the Institute consisting of Fellows of the Institute of which Council the number and mode of election shall be prescribed by By-laws.

*Council*

4. ~~[The first Members of the Council shall be the following (namely):~~

~~Charles Denton Abel (Vice-President of the Institute of 1882)~~

~~Alfred Julius Boulton~~

~~Edward Carpmael~~

~~William Carpmael (Past President of the Institute of 1882)~~

~~Alexander Melville Clark~~

~~William Clark~~

~~George Gatton Melhuish Hardingham (Honorary Secretary of the Institute of 1882)~~

~~John Imray (Past President of the Institute of 1882)~~

~~John Henry Johnson (Past President of the Institute of 1882)~~

~~Philip Middleton Justice~~

~~John Clayton Mewburn (Past President of the Institute of 1882)~~

~~Alfred Vincent Newton~~

~~Benjamin Willcox~~

~~William Lloyd Wise (President of the Institute of 1882).~~

~~And John Henry Johnson, John Imray, William Carpmael and John Clayton Mewburn Past Presidents of the Institute of 1882 shall be Members of Council of the Institute so long as they continue Fellows of the Institute and George Gatton Melhuish Hardingham shall be the first Honorary Secretary and Henry Howgrave Graham shall be the first Secretary.]~~

*Tenure of office of first Members of Council*

~~[The first Members of Council shall hold office until Members of Council are elected in the manner provided by By-laws.] Spent~~

**President and Vice-President**

5. There shall be a President and one or more Vice-Presidents of the Institute who shall also be the President and Vice-President or Vice-Presidents of the Council.

*First President and Vice-President*

6. ~~[William Lloyd Wise shall be the first President and Charles Denton Abel shall be the first Vice-President.] Spent~~

7. *[A vacancy occurring before the commencement of the By-laws in the office of the first President or of the first Vice-President or in the Council shall be filled by the Council.] Spent* **Vacancy in office of first President or Vice-President**
8. *[The first President and Vice-President or any person or persons appointed as aforesaid to fill a vacancy in their respective offices shall hold office until a President and one or more Vice-Presidents respectively are elected or appointed in the manner to be provided by the By-laws.] Spent* **Tenure of office of first President and Vice-President**
9. Fellows of the Institute shall alone be eligible for election or appointment as President or Vice-President. **Fellows only eligible for office of President or Vice-President**
10. The Members of the Institute shall be divided into five classes as follows: **Classes of Membership**
- (1) Fellows
  - (2) Associates
  - (3) British Oversea Members
  - (4) Foreign Members
  - (5) Honorary Members
11. *[All persons who at the date of this Our Charter are Fellows, Associates, Foreign Members, or Honorary Members of the Institute of 1882 shall under and by virtue of this Our Charter be entitled to be and become Fellows, Associates, Foreign Members, and Honorary Members, respectively of the Institute. Provided always that all fees and subscriptions or other sums due from such persons under the Articles of Association of the Institute of 1882 and under this Our Charter shall have been paid within one month in the case of persons resident in the United Kingdom and in the case of persons not resident in the United Kingdom within six months from the date of this Our Charter.] Spent* **Present Members of the Institute of 1882**
12. *[Notwithstanding anything in this Our Charter contained no person under the age of twenty-five years shall be eligible for election as a Fellow, Associate, British Oversea Member, Foreign Member, or Honorary Member of the Institute.] There shall be no age restriction on Members or Students.* **Age of Members and Students**
13. The following persons shall be eligible for election as Fellows of the Institute: **Fellows**
- [(i) Every person who [being] is entered on the Register of Patent Agents [in accordance with the Patents Designs and Trade Marks Act 1888 has been in practice on his own account as a Patent Agent for such a period and is possessed of such further qualification (if any) as the By-laws may from time to time prescribe. - spent wording] or is possessed of such other qualification as an Industrial Property Practitioner as the By-Laws may from time to time prescribe and who has passed such examinations and fulfilled such conditions as shall be [hereafter] prescribed by By-laws of the Institute for the time being in force. Provided always that a duly elected Fellow whose name shall have been erased from the Register by reason only of his ceasing to practice as a Patent [Agent] Attorney or whose name has*

been erased from any register or list of industrial property practitioners by reason only of his ceasing to practise as an Industrial Property Practitioner may notwithstanding his name having been so erased remain a Fellow of the Institute.

*[(ii) Every person who has been an Associate and is entered on the said Register but has by reason of his being in practice on his own account as a Patent Agent ceased to be an Associate in accordance with the provision hereinafter made in that behalf. - spent wording]*

*Note: Former (ii), and the deleted parts of former (i), are spent. Former (iii) is incorporated in (i).*

Associates

14. The following persons shall be eligible for election as Associates of the Institute:

(i) Any person who is not *[being registered or]* in practice *in the UK* as *[a Patent Agent]* *an Industrial Property Practitioner and who* is in the opinion of the Council by reason of his connection with the Law, Science or the Arts qualified and able to advance the objects of the Institute.

*[(ii) Any person who is an Industrial Property Practitioner in the UK, but who is not eligible for election as a Fellow, and who is in the opinion of the Council qualified and able to advance the objects of the Institute.]*

*[(ii) Every person who not being in practice on his own account (1) Has been for at least three years *[and is]* engaged *[as a Pupil or Assistant]* in the business of a Fellow or Fellows of the Institute *[or of the Institute of 1882 - spent wording]* and has acquired good repute therein and (2) Has passed such examinations (if any) and complies with such further condition (if any) as the By-laws may from time to time prescribe.*

*[(v) Every person who has been or is a Student attached to the Institute and has passed such examinations and complied with such further conditions as the By-laws may from time to time prescribe.*

Any Associate who *[enters into practice on his own account]* *becomes eligible for election as a Fellow* shall within six months of *[such entering into practice]* *so becoming eligible* cease to be an Associate *[but shall subject as hereinbefore provided be eligible for election as a Fellow].*

British Oversea Members

15. *[That notwithstanding any provision to the contrary contained in the Original Charter the]* *The following* persons *[who]* shall be eligible for election as British Oversea Members *[or to be transferred to the Class of British Oversea Members - spent wording]* of the *[Chartered]* Institute *[shall be as follows that is to say]:*

Every person who is a British subject and who has in the opinion of the Council been established in practice as *[a Patent Agent]* *an Industrial Property Practitioner* for a sufficient length of time *[in any part of His Majesty's dominions]* outside the United Kingdom *[or in any British Dependency or in a Foreign Country]* and neither has an office nor practises in the United Kingdom. Provided always that such person shall cease to be a British Oversea Member upon the Council being satisfied that he has an office or is practising in the United Kingdom either alone or as a member of a firm. The Council shall have power to transfer to the class of Foreign Members any British Oversea Member who shall cease to be a British subject.

**15.2** The following persons shall be eligible for election as Foreign Members of the Institute :

**Foreign Members**

Every person other than a British subject who has in the opinion of the Council been established in practice as [a Patent Agent] an Industrial Property Practitioner for a sufficient length of time [in a British Colony or Dependency or in a Foreign Country] outside the United Kingdom and neither has an office nor practises in the United Kingdom. But such persons shall cease to be Foreign Members upon the Council being satisfied that they have an office or are practising in the United Kingdom either alone or as members of a firm.

*Note: The clause now Clause 15.1 was inserted un-numbered in 1937. The clause now Clause 15.2 has hitherto been Clause 15. The wording of the two clauses is now made parallel and spent wording on transfer from the original class of Foreign Members is omitted.*

16. The following persons shall be eligible for election as Honorary Members of the Institute:

**Honorary Members**

Every person who in the opinion of the Council has rendered or is able to render assistance in promoting the objects of the Institute. But no person who is engaged in practice as [a Patent Agent] an Industrial Property Practitioner shall be eligible for election as an Honorary Member.

17. There shall be a class of Students attached to but not Members of the Institute.

**Students**

18. [All persons who at the date of this Our Charter are attached to the Institute of 1882 as Graduates shall under and by virtue of this Our Charter be entitled to become and be Students attached to the Institute. Provided always that all fees and subscriptions due from such persons under the Articles of Association of the Institute of 1882 shall have been paid within one month from the date of this Our Charter.] Spent

*Graduates of the Institute of 1882 to be Students*

19. [After the date of this Our Charter - spent wording] Any person desiring to become a Student shall be required to pass such examination or examinations and to comply with such conditions as the By-laws may from time to time prescribe.

**Qualification for Studentship**

20. The Council shall have absolute power to determine conclusively whether any person desiring to be admitted a Fellow, Associate, British Oversea Member, Foreign Member, Honorary Member, or a Student has or has not passed the examinations and fulfilled the conditions in this Our Charter or in the By-laws contained. Provided always that the Council shall have power to dispense by a Resolution passed at a Meeting of the Council specially convened for that purpose with notice of the object (at which Meeting there shall be present and vote not less than eight Members of the Council) with any examination or examinations other than those required by any Rules [of Our Board of Trade made under the Patents Designs and Trade Marks Act 1888 or any amendment thereof] for registration purposes made under the Copyright Designs and Patent Act 1988 or any amendment or re-enactment thereof or otherwise, and which may be from time to time in force. Provided always that not less than three-fourths of the Members present and voting shall vote in favour of the dispensation which may be granted subject to such terms and conditions (if any) as the Council think fit.

**Decision of Council on Qualifications**

21. [The first Meeting of the Council under this Our Charter shall be held at No. 19 Southampton Buildings Chancery Lane in the County of London or other the Offices of the Institute at noon on the third Wednesday after the date of this Our Charter.] Spent

*First Meeting of Council*

## CHARTER

### Powers of Council

22. The Council shall have the management and superintendence of the affairs of the Institute and power to undertake the management and control of any examination **or examinations for registration purposes** for the conduct of which by the Institute [*the Board of Trade*] **provision** may have for the time being **been** made [*provision*] by Rules under the [*Patents Designs and Trade Marks Act 1888*] **Copyright Designs and Patents Act 1988** or any amendment **or re-enactment** thereof or otherwise and shall also have the conduct of all examinations required for the purposes of admission to the Institute including any preliminary examination or examinations of Students desirous of being attached to the Institute and the conduct of any other examinations required by the Institute. The Council may also appoint and may remove and determine the duties salaries and remuneration of the Registrar Examiners Secretary Solicitors Bankers Clerks Agents and **other** officers and servants of the Institute and shall determine the securities (if any) to be taken from any of them and may make such arrangements and enter into such agreements with them as the Council shall think fit.

The Council may also at Meetings at each of which (subject to anything in this Our Charter contained and to the provisions of any By-law) three Members at the least of the Council are present and acting exercise all the powers of the Institute except as to such matters as are by this Our Charter or by By-laws of the Institute directed to be transacted by or at a General Meeting of the Members of the Institute.

### Application of Funds

23. The Council shall have power to apply the funds arising from the entrance fees and annual subscriptions of Members or otherwise and (subject to any Rules made or to be made by our said Board of Trade) from the registration annual examination and other like fees in carrying out the duties which may for the time being be entrusted to them under any Rules made [*by Our said Board of Trade or any other competent authority by virtue of the Patents Designs and Trade Marks Act 1888 or any amendment*] **under the Copyright Designs and Patents Act 1988 or any amendment or re-enactment** thereof or otherwise and in the conduct of any proceedings which in the opinion of the Council may become necessary or desirable for enforcing compliance with the provisions of the [*Patents Designs and Trade Marks Act 1888 or any amending or subsequent Act or Acts which may hereafter be passed in relation thereto*] **said Act or amendment or re-enactment thereof** and for other purposes connected therewith and also in acquiring extending and improving the Library of the Institute and in the acquisition renting or erection and fitting up of a Hall and other suitable buildings for the use of the Members of the Institute and for other purposes connected with the profession of [*Patent Agents*] **Industrial Property Practitioners** and in the purchase or renting of a site or sites for a Library Hall and other suitable buildings as aforesaid and in paying the salaries or remuneration of the Registrar **Examiners** Secretary **Solicitors Bankers Clerks Agents** and **other** officers and servants of the Institute and in otherwise promoting the objects of the Institute. But the Council shall not apply the funds of the Institute in erecting or purchasing any building or in purchasing or renting a site for any building without the approval of a General Meeting of the Members of the Institute convened with notice of this object.

### Prizes, Exhibitions and Scholarships

24. The Institute may receive and hold as Trustees any Donations and Endowments consisting of property of any description real personal or mixed for prizes exhibitions or scholarships or for any special purposes connected with the Institute which shall not be inconsistent with the provisions of this Our Charter and the Council shall have power to apply all

donations and endowments held by the Institute and any income arising therefrom for the purpose of prizes exhibitions or scholarships or any such special objects as aforesaid in founding and maintaining such prizes exhibitions or scholarships and in carrying into effect as Trustees such donations or endowments and the trusts thereof.

25. All powers which under the provisions of this Our Charter shall or may be exercised by the Council shall be exercised by them in accordance with and subject to the provisions of this Our Charter and the By-laws of the Institute and the exercise of those powers shall be subject to the control and regulation of any General Meeting of the Institute but not so as to make invalid any act done by the Council previously to any resolution passed at a General Meeting and any act or proceeding of the Council shall not be invalidated or be illegal in consequence of there being any vacancy in the Council at the time of such act or proceeding being done or taken or in consequence of any defect in the election or appointment or qualification of any Member of the Council or disqualification of any Member of the Council. **Exercise of Powers of Council**
26. ~~[Until the commencement of the By-laws the affairs of the Institute and the meetings and proceedings of the Institute and of the Council shall as far as may be and subject to any express provision of this Our Charter be managed conducted and regulated according to and by the Articles of Association and Regulations of the Institute of 1882 as if that Institute and the Council thereof were the Institute incorporated by this Our Charter and the Council thereof.] Spent~~ **Provisional Management**
27. ~~[Notwithstanding anything in this Our Charter a person shall not by virtue of this Our Charter become be or be entitled to become or be a Member (other than an Honorary Member) of the Institute before the commencement of the By-laws unless and until he pays the following sum (or such sum as together with any annual subscription which may have been paid for the then current year to the Institute of 1882 will make up such sum) as his first subscription to the Institute namely in the case of a Fellow of the Institute of 1882 becoming a Fellow of the Institute the sum of Four Guineas in the case of an Associate of the Institute of 1882 becoming an Associate of the Institute the sum of One Guinea and in the case of a Foreign Member of the Institute of 1882 becoming a Foreign Member of the Institute the sum of One Guinea and in the case of any other person becoming a Fellow of the Institute the sum of Ten Guineas and in the case of any other person becoming an Associate the sum of Two Guineas and in the case of any other person becoming a Foreign Member the sum of Three Guineas and every such person on paying the said above-mentioned first subscription shall be entitled to a Certificate of Membership of the Institute which shall be in force until the commencement of the By-laws or until such later time (if any) as the By-laws prescribe.] Spent~~ **First Entrance Fees**
28. ~~[From the commencement of the By-laws - spent wording]~~ Every Fellow, Associate, British Oversea Member or Foreign Member shall obtain from the Council in every year reckoned from such day as the By-laws shall from time to time prescribe a certificate of renewal of his certificate of membership at such time on such conditions and on payment of such subscriptions or other sums as may be from time to time prescribed in that behalf by the By-laws. **Annual Certificates of Membership**
- ~~Any member or Student who fails to pay any subscription or other sum payable by him to the Institute for six months after the same has become due shall cease to be a member or Student of the Institute.~~ **Failure to pay subscription**
29. Fellows of The Institute ~~who are Patent Attorneys~~ may use the designations "Chartered Patent Agent" and "Chartered Patent Attorney" (but not together or otherwise so as to imply two separate qualifications) and after **Designation and Initials**

their names the initials "C.P.A." representing either designation. The By-Laws may provide that Fellows of the Institute who are entitled to use in the course of practice in the field of industrial property any other title restricted by law to qualified persons may use that title preceded by the word "Chartered" in full or in the form of initials.

**Voting and Presence at Meetings**

30. All Members of the Chartered Institute shall subject to any restriction in the By-laws be entitled to be present at General and Special Meetings of the Chartered Institute and to take part in the discussion of business thereat but only Fellows shall be entitled to vote upon resolutions submitted to such Meetings unless the Chairman of the Meeting shall rule that the subject for decision is one which affects the rights of any other class of Members as such in which case Members of such class shall be entitled to vote.

**Fundamental Rule**

31. If the name of any Member of the Chartered Institute being entered on the Register of Patent Agents or the Register of Trade Mark Agents shall by Order of Our Board of Trade be erased from such Register or if any Member being a Barrister or Solicitor of the Supreme Court of Judicature in England or Northern Ireland or Law Agent before the Court of Session in Scotland or being a Physician or Surgeon or being entered on any register or list of persons qualified to practise in industrial property matters before any patent office or similar body shall have been held by a competent Tribunal to have been guilty of unprofessional conduct, such person shall *ipso facto* cease to be a Member of the Chartered Institute.

**Exclusion and Suspension from Membership**

32. If any person while he is a Member of or a Student attached to The Chartered Institute:
- (1) Violates any rule of the Chartered Institute applicable to his class of Membership or Studentship;
  - (2) Is convicted of [a felony or misdemeanour] an offence triable on indictment or is finally declared by any court of competent jurisdiction to have committed any fraud;
  - (3) Is held [by the Council] on the complaint of any Member of the Chartered Institute or of any person aggrieved and after having had an opportunity of being heard [by the Council] to have been guilty of any act or default discreditable to [a Patent Agent] an Industrial Property Practitioner;
  - (4) Is adjudged Bankrupt or individually or as a partner makes an assignment for the benefit of creditors or under any resolution of creditors or under the order of any Court of Bankruptcy or under any deed or document has his estate placed in liquidation for the benefit of creditors or makes any arrangement for payment of a composition to creditors;

[(5) Fails to pay any subscription or other sum payable by him to the Chartered Institute under this Our Charter or the By-laws for six months after the same has become due;]

[he shall be liable to be excluded from Membership or to be suspended for any period not exceeding two years from Membership by a resolution of the Council passed at a Meeting specially convened for that purpose with notice of the object at which Meeting there shall be present and vote not less than eight Members of the Council and for which exclusion or suspension not less than three-fourths of those present and voting shall vote and the Member having first had an opportunity of being heard but

any such exclusion or suspension may be at any time revoked or modified by the Council at a like Meeting by such a majority as aforesaid subject to such terms and conditions (if any) as the Council think fit and notice of any resolution for exclusion or suspension shall forthwith be sent to the person affected thereby] he shall be liable to sanctions, (which may include exclusion or suspension from membership), under a disciplinary procedure to be established under By-laws with due regard to the provisions of the Human Rights Act 1998 or any amendment or re-enactment thereof, said procedure also to provide for appeal.

33. If any person ceases from any cause whatever to be a Member of the Institute he shall not nor shall his representatives have any interest in or claim against the funds or property of the Institute and he shall on demand deliver back to the Council his certificate of Membership and thenceforth he shall not by the use of any initials after his name or in any other way whatsoever assert or imply that he is a Member of the Institute.

**Persons ceasing to be Members to have no claim on property**

34. The Institute may from time to time by resolution of a General Meeting [confirmed at a subsequent General Meeting held not less than fourteen and not more than twenty-eight days after the former Meeting] make By-laws requisite for the better execution of this Our Charter and the furtherance of the objects of the Institute and the management conduct control and regulation of its affairs and business and of its Members as such and from time to time may rescind or vary any such By-laws and make others in their stead but so that

**Power to make By-laws**

(i) the By-laws for the time being be not in any respect repugnant to the law of England or contrary to or inconsistent with any provisions of this Our Charter;

(ii) any such resolution shall unless made by ballot of all members entitled to vote thereon be confirmed at a subsequent General Meeting held not less than fourteen and not more than thirty-five days after the former Meeting; and [provided also that]

(iii) By-laws made by the Institute shall not commence or have effect until they have been submitted to and allowed by the Lords of Our Council such allowance to be evidenced by a certificate of the Clerk of Our Council.

35. [The Council shall within 12 months from the date of this Our Charter or such further period as the Clerk of Our Privy Council shall allow prepare draft By-laws and shall send to each Member of the Institute resident in the United Kingdom a printed copy thereof inviting him to offer observations thereon within a time to be limited by the Council and the Council shall take into consideration all observations so offered and shall finally settle the draft By-laws and shall send to such Members of the Institute the draft By-laws so finally settled and call a General Meeting of such Members of the Institute for the consideration and adoption of By-laws to be held on a day not more than fifteen months from the date of this Our Charter or such extended time as may be allowed by the Clerk of Our Privy Council and not less than fourteen days notice of the time and place of meeting shall be given by the Council to such Members of the Institute and the Meeting so called shall be the first General Meeting for the purposes of this Our Charter and the Chairman of that Meeting shall be the President or in his absence the Vice-President of the Institute or in his absence a Member of the Council chosen by the Meeting or in the absence of all the Members of the Council a Member of the Institute chosen by the Meeting but any want of or irregularity in the sending of any such draft By-laws or in the giving of any such notice shall not affect the validity of the By-laws.] Spent

**Preparation of By-laws**

## CHARTER

### Purposes for which By-laws may be made

36. The purposes for which the Institute may in manner aforesaid from time to time make By-laws include the following (*viz.*):

For regulating the terms and conditions (other than but not inconsistent with those specially mentioned in this Our Charter) for and the mode of election admission readmission and resignation of persons to and from the several classes of Members of the Institute and of the admission of Students.

For (subject to the provisions of this Our Charter) fixing the amount of interest and other fees and of subscriptions or other sums to be paid by Members of the Institute and by Students and the times or periods at and manner in which such fees subscriptions or other sums shall be payable.

For regulating the time mode and place of summoning and holding Annual and other General Meetings and Special Meetings of the Institute and the mode of voting thereat whether in person or by proxy or by ballot or by voting papers or otherwise and the conduct of proceedings thereat.

For regulating the number qualification and amotion and tenure of office of Members of Council and their periodical retirement and the mode of nomination of Members of the Institute for election to the Council and the giving of notice of such nomination and the conduct and times of and any other matters relating to the Elections [*including the first Election - spent wording*] and the mode of filling casual vacancies.

For regulating the Meetings of the Council and the number of Members who shall be required to be present and acting thereat and the adjournment thereof and the proceedings thereat.

For defining and regulating the rights and privileges of the several classes of Members of the Institute and of Students.

For regulating the qualification and amotion of the President and the number qualifications and amotion of the Vice-President or Vice-Presidents and the mode of election or appointment of the President and the Vice-President or Vice-Presidents and their tenure of office.

For regulating the manner cases and conditions in and on which a Member of the Institute or a Student may be excluded or suspended from Membership or Studentship *or otherwise be subjected to sanctions.*

For regulating the appointments of Trustees (if any) and their powers and duties and the disposal of the moneys and property of the Institute.

For regulating the appointment election retirement and remuneration of an auditor or auditors.

For regulating the number and times and places of holding any examinations required or authorised by or under this Our Charter or which the Institute or Council are empowered to hold or conduct and (so far as the same is within the power of the Council or Institute) the subjects for and the manner of conducting all or any such examinations.

For fixing reasonable fees for examinations to be paid by Candidates and others and the conditions on which Examiners shall hold office and their remuneration.

37. ~~Should We or Our Successors think fit to grant any supplemental or additional Charter or Charters to the Institute and the same be accepted by a majority of the Council consisting of two-thirds at least of the Members thereof present at a Meeting of the Council specially summoned for the purpose and should such acceptance be confirmed by a majority of the Members present at a General Meeting of the Institute then and in that case such supplemental or additional Charter or Charters shall be deemed to constitute one Charter with these presents and may repeal amend alter or add to these presents or any such further Charter or Charters and shall be binding in all respects and for all purposes upon the Institute and its Members ] The Council may by Resolution amend, add to or revoke any of the provisions of this Our further Supplemental Charter or of the Supplemental Charters or of the original Charter or of any further Charter granted to the Society; provided that any such amendment, addition or revocation shall not be effective unless approved by Us, Our Heirs or Successors in Council.~~

~~[Supplemental Charters]  
Amendment of the Charter~~

# By-laws

(As allowed 11th August, 1937 and incorporating subsequent amendments).

## CHAPTER I

### Preliminary

- Commencement of By-laws**
1. These By-laws, being the By-laws made under the Royal Charter of Incorporation (dated August 11, 1891) as amended by [the 1st, 2nd, 3rd and 4th Supplemental Charters] [dated January 23, 1937] (together referred to in these By-laws as "The Charter[§]"), shall come into operation as soon as they are allowed by the Lords of [His] Her Majesty's Most Honourable Privy Council.
- Meaning of words used in the By-laws**
2. Words in these By-laws have the same meaning as in the Charter[§], and expressions in these By-laws referring to Members, Fellows, Associates, British Oversea Members, Foreign Members, Honorary Members and Students are to be construed as having reference to Members, Fellows, Associates, British Oversea Members, Foreign Members, Honorary Members, and Students of the Chartered Institute [of Patent Agents].

## CHAPTER II

### Fellows

- Admission and election of Fellows**
- (a) By Examination
3. The following persons shall be eligible for election as Fellows:-
- (a) Every person of good repute [not under the age of twenty-five years] who has passed an examination or examinations declared in the Rules of Examination (as made or altered from time to time) to appertain to the class of Fellows, and who is entered on the Register of Patent Agents. Nevertheless, the Council may, under the provisions of Clause 20 of the Charter[of Incorporation], dispense with any or all of the papers of the [special] examination or examinations in the case of any such person whose education, experience or standing in the profession justifies his candidature in the opinion of the Council.
- Power of Council to Dispense with Examination**
- (b) Previously Associates
- (b) Every person of good repute [not under the age of twenty-five years] who has been an Associate, and is entered on the said Register, [but] and has, [by reason of his being in practice on his own account as a Patent Agent] ceased to be an Associate in accordance with the provision made in Clause 14 of the Charter[of Incorporation].
- Disqualification of non-registered Fellows**
- Except as provided by Clause 13[1] of the Charter [of Incorporation] no person shall be entitled to remain a Fellow of the Institute unless his name is upon the Register of Patent Agents.
- Privileges of Fellows**
- Every Fellow shall be eligible for election on the Council, or election or appointment to all offices of the Institute, except those of Registrar, Auditor, and paid Secretary, and shall be entitled to all the rights and privileges of the Institute, subject to the provisions of the Charter[§] and of these By-laws.

## Associates (current By-law 4, made without side headings)

4. (i) The following persons shall be eligible for election as Associates:-

Election of  
Associates

(a) Every person of good repute [not under the age of twenty-five years] who, not being [registered or] in practice as [a Patent Agent] an Industrial Property Practitioner, is in the opinion of the Council by reason of his connection with the Law, Science, or the Arts, qualified and able to advance the objects of the Institute.

(b) Every person of good repute [not under the age of twenty-five years] who, being qualified for and on the List of Professional Representatives before the European Patent Office and in practice as a European Patent Attorney] who is an Industrial Property Practitioner but is not eligible for election as a Fellow, and who is in the opinion of the Council qualified and able to advance the objects of the Institute.

(c) Every person of good repute [not under the age of twenty-five years,]

(i) who [not being in practice in the intellectual property field on his own account] has been for at least three years [and is] engaged [as a pupil or assistant] in the business of a Fellow or Fellows of the Institute and has good repute therein, or

(ii) has been or is a Student attached to the Institute and is engaged [as a pupil or assistant] in the business of [a Registered Patent Agent] an Industrial Property Practitioner.

and has passed an examination or examinations declared in the Rules of Examination (as made or altered by the Council from time to time) to appertain to the class of Associates.

(ii) Any Associate who [enters into practice as a Patent Agent on his own account] becomes eligible for election as a Fellow shall within six months [after so entering into practice] of so becoming eligible cease to be an Associate[, but shall be eligible for election as a Fellow as provided by By-law 3].

(iii) [In this By-law "practice" means practice in the United Kingdom. Further, "practice as a Patent Agent" means practice using the protected title Patent Agent or Patent Attorney and "practice as a European Patent Attorney" means practice using the title European Patent Attorney or European Patent Agent.]

(iv) Associates shall be eligible for election or appointment to all offices under the Institute, except those of President, Vice-President, Member of Council, Registrar, Auditor, and paid Secretary; they shall (subject to any regulations made by the Council) have access to the library, rooms, and offices of the Institute, and receive the Transactions, if any, of the Institute, and such other publications as the Council may from time to time direct. They shall be entitled to be present at all Meetings of the Institute, and to take part in discussions thereat, but not to vote upon resolutions submitted to such Meetings unless the Chairman of the Meeting shall rule that the subject for decision is one which affects the rights of the class of Associates.

## British Oversea Members

<b>Election of British Oversea Members</b>	5. The following persons shall be eligible for election as British Oversea Members:
<b>Qualifying Period of Practice</b>	Every person of good repute [not under the age of twenty-five years] who is a British subject and who, in the opinion of the Council, has been established in practice as [a Patent Agent]an Industrial Property Practitioner for a sufficient length of time[ in any part of Her Majesty's dominions] outside the United Kingdom[or in any British Dependency or in a Foreign Country] and neither has an office nor practises in the United Kingdom.
<b>Disqualification of British Oversea Members practising in the United Kingdom</b>	A British Oversea Member shall cease to be such upon the Council being satisfied that he has an office, or is practising, in the United Kingdom either alone or as a member of a firm, but before deciding that any British Oversea Member has an office, or is practising, in the United Kingdom the Council shall forward to him at his last-known address by post, registered, a written statement of the nature of the information before them and shall allow him a period not less than a month besides the time usually occupied by course of post, in which to submit a counter-statement or explanation in writing for the consideration of the Council.
<b>Transfer to class of Foreign Members</b>	The Council shall have power to transfer to the class of Foreign Members any British Oversea Member who shall cease to be a British subject. When a person ceases to be a British Oversea Member in accordance with this By-law, he shall be so informed in writing.
<b>Privileges of British Oversea Members</b>	British Oversea Members shall not be eligible for election or appointment to any office under the Institute; they shall (subject to any regulations made by the Council) have access to the library, rooms, and offices of the Institute, and receive the Transactions, if any, of the Institute and such other publications as the Council may from time to time direct. They shall be entitled to be present at all Meetings of the Institute and to take part in the discussions thereat, but not to vote upon resolutions submitted to such Meetings unless the Chairman of the Meeting shall rule that the subject for decision is one which affects the rights of the class of British Oversea Members.

## Foreign Members

<b>Election of Foreign Members</b>	6. The following persons shall be eligible for election as Foreign Members:
<b>Qualifying period of practice</b>	Every person of good repute [not under the age of twenty-five years] and not a British subject who, in the opinion of the Council, has been established in practice as [a Patent Agent]an Industrial Property Practitioner for a sufficient length of time[ in any part of Her Majesty's dominions] outside the United Kingdom [or in any British Dependency, or in a Foreign Country, ] and neither has an office nor practises in the United Kingdom.
<b>Disqualification of Foreign Members practising in the United Kingdom</b>	A Foreign Member shall cease to be such upon the Council being satisfied that he has an office, or is practising, in the United Kingdom either alone or as a Member of a firm, but before deciding that any Foreign Member has an office, or is practising, in the United Kingdom, the Council shall forward to him at his last-known address by post, registered, a written statement of the nature of the information before them and shall allow him a period not less than a month besides the time usually occupied by course of post, in which to

submit a counter-statement or explanation in writing for the consideration of the Council.

*[The Council shall have power, on the coming into force of these By-laws, to transfer to the class of British Oversea Members any Member previously elected as a Foreign Member and possessing the qualifications mentioned in By-law 5. When a person ceases to be a Foreign Member in accordance with this By-law, he shall be so informed in writing. - spent]*

**Transfer to  
Class of British  
Oversea  
Members**

Foreign Members shall not be eligible for election or appointment to any office under the Institute; they shall (subject to any regulations made by the Council) have access to the library, rooms, and offices of the Institute, and receive the Transactions, if any, of the Institute and such other publications as the Council may from time to time direct. They shall be entitled to be present at all Meetings of the Institute, and to take part in the discussions thereat, but not to vote upon resolutions submitted to such Meetings unless the Chairman of the Meeting shall rule that the subject for decision is one which affects the rights of the class of Foreign Members.

**Privileges of  
Foreign  
Members**

## Honorary Members

7. The following persons shall be eligible for election as Honorary Members of the Institute:

**Election of  
Honorary  
Members**

Every person *[not under the age of twenty-five years]* who, in the opinion of the Council, has rendered, or is able to render, assistance in promoting the objects of the Institute, and who is not engaged in practice as *[Patent Agent]* *[an Industrial Property Practitioner]*.

**Qualification of  
Honorary  
Members**

Honorary Members shall be eligible for election or appointment to any office under the Institute except those of President, Vice-President, Member of Council, Registrar, Auditor and paid Secretary; they shall (subject to any regulations made by the Council) have access to the library, rooms, and offices of the Institute, and receive the Transactions, if any, of the Institute, and such other publications as the Council may from time to time direct. They shall be entitled to be present at Ordinary and Annual General Meetings of the Institute, and to take part in discussions thereat, but not to vote upon resolutions submitted to such Meetings unless the Chairman of the Meeting shall rule that the subject for decision is one which affects the rights of the class of Honorary Members.

**Privileges of  
Honorary  
Members**

## Students

8. The following persons shall be eligible for admission as Students attached to the Institute:

**Admission of  
Students**

Every person *[not under the age of eighteen years]* who is *[an articled pupil or a technical assistant of a Registered Patent Agent, and]* *[engaged in the business of an Industrial Property Practitioner or is studying for any examination that is run by or on behalf of the Institute or gives exemption from any examination so run and who]* has passed an examination or examinations declared in the Rules of Examinations (as made or altered by the Council from time to time) to appertain to Students.

**Qualification of  
Students**

**Disqualification of practising Students** Any Student who enters into practice on his own account **as an Industrial Property Practitioner** shall cease to be a Student.

**Disqualification on ceasing to be a pupil or technical assistant** Any Student who ceases to be engaged **as a pupil or assistant to a Patent Agent or studying as above** shall, unless the Council otherwise determine, cease *ipso facto* to be a Student six months after **so** ceasing **to be so engaged**.

**Privileges of Students** Students shall not be eligible for election or appointment to any office under the Institute; they shall (subject to any regulations made by the Council) have access to the library, rooms, and offices of the Institute, and receive the Transactions, if any, of the Institute, and such other publications as the Council may from time to time direct. They shall be entitled to be present at Ordinary and Annual General Meetings of the Institute, and to take part in discussions thereat, but not to vote.

### CHAPTER III

#### Examinations

**Regulations respecting Examinations** 9. Subject to the provisions of the Charter[s] and these By-laws, and for the purpose of promoting the objects of the Institute, the Council shall cause such Examinations for the admission of Fellows, Associates, and Students to be held as they may think fit, and may prepare and publish Rules to regulate such Examinations, and to define the cases and circumstances under which the said Examinations shall apply, the periods at which they shall be held, the subjects which they shall comprise, the fees (if any) which shall be paid or deposited by candidates in respect of such Examinations, and the nature of the certificates (if any) to be granted to successful candidates; and the Council shall have power from time to time to vary or rescind any such Rules or to make any other such Rules as may appear to them to be necessary or desirable.

**Examinations under Acts for Registration purposes** The Council may also make Rules or Regulations with respect to Examinations **for registration purposes** for the conduct of which by the Institute **the Board of Trade** **provision** may have for the time being **been** made **provision** by Rules under the **Patents Act, 1949, or any amendment thereof or of the Registered Designs Act, 1949, and the Trade Marks Act, 1938, Copyright Designs and Patents Act 1988 or any amendment or re-enactment thereof,** or otherwise.

### CHAPTER IV

#### Election and Admission of Members and Students

**Election at Meeting and Quorum** 10. The election to all classes of the Institute, except those of Honorary Members and Students, shall be by ballot at an Ordinary or Annual General Meeting; provided that not less than ten Fellows are present and vote, and not less than four-fifths of those voting vote for the candidate.

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| <p>(1) A person desirous of being elected as Fellow, Associate, British Oversea Member, or Foreign Member of the Institute shall be proposed and recommended according to a form to be prescribed by the Council, in which the full name, the place of business, if any, or, if none, the usual residence, and the qualifications of the candidate shall be distinctly specified, and also the class to which election is sought. The form shall also contain an undertaking to the effect that the candidate will, if elected, abide by the By-laws and Rules of the Institute and promote its objects, and shall be signed by him.</p>   | <p><b>Forms of application for admission</b></p> <p><b>and undertaking</b></p>   |
| <p>(2) When the candidate seeks election as Fellow or as Associate and is qualified otherwise than by examination, the form shall be signed also by a Fellow as proposer, having personal knowledge of the candidate, and by four other Fellows, who, as well as the proposer, must certify to their conviction of the candidate's qualifications and suitability for election to the class to which he desires to be elected. When the candidate is, or intends to be, qualified for election by examination the form shall be signed by him and also by one Fellow as proposer, having personal knowledge of the candidate, and by another Fellow, who, as well as the proposer, must recommend him as a fit person for election and when the candidate has or shall have passed the examination, his proposal form shall be endorsed with a certificate to that effect.</p> <p>When the candidate seeks election as British Oversea Member or Foreign Member the form shall be signed by him and by three Fellows who shall recommend him, and shall state in writing the extent of their knowledge of him.</p> | <p><b>Application forms to be signed by Fellows,</b></p> <p><b>or, in case of qualification by Examination, by one Fellow</b></p> <p><b>Application of Foreign Members and British Oversea Members to be signed by three Fellows</b></p> |
| <p>(3) The form proposing a candidate for election as Fellow, Associate, British Oversea Member, or Foreign Member shall be delivered to the Secretary, who shall submit it to the Council at two Council Meetings, and if at the second of such meetings or at a subsequent meeting the Council find the candidate qualified according to the Charter and By-laws, and if the proposal be approved by the Council, <b>[the Chairman of the meeting shall sign the proposal form, which shall forthwith be conspicuously exhibited in the offices of the Institute until]</b> the candidate <b>shall</b> be balloted for at a General Meeting, whether Ordinary or Annual, held not less than six days after such approval.</p>  | <p><b>Applications to come before Council, to be exhibited, and submitted to Ballot</b></p>  |
| <p>(4) Every such person duly elected a Member of the Institute, or admitted as a Student, shall be informed of such election or admission by a letter in a form to be prescribed by the Council, and every such person shall pay the entrance fee and annual subscription for the current year within two months, or in the case of a British Oversea Member or Foreign Member within four months, after the date of his election or admission, which otherwise shall become null and void; but the Council may extend the time.</p>  | <p><b>Apprising applicants of admission</b></p> <p><b>Periods allowed for payment of fees on admission</b></p>   |
| <p>11. Every person elected a Member of the Institute, and having made the proper payments, shall be entitled to the rights and privileges of his particular class, and at the first <b>or a subsequent</b> Ordinary or Annual General Meeting at which he is present he <b>[shall] may</b>, after having signed the Register, be introduced by the Chairman.</p>  | <p><b>Privileges and introduction of newly elected Members</b></p>   |

- Mode of election of Honorary Members**
12. The mode of election of Honorary Members shall be as follows:
- Every proposal for the election of an Honorary Member shall be on a form to be prescribed by the Council, and shall be signed by at least two Members of Council. The election shall be by the Council at a Meeting of which at least six days' notice in writing has been given, stating the name or names of the person or persons proposed; provided that not less than eight Members of Council are present and vote, and not less than three-fourths of those voting shall vote for the candidate.
- When a person has been elected an Honorary Member he shall be informed thereof in such manner as the Council may in each case direct.
- Mode of admitting Students**
13. Students shall be admitted by the Council, and any person qualified according to By-law 8, and desiring to be admitted, shall make application to that effect on a form to be prescribed by the Council, and such form, which shall contain an undertaking to the effect that the candidate will, if admitted, abide by the By-laws and Rules of the Institute and promote its objects, shall be signed by the applicant and by a Fellow of the Institute.

## CHAPTER V

### Exclusion, Suspension, Resignation and Reinstatement of Members and Students

- Professional Conduct**
14. With the object of maintaining a high standard of rectitude and professional conduct and of promoting well-founded public confidence in the patent, design and trade mark systems, in the Institute, and in its Members and Students, the Council may from time to time issue Rules within the scope of the Charter [of Incorporation as amended by the Supplemental Charter] and of the By-laws for the observance of Members and Students, [of Patent Agents who are Members], in all matters appertaining to their professional practice, and such Rules shall be submitted for acceptance and confirmation to General Meetings of the Institute convened in accordance with the provisions of Clause 34 of the Charter and of By-laws 59 and 60 and 61 to 66. For this purpose these By-laws shall apply as if the word "Rules" were substituted for the word "By-laws" at each place where the word occurs [in By-law 59, and in line 4 of By-law 60, and as if "Rule" were substituted for "By-law" in line 8 of By-law 60] therein. Any Rules so confirmed shall be enforceable as if they formed part of the By-laws, and any violation of such Rules may be considered [by the Council as] a ground for [exclusion or suspension] sanctions under Clause 32 of the Charter [of Incorporation as amended by the Supplemental Charter]. No such Rules shall in any way derogate from the discretion or powers conferred upon the Council by the Charter.
- Disciplinary Powers and Sanctions**
15. (1) The power of imposing sanctions conferred by Clause 32 of the Charter and also for revocation or modification of any sanctions imposed shall be exercised by a Disciplinary Body appointed by the Council. Any sanctions imposed shall be subject to an appeal to an independent Appeal Body to be appointed by the Council. Subject to the requirements of Clause 32 of the Charter and of the Human Rights Act 1998 or any amendment or re-enactment thereof the Disciplinary Body shall observe any general directions as to procedure given by the Council. Members of the Disciplinary Body and Appeal Body shall be appointed to office for a

specified term which shall be renewable but once appointed shall not within that term or renewed term be removed from office by the Council unless for conduct which is (or by a member would be) in breach of Clause 31 of the Charter or liable to sanction under Clause 32 of the Charter.

- (2) If any Member of the Institute is adjudged by [~~any~~] ~~the~~ Disciplinary Body [~~set up by the Council in accordance with the Charter and By-laws~~] to have breached a Rule of Professional Conduct applicable to his or her class of Membership, he or she shall be liable, after having had the opportunity of being heard [~~by the disciplinary body,~~] to the imposition of one or more of the following sanctions:
- (a) an unpublished warning;
  - (b) a public reprimand;
  - (c) an order to pay a fine to the Institute up to level 5 of the standard scale of fines for summary offences as set out in Section 37 of the Criminal Justice Act 1982 as amended ~~or re-enacted~~ from time to time;
  - (d) an order to take remedial action;
  - (e) an order to forego or, if appropriate, to repay some or all of the charges rendered in connection with the work complained of;
  - (f) an order to pay compensation to the complainant up to level 5 as in (c) above;
  - (g) an order to pay a proportion of or the full costs of the disciplinary procedure;
  - (h) suspension from Membership for a period of up to two years;
  - (i) exclusion from Membership.

~~[In a case where the disciplinary body recommends suspension or exclusion from membership, or imposes one or more of the lesser sanctions a) to g) but the member does not accept that penalty, the member shall be given the opportunity to put his or her case in writing, or to appear in person or through a representative, before the Council, in default of which, or failing an explanation in their judgement satisfactory, the Council shall have the power itself to impose one or more of the lesser sanctions, or to proceed to consideration of suspension or exclusion as provided by the Charter.]~~

A Member suspended or excluded shall not be entitled to have returned to him or her any moneys paid to the Institute, and shall remain liable for any moneys due to the Institute.

*Note: By-law 15 as currently in force is represented by para. 15(2) above and is proposed to be amended as shown; para. 15(1) replaces the passage in the current By-law immediately following the list of sanctions. The By-law was made without side headings.*

16. In the event of a Member's [~~exclusion or suspension~~] ~~subjection to sanctions~~, the [~~Council~~] ~~Disciplinary Body~~ shall be at liberty to give such notice thereof as they may deem expedient.

Notices as to  
exclusion

- Mode of resignation**
17. Any Member desiring to resign his Membership and having made all payments which may have become due from him, may tender to the Council his resignation in writing; and if his resignation be accepted by the Council, it shall take effect as from the date of receipt of his letter, provided always that the resignation shall be either accepted or refused by the Council within two months of the receipt of the Member's letter, failing such acceptance or refusal the resignation shall be valid. **But if proceedings are in train before the Disciplinary Body resignation may be tendered only with its approval.**
- Exclusion of Students**
18. The [**Council**] **Disciplinary Body** shall have power to [**exclude or suspend**] **apply the provisions of By-Laws 15 and 16 to** any Student whose conduct shall, in their opinion, justify [**exclusion or suspension**] **doing so**. The Council shall have power to accept or refuse to accept the resignation of any Student, **but only with the Disciplinary Body's prior approval if proceedings are in train before it.**
- Reinstatement of Members and Students**
19. Subject to the provisions of the Charter[**s**], the Council shall have power, on the written application to that effect of a person who has [**from any cause**] ceased to be a Member or Student, to reinstate such person in his former rank upon such terms and conditions as they may think fit, and in the case of a Member to return him his Certificate of Membership. **But if the cessation arose from proceedings before the Disciplinary Body the Member or Student must first secure its approval for the application.**

## CHAPTER VI

### Certificates of Membership

- Certificate of Membership**
20. Every Fellow, Associate, British Oversea Member, or Foreign Member [**elected after the commencement of these By-laws - spent wording**] shall, upon payment of his entrance fee and his first annual subscription, or within a reasonable time thereafter, obtain from the Council a Certificate of Membership.
- and renewal thereof**
- Every Fellow, Associate, British Oversea Member, or Foreign Member shall, upon payment of his annual subscription, or within a reasonable time thereafter, obtain from the Council in every year a renewal of his Certificate of Membership; and every Member who has compounded for his subscriptions shall obtain from the Council an annual renewal of his Certificate.
- Certificates recoverable on demand**
21. Every Certificate of Membership shall be in such form as the Council may from time to time prescribe, and shall be the property of the Institute, and in the event of cesser of Membership shall, if demanded, be returned to the Council, and shall be recoverable on demand.

## CHAPTER VII

### Contributions to the Funds, Fees and Subscriptions

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| <p>22. Subject to the provisions of By-law 24, every Fellow shall, on election, pay an entrance fee of six pounds; every Associate shall pay an entrance fee of four pounds; every British Oversea Member an entrance fee of four pounds; every Foreign Member an entrance fee of four pounds, and every Student an entrance fee of one pound, provided that the sum payable by a Student transferring to a class of membership or by a Member transferring from one class to another of higher entrance fee shall be the difference between the lower fee and the higher fee.</p>  | <p><b>Entrance Fees</b></p>  |
| <p>23. Subject to the provisions of By-law 24, every Fellow shall pay an annual subscription of three hundred and fifty-four pounds; every Associate shall pay an annual subscription of two hundred and eighteen pounds; every British Oversea Member an annual subscription of three hundred and fifty-four pounds; every Foreign Member an annual subscription of three hundred and fifty-four pounds, and every Student an annual subscription of one hundred and twenty-five pounds.</p>   | <p><b>Transfer Fees</b></p> <p><b>Annual Subscriptions</b></p>     |
| <p>24. The amounts of the entrance fees and annual subscriptions of any class or classes of Members, or Students, may be altered by resolution passed at a <b>[Special]</b> General Meeting of the Institute convened with notice of the object, provided that not less than fifteen Fellows <b>[are present and]</b> vote, and that not less than three-fourths of those voting vote for the alteration. Where the rights of any class of Members other than Fellows may be affected, Members of that class and entitled to vote under By-laws 4, 5 and 6 respectively may be included in the quorum.</p>  | <p><b>Alteration of Entrance Fees and Annual Subscriptions</b></p> |
| <p>25. The Council may from time to time fix terms upon which Fellows, Associates, British Oversea Members, and Foreign Members may compound for the payment of their subscriptions.</p>  | <p><b>Composition of Annual Subscriptions</b></p>                  |
| <p>26. Annual subscriptions are due on the 1st day of January in each year in advance, and must be paid before the 31st day of March in that year. No Fellow, Associate, British Oversea Member, Foreign Member, or Student whose subscription is in arrear after the 31st day of March shall be entitled to attend any General Meeting. A letter shall be sent to any Member whose annual subscription is not paid by the 31st day of March; and if the arrears be not paid within seven days of the date of such letter, the name of such Member shall be exhibited in the offices of the Institute, with a statement of the amount due, and shall remain there until the Council otherwise direct.</p> | <p><b>Proceedings in case of arrears</b></p>                       |
| <p>27. In the case of persons elected or admitted in October, November or December of any year, the first annual subscription shall apply to the remainder of that year and to the next year.</p>   | <p><b>First Annual Subscription may cover fifteen months</b></p>   |
| <p>28. If the Council see good reason for so doing, they may remit <b>in whole or part</b> the annual subscription and arrears (if any) of any Fellow, Associate, British Oversea Member, Foreign Member, or Student on the ground of ill-health, advanced age, or on other sufficient ground. Such cases shall first be considered and reported upon by a Committee of the Council appointed for the purpose.</p>  | <p><b>Power of Council to remit Annual Subscriptions</b></p>       |

## CHAPTER VIII

### Council and Officers

- Constitution of Council** 29. The Council shall consist of the following Members, all of whom shall be Fellows of the Institute:-
- (i) The President;
  - (ii) One Vice-President; and
  - (iii) Not more than 24 Ordinary Members of Council.
- Honorary Secretary** 30. The Honorary Secretary (if any) shall be appointed annually by the Council from amongst its members and may be reappointed.
- Secretary and Registrar** 31. There shall be a Secretary and a Registrar who shall be appointed annually by the Council and shall be eligible for re-appointment. Should a vacancy occur during the year the Council shall appoint a person to fill such vacancy for the remainder of the year].
- Keeping of accounts** 32. (a) The Council shall cause to be kept proper and sufficient accounting records, including records of the capital funds, receipts and expenditure of the Institute, giving a true and fair view of the state of affairs of the Institute.
- Auditor of Accounts** (b) There shall be an Auditor of the Accounts, who shall preferably be a Fellow of the Institute of Chartered Accountants in England and Wales, and shall be appointed at each Annual General Meeting. In case of the decease, resignation, or inability to act of the Auditor, the Council shall appoint an Auditor in his place. There shall be appointed at each Annual General Meeting a firm of Registered Auditors as Auditors to conduct the annual audit of the Accounts. In case of the resignation or inability to act of the Auditors, the Council shall appoint another firm of Registered Auditors in their place.
- Retirement and mode of electing President and Council** 33. At each Annual General Meeting the President, the Vice-President and not less than eight Ordinary Members of Council shall retire but except as provided in By-law 35(a) each retiring Member shall be eligible for election as President, Vice-President or Ordinary Member of Council. The immediate Past-President shall remain a Member of Council for one year following his Presidency and shall then retire. Any other Member of Council standing for election as President or Vice-President shall be amongst those retiring at the Annual General Meeting. If the number of Ordinary Members of Council retiring voluntarily or as specifically required by these By-laws be less than eight, those who have been longest in office since their last election shall retire so as to bring the number to eight. If it is necessary to decide between Members with equal length of service which shall retire, this shall be done by lot.
- Balloting-list for election of President and Council** 34. (a) At an Ordinary General Meeting to be held not less than twenty-one days before the Annual General Meeting the Council shall present a list of Fellows who have been nominated as eligible and suitable to fill the offices of President and Vice-President and to be Ordinary Members of Council for the ensuing year. Nominations for President and Vice-President must be in writing with the signature of four other Fellows and must have the approval of the candidate. Nominations for Ordinary Members of Council may be in writing with the signature of

another Fellow or Fellows, in which case the nomination must have the approval of the candidate, or may be by the candidate alone. ~~[The list presented must contain at least sufficient names to make up the number of Members of Council to twenty-six and may be extended by the addition of names of other Fellows by the said Ordinary Meeting.]~~ The Council shall use its reasonable endeavours to secure that the list presented contains at least sufficient names to make up the number of members of Council to twenty-six. This list may be extended by the addition of other Fellows by the said Ordinary Meeting. If there is no contest for the office of President or Vice-President and if the list or extended list contains no more than such sufficiency of names, no ballot shall be held. Otherwise the list or extended list as the case may be shall constitute ~~[the]~~ a balloting list and the Secretary shall not less than seven days prior to the said Annual General Meeting forward to every Fellow a copy of such balloting list. Only Fellows shall be entitled to vote.

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| <p>(b) No person shall be nominated for more than one position on the Council. However, where there is a contested election for President or Vice-President those nominated (with the exception of an immediate Past-President who remains a Member of Council under By-law 33) shall also (unless they request otherwise) be deemed to have been nominated for election in the alternative as one of the Ordinary Members of Council.</p>   | <p><b>Contested Elections</b></p>   |
| <p>(c) No person shall be nominated for election as President unless he has previously been elected and served as Vice-President or Ordinary Member of Council.</p>  | <p><b>Eligibility for election as President</b></p>   |
| <p>35. (a) A Fellow after having filled the office of President for two years or the office of Vice-President for two years, whether consecutive or not, shall not for a period of three years be re-nominated for election to that office.</p>  | <p><b>Limitation as to re-election of President or Vice-President</b></p>                                       |
| <p>(b) Except as provided in paragraph (a) any Past President or Past Vice-President shall be eligible at all times to fill the office of President or Vice-President or Ordinary Member of Council.</p>   |   |
| <p>36. A Fellow voting in the election to the Council shall not vote for any person more than once but subject to this may vote for one person as President, another person as Vice-President, and for up to as many persons standing for election as Ordinary Members of Council as <del>[are necessary to replace the]</del> bring the number of Ordinary Members of Council <del>[who are retiring]</del> to 24. Votes cast for an unsuccessful candidate for election as President or Vice-President shall be counted as votes for his election as one of the Ordinary Members of Council if he is deemed under By-law 34(b) to have been nominated for such election.</p> | <p><b>Number of votes to be cast</b></p> <p><b>Votes cast for unsuccessful candidates to be transferred</b></p> |

- Scrutineers** 37. After completion of [the]a balloting list in accordance with By-law 34(a) two or more Fellows shall be appointed by the Ordinary General Meeting as scrutineers. The ballot shall close at the time when the Annual General Meeting commences and only completed balloting lists returned before that time in an envelope addressed to the Secretary shall be counted. Balloting lists which do not comply with the requirements of these By-laws shall not be counted. If there are not at least two of the appointed scrutineers present at the commencement of the Annual General Meeting that Meeting shall appoint a Fellow or Fellows to make the number up to two. The scrutineers shall receive the balloting lists and shall report in writing to the Chairman of the Annual General Meeting who shall declare the numbers of votes cast for each candidate and the names of the persons elected as President, Vice-President and Ordinary Members of Council for the ensuing year. If there be a tie the Chairman shall give a casting vote.
- Casting vote in event of a tie**
- Casual vacancies in Council** 38. Any casual vacancy occurring in the office of President or Vice-President or any place vacated by the loss of an Ordinary Member of Council may be filled by the Council at a Meeting of the Council specially summoned for that purpose but the person so appointed shall retire at the next Annual General Meeting.
- Retiring Members hold office** 39. The Members of the Council retiring at an Annual General Meeting shall continue in office until Members of the Council for the ensuing year are elected.
- Resignation of Members of Council** 40. A Member of Council may resign by submitting to the Council his resignation in writing and on its acceptance by the Council but not until then he shall cease to be a Member of Council.
- Vacation of office of Members of Council** 41. A Member of Council shall cease to be a Member of Council:
- (a) If he ceases to be a Fellow or is suspended from Membership.
  - (b) If a bankruptcy order has been made against him or if he has made an application under Section 252 or presented a petition under Section 264 of the Insolvency Act 1986 **or any amendment or re-enactment thereof.**
  - (c) **If he is being dealt with under the Mental Health Act 1983 or any amendment or re-enactment thereof** as suffering from mental disorder.
  - (d) If the Council declares that he shall cease to be a Member of Council by a resolution passed at a Meeting of the Council specially convened with notice of the object provided that not less than two thirds of the Members of Council are present and vote and not less than three-fourths of those voting vote for the resolution.
- Removal of Members of Council**

## CHAPTER IX

### Functions of Officers

- Chairman at Council and other Meetings, and power to vote** 42. The President shall be entitled to take the chair at all Meetings of the Institute and of the Council at which he is present; in his absence, the Vice-President, and in the absence of both, a Member of Council shall be entitled to take the chair. The Chairman may vote, and if an equality of votes be declared, he may then give a casting vote.

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| <p>43. The Council shall have the direction and management of the concerns of the Institute in all matters not provided for by the Charter[§] or by these By-laws, and shall meet from time to time, as often as the business of the Institute may require.</p> <p>Unless otherwise provided by the Charter[§] or these By-laws, at every Meeting of the Council at which the President or Vice-President is present three Members shall constitute a quorum; in the absence of the President and Vice-President the quorum shall be five.</p> | <p><b>Powers and Meetings of Council</b></p> <p><b>Quorum of Council</b></p> |
| <p>44. Subject to the provisions of the Charter[§] and of these By-laws, the Council may appoint Committees with such powers as may be necessary or convenient, and may fix the quorum thereof, and may lay down rules for regulating the proceedings.</p>   | <p><b>Power of Council to appoint Committees</b></p>                         |
| <p>45. The Council shall present a report to each Annual General Meeting.</p>  | <p><b>Annual Report</b></p>  |
| <p>46. A statement of the funds of the Institute, and of the <i>receipts and payments during</i> income and expenditure for the year terminating on the 30th day of September shall be made, under the direction of the Council, [<i>before the end of every Session,</i>] and, after having been verified and signed by the Auditor, shall be laid before the next ensuing Annual General Meeting.</p>  | <p><b>Audited Statement of Accounts</b></p>                                  |
| <p>47. The Council shall have the entire management and control of the publication of the Transactions of the Institute, <i>if any,</i> and of all documents issued by the Institute, whether periodical or otherwise, and, subject to the provisions of these By-laws, shall determine the times at, and the conditions under which such publications shall take place, and to whom they shall be issued.</p>   | <p><b>Control of Publication</b></p>   |
| <p>48. The Council shall have power to make, from time to time, regulations respecting the granting, from the funds of the Institute, of premiums in the form of medals, books, or scientific instruments, for papers presented, or for special services rendered, to the Institute by Members or other persons, and to grant and award such premiums as they may deem fit.</p>  | <p><b>Power of Council to grant Premiums</b></p>                             |
| <p>49. A Meeting of the Council shall at any time be called by order of the President, or, in his absence, of the Vice President, or at the request, in writing addressed to the Secretary, of any three Members of Council.</p>   | <p><b>Summoning Council Meetings</b></p>                                     |
| <p>50. Notice of Meetings of the Council shall be sent to each Member of Council at his usual or last-known address. It shall not be necessary in any case to prove that such notice has been delivered or sent, but the same shall be taken as delivered or duly sent unless the contrary be shown, and the non-receipt of any notice by any Member or Members of Council shall not invalidate the proceedings of any Meeting of the Council. Such notice shall generally be sent at least three clear days before the time of Meeting.</p>   | <p><b>Notice of Council Meetings</b></p>                                     |
| <p>51. The Auditor[§] shall have access at all reasonable times to the accounts and vouchers of the Institute, and shall examine and sign the annual statement of the accounts before it is presented by the Council to the Annual General Meeting.</p>  | <p><b>Duties of Auditor</b></p>  |

## CHAPTER X

### [Sessions and ]Meetings

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| <i>Sessions</i>  | 52. <del>[The Session of the Institute shall commence annually on the first Wednesday in November, and shall continue until the end of May, but it shall be in the power of the Council to extend or shorten the Session.]</del> <u>No current By-law.</u>   |
| <b>Time for holding and Business at Annual Meetings</b>      | 53. The Annual General Meeting shall be held [ <del>preferably in the month of May</del> ], at such place and time as the Council may determine, to receive and deliberate upon their Report, to elect a President, a Vice-President, and Ordinary Members of Council for the ensuing year, and to transact such other business as the Council may appoint.  |
| <b>Date of, Quorum of, and Business at Ordinary Meetings</b> | 54. The Ordinary General Meetings shall be held on such days, preferably Wednesdays [ <del>during the Session</del> ], and at such times and places as the Council may appoint. The chair shall be taken and business shall commence not later than half an hour after the time appointed, or as soon as seven Members shall be found to be present. The business of the Meeting shall be such as the Council shall have appointed. The Meeting shall terminate not later than two hours after the time appointed for meeting, unless two-thirds of the Members present otherwise desire.  |
| <b>Duration of Ordinary Meetings</b>                         |  |
| <b>Introduction of Visitors</b>                              | 55. Every Member shall have the privilege of introducing personally, or by written order, one visitor to an Ordinary General Meeting. Such visitor must, if required, sign an undertaking to abide by the regulations of the Institute while he is present.  |
| <b>Resolution as to Business at Ordinary Meetings</b>        | 56. No question shall be discussed or motion be made at the Ordinary General Meetings relative to the direction and management of the concerns of the Institute.   |
| <b>Purposes and mode of calling Special Meetings</b>         | 57. A Special Meeting of the Institute or of Fellows only may be called at any time by the Council for a specific purpose relative to the direction and management of the concerns of the Institute, or for discussing <del>or accepting</del> proposed alterations of the <del>Charter or discussing proposed alterations of the</del> By-laws or of any rules or regulations made thereunder, and the Council shall call such a Meeting on receiving the requisition in writing of at least ten Members, of whom not less than five shall be Fellows, specifying the nature of the business to be transacted. At any such Meeting fifteen shall constitute a quorum.   |
| <b>Notices of Special Meetings</b>                           | 58. Every Member, having on the Register of Members an address within the United Kingdom, shall have at least [ <del>seven</del> ] <del>sixty</del> days' notice sent to him of the time appointed for a Special Meeting of the Institute, <del>unless the Council has determined that voting shall be by proxy or by ballot, when the notice shall be not less than thirty days.</del> [ <del>and every</del> ] <del>Every</del> Fellow shall have like notice of the time appointed for a Special Meeting of Fellows; and the notices shall specify the nature of the business to be transacted, and no other than that business shall be transacted at that Meeting, but the non-receipt of notice by any Member shall not invalidate the proceedings of such Meeting. <del>Members or Fellows without an address in the United Kingdom shall have such notice as can reasonably be given in all the circumstances.</del> |

## CHAPTER XI

### Enactment, Alteration, or Repeal of By-Laws

59. The Council, when they consider it expedient to make, rescind, or vary any By-laws, may, according to the provisions of the Charter[§] and subject to By-law 66, summon General Meetings of the Institute to decide on and confirm the same. The Council shall summon such [a Meeting] Meetings on receiving a requisition in writing of at least ten Fellows, specifying the alterations proposed to be made in the existing By-laws.
60. Every Member, having on the Register of Members an address within the United Kingdom, shall have not less than [fourteen] sixty days' notice sent to him of the time appointed for each such General Meeting, unless the Council has determined that voting shall be by proxy or by ballot, when the notice shall be not less than thirty days. Members without an address in the United Kingdom shall have such notice as can reasonably be given in all the circumstances. The notice shall specify the proposed change or changes in the By-laws, and the business of the Meeting shall be limited to the matter of which notice has been given. In order to constitute a quorum at any such Meeting at least fifteen Fellows shall [be present] vote, and no resolution for making, rescinding, or varying any By-laws shall be passed unless [at least fifteen Fellows present vote, and] at least [three-fourths] three-fifths of those voting vote for such resolution. Where the rights of any class of Members other than Fellows may be affected, Members of that class and entitled to vote under By-laws 4, 5, 6 and 7 respectively may be included in the quorum.

Mode of altering By-laws

Notice of Meetings for alteration of By-laws

Quorum at Meetings for alteration of By-laws

## CHAPTER XII

### Special Provisions on Meetings and Voting

61. The business of a Special Meeting called under By-law 57 or a General Meeting called under By-law 14 or 59 may be decided in person by Members entitled to attend and vote in respect of the business of the meeting, or if 5% of such Members so demand by name in writing not less than thirty-five days before the day of the meeting or the Council so decides, by personal or proxy vote.
62. If a proxy vote has been validly demanded or has been decided on by the Council all Members entitled to attend and vote at the meeting shall be advised of the fact and the meeting postponed if a lesser period than the period of notice required for the Meeting remains from the date of the advice. Forms of proxy shall be provided by which a Member may appoint the Chairman of the meeting or any Member entitled to attend and vote at the meeting his proxy to vote in favour against or at discretion on any motion to be presented at the Meeting. Council regulations shall provide for the issue and return of the forms and the manner of voting at the Meeting.
63. If the business of the meeting is to make a By-law or a Rule under By-law 14 so that a confirmatory meeting is required a proxy shall be valid for both meetings unless withdrawn or superseded by a new proxy.

Business to be Decided by Personal or Proxy Vote

Proxy Voting

Validity of Proxy Votes

<b>Refusal to Allow Repeat of Earlier Business</b>	64.	The President, Vice-President and Honorary Secretary (if any) shall in their joint discretion have power to declare that the proposed business of a Meeting requisitioned by Members under By-law 57 or 59 is, in substance, the same in whole or part as the business of an earlier meeting held within the 24 months prior to the receipt of the requisition, and to decline to hold the Meeting unless its business is distinguished from that of the earlier meeting. Any such declaration shall be communicated, with reasons, to the requisitioning Members.
<b>Postal or Electronic Ballots</b>	65.	In addition to the By-laws on proxy voting the Council shall have power to make regulations for postal and/or electronically mediated ballots deciding any business proper to General or Special Meetings of the Institute other than business required under By-law 53 to be taken at the Annual General Meeting. Such a ballot shall be at the discretion of the Council and may replace a proxy vote requisitioned by Members. The holding of a ballot shall be announced in the notice of a General or Special Meeting convened by the Council to receive the result of the ballot and conduct any consequential business. Ballots complying with the regulations and reaching the Secretary two days before commencement of the meeting shall be counted by scrutineers appointed by the Council. The Scrutineers shall report in writing to the Chairman of the Meeting who shall announce the result.
<b>Confirmatory Meeting Not Required</b>	66.	If a ballot concerns the making, rescinding or variation of any By-law or any Rule made under By-law 14 and the proposal is carried with the requisite majority, no confirmatory meeting shall be required.

## CHAPTER XII

### Property of the Institute

Restriction as to application of Property or Income	[61] 67.	No part of the property or effects, or of the income or revenue of the Institute shall be applied in making any gift, division, or bonus unto, between, or among any of the Members. Nevertheless the Council may, under the exercise of the general powers conferred on them by the Charter[6] and by these By-laws, award to any persons, whether Members or not, premiums for papers presented to the Institute, or for special services rendered to the Institute, as prescribed by By-law 48.
Use of the Premises	[62] 68.	The Council shall have power to grant from time to time the use of the rooms of the Institute for the delivery of lectures on subjects connected with the objects of the Institute, or for such other purposes as may be approved by the Council.
Property in Papers	[63] 69.	[E] Subject to the laws of copyright every paper read before, or presented to, the Institute shall be the property thereof, and the Council may publish the same in any way and at any time they may think proper. Any person reading or presenting such a paper shall assign the copyright to the Institute or if not the owner of the copyright secure a licence for publication for the purposes of the Institute.
Reporting Proceedings at Meetings		Without consent of the Council no person shall report for publication the proceedings at any Meeting of the Institute, or publish or give his consent to the publication of any communication made to the Institute.
Use of the Library	[64] 70.	The Library shall be open to all Members and Students at such times as the Council may determine; and, under such restrictions and with such

exceptions as may be determined by the Council from time to time, they shall have the right to peruse and inspect all books, papers, plans, maps, and models belonging to the Institute, and to make copies and extracts therefrom; but none of the property of the Institute shall be removed from the premises of the Institute without the express permission of the Council.

## CHAPTER XIII

### The Common Seal

[65] The Common Seal shall not be affixed to any deed or writing except by the  
 [71] authority of the Council, and in the presence of two Members of Council, and the Seal shall be in the custody of the President, subject to such regulations as the Council may make to ensure its proper use and safe keeping, and such regulations (if any) shall be recorded on the Minutes of the Council.

**Sealing  
 Documents**

## CHAPTER XIV

### Donations and Bequests

[66] The names of all persons who may present books, drawings, maps, or models  
 [72] to the Institute, or who may make donations to the funds of the Institute, shall be recorded and published as the Council may direct.

**Donations and  
 Gifts**

[67] Any person desirous of bequeathing to the Institute manuscripts, books,  
 [73] plans, drawings, instruments, models or other personal property is advised to make use of the following form in his Will:

**Bequests**

“I give out of my personal Estate, free of legacy duty, to the Chartered Institute of Patent [Agents] Attorneys (here enumerate in words the effects, or property, or sum of money intended to be bequeathed) to be applied towards the general purposes of the said Institute, and I direct that the receipt of the President for the time being of such Institute shall be a sufficient discharge to my Executors for the said legacy.”

## CHAPTER XV

### Indemnity to Officers

[68] Every Member of Council, Auditor, Secretary, Registrar, or other Officer is  
 [74] hereby indemnified by the Institute from all losses and expenses incurred in or about the discharge of his duties, except such as may arise from his own wilful act or default.

**Officers  
 Indemnified**

[69] No Member of Council, Auditor, Secretary, Registrar, or other Officer shall  
 [75] be liable for any other Member of Council, Auditor, Secretary, Registrar, or other Officer, or for joining in any receipt or document, or for any act of conformity, or for any loss or expense caused to the Institute, unless the same arise from his own wilful act or default.

**Restriction as to  
 liability of  
 officers**

[76] Any person appointed by or under the authority of the Council to any committee or other office within the Institute including that of Examiner shall

**Indemnity for  
 Appointees**

BY\_LAWS

whether or not a Member of the Institute and without limitation of the generality of the term be considered an Officer within the meaning of By-laws 74 and 75.