

CUMANN ATURNAETHE PAITINNÍ
AGUS TRÁDMHARCANNA
ASSOCIATION OF PATENT AND
TRADE MARK ATTORNEYS



A | P | T | M | A
Association of Patent and Trade Mark Attorneys

RULES

(As amended at the AGM on 07 April 2022)

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Name

The Name of the Association is: -

Cumann Aturnaethe Paitinní agus Trádmharcanna (Association of Patent and Trade Mark Attorneys) and is hereinafter referred to as “the Association”.

Objects

1. The objects for which the Association is established are: -

- (a) to protect the interests of all companies, firms and persons engaged in the profession of Patent and/or Trade Mark Attorneys in Ireland, which profession shall include that of Design Registration Attorneys and with that object to maintain a Register of companies, firms and persons practising in the said profession;
- (b) to form a representative body of the profession in Ireland for the purpose of promoting improvements in Patent, Design and Trade Mark Laws or other forms of related Intellectual Property Laws and in the statutory and other rules under which such laws are administered;
- (c) to improve the status and maintain the dignity of the profession;
- (d) to originate and establish Rules for the observance by Members;
- (e) to improve and elevate the technical and general knowledge of persons in the said profession and to promote just and honourable practice in the conduct of business, and to suppress malpractice;
- (f) to hold and conduct examinations as may be required or as the Association may be requested to do for testing the knowledge and proficiency of would be Members of the said profession;

- (g) to cultivate and maintain reciprocal relations with similar Associations in other countries;
- (h) to provide facilities for social intercourse between the Members of the Association and their friends;
- (i) to make representations on intellectual property matters to national or international bodies, or to governmental or intergovernmental bodies, departments or committees or to courts or tribunals, and to be represented on bodies, committees, associations or organisations relevant to intellectual property, and
- (j) to do all such lawful things as are incidental or conducive to the attainment of any of the aforesaid objects or otherwise for furthering the objects of the Association, both in this country and abroad, which may include without limitation:
 - i) to establish or support any organisation, to acquire any undertaking, to assume any liability or obligation, to undertake or carry out any trust or agency, to create, receive or apply any endowment or prize;
 - ii) to borrow money and to obtain any form of credit, whether or not on the security of the property of the Association, to deal with promissory notes, bills of exchange and other instruments, whether transferable or not, and to operate bank accounts;
 - iii) to receive any form of income, and to seek or accept any legacy or gift;
 - iv) to invest monies of the Association not immediately required for its purposes in any manner and to appoint, and delegate powers to, investment managers;
 - v) to purchase, develop and dispose of real property or carry on trade in pursuance of the objects;
 - vi) to engage and remunerate staff, to provide pensions and other entitlement for employees of the Association and their dependents, or to establish and maintain charitable or benevolent funds;

- vii) to insure the Association against any liability;
- viii) to make, at the discretion of Executive Committee, no more than two charitable donations (other than that mentioned in Rule 42(e)) per calendar year.

Membership

2. The membership of the Association consists of six classes, that is to say:-
 - (a) Corporate Members
 - (b) Life Members
 - (c) Associate Members
 - (d) Honorary Members
 - (e) International Members
 - (f) Student Members

Classes (a) and (b) above are hereinafter jointly called "Ordinary Members".

Eligibility for Membership

3.
 - (a) Every candidate for membership of whatsoever class shall comply with the requirements as hereinafter contained for admission to membership in respect of the relevant class and in particular shall be of such good character and repute, educational and professional attainments as to be a fit and proper person for such admission.

- (b) Every person who at the date of adoption of these Rules is a Member or an Associate Member of the Association shall be a Member pursuant to these Rules in the appropriate class as the case may be.
- (c) (1) Every person who is entered on either the Register of Patent Agents kept pursuant to Section 106 of the Patents Act 1992 or the Register of Trade Mark Agents kept pursuant to Section 86 of the Trade Marks Act 1996 (or any Act enacted in substitution for either of the aforesaid Acts) who works full time in the profession in Ireland shall be eligible for admission to the class of Corporate Member.
- (2) A Corporate Member who on 31.12.2020: was on the Register in accordance with Rule 31; and whose home address was in Northern Ireland shall, while resident in Northern Ireland, continue to enjoy Corporate membership of the Association on or after 01.01.2021 despite the fact that the member is no longer entered on either the Register of Patent Agents kept pursuant to Section 106 of the Patents Act 1992 or the Register of Trade Mark Agents kept pursuant to Section 86 of the Trade Marks Act 1996 (or any Act enacted in substitution for either of the aforesaid Acts).
- (d) A Corporate Member who has retired from working full time in the profession and as a consequence no longer satisfies the requirements of Rule 3 (c) and who has served on a non-Executive Committee, and/or, preferably, on the Executive Committee, shall be eligible for admission to the class of Life Member.
- (e) Any person who satisfies the Association that such person has a special interest in Patents, Trade Marks, Designs or other forms of related intellectual property shall be eligible for admission to the class of Associate Member provided that person has a principal place of business in Ireland. Any person who has passed the European Qualifying Exam pursuant to Article 134 (1) (c) of the European Patent Convention shall be eligible for admission to the class of Associate Member provided that person has a principal place of business in Ireland.

- (f) Any person who by virtue of such person's attainment, achievement, distinction and/or reputation in the field of Intellectual Property and who is in the opinion of the Association worthy of such honour shall be eligible for admission to the class of Honorary Member.
- (g) Any person who satisfies the Association that such person is (and has been for such period as the Association may prescribe) practising as, or engaged in, the profession or work of a Patent Attorney or Trade Mark Attorney outside Ireland shall be eligible for admission to the class of International Member.
- (h) Any person who is studying for the Examination set by the Intellectual Property Office of Ireland for the purposes of entry on to the Register of Patent Agents kept pursuant to Section 106 of the Patents Act 1992, (or any Act enacted in substitution for the aforesaid Act), and
- (a) who is employed by a Corporate Member; or
 - (b) who works under the direction or supervision of a Corporate Member; or
 - (c) is employed by, or works under the direction or supervision of, a non-member who is entered the Register of Patent Agents kept pursuant to Section 106 of the Patents Act 1992 (or any Act enacted in substitution for of the aforesaid Act) said non-member having a concurrent application to become a Corporate Member,
- said person shall be eligible for election to the class of Student Member. If the non-member's application to become a Corporate Member is subsequently rejected, the person shall no longer be a Student Member of the Association for the time being and the Secretary will notify the person to that effect.
- (i) Any person who is studying for the Examination set by the Intellectual Property Office of Ireland for the purposes of entry on to the Register of Trade Mark Agents kept pursuant to Section 86 of the Trade Marks Act 1996, (or any Act enacted in substitution for the aforesaid Act), and

- (a) who is employed by a Corporate Member; or
- (b) who works under the direction or supervision of a Corporate Member; or
- (c) is employed by, or works under the direction or supervision of, a non-member who is entered the Register of Trade Mark Agents kept pursuant to Section 86 of the Trade Marks Act 1996 (or any Act enacted in substitution for of the aforesaid Act) said non-member having made a concurrent application to become a Corporate member,

said person shall be eligible for election to the class of Student Member. If the application to become a Corporate Member is subsequently rejected, the person shall no longer be a Student Member of the Association for the time being and the Secretary will notify the person to that effect.

Election to Membership

4.

- (a) Any candidate for election to classes (a), (c) or (e) of Article 2 shall be nominated in writing by two Ordinary Members of the Association on Form A1 in Annexe 2 to these Rules.
 - i) As soon as practicable after receipt of said Nomination, the Secretary shall place the Nomination as an Agenda Item for the next Executive Committee meeting. At that meeting, the Executive Committee shall review the Nomination and determine if it is in accordance with the Rules.
 - ii) Having attained the votes of not less than two thirds of the Members of the Executive Committee present, the Secretary shall, as soon as practicable, notify all Ordinary Members electronically or, at the option of the Executive Committee, by post, of the name of the Candidate for membership giving the Candidate's particulars. Any

Ordinary Member wishing to object to the Election of the Candidate shall furnish their objection in writing (electronically or by post) to the Secretary no later than 21 days after the notification.

- iii) At the subsequent Executive Committee Meeting and in the absence of an objection, the Candidate shall be deemed to be elected to the particular class of membership and the Candidate's name shall be placed on the Membership List following receipt of the relevant annual fee. If an objection has been received, its relevance shall be considered by the Executive Committee. Subsequently, if the nomination attains the votes of not less than two thirds of the members of the Executive Committee present, the Candidate shall be deemed to be elected to the particular class of membership and the Candidate's name shall be placed on the Membership List following receipt of the relevant annual fee.
 - iv) In the absence of the required number of votes referred to in Rule 4(a) (ii) or Rule 4(a)(iii) as the case may be, the application for membership shall be rejected and the candidate shall be notified of the Decision as soon as practicable.
- (b) Any candidates for election to classes (b) and (d) of Article 2 shall be nominated by the Executive Committee. Any such nomination must be received by the Secretary at least fourteen days before the next General Meeting. The Secretary shall place such nominations on the Agenda for the following General Meeting. Such candidate shall be deemed to be elected to the particular class of membership upon being proposed and seconded therefor and having attained the votes of not less than two thirds of the Ordinary Members present and eligible to vote.
- (c) Any candidate for election to class (f) of Article 2 shall be nominated by two Ordinary Members of the Association on the Form A1 in Annexe 2 to these Rules. Nominations must be received by the Secretary at least fourteen days before an Executive Committee Meeting. Such candidates shall be deemed to be elected to class (f) membership having attained the votes of not less than two thirds of the Members of the Executive Committee

present at a following Executive Committee Meeting. The period of Student Membership shall run from the date of their election to the date of entry on to either the Register of Patent Agents kept pursuant to Section 106 of the Patents Act 1992, or the Register of Trade Mark Agents kept pursuant to Section 86 of the Trade Marks Act 1996 (or any Act enacted in substitution for either of the aforesaid Acts), as the case may be, or to the date of the next following General Meeting following said date of entry at which General Meeting they may be elected to Class (a) or Class (e) in accordance with the Rules associated with the election of such a member to the Association.

Privileges of Membership

5. Life Members and Honorary Members shall not be required to contribute to the funds of the Association. Associate Members, Honorary Members, Student Members and International Members shall be entitled to the same privileges of membership as Ordinary Members except the right to vote at Meetings of the Association or to be elected to the Executive Committee or to take part in the management of the affairs of the Association.
6.
 - (a) A Member may resign their membership, or their class of membership, at any time by notice in writing to the Secretary and/or the Treasurer. In the case of a Student Member, such notice may be given in writing by a Principal, Director or Partner of the firm in which the Student Member was employed at the time of election, or is currently employed or was last employed according to the Register maintained under Article 31.
 - (b) A person shall be deemed to resign from a particular class of membership upon being elected to another class of membership.
 - (c) A person shall cease to be a Member of the Association upon no longer being qualified under the Rules for the class in which such person is a Member, and shall be given notice in writing to that effect by the Secretary in accordance with Rule 39.

- (d) A person shall cease to be a member of the Association upon failing to discharge any fees owing to the Association for six months after the same has become due and shall be given notice in writing to that effect by the Secretary or the Treasurer in accordance with Rule 39.
- (e) Where any person who has ceased to be a member under (c) and (d) above desires reinstatement of their membership, they shall make application to the Executive Committee within three months of the date of the notice sent by the Secretary or the Treasurer, as the case may be, and the Executive Committee shall resolve the matter at its discretion. The Executive Committee's decision in the matter is final.
- (f) The Executive Committee shall have power to transfer a Corporate Member, who no longer satisfies the requirements of Rule 3(c), to the class of Associate Member provided that there is evidence that the Member satisfies the requirements of Rule 3(e) and either on application in writing to the Secretary by such Corporate Member or with the written consent of such Corporate Member.
- (g) The Executive Committee shall have power to transfer a Corporate Member, who no longer satisfies the requirements of Rule 3(c), to the class of International Member provided that there is evidence that the Member satisfies the requirements of Rule 3(g) and either on application in writing to the Secretary by such Corporate Member or with the written consent of such Corporate Member.
- (h) The Executive Committee shall have power to transfer an Associate Member, who no longer satisfies the requirements of Associate membership, to the class of International Member provided that there is evidence that the Member satisfies the requirements of Rule 3(g) and either on application in writing to the Secretary by such Associate Member or with the written consent of such Corporate Member.
- (i) The Executive Committee shall have power to transfer an International Member, who no longer satisfies the requirements of International membership, to the class of Associate

- Member provided that there is evidence that the Member satisfies the requirements of Rule 3(e) and either on application in writing to the Secretary by such International Member or with the written consent of such International Member.
- (j) An Associate Member or an International Member who no longer satisfies the requirements of Rule 3 (e) or Rule 3 (g) as the case may be and who wishes to become a Corporate Member must satisfy the requirements of Rule 3(c). In addition, the requirements of Rule 4 (a) shall apply. For the avoidance of doubt, where the Associate Member or the International Member no longer satisfies the requirements of Rule 3 (e) or Rule 3 (g) as the case may be, the Member shall remain a member in the relevant category until the date of the next AGM at which AGM the Member may be elected a Corporate Member.
7. The Association may require the payment of an entrance fee from all persons seeking to become Members of the Association and may in its discretion from time to time, discontinue, reduce, remit, or re-impose such entrance fee, and any such entrance fee shall be of such amount as the Association shall from time to time fix, and shall be payable at the same time as the first annual subscription.

General Meetings

8. The Association shall hold a General Meeting as its Annual General Meeting in one of the first four months in every year (but not more than fifteen months after the holding of the preceding Annual General Meeting) at such time and place as may be determined by the Executive Committee, and shall specify the Meeting as such in the notices calling the same. All other General Meetings shall be called "Ordinary General Meetings" or "Extraordinary General Meetings".
9. The Executive Committee may, whenever it thinks fit, convene an Ordinary General Meeting or an Extraordinary General Meeting. An Extraordinary General Meeting shall be convened

within twenty-one days if a written request for such Meeting is made to the Secretary by at least one-third of the Ordinary Members.

10. An Annual General Meeting and an Extraordinary General Meeting called for the passing of a Special Resolution shall be called by at least twenty-one days' notice in writing.
11. These Rules may be amended by a Special Resolution passed by at least a two-thirds majority of the Ordinary Members of the Association attending the Meeting, this Resolution being passed at an Annual General Meeting, or at an Extraordinary General Meeting called for the purpose of passing said Special Resolution. A vote given by proxy shall also be counted in calculating said majority, provided that the proxy is an Ordinary Member and that the instrument appointing the proxy is valid for the said Meeting only.

Rules 16-18 shall apply, subject to the special provisions of this Rule. The text of any Special Resolution proposing an amendment to these Rules shall be notified in writing to the Members of the Association at least twenty-one days before the said Meeting. Notice of each and every Proposal for amendment of the said text of the Special Resolution must be received in writing by the Secretary at least fourteen days before the said Meeting and shall be circulated by the Secretary to the membership within three days of receipt.

Except as noted immediately hereinafter, no subsequent amendment by way of addition, deletion or substitution may be made to a Proposal under consideration prior to, or during, the AGM or EGM at which such Proposal is under consideration. However, if a subsequent amendment only seeks to ensure linguistic correctness, or to address a terminological inconsistency, the President shall seek a suitable linguistic remedy together with those concerned prior to being voted upon. Each and every Proposal shall be voted upon individually.

Upon passing off a Special Resolution to amend these Rules, the amendment shall take effect at the end of the said Meeting.

12. The accidental omission to give notice of a Meeting to, or the non-receipt of notice of a Meeting by, any person entitled to receive notice shall not invalidate the proceedings at that Meeting.

13. Notice of every General Meeting shall be given in any manner herein authorised to every Member, except those Members who have not supplied to the Secretary an address for the giving of notices to them. No other person shall be entitled to receive notices of Meetings.

The business of a General Meeting shall be such as the Executive Committee shall have appointed. Any Member is entitled to have an issue raised at a General Meeting provided notification is received by the Secretary not less than fourteen days in advance of a General Meeting.

A General Meeting shall terminate not later than two hours after the time appointed for the Meeting unless at least two-thirds of the Members present otherwise so desire. No question shall be discussed or motion be made at the General Meetings relative to the direction and management of the concerns of the Association unless it has been included on the Agenda distributed in advance.

14. The quorum for a General Meeting shall be one eighth of the Ordinary Members.

15. The President of the Association shall preside at all Meetings of the Association, but if at any time there be no such President, or if at any Meeting the President be not present or be not willing to act, the Members present shall choose someone of their number to preside at such Meeting accordingly.

16. At General Meetings of the Association, every Ordinary Member shall have one vote. A vote shall be taken by a show of hands, without regard to any proxy, unless a demand for a poll is made by three persons entitled to vote. A poll shall be taken by secret ballot in which votes may be given either personally or by proxy. In the event of equality of votes, the President or other presiding Member may give a casting vote, except in the case of an election to the office of President, Secretary or Treasurer.

17. The instrument appointing a proxy shall be in writing under the hand of the appointer. A proxy shall be an Ordinary Member of the Association.
18. The instrument appointing a proxy shall be deposited with the Secretary before the time for holding the General Meeting or adjourned General Meeting at which the person named in such instrument proposes to vote, but no instrument appointing a proxy shall be valid after the expiration of twelve months from the date of its execution.
19. At each Annual General Meeting, there shall be elected a President, a Secretary and a Treasurer to hold office until the close of the next Annual General Meeting. Nominations for the positions of officers must be made by two Ordinary Members and be received in writing by the Secretary at least fourteen days in advance of the next Annual General Meeting. The Secretary shall notify the Vice-President of these nominations in advance of the Annual General Meeting. In the event of equality of votes at the General Meeting, the Vice-President may give a casting vote. If the Vice-President does not wish to give a casting vote, there shall be one further poll and in the event of a further equality of votes, the officer shall be elected by the drawing of lots.

No person may hold the office of President for more than three consecutive years. In the event of more than two candidates being nominated for election to any office, a poll shall be taken and if no candidate receives an overall majority of votes in the poll, the candidate having the lowest number of votes shall be eliminated and the poll shall be repeated. There may also be elected no more than four Ordinary Members to the Executive Committee, nominations for which must be notified to the Secretary at least fourteen days in advance of the next Annual General Meeting. In addition there shall be appointed an Auditor. However, if deemed appropriate, the Auditor may be changed at any time by a decision of the Executive Committee and such change shall be notified to the Members at an early date setting out the reasons for such change.

The Agenda for each Annual General Meeting shall include, inter alia, the following:

(a) receipt of the Financial Report for the preceding Accounting Year prepared by the Treasurer and the Auditor; and

(b) approval of the Financial Report.

Approval of the Financial Report shall release the Members of the Executive Committee, and in particular the Treasurer, from liability.

The President, the Secretary and the Treasurer shall be the Officers of the Association. Only an Ordinary Member shall be eligible for election to the office of President, Secretary, Treasurer or Vice-President.

Executive Committee

20. There shall be an Executive Committee which shall include the President, the Secretary, the Treasurer and the persons elected under Rule 19 from among the Ordinary Members at an Annual General Meeting. Any Member so elected shall remain on the Executive Committee until the end of the next Annual General Meeting, but shall be eligible for re-election at that Meeting. In addition the Executive Committee shall include the Chairs pro tem of each of the non-executive committees referred to in Rule 23.

Unless otherwise indicated, any decision or vote taken at an Executive Committee Meeting shall be by way of a simple majority of the Members of the Executive Committee present at the Meeting. In the event of an equality of votes, the President shall have the casting vote or in their absence the Secretary shall have the casting vote. If neither is present, the matter must be deferred until the next Executive Committee Meeting.

The Executive Committee shall elect each year a Vice-President of the Association from among Executive Committee members at an Executive Committee Meeting following the Annual General Meeting. The term as Vice-President shall cease at the first Executive Committee Meeting following the next Annual General Meeting, but the incumbent Vice-

President shall be eligible for re-election. Notwithstanding the provisions of Rule 19, the Vice-President, upon election, shall be deemed to be a member of the Executive Committee but the Vice-President is not an officer of the Association in their capacity as Vice-President, but may represent the President when so requested by the President in relation to any affairs of the Association, or if the President is incapacitated due to illness or other causes. No person may hold the office of Vice-President for more than three consecutive years.

21. The President may convene the Executive Committee or cause it to be convened by the Secretary. The quorum for Meetings of the Executive Committee shall be five Members, including at least one of the Officers. The Executive Committee may take decisions during its Meetings or as a result of correspondence or discussion by telephone or other telecommunication means. In urgent matters, the Executive Committee may act without consultation with the Association, provided that such action does not contravene a decision previously taken by the Association and (except where it is implementing a decision already taken by the Association) is submitted to the Association at its next General Meeting for ratification.
22. The draft Minutes of each Meeting of the Executive Committee shall be circulated by the Secretary to each Member of the Executive Committee and the Minutes made available to the Members of the Association by such procedure as shall be agreed upon from time to time by the Executive Committee
23. In addition to the Executive Committee, the Association shall have such other non-executive Committees as it may decide from time to time. Such non-executive Committees shall report to the Executive Committee in the first instance.
24. Each non-executive Committee shall each year elect a Chair of that committee from among that committee's members at its first committee meeting following the Annual General Meeting. No person may hold the office of Chair of a committee for more than five consecutive years.

25. In the event that an officer has become incapacitated for any reason and is unable to fulfil their duties, the Executive Committee shall appoint from among its members an Ordinary Member to fill that office, and any Member so elected shall remain in office until the next Annual General Meeting, but shall be eligible for re-election at that Meeting.

Disciplinary Provisions

26. A Member may not accept instructions or adopt any procedure which would in any way or for any purpose override their duty to execute each transaction to the best of their judgment in the interests of their client and in particular no Member may act for two or more parties, whose interests may conflict, in the same transaction at the same time before making full disclosure of the position to all such parties and obtaining their consent in writing to their so acting.
27. A Member shall be responsible to the Association for the acts and defaults in contravention of these Rules of any of their partners who are not Members of the Association and of their staff so far as such acts and defaults relate to matters within the scope of their practice.
28. Members shall observe the Code of Conduct as set out in Annex 1 hereto provided that nothing in the said Code of Conduct shall prevent Members from issuing advertisements in such periodicals and in such form as the Association may from time to time approve. The said Code of Conduct is incorporated into these Rules and may be amended only in accordance with the provisions of Article 11 of these Rules.

It shall be the responsibility of the Executive Committee to ensure that the Code of Conduct is observed by all Members. The Executive Committee may set up a Disciplinary Committee from three Ordinary Members of the Association which Disciplinary Committee shall be empowered to issue guidelines and prima facie decisions as to whether a particular course of conduct is contrary to the Code of Conduct. With due regard to the provisions of natural

justice and applicable human rights legislation the Disciplinary Body shall observe any general directions as to procedure given by the Executive Committee.

If any Member of the Association is adjudged by the Disciplinary Body to have breached a Rule of The Code of Conduct applicable to their class of Membership, and such finding is endorsed by the Executive Committee, they shall be liable, after having had the opportunity of being heard, to the imposition of one or more of the following sanctions:

- i) an unpublished reprimand;
- ii) a published reprimand;
- iii) an instruction to take remedial action;
- iv) suspension from Membership for a period of up to two years from the date of the decision of the Executive Committee;
- v) exclusion from Membership.

A Member suspended or excluded shall not be entitled to have returned to them any monies paid to the Association, and shall remain liable for any monies due to the Association.

Any sanctions imposed may be subject to an appeal to an Appointed Person outside the profession as defined in Rule 1(a) of these Rules. The Appointed Person will be appointed by the Executive Committee.

In the event of a Member's subjection to sanctions, the Executive Committee shall be at liberty to give such notice thereof as it may deem expedient.

In the event that a Member has a complaint about the conduct of another Member or for which another Member is responsible, the complaint shall be taken up first with the said other Member privately either directly or through a third Member. If the complaint cannot be settled in this manner, it shall be referred to the President. If after discussion with the two Members, the President is not able to resolve the dispute, or if one of the Members so requests, the

President shall refer the matter to an independent Assessor nominated by the President for the time being of the Incorporated Law Society. After hearing the two Members, and any other persons they think fit, the Assessor shall report to the President of the Association with their Opinion as to whether the conduct complained of is contrary to these Rules or to the Code of Conduct mentioned above or whether it is otherwise unbecoming the character of a Member. The President shall convey the Assessor's Report to the two Members concerned. If either of the Members so requests, or if the President so decides, a Meeting shall be convened in accordance with Rule 29 to consider the case in the light of the Assessor's Report.

29. If any Member

- (a) is convicted by any competent tribunal of an offence which in the opinion of the Association renders them unfit to be a Member of the Association; or
- (b) fails to comply with any of the regulations contained in these Rules or any regulations or decisions lawfully made by the Association;

the Association, at a Meeting convened with notice of intention to consider the case, at which not less than a third of the Ordinary Members of the Association shall be present, shall be at liberty by resolution specifying which of the above-mentioned disqualifications constitute the grounds of the resolution passed by a majority of the total Ordinary Members of the Association present at the Meeting to expel them from membership or to suspend all or any of their rights of membership or to call for and accept their resignation, or so reprimand them, without prejudice to the right of the Association to recover any arrears of subscription or other monies due from them to the Association. Provided that if the resolution is not passed by the requisite majority, the Association shall be at liberty to direct that no Minute thereof be recorded and that any reference thereto already entered in any Minute be expunged.

30. The Association shall cause Minutes to be duly kept:-

- (a) of all appointments of Officers;

- (b) of the names of the membership present at each Meeting;
- (c) of all resolutions and proceedings of the Association, and any such Minutes of any Meeting of the Association, if purporting to be signed by the Chair of such Meeting, or by the Chair of the next succeeding Meeting, shall be sufficient evidence, without any further proof, of the matters stated in such Minutes.

Register

- 31. A Register shall be kept containing the names of all persons elected to membership and such further particulars as may be necessary. The Secretary shall have charge of the Register unless the Executive Committee otherwise directs.

General

- 32. Each Member shall furnish particulars of their correspondence address, and any changes thereof from time to time to the Secretary. Upon the Association being satisfied of the death of any of the membership, their name shall be removed from the Register.
- 33. The amount of the annual subscription of each class of membership shall be determined by resolution passed at the Annual General Meeting of the Association and where the rights of any class other than Ordinary Members may be affected, all persons in that class are entitled to vote on the resolution.

The Executive Committee shall have the right to call on the membership to pay supplementary subscriptions towards defraying the cost of additional liabilities of the Association during each year.

Annual subscriptions are due on the day following the Annual General Meeting for each year in advance, and must be paid before the expiry of three months from the date of the Annual General Meeting. A notice shall be sent by the Secretary or the Treasurer to any such person

whose annual subscription is not paid by the end of the three month period aforesaid; and if the arrears are not paid within fourteen days of the date of such notice, the matter shall be referred to the Executive Committee which shall have the power to remove their from membership.

34. 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.
35. If the Executive Committee sees good reason for so doing, it may remit the annual subscription (and arrears) of any Member on the ground of ill-health, advanced age or on other sufficient grounds.
36. The Executive Committee may at any time issue a request for Members' views on matters determined to be of relevance of the Association. These views may be requested by means of an electronic survey; a request for comments; or any other appropriate method of communication decided by the Executive Committee. The Executive Committee may use the views thus expressed in formulating policy. Committee may use the views thus expressed in formulating policy or arriving at an informed decision.
37. The Accounting Year shall be the calendar year.

Certificate of Membership

38. Every Member in each class of membership of the Association, except Student Members, shall be furnished with a Certificate of Membership of the Association in the appropriate class and this Certificate shall be signed by the President and Secretary. The Certificate, however, shall at all times remain the property of the Association.

Notices

39. A Notice may be served by the Association upon any Member personally, by facsimile, electronic mail or by sending it through the post in a prepaid letter addressed to such Member at their last address on the Register. In proving such sending, it shall be sufficient to produce a Certificate under the hand of the Secretary or other Officer of the Association stating that the Notice was properly addressed and sent.

Building

40. The Association may employ any part of the funds of the Association in the leasing, holding, rental or disposal of any Building or Hall to be used as a place of Meeting, Lecture, Examination or Reading Rooms, Library and Offices for the purposes of the Association and in the fitting up and maintenance thereof, and the Association may apply any part of the funds of the Association in the purchase of any building or site and the erection of any building thereon.

Seanad Nomination

41. The Association's Nomination to the Seanad shall be made by the Executive Committee.

The Association's Trade Marks

42. The trade marks of the Association (hereinafter referred to as the Association's trade marks) are set out below and include black and white or greyscale versions or combinations thereof:



v) ASSOCIATION OF PATENT AND TRADE MARK ATTORNEYS

vi) APTMA

Only Ordinary Members are permitted to use the Association's trade marks provided that use complies with these terms and conditions:

- (a) a business engaged exclusively in intellectual property matters may use the Association's trade marks provided that at least one person working at the business is an Ordinary Member of the Association.

- (b) if the Ordinary Member or Members engaged in the intellectual property business ceases to be so engaged there, the business must cease all use of the Association's trade marks within one month, insofar as is practicable.
- (c) if the Ordinary Member or Members engaged in the intellectual property business cease to be Members of the Association, for whatever reason, the business must cease use of the Association's trade marks within one month, insofar as is practicable.
- (d) in the absences of permission by the Executive Committee, the Association's trade marks may not be used by a business to promote events if use of the Association's marks implies endorsement by the Association.

The Executive Committee reserves the right to question the use of, and refuse any use of, the Association's trade marks which it has not approved in advance and which it believes may be in breach of these guidelines.

All intellectual property rights in the trade marks are owned by, and remain in the ownership of, the President of the Association in their capacity as President of the Association.

Indemnities

43.

- (a) Every Officer of the Association is hereby indemnified by the Association from all losses and expenses incurred in or about the discharge of their duties, except such as may arise from their own willful act or default.
- (b) No Member of the Association shall be liable for any other Member of the Association for joining in any receipt or document, or for any act of conformity, or for any loss or expense caused to the Association, unless the same arise from their own willful act or default.

Winding Up/Dissolution of the Association

44.

- (a) In the event that there is a proposal in writing to the Secretary by at least one quarter of the Ordinary Members of the Association to wind up or dissolve the Association, the Executive shall set a date for an Extraordinary General Meeting (EGM) for which the provisions of, inter alia, Rules 9 and 10 in relation to Extraordinary General Meetings shall apply.
- (b) At the EGM, a motion to wind up or dissolve the Association shall be by way of a Special Resolution passed by a two-thirds majority of the Ordinary Members of the Association present at the Meeting. A vote given by proxy shall also be counted in calculating said majority, provided that the proxy is an Ordinary Member and that the instrument appointing the proxy is valid for the said Meeting. The effective date of winding up or dissolution of the Association shall be decided at the EGM or, if this is not possible, at a date to be decided at a subsequent EGM called for that purpose.
- (c) If the date of winding up or dissolution is not decided at an EGM, the date of winding up or dissolution will take effect as of one calendar year from the date of the passing of the original motion to wind up or dissolve the Association.
- (d) In the event that the Association has surplus assets and in advance of the date of the EGM, there shall be prepared by the Treasurer, with the assistance of the Executive Committee, a Distribution Plan for any such surplus assets. The assistance and/or observations of any Member and/or of the Auditors can be sought to assist in the preparation of the Distribution Plan. The Distribution Plan, when prepared, shall be the subject of an Agenda Item at an Executive Committee Meeting and, if accepted by a majority of the Members of the Executive Committee present at that meeting, shall be circulated to the Members together with the Notice of the EGM. The Distribution Plan (if any) shall be an Agenda Item of the EGM (or subsequent EGMs).

- (e) If the Distribution Plan is not approved within 6 months of the date of winding up or dissolution, the surplus assets shall be distributed to a charity or charities decided upon by the Executive Committee.
- (f) Only when all liabilities of the Association have been settled can the Association be wound up or dissolved.

ANNEXE I

Code of Conduct

This Code is to govern the professional activities of the Members of the Association in a manner compatible with the reputation of the Association and with the status and dignity of the profession.

1. General

- (a) A Member shall exercise their profession conscientiously and in a manner appropriate to its dignity.
- (b) The basic task of a Member is to serve as a reliable adviser to persons interested in intellectual property. They should act as an independent counsellor by serving the interests of their clients in an unbiased manner without regard to their personal feelings or interest.

"Client" means in the present Code a natural person or legal entity who takes advice or asks services of a Member.

- (c) Good fellowship among Members is a necessity for preserving the reputation of the profession and should be exercised irrespective of personal feelings.
- (d) Fees charged by Members should be reasonable but at the same time adequate to maintain professional independence.
- (e) Any competition between Members should be fair.
- (f) Each Member should know of this Code and cannot plead ignorance of it.
- (g) A breach of this Code cannot be justified by referring to instructions from a client.

2. Advertising

- (a) In these advertising rules, unless the context otherwise requires:- "Advertisement", unless the context otherwise requires, refers to any form of advertising and includes, inter alia, brochures, directory entries, stationery and press releases promoting a Member or practice; and "advertise" shall be likewise construed.
- (b) A Member shall not apply for or seek instructions for business in such a manner, or do or permit in the carrying on of their practice any such act or thing, as may reasonably be regarded as calculated to attract business unfairly.
- (c) A Member may, if so requested by or on behalf of any person or organisation, provide that person or organisation with a statement of proposed fees, information on the Member's practice and any other information sought in relation to any services the Member is willing to provide.
- (d) (1) Subject to Rule 2(e), a Member shall be entitled to advertise their services in any way they think fit, including by means of general circulation of printed material or electronic media/publications or social media.

(2) Without prejudice to the generality of paragraph (1) of this Rule, a Member may:-
 - (a) advertise on television and/or radio;
 - (b) advertise in any newspaper, periodical, directory or other generally acceptable publication;
 - (c) advertise by way of publicity poster, sign, placard or emblem;
 - (d) advertise by means of general circulation of printed material, including brochures, circular letters and/or pamphlets;
 - (e) appear on television or radio or at any public function and be introduced by their name, professional qualification, and firm and/or trading style, as appropriate;

(f) write articles in any newsletter, periodical, directory or other generally acceptable publication under their name, professional qualification, and firm and/or trading style, as appropriate;

(g) comment in public on matters in which they are professionally retained; (h) claim superiority for the quality of their practice or services over those of, or offered by, other persons who are not Members;

(i) state in any advertisement, that a written statement of proposed fees and/or a free first professional consultation would be provided to any person upon request in relation to any services they are willing to provide.

(e) An advertisement of or by a Member shall not:-

(1) claim superiority for the quality of their practice, expertise or services over those of, or offered by, other Members; or

(2) contain a criticism of other Members; or

(3) contain any known inaccuracy or false or misleading statements; or

(4) be of such a character or in such bad taste that it may reasonably be regarded as bringing the profession into disrepute.

(f) (1) It shall be the duty of a Member to ensure that any advertisement of or by them complies with the provisions of these advertising rules.

(2) An advertisement of or by a Member shall, unless contrary is proved, be deemed to have been issued (in the form in which it was issued) with this authority.

(g) The Executive Committee shall, in exceptional circumstances and after appropriate consideration, have power to waive any of the provisions of these advertising rules in any particular case.

3. Relationship with the Public

(a) A Member shall uphold the public reputation of the Association and of its Members.

- (b) A Member shall not give any indication on office premises, stationery or otherwise which is misleading to the public.
- (c) As far as compliance with this Code of Conduct is concerned, a Member is responsible for the acts of non-Member assistants acting on the Member's instructions.

4. Relationship with Clients

- (a) A Member should at all times give adequate care and attention and apply the necessary expertise to work entrusted to the Member by a client. It is recognised that the relationship between a Member and a client is personal to them and the Association has no power to investigate, adjudicate or deal with in any way, a complaint against a Member by a client or former client.
- (b) In principle, a Member does not need to serve the interests of a client in matters not connected with professional work entrusted to the Member by the client.
- (c) A Member may demand advance payment from a client.
- (d) A Member shall decline an order which is in conflict with their own interests. In all such cases, if the order cannot be postponed without possible damage to the client, a Member shall accept and perform the order so far as immediately necessary to avoid such possible damage, thereafter they shall resign from the case.
- (e) A Member shall refuse or withdraw their services if acceptance or continuation would necessitate their dealing with a particular matter on which they have represented or advised another client with opposing interests and the conflict has not been resolved.
- (f) A Member shall not acquire a financial interest in any intellectual property right in such circumstances as to give rise to a conflict between professional duty and interest.
- (g) A Member shall not take any action against a particular matter which is being handled or has been handled by the Member or another person in their office, where such action would make use of information obtained during the time the matter was previously handled, unless the information is in or enters the public domain.

- (h) A Member shall be bound not to disclose information accepted by them in confidence in the exercise of their duties, unless they are released from this obligation.
- (i) A Member is automatically released from a secrecy obligation if the secret information subsequently enters the public domain.

5. Relationship with other Members

- (a) A Member shall observe good fellowship towards other Members. Among other matters, good fellowship includes courtesy to other Members.
- (b) It is one aspect of good fellowship that a Member does not speak of another Member in discourteous or offensive terms. Grievances against another Member should first be taken up privately with such other Member either directly or through a third Member, and then, if necessary, through the formal channels prescribed by these Rules.
- (c) A Member should avoid any exchange of views about a specific case in which they are not involved and which they know or suspect is being handled by another Member, with the client of the case, unless the client declares their wish to have an independent view or to change their representative. Insofar as the client agrees, the Member should inform the other Member.
- (d) Where a Member is instructed by a client to take over the handling of a case from another Member, such other Member is obliged where appropriate and without delay to loan or transfer all documents necessary for the handling for the case or provide copies at reasonable expense to the new representative.

Membership Application Form A1



Application for Membership

Type of Proposed Membership:

- (a) Corporate Member []
- (c) Associate Member []
- (e) International Member []
- (f) Student Member []

Name of proposed Member: _____

Company: _____

Address: _____

Phone: _____

E-mail: _____

Optional Privacy requests:

I consent to be publicly listed as an APTMA member on the APTMA.ie website

I consent to my contact details being publicly listed on the APTMA.ie website

Proposers (must be Ordinary Members)

1.

Name

Signature

2.

Name

Signature

Date: _____

Signature of Applicant

How are you eligible to become a member?

(See Section 3(a) – 3(i) of APTMA’s Rules for guidance. See: aptma.ie/rules).

To be sent to the Secretary of the Association **info@aptma.ie**