

IPTA SPECIAL MEETING OF FELLOWS**AGENDA**

A Special Meeting of the Fellows of The Institute of Patent and Trade Mark Attorneys of Australia will be held at the Sheraton Grand Mirage Resort, Gold Coast commencing at 9.30am on Thursday, 11 April, 2019.

1. OPENING OF MEETING

The Chairman, Mr Richard Baddeley, to declare the Special Meeting open and will welcome Fellows present.

2. NOTICE OF MEETING AND AGENDA

The notice and agenda of the meeting having been circulated are taken as read.

3. ATTENDANCE AND PROXIES

Attendance and proxies to be recorded. Members and visitors present are requested to record their attendance and holding of proxies on the forms under the following separate categories:

- (i) Fellows Personally Present
- (ii) Fellows Represented by Proxy

4. APOLOGIES

Apologies to be recorded.

5. MOTIONS ON ALTERATIONS TO THE MEMORANDUM AND ARTICLES OF ASSOCIATION

Having given due notice under Article 40, Dr Trevor Davies, proposes to move the following four motions, seconder, Mr Richard Baddeley:

MOTION 1:

That Article 5 be rescinded and replaced with new Article 5 as follows:

FELLOWS

5. Fellows shall comprise every patent attorney who was a Fellow on 9 March 2012, and every patent attorney or trade marks attorney who has been duly elected or transferred into the class of Fellows. Every candidate for election or transfer into the class of Fellows shall:

- (i) (a) be of good repute;
- (b) be ordinarily resident in Australia;

AND EITHER

- (ii) (a) be a patent attorney registered in Australia;
- (b) in the opinion of Council, by reason of his or her qualifications in connection with science or engineering, be so qualified as to be able substantially to advance the objects of the Institute; and

(c) have, for not less than five years from the date of registration as a patent attorney, in the opinion of Council, been engaged in Australia in carrying out the professional work of a patent attorney (which may include work relating to trade marks), such work constituting the candidate's main professional activity;

OR

- (iii) (a) be a trade marks attorney registered in Australia, and
- (b) in the opinion of Council, by reason of his or her qualifications and in connection with science, engineering, law, economics, commerce or the arts, be so qualified as to be able substantially to advance the objects of the Institute; and
- (c) have, for not less than five years from the date of registration as a trade marks attorney, in the opinion of Council, been engaged in Australia in carrying out the professional work of a trade marks attorney, such work constituting the candidate's main professional activity.

MOVED: TREVOR DAVIES
SECONDED: RICHARD BADDELEY

Note: A copy of the above Articles as proposed to be amended is enclosed in marked up form.

3.

MOTION 2:

That Articles 5A, 5B, 9, 12, 13(a) and 13(b) be rescinded and replaced with new Articles 5A, 5B, 9, 12 and 13 as follows:

EMERITUS FELLOWS

- 5A. Every candidate for transfer into the class of Emeritus Fellow shall:
- (a) at the time of the transfer be a Fellow of the Institute and have, at that time, been a Fellow for a period of at least ten years;
 - (b) be of good repute; and
 - (c) no longer be registered as a patent attorney or a trade marks attorney in Australia; or
 - (d) otherwise, no longer be actively practising as an attorney.
- 5B. No person shall remain an Emeritus Fellow if, at any time, he or she does not possess the qualifications which governed his or her admission to membership as set out in Article 5A. Council may, in its discretion, suspend or defer the operation of this Article for such time as it thinks fit.

STUDENT MEMBERS

9. A Student Member having the necessary qualifications shall be eligible for transfer from the class of Student Member to the class of Ordinary Member as provided by Article 18 hereof.

DISTINGUISHED FELLOWS

12. Distinguished Fellows shall comprise persons who, in the opinion of the Council, have rendered or are able to render such assistance in promoting the objects of the Institute as to merit their admission as Distinguished Fellows and who are elected to the class of Distinguished Fellow, provided that any Distinguished Fellow who may be a Fellow in active practice as a patent attorney or a trade marks attorney within Australia may designate himself or herself a Fellow and retain the privileges of a Fellow.
13. Council may, with the consent of the person concerned, elect to the class of Distinguished Fellow any person who, in the opinion of Council possesses the qualifications for such membership.

MOVED: TREVOR DAVIES
SECONDED: RICHARD BADDELEY

4.

Note: A copy of the above Articles as proposed to be amended is enclosed in marked up form.

An electronic ballot to determine the motions was conducted and the outcome will be announced at the meeting.

MOTION 3:

That Articles 14, 16, 17, 18, 19, 20 and 21 be rescinded and replaced with new Articles 14, 14A, 14B, 14C, 14D, 1E, 16, 17, 18, 19, 20 and 21 as follows:

ELECTION OF MEMBERS

14. Any person desirous of being elected as a Fellow of the Institute must be proposed in writing, by a Fellow of the Institute who must certify as to his or her knowledge of the candidate and confirm the candidate's qualifications, and be recommended by two other Fellows of the Institute.
- 14A. Any person desirous of being elected as an Ordinary Member of the Institute must be proposed in writing by a Fellow of the Institute who must certify as to his or her knowledge of the candidate and confirm the candidate's qualifications, and be recommended by one other Fellow of the Institute.
- 14B. Any person desirous of being elected as a Student Member of the Institute must be proposed in writing, by a Fellow of the Institute who must certify as to his or her knowledge of the candidate and confirm the candidate's qualifications.
- 14C. Any person desirous of being elected as an Overseas Member of the Institute must be proposed in writing, by one Fellow of the Institute who must certify as to their knowledge of the candidate and confirm the candidate's qualifications, and be recommended by one other Fellow of the Institute.
- 14D. A proposal to be elected as a member of the Institute shall be in the form prescribed by the Council and shall require the candidate to engage to abide by the Articles of Association and By-Laws of the Institute.
- 14E. A proposal to be elected as a member of the Institute shall be submitted to the Council, which shall investigate the qualifications of the candidate according to the class of member for which he or she is proposed. If the Council approves of the qualifications of the candidate, the President or one of the Vice Presidents shall be authorised to sign the proposal, and the candidate shall thereupon be deemed elected.
16. Any person whose proposal for admission as a member has been approved by the Council shall be duly informed thereof in writing.
17. An Ordinary Member having the necessary qualifications may, on the proposal of one Fellow of the Institute, and recommendation by two other Fellows of the Institute, be transferred from the class of Ordinary Member to the class of Fellow, provided such proposal be first submitted to and approved by the Council, and signed by the President or one of the Vice Presidents.
18. A Student Member having the necessary qualifications may, on the proposal of one Fellow of the Institute, and recommendation by one other Fellow of the Institute, be transferred from the class of Student Member to the class of Ordinary Member, provided such proposal be first submitted to and approved by the Council, and signed by the President or one of the Vice Presidents.

5.

19. Every person other than a Distinguished Fellow duly elected a member of the Institute shall be informed thereof in writing and pay the entrance fee and annual subscriptions for the current year within three months, or in the case of Overseas Members, six months after the date of his or her election, otherwise the election will become void, unless the Council extends the time, which in special cases it is hereby authorised to do.
20. Every person who has been duly elected a Fellow, Emeritus Fellow, Ordinary Member, Student Member or Overseas Member and who has complied with the provisions of Article 19, and every person duly elected a Distinguished Fellow, shall become a member of the Institute and except in the case of, a Student Member or an Overseas Member, shall receive a Diploma of his or her membership.
21. Every Diploma issued by the Institute shall be vested in and remain the property of the Institute and any member who from any cause ceases to be a member of the Institute shall return his or her diploma to the Secretary immediately on the receipt of a request in writing from the Secretary so to do. In the event of failure by the member to comply with said request, such Diploma shall be recoverable on demand.

MOVED: TREVOR DAVIES
SECONDED: RICHARD BADDELEY

Note: A copy of the above Articles as proposed to be amended is enclosed in marked up form.

6.

MOTION 4:

That the By-Laws and Code of Ethics be changed by adding new By-Law 4 and Code 4.02 be rescinded and replaced with new Code 4.02 as follows:

**BY-LAWS
OF
THE INSTITUTE
OF PATENT AND TRADE MARK ATTORNEYS
OF AUSTRALIA**

4. No member shall behave in a manner contrary to that defined in the Code of Conduct issued as a standard of practice under the *Patents Act 1990* and the *Trade Marks Act 1995* and any such contrary behaviour shall be deemed to be conduct unworthy of a member of the Institute.

**SECTION – C
CODE OF ETHICS**

PART 4: COMPLAINTS

- 4.02 If the Ethics and Disputes Committee is unable to resolve the dispute, the complainant will be invited to provide a formal written complaint, if the complainant has not already done so. The formal written complaint should detail the nature of the complaint. The Ethics and Disputes Committee will then provide a report on the complaint to Council and in particular, advise Council if it appears that any By-Laws or Guidelines of the Institute have been breached by the member. Council will consider the report and if Council considers that relevant grounds exist, may take steps to implement sanctions against that member. Those sanctions may include:
- (a) a public reprimand; and/or
 - (b) an order to compensate the complainant; and/or
 - (c) suspension of the member under Article 29; and/or
 - (d) expulsion of the member under Article 30; and/or
 - (e) referral of the complaint to the Trans-Tasman IP Attorneys Board established under Section 227A of the *Patents Act 1990* and constituted under the *Patents Regulations 1991*.

Failure by the member to compensate the complainant, if required to do so within a period by order of Council, will be considered conduct unworthy of a member and will accordingly, constitute grounds for expulsion or suspension of the member. Council will write and advise the complainant of the action, if any, taken against the member.

MOVED: TREVOR DAVIES
SECONDED: RICHARD BADDELEY

5. **MOTIONS ON ALTERATIONS TO THE MEMORANDUM AND ARTICLES OF ASSOCIATION CONT.**

Announcement of results of the voting on each of the four motions.

6. **CLOSURE OF MEETING**