

# FEMIFI

Fédération Européenne des Mandataires  
de L'Industrie en Propriété Industrielle

Europäischer Verband der  
Industrie-Patentingenieure

European Federation of Agents  
of Industry in Industrial Property

## STATUTES

(As last amended and accepted by the General Assembly of May 24, 2017)

### NAME

#### Article 1

Under the name "Fédération Européenne des Mandataires de l'Industrie en Propriété Intellectuelle" in French, "Europäischer Verband der Industrie-Patentanwälte" in German and "European Federation of Intellectual Property Agents in Industry" in English, in abbreviated form "FEMIFI", a Federation is established with effect from the fourth of March, one thousand nine hundred and seventy-one. The Federation shall have legal personality and is a non-profit organization.

### SEAT

#### Article 2

The Federation's seat is at the place decided on by the Board of Directors.

### PURPOSE

#### Article 3

The purpose of the Federation is the study, development and protection of the professional interests of intellectual property agents in industry with due consideration of the interests of the users of the IP systems in industry.

To this end it will especially seek

- 1) to ensure the organization of the profession and the defense thereof as well as of its members in all appropriate circumstances;
- 2) to ensure an official representation of the profession before international authorities and if necessary to take action on its behalf – all in line with the purpose of the Federation;
- 3) to study and comment international projects, legislation and developments relating to intellectual property with a particular view on implications of handling intellectual property in the European industry;

- 4) to promote contacts between national European associations of intellectual property agents in industry;
- 5) to take the necessary steps to aid the professional education of intellectual property agents in industry;
- 6) to collect and distribute to its members information relating to the field of intellectual property.

With the exception of the before mentioned, the Federation eschews all activities of a political, religious or racial nature.

## **MEMBERSHIP**

### Article 4

Any national organization within the territorial limits of Europe, whose primary objective is in line with that stipulated in Article 3, may become a member of the Federation (hereinafter referred to as "member organization").

### Article 5

Any agent of industrial property in industry practicing within the territorial limits of Europe in a country in which there is no national organization similar to one of those stipulated in Article 4, may request affiliation to the Federation as an individual member.

### Article 6

All requests for affiliation to the Federation must be sent in writing to the Secretary-Treasurer and submitted for decision to the Board of Directors. A request for affiliation as individual member must be accompanied by a curriculum vitae. If admission is refused, appeal may be made at the next General Assembly of the Federation by registered letter sent to the Secretary-Treasurer.

### Article 7

At the request of a number of individual members of one country, the General Assembly may decide to recognize this group of individual members as a member organization, provided that said group elects or appoints a delegate empowered to deal with the Secretary-Treasurer as well as with the Administrative Office and that no such recognized member organization already exists.

### Article 8

A Member of the Federation (whether member organization or individual member) wishing to terminate its membership must give three months' written notice to the Secretary-Treasurer of its intention to resign from the Federation. Resignation shall only become effective at the end

of a calendar year.

#### Article 9

A member that has not paid the subscription fees fixed by the General Assembly according to Art. 34 for at least six months from the date of receipt of a reminder from the Secretary-Treasurer automatically forfeit its membership of the Federation.

#### Article 10

A member organization that ceases all activity. is dissolved or changes its objective in a way that is not in line with the purpose of the Federation also forfeits its membership.

Individual members who cease their professional activity or change it in a way that is not in line with the purpose of the Federation forfeit their membership, too.

#### Article 11

The exclusion of any member can be pronounced by the General Assembly by a majority of three quarters of the votes cast; this decision is conveyed to the member concerned by the Secretary-Treasurer by registered letter.

For a forfeiture of the membership according to Articles 9 and 10, a decision of the General Assembly is not necessary. The Secretary-Treasurer will confirm the forfeiture to the former member by registered letter.

#### Article 12

A member that has resigned or has forfeited its membership or has been excluded is not dispensed from discharging its obligations towards the Federation for the current calendar year. It also has no entitlement to the Federation's social funds and may not claim a refund of subscription fees which have been paid.

### **ORGANIZATION**

#### Article 13

The bodies of the Federation are:

- 1) the Board of Directors;
- 2) the General Assembly;
- 3) the Auditors, the Secretary-Treasurer and the Administrative Office.

## **BOARD OF DIRECTORS**

### Article 14

The Board of Directors consists of five Directors and at most two Deputies; the General Assembly appoints from the Directors, a President and at least one Vice-President, who then become President and Vice-President(s), respectively, of the Federation. The Directors must belong to the member organizations and must have a leading role e.g. member of the board in such member organization. Individual members cannot be elected neither as Directors nor Deputies.

A Director of outstanding merit to the Federation can be elected as Honorary Director or Honorary President. Such election requires a three quarters majority of the votes at the General Assembly.

### Article 15

Any Director who is absent may delegate, by letter, fax or e-mail to the President and/or the Secretary-Treasurer, one of the Directors or Deputies on the Board of Directors to represent him at the Board of Directors' meeting and to vote for him in his place; in such a case, he will be considered to have been present. However, no Board member may represent more than one Director.

### Article 16

The members of the Board of Directors are elected for a term of two years; they may be re-elected. If a Director resigns, is dismissed or dies, his mandate will be assumed ad interim by a delegate from the member organization of such Director until the next General Assembly at which a new Director will be elected.

### Article 17

The functions of President, Vice-President, Director, Deputy, Secretary-Treasurer and Auditor are performed without remuneration. Only expenses incurred by the Secretariat of the Administrative office may be reimbursed against proof being furnished.

Extraordinary representation expenses may be granted to the President, the Vice-Presidents, the Directors, the Deputies or to the Secretary-Treasurer at the instance of the Board of Directors and upon approval by the General Assembly.

### Article 18

The President, Vice-President(s) and any Director or Deputy can be dismissed from his post by a majority of the votes present at a General Assembly, if there are important reasons justifying the dismissal.

## Article 19

The Board of Directors is entitled to make decisions when more than half of the number of the Directors are present or represented. A Deputy has no right to vote, except when representing a Director. The Board decides by a simple majority; the Chairman has the casting vote if voting is even. A minute of the decisions made by the Board of Directors is to be drawn up and communicated to the members.

## Article 20

Everything which is not specifically reserved to the General Assembly by the present statutes falls within the competence of the Board of Directors, especially:

- 1) Fixing the date, place and agenda for General Assemblies.
- 2) Drafting the report to be submitted to the General Assembly.
- 3) Drawing up the accounts and annual budgets to be approved by the General Assembly.
- 4) Appointment or dismissal of the Secretary-Treasurer.
- 5) Deciding the tasks of the Secretary-Treasurer and of the Administrative Office.
- 6) Carrying out the resolutions made by the General Assembly.
- 7) Dealing with routine business.
- 8) Managing the Federation's funds.
- 9) Affiliation of new members, subject to the right of appeal to the General Assembly in the case of non-admission.
- 10) Drafting position papers and commenting on legislation projects.
- 11) Keeping contact to other organizations in the field of industrial property and representing the Federation before international authorities....

## Article 21

The President, the Vice-President(s) of the Board of Directors and the Secretary-Treasurer at least two of them acting together represent the Federation in all circumstances. Apart from any special authorizations given by the Board of Directors, the Federation shall only be financially liable with respect to a third party by the signature of the President or of the Secretary-Treasurer if the amount in question does not exceed 500 EUROS and as long as the total expenses in one year do not amount to more than 30 % of the receipts. Amounts in excess of this sum require the authorization of the Board of Directors.

## Article 22

The President, or, if he is prevented, a Vice-President, convenes the meetings of the Board of Directors and of the General Assemblies. The President, a Vice-President or the most senior Director will act as Chairman of such meetings.

The meetings of the Board of Directors are held at places, on dates and at times fixed by it at least two times per calendar year. The meetings may be held by telephone or video conference, however, at least one meeting every two years has to be in person.

## **GENERAL ASSEMBLIES**

### Article 23

The ordinary General Assembly takes place every calendar year, as a rule in the second quarter of the calendar year. The meeting should be held each calendar year preferably in a different country; the decision on this matter is taken by the Board of Directors.

The General Assembly may be held by telephone or video conference.

### Article 24

An Extraordinary General Assembly must be convened by the Board of Directors if at least three Directors or one fifth of the member organizations wish to have one. The meeting shall be held at the place decided by the Board of Directors.

### Article 25

All official invitations to a General Assembly must be made in writing, stating the place, the day, and the time, six weeks in advance of the date of the meeting. The motions of members for the agenda must be submitted in writing to the Secretary-Treasurer at least four weeks before the elected date. The agenda shall be communicated to the members of the Federation two weeks in advance of the date of the meeting.

### Article 26

A member organization may be represented at the General Assembly by not more than three delegates. Every member organization has only one right to vote at the General Assembly; the identity of the delegates empowered to vote must be communicated to the Secretary-Treasurer at the latest one week before the date of the meeting.

Delegates of the member organizations only have the right to vote if their organizations have paid the subscription fees for the previous calendar year to the Secretary- Treasurer.

An absent delegate may give written authorization to another member of the representation of a member organization to represent him at the meeting and to vote for him in his place; in such a case, he will be considered to have been present.

The individual members have no right to vote.

Delegates to a General Assembly may be assisted by experts who do not have the right to vote.

#### Article 27

The expenses of the delegates, individual members and experts are not reimbursed by the Federation.

#### Article 28

When a vote is taken, the General Assembly shall decide by a simple majority of the votes cast, unless the Statutes prescribe otherwise. If the voting is even, the Chairman shall have the casting vote. Voting shall only be secret if so requested by the majority of the delegates present at the meeting and having the right to vote.

#### Article 29

Any change in the statutes must appear on the agenda and can only be made if two third of the member organizations are present or represented at the meeting and if the change is approved by a majority of two third of the votes cast. If these conditions are not fulfilled, then a new meeting shall be convened and any change in the statutes will be approved if voting in favor is by a majority of two third of the votes cast, regardless of the number of delegates present.

#### Article 30

Minutes of the resolutions passed at the General Assembly shall be drawn up by the Secretary-Treasurer. They shall be signed by the Chairman of the Assembly and the Secretary-Treasurer.

#### Article 31

The General Assembly is responsible for:

- 1) The election and dismissal of members of the Board of Directors , the President and Vice-President of the Board of Directors as well as Honorary Directors and Presidents.
- 2) The adoption of the report of the Board of Directors on the previous year.
- 3) Approving the annual accounts of the previous calendar year and giving formal approval to the action of the Board of Directors and the Secretary-Treasurer.
- 4) Approving the budget and fixing the subscription fees for the current calendar year.

- 5) The appointment of two auditors who shall audit, the annual accounts of the current calendar year and report to the General Assembly.
- 6) Any decision on appeals for non-admission of new members.
- 7) The exclusion of members.
- 8) Any change in the statutes.
- 9) Any decision on extra expenses to be allowed.
- 10) Any decision on dissolution.

## **SECRETARY-TREASURER**

### Article 32

The Secretary-Treasurer shall be appointed by the Board of Directors. He shall belong to a member organization and will become an ex officio member of the Board of Directors even if such member organization is already represented by a Director or Deputy in the Board of Directors. He shall be responsible for dealing with routine business, the daily management of the Federation's funds, and with the tasks assigned to him by the Board of Directors. He shall also act as Secretary to the Board of Directors and the General Assemblies.

## **ADMINISTRATIVE OFFICE**

### Article 33

The Administrative Office works under the general authority of the Board of Directors and the direct management of the Secretary-Treasurer.

This office is responsible for the internal administrative matters of the Federation. In particular, it ensures that the member organizations and also national groups recognized by the General Assembly and to a reasonable extent the individual members, are continuously kept informed on the activities of the Federation and its member organizations.

## **SUBSCRIPTION FEE**

### Article 34

The amount of the subscription fees for the member organizations and for the individual members shall be decided by the ordinary General Assembly for the current calendar year; subscription fees are due on 1st October of each year without special notice being given. Subscription fees are also due for the current year at the time of affiliation.



## **FUNDS FOR EDUCATION AND INFORMATION**

### Article 35

The financial responsibility of the members is limited to the amount of their subscription fees.

### Article 36

The ordinary General Assembly shall approve the accounts which the Board of Directors presents to it; the accounts include receipts, expenses and a balance sheet. The two auditors appointed by the General Assembly are responsible for checking the accounts and record on them the result of their examination.

## **WORKING GROUPS**

### Article 37

The Board of Directors can establish working groups to study specific problems: each Member organization is entitled to appoint at least one delegate to each working group.

## **DISSOLUTION**

### Article 38

Dissolution of the Federation can only be decided by an Extraordinary General Assembly and must appear on the agenda for the meeting. Dissolution can furthermore only be decided if three quarters of the maximum number of delegates in accordance with Article 26 are present at the meeting and if approved by a majority of three quarters of the votes cast. If these conditions are not fulfilled, a new meeting must be convened and dissolution will become effective if voting in favor is by a majority of three quarters of the votes cast, regardless of the number of delegates present.

Furthermore, the meeting shall also decide on the final destination of the Federation's property and funds such as it exists at the time of the dissolution, distribution among the members being excluded. The property shall be transferred to other organizations having a similar purpose or to a charitable organization.

## **LANGUAGES**

### Article 39

The text of these statutes has been drawn up in the English language, this text being the only authentic one.

Executed on the fourth day of March, one thousand nine hundred and seventy-one, and revised on the twenty-first day of April, one thousand nine hundred and seventy-five as well

as on the twenty-third day of June, one thousand nine hundred and seventy-six, on the fourth day of May, one thousand nine hundred and seventy-seven, on the twenty- first day of April, one thousand nine hundred and seventy-eight, on the ninth day of April, one thousand nine hundred and seventy-nine, on the twenty-fifth day of March, one thousand nine hundred and eighty-three and on the eighteenth day of May, two thousand and one, and on the twenty-fourth of May, two thousand and seventeen.

# FEMIP

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## Implementing Regulations under the FEMIP Statutes

### Rule 1

#### Abbreviated Expressions

- a) In the Statutes and in these Regulations the word "Federation" means FEMIP;
- b) In the Statutes and in these Regulations the word "Statutes" means the FEMIP Statutes and the word "Article" refers to an Article of the FEMIP Statutes.

### Rule 2

#### Interpretation of Certain Words

For the purposes of the FEMIP Statutes and of these Regulations, and unless expressly stated otherwise:

- (i) "member" means a member organization or an individual member.
- (ii) "member organization" means a national organization within the territorial limits of Europe having a primary object that corresponds to Article 3 of the Statutes or a number of individual members of one country recognized by the General Assembly, provided no national organization having a primary object that corresponds to Article 3 of the Statutes exists in that country.
- (iii) "individual member" means an agent of industrial property in industry practicing within the territorial limits of Europe in a country where no national organization having a primary object that corresponds to Article 3 of the Statutes exists.
- (iv) "Director" means a fellow of a member organization elected by the General Assembly to the FEMIP Board for a term of office.
- (v) "Deputy Director" means a fellow of a member organization elected by the General Assembly to the FEMIP Board for a term of office.
- (vi) "Honorary Director" means a former Director elected by the General Assembly.

- (vii) "President" means a Director elected by the Directors to act as the President of FEMIPi.
- (viii) "Vice-President" means a Director elected by the Directors to act as a Vice-President of FEMIPi.
- (ix) "Honorary President" means a former President elected by the General Assembly.
- (x) "Secretary-Treasurer" means a fellow of a member organization elected by the Directors.
- (xi) "Auditor" means a person, e.g. a fellow of a member organization or an individual member, elected by the General Assembly for a term of office to audit the FEMIPi accounts.
- (xii) "Administrative Office" means the Office for the internal administrative matters of FEMIPi.
- (xiii) "Manager Administrative Office" means a Director or Deputy Director elected by the Directors to manage the Administrative Office.
- (xiv) "Working Group" means a group composed of fellows of various member organizations (or individual members) delegated by their member organization for the purpose of studying specific problems.
- (xv) "Board member responsible" ("Bmr") means a Director or Deputy Director elected by the Directors to take charge of a Working Group.
- (xvi) "Chairman" means the President or a Vice-President if the President is not available, or a Director most senior in age if the President and the Vice-President are not available, presiding over a meeting.
- (xvii) "Delegate" means a fellow of a member organization appointed by his member organization for voting purposes at the General Assembly.
- (xviii) "Expert" means an assistant to a Delegate.
- (xix) "Receipts" in Article 21 means receipts of the previous year.
- (xx) "Convenes" in Article 22 means "invites".

### **Rule 3**

#### Board of Directors

- (1) Subject to the provisions of Article 18, the term of office of a Director or a Deputy Director runs from the election in the General Assembly to the election of the ordinary General Assembly after the next one as set forth in Article 23.
- (2) Director(s) or Deputy Director(s) not re-elected will remain in office if the requirements of the first part of sentence 1 of Article 14 are not met.
- (3) If a Deputy Director takes over the mandate of a Director, all the rights and duties of the Director are automatically assigned to the Deputy Director, with the exception of the automatic succession as President or Vice President.
- (4) Article 16 does not apply to Honorary President(s) or Honorary Director(s)

### **Rule 4**

#### President and Vice-Presidents

- (1) An Honorary President, an Honorary Director or a Deputy Director cannot be elected as President or Vice-President.
- (2) The President and Vice-President(s) are elected for a term of two years (cf. Rule 3(1)). Re-election is possible.

### **Rule 5**

#### Board Meetings

- (1) "Absent" in Article 15 means not present at the Board meetings.
- (2) Votes can only be delegated to the President, the Vice-President(s), the Directors and the Deputy Directors.
- (3) Honorary President(s) and Honorary Director(s) cannot vote.
- (4) The Board of Directors is entitled to pass decisions if more than half of the Directors elected for a term of office are present or represented (the number does not take into account Deputy Directors).
- (5) If decided in a Board Meeting, decisions can also be made in writing after the Board Meeting.
- (6) The minutes of Board Meetings shall be sent to Directors and Deputy Directors and only on special request to Honorary Presidents and Honorary Directors.

## **Rule 6**

### General Assemblies

The minutes of the General Assembly shall be communicated to the member organizations and individual members.

## **Rule 7**

### Voting

Only ayes and noes are votes / votes cast. Abstentions are not considered as votes / votes cast.

As last amended and accepted by the General Assembly of 26th April 2002 in Brussels.

# FEMIP

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## MEMBER ORGANIZATIONS

"Ring der Industrie-Patentingenieure/-innen Oesterreichs – Network IP Austria", Austria

"Union Belge des Conseils d'Entreprise en Propriété Intellectuelle / Belgische Vereniging der Ondernemingsraadgevers in Intellectuele Eigendom", Belgium;

"Dansk Forening for Industriens Patentingeniører", Denmark;

"VPP e.V.", Germany;

"Association Française des Spécialistes en Propriété Industrielle de l'Industrie", France;

"Svenska Industriens Patentin genjörers Förening", Sweden;

"Norsk Forening for Industriens Patentingeniører (NIP) / Association of patent attorneys in Norwegian industry" (affiliated since 20 March 1973)

"Verband der Industrie-Patentanwälte in der Schweiz / Association des Conseils en Brevets dans l'Industrie Suisse" (affiliated since 21 April 1975)

"Fédération des Conseils en Propriété Industrielle au Luxembourg" (affiliated since 4 December 1978) '

"Patentti-insinöörit r. y.", Finland (affiliated since 22 April 1981)