

CONSTITUTION

PERSATUAN HARTA INTELEK MALAYSIA (MALAYSIAN INTELLECTUAL PROPERTY ASSOCIATION) (MIPA)

CLAUSE 1 NAME

1. The Association shall be known as

PERSATUAN HARTA INTELEK MALAYSIA (MALAYSIAN INTELLECTUAL PROPERTY ASSOCIATION) (MIPA)

Hereinafter referred to as "the Association".

2. Meaning of name : **N/a**
3. Level : **Kebangsaan**

CLAUSE 2 ADDRESS

1. The registered address is

**W-10-17, MENARA MELAWANGI, PUSAT PERDAGANGAN AMCORP, 18
JALAN PERSIARAN BARAT, PETALING JAYA, SELANGOR
46050 PETALING JAYA
SELANGOR**

or at such other place as may from time to time be decided by the Committee; and the postal address is

**W-10-17, MENARA MELAWANGI, PUSAT PERDAGANGAN AMCORP, 18
JALAN PERSIARAN BARAT, PETALING JAYA, SELANGOR
46050 PETALING JAYA
SELANGOR**

2. The registered and postal addresses shall not be changed without the prior approval of the Registrar of Societies.

CLAUSE 3 OBJECTIVE

- a) To foster ties of mutual friendship and understanding among members and through such ties to promote the study and awareness and proper protection and development of Intellectual and Industrial Property.
- b) To regulate through by-laws or otherwise the professional practice of Intellectual

and Industrial Property; the etiquette, conduct and discipline of the members.

c) To consider all issues relating to Intellectual and Industrial Property and/or the interest of members.

d) To engage in activities in conjunction with legally registered bodies or associations within the limits of the Association's objects and to arrange reciprocal concession and co-operation with other such bodies or associations.

e) To arrange social and recreational activities for Members and generally to promote knowledge of Intellectual and Industrial Property by conferences, seminars, lectures, training programmes, discussions, books, correspondences, pamphlets, dissemination of information or otherwise.

f) To seek affiliation with Regional or International bodies with similar objects and to participate in the activities of such regional or international bodies.

CLAUSE 4 MEMBERSHIP

a) There shall be three (3) categories of membership:

- i) Ordinary Members
- ii) Associate Members
- iii) Student Members

b) Eligibility

i) Ordinary Membership is open to any natural or legal person who is:

a) a patent agent registered under the Malaysian Patents Act; or

b) a trademark agent registered under the Malaysian Trade Marks Act; or

c) a industrial design agent registered under the Malaysian Industrial Designs Act; or

d) an advocate admitted in Sabah or Sarawak and/or an advocate and solicitor admitted in Peninsular Malaysia practicing Intellectual Property law and/or Industrial Property Law; or

e) in the opinion of the Executive Committee is a fit and proper person by virtue of his ownership of Intellectual Property and/or Industrial Property, or his being connected directly or indirectly in the field of Intellectual Property law and/or Industrial Property law, or

f) Any firm, corporation or association which is registered in Malaysia and is in the opinion of the Executive Committee a fit and proper firm, corporation or association by virtue of their ownership of Intellectual Property and/or Industrial Property, or

their being connected directly or indirectly in the field of Intellectual Property and/or Industrial Property.

ii) Associate Members

Any application which does not meet the eligibility requirements under Clause 4(b)(i) hereof but which is in the opinion of the Executive Committee, beneficial to the Association may be admitted as an Associate Member at the discretion of the Executive Committee.

Associate Members do not have voting rights.

iii) Student Members

A student of a public or private university or college in Malaysia who has an interest in the field of Intellectual Property and/or Industrial Property may be admitted as a Student Member at the discretion of the Executive Committee.

Student Members do not have voting rights.

c) Approval of Membership

i) Every application for membership shall be proposed and seconded by two existing ordinary members and shall be forwarded to the Honorary Secretary who shall at the first convenient opportunity, submit it to the Executive Committee for approval. The Executive Committee may at its discretion reject any application without assigning any reason thereof.

ii) Every applicant whose application has been approved as aforesaid shall upon payment of the prescribed entrance fee and first yearly subscription, be admitted as a member of the Association and shall be entitled to all the privileges of membership.

d) Representative

Any firm, corporation or association which is admitted as a Member shall in writing appoint a representative (hereafter referred to as "Representative") to exercise the rights of membership. An Alternate Representative may also be appointed in writing by the Member to exercise the rights of membership.

e) Notices

A notice may be served by the Executive Committee upon any Member either personally or by sending it through prepaid post, fax or e-mail addressed to him at his last known address.

CLAUSE 5 RESIGNATION AND TERMINATION

a) Any Member may at any time withdraw from membership upon paying all subscriptions (if any) due by such Member.

b) The Executive Committee may terminate the membership of any Member whose subscription is in arrears for more than six (6) months.

c) The Executive Committee may, after giving due opportunity to be heard to the Member concerned, terminate the membership of any Member who:

(i) is no longer eligible for membership as provided by Clause 4(b)(i), (ii) and (iii); or

(ii) has breached any by-law, regulation or code of conduct of the Association which is applicable to the Member concerned; or

(iii) is decided by the majority of the Executive Committee to not be fit or a proper person to be a member of the Association or to have acted against the interest of the Association;

provided that the Executive Committee may in its discretion prior to making its decision appoint an independent panel to hear and consider the case against the Member concerned and make the necessary recommendations to the Executive Committee.

CLAUSE 6 SOURCE OF INCOME

a) Ordinary Members under Clause 4(b)(i)(a) to (e), shall pay an entrance fee of Ringgit Malaysia One Hundred and Fifty (RM150/-) and the annual subscription of Ringgit Malaysia One Hundred and Fifty (RM150/-).

b) Ordinary Members under Clause 4(b)(i)(f), shall pay an entrance fee of Ringgit Malaysia Three Hundred (RM300/-) and the annual subscription of Ringgit Malaysia Three Hundred (RM300/-).

c) Associate Members shall pay an entrance fee of Ringgit Malaysia Two Hundred and Fifty (RM250/-) and the annual subscription of Ringgit Malaysia Two Hundred and Fifty (RM250/-).

d) Student Members shall only pay an annual subscription of Ringgit Malaysia Fifty (RM50/-)

e) The Entrance Fee and/or Annual Subscription may be varied on the recommendation of the Executive Committee, subject to approval at a general meeting.

f) The annual subscription paid upon approval of membership shall be for the period up to 31st December of the year of approval and all subsequent annual subscription shall be payable on the 1st day of January each year.

i) Any Member whose subscription is overdue and is in arrears for a period of three (3) months shall forthwith lose all rights and privileges of membership and shall be deemed to be in default.

ii) The Honorary Treasurer shall notify in writing any Member in default to settle any arrears within one (1) month from the date of notice.

iii) If at the end of the said period no response is forthcoming the Honorary Treasurer shall report the same to the Executive Committee, which shall then place the defaulting member on the list of defaulters.

iv) The Executive Committee or its authorised representative shall take appropriate steps to recover the arrears from the said defaulters.

CLAUSE 7 GENERAL MEETING

a) The supreme authority of the Association is vested in a general meeting of the members. At least one-half of the total voting membership of the Association or twice the total number of members of the Executive Committee, whichever is the lesser, must be present at a general meeting for its proceedings to be valid and constitute a quorum.

b) If one hour after the time appointed for the meeting a quorum is not present, the meeting shall be postponed to a date (not exceeding 30 days) to be decided by the Executive Committee; and if a quorum is not present an hour after the time appointed for the postponed meeting, the members present shall have the power to proceed with the business of the day but they shall not have power to alter the rules of the Association or make decision affecting the whole membership.

c) An annual general meeting of the Association shall be held as soon as possible after the close of each financial year but not later than June on a date and at a time and place to be decided by the Executive Committee. The business of the annual general meeting shall be:

i) To receive the Executive Committee's report on the working of the Association during the previous year;

ii) To receive the Honorary Treasurer's report and the audited accounts and the Auditor's report of the Association for the previous year;

iii) To elect an Executive Committee;

iv) To appoint an Auditor;

v) To deal with such matters as may be deemed fit by the general meeting.

vi) To receive the minutes of the previous Annual General Meeting.

d) The Honorary Secretary shall send to all members at least twenty-one (21) days before the meeting a notice stating the date, time and place of meeting and an agenda including copies of minutes and reports, together with the audited accounts of the Association for the previous year. Copies of the documents will also be made available at the registered place of business of the Association for the perusal of members.

e) An extraordinary general meeting of the Association shall be convened:-

i) Whenever the Executive Committee deems it desirable; or

ii) At the joint request in writing of 1/5 of the total voting members stating the objects and reasons for such meeting.

f) An extraordinary general meeting requisitioned by members shall be convened for a date within thirty (30) days of the receipt of such requisition.

g) Notice and agenda for an extraordinary general meeting shall be forwarded by the Honorary Secretary to all members at least fifteen days before the date fixed for the meeting.

h) Clauses 7(a) and 7(b) of these rules regarding the postponement of an annual general meeting shall also apply to an extraordinary general meeting, but with the proviso that if no quorum is present after half an hour from the time appointed for a postponed extraordinary general meeting requisitioned by the members, the meeting shall be cancelled, and no extraordinary general meeting shall be requisitioned for the same purpose until after lapse of at least six (6) months from the date hereof.

i) The Honorary Secretary shall forward to all members a copy of the draft minutes of each annual and extraordinary general meeting as soon as possible after its conclusion.

j) Proxy.

i) Votes may be given either personally or by proxy. Proxies (who shall be Members of the Association) shall be appointed in writing signed by the appointing member and shall be lodged at the designated place as notified by the Executive Committee at least one (1) day prior to the General Meeting.

ii) A Member present at a General Meeting is only permitted to act as a Proxy for up to two (2) other Members.

iii) For the avoidance of doubt, Proxies are not to be taken into account in the computation of the number of Members present at a General Meeting under Clauses 7 or 8.

CLAUSE 8 COMMITTEE

a) The Management of the affairs of MIPA shall be vested in an Executive Committee who shall be termed the office-bearers of the Association and shall consist of the following:

- i) A President
- ii) A Vice-President
- iii) An Honorary Secretary
- iv) An Honorary Treasurer
- v) Five (5) Ordinary Committee Members

b) The term of the Executive Committee shall be two (2) years (hereinafter referred to as the "Term") from the date they were first elected at the Annual General Meeting in an election year.

c) Each of the Principal office bearers, namely the President, Vice-President, Honorary Secretary, and Honorary Treasurer, shall be an Ordinary Member who is a natural person and a Malaysian citizen.

d) Each of the Ordinary Committee Members shall be an Ordinary Member who is a natural or legal person.

e) i) Nomination for all office bearers duly proposed and seconded by Ordinary Members shall be deposited in a nomination box (hereinafter referred to as "the Nomination Box") at the designated place as notified by the Executive Committee by 5pm, at least seven (7) days before the date of the Annual General Meeting (hereinafter referred to as "Closing Time").

ii) The Nomination Box shall be opened immediately upon Closing Time by two (2) Scrutineers who shall be Ordinary Members not standing for election and appointed by the Executive Committee. The Scrutineers shall then immediately issue their report.

iii) The Scrutineers' Report shall be sent by E-mail within one (1) day to all Members

iv) A Member may not be elected to and hold more than one office-bearer position in a term.

v) If a Member is nominated for more than one office-bearer position, and more than one of said positions is uncontested or there are other circumstances such that the nominated Member would be elected for more than one office-bearer position, the nominated Member must select which office-bearer position he intends to hold and communicate the same to the Executive Committee within three (3) days of the Scrutineers' Report.

vi) At the Annual General Meeting, if there is no Nomination for an office-bearer position, or the office-bearer elected is unable to accept the position, or the Nominations for a particular position are invalid or withdrawn, or there are other circumstances where an office-bearer position may not be filled, Members present

may decide to either call for Nominations again and adjourn the election of that office-bearer position to a later date, or where there is still sufficient quorum, propose Nominations for that office-bearer position from the Members present and proceed to vote by secret ballot.

f) The Executive Committee may fill any vacancy amongst its members in the event any of its members is unable to act in their elected capacity due to death, disability or any other reason. Such vacancy shall be filled in the following manner:

(i) The Executive Committee may appoint any of its members (including any co-opted members) to occupy the said vacant post provided that in the case the President's office is vacant, the Vice President shall occupy the President's office but should he refuse to do so the Executive Committee may appoint another of its members to occupy the President's office.

(ii) Any consequential vacancy in another post caused by any appointment under paragraph (i) above may likewise be filled by in the similar manner as provided in paragraph (i) above, provided that the Member does not hold more than one post at a time.

(iii) Any appointments under paragraphs (i) and/or (ii) above shall only be valid until the following Annual General Meeting.

(iv) Notwithstanding the provisions of paragraphs (i) to (iii) above the Executive Committee may (but is not obliged) at any time to convene an extraordinary general meeting of the Association to seek members' confirmation of the above appointments or to otherwise obtain a resolution of the members for the interim composition of the Executive Committee until the next election of the Executive Committee.

g) The Executive Committee may co-opt to the Executive Committee any Member provided that such member shall not be entitled to vote on any issue before the Executive Committee.

h) At the election year of the Annual General Meeting, the Executive Committee shall retire and shall be eligible for re-election but the Members who are President, Vice-President, Honorary Secretary and Honorary Treasurer shall not hold the same position for more than two consecutive terms and may only seek re-election for the same position after an absence of at least one term. Any vacancy in the Executive Committee filled for six (6) months or less in accordance with Clause 8(e) shall not be taken into account when computing the duration of the office held by an elected office bearer as aforesaid.

i) At all meetings of the Executive Committee, at least seven (7) days' notice shall be given and the quorum shall consist of no less than five (5) of its members present in person of which three (3) must be elected members of the Executive Committee.

j) The President or in his absence the Vice-President shall chair all the meetings of

the Executive Committee.

k) At all meetings of the Executive Committee each elected member shall have one (1) vote. In the event of a tie, the Chairman shall have a casting vote.

CLAUSE 9 DUTIES OF OFFICE BEARERS

a) The President shall during his term of office preside at all general meetings and all meetings of the Executive Committee and shall be responsible for the proper conduct of all such meetings. He shall have the casting vote and shall sign the minutes of each meeting at the time they are approved. The President, the Honorary Secretary and Honorary Treasurer, shall sign all cheques on behalf of the Association.

b) The Vice-President shall discharge the duties of the President at any time during the latter's absence.

c) The Honorary Secretary shall conduct the business of the Association in accordance with the rules, and shall carry out the instructions of the general meeting and of the Executive Committee. He shall be responsible for conducting all correspondence and keeping all books, documents and papers except the accounts and financial records. He shall attend all meetings and record the proceedings. He shall maintain a proper an up-to-date membership register of the Members consisting of details such as name, identity card number, date and place of birth, occupation, name and address of employer and residential address. He shall with the President and the Honorary Treasurer, sign all cheques on behalf of the Association.

d) The Honorary Treasurer shall be responsible for the finances of the Association. He shall keep accounts of all its financial transactions and shall be responsible for their correctness. He shall, with the President and Honorary Secretary sign all cheques on behalf of the Association.

e) The Ordinary Executive Committee Members shall carry out such duties as directed by the President or the Executive Committee.

CLAUSE 10 FINANCIAL PROVISION

a) Subject to the following provision in these rules, the funds of the Association may be expended for any purpose necessary for the carrying out of its objects, including the expenses of its administrations, the payment of salaries, allowances and expenses to its office-bearers and paid staff and the audit of its accounts, but they shall on no account be used to pay the fine of any Member who may be convicted in a court of law.

b) The Honorary Treasurer may hold a petty cash advance not exceeding Ringgit Malaysia Five Hundred (RM500/-) at any one time. All money in excess of this sum

shall within seven (7) days of receipt be deposited in a bank approved by the Executive Committee. The bank account or accounts shall be in the name of the Association.

c) All cheques or withdrawal notices on the Association's account shall be signed jointly by the President (or in his absence the Vice-President), the Honorary Secretary and the Honorary Treasurer. In the absence of the Honorary Secretary or the Honorary Treasurer, the Executive Committee shall appoint one of its members to sign in his place.

d) No expenditure exceeding Ringgit Malaysia One Thousand (RM1,000/-) at any one time shall be incurred without the prior sanction of the Executive Committee and no expenditure exceeding Ringgit Malaysia Twenty Five Thousand (RM25,000/-) at any one time shall be incurred without the prior sanction of a General Meeting. Expenditure less than Ringgit Malaysia One Thousand (RM1,000/-) at any one time may be approved by the President.

e) As soon as possible after the end of each financial year i.e. 31st December, a Statement of Receipts and Payments and a Balance Sheet for the year shall be prepared and audited by the Auditor appointed under Clause 11(a). The audited accounts shall be submitted for the approval of the next Annual General Meeting and copies shall be made available at the registered place of business of the Association for the perusal of Members.

f) The source of funds of MIPA shall be, inter alia:-

i) Entrance fees and Annual Membership fees as defined in Clause 6;

ii) donations, gifts, grants and subsidies;

iii) income from investments and any other source;

iv) income from proceeds from any activities undertaken by the Association.

g) The Executive Committee shall, with the approval of the members at a general meeting, be entitled to raise such levies of money from Members as the general meeting approves with the prior approval of the Registrar of Societies.

h) The Executive Committee shall hold the funds of the Association as trustees for the Members.

CLAUSE 11 AUDITORS

a) A registered firm of chartered accountants shall be appointed by the Annual General Meeting as Auditor. The Auditor shall hold office for one (1) year and may be re-appointed. In the event the Auditor's post becomes vacant at any time during the Term, the Executive Committee shall be empowered to appoint another firm of chartered accountants for the unexpired Term.

b) The Auditor shall be required to audit the accounts of the Association for the year and to prepare a report or certificate for the annual general meeting. The Auditor may also be required by the President to audit the accounts of the Association for any period within their tenure of office at any date, and to make a report to the Committee

CLAUSE 12 PROPERTY ADMINISTRATOR / TRUSTEES

n/a

CLAUSE 13 INTERPRETATION

n/a

CLAUSE 14 ADVISOR / PATRON

n/a

CLAUSE 15 PROHIBITION

n/a

CLAUSE 16 AMENDMENT OF CONSTITUTION

This Constitution may be amended by a resolution to that effect passed by two thirds (2/3) majority of Ordinary Members present at a General Meeting of the Association. Any amendment to the Constitution shall be forwarded to the Registrar of Societies within sixty (60) days of being passed by the General Meeting. Such alterations or amendments shall take effect from the date of the approval by the Registrar of Societies

CLAUSE 17 DISSOLUTION

Dissolution of the Association may only be decided by a General Meeting convened for that purpose at the request of at least two-thirds (2/3) of the Ordinary Members at that time. Dissolution shall take effect by a resolution passed by two-thirds (2/3) majority of Ordinary Members present at such General Meeting. In the event of dissolution, the assets and funds of the Association shall be donated to any organisation the General Meeting decides. Notice of dissolution shall be forwarded to the Registrar of Societies within fourteen (14) days of its dissolution.

CLAUSE 18 FLAG, LOGO AND BADGE

1. Flag

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Description
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2. Logo



Description
The Logo consists of the letters "MIPA" in blue colour.

3. Badge

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Description
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