

Bylaws of the Inter-American Association of Intellectual Property

Approved at the ASIPI General Meeting
at the Twentieth Congress held in Rio de Janeiro,
Brazil, on November 28, 2018



Asociación Interamericana de la Propiedad Intelectual
Inter-American Association of Intellectual Property
Associação Interamericana da Propriedade Intelectual



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Name and Purpose

Article 1.- ASIPI is the INTER-AMERICAN ASSOCIATION OF INTELLECTUAL PROPERTY. It is incorporated as a private-interest, non-profit association; it has its own legal status, independent from that of its associates, with sufficient legal capacity to accomplish its purposes. **ASIPI** has as its mission to promote and protect the collective interests of its active associates, by studying and disseminating Intellectual Property and developing and standardizing laws, regulations and procedures relating to Intellectual Property in American countries, and the improvement of the professional knowledge and practice of its associates.

Article 2.- The purpose of **ASIPI** is:

- a)** To group and represent the persons engaged in attending to matters of Intellectual Property in the country where they exercise, and any persons desirous of collaborating in the study, dissemination, development and perfection of Intellectual Property Law and the standardization of national rules in relation to such matter.
- b)** To promote in American countries the integration of Attorneys, Engineers, Intellectual Property Agents and other professionals involved with Intellectual Property so that, in their respective countries, they may pursue and achieve the purposes of **ASIPI**.
- c)** Defend Intellectual Property institutions and the dignity and functions of the professionals charged with their creation and safekeeping.
- d)** Collaborate with other entities pursuing the same objectives.
- e)** Aiding and encouraging the national governments of American countries and the authorities of the inter-governmental organizations to study draft

legal Intellectual Property provisions and address with them the necessary revisions to current systems, seeking their perfection and harmonization with those of other American countries.

- f)** Draft proposals to improve international affairs, and the agreements relating to Intellectual Property as may serve as rules to guide and regulate the protection of such rights in the affairs of American countries, both among each other and with the countries of other continents; oversee and endeavor for such protection to be effective in each country.
- g)** Adopt resolutions on the matters indicated in the preceding paragraph and, in general, on all those encompassed by its purpose.
- h)** Organize Congresses, Study Rounds and regular seminars, making recommendations and proposing solutions to the matters proposed by the associates, by other organizations and, in particular, by the governments of the American countries.
- i)** Promote professional practices of the highest ethical level to be observed by its associates.



Associates

Article 3.- There are four categories of associates, namely: a) active; b) affiliated; c) corporate; and, d) honorary.

- a)** Active, are the individuals that are permanently domiciled and legally authorized to practice Intellectual Property in the Americas.
- b)** Affiliated, are the individuals not meeting the requirements to be accepted as active associates, but that identify with and support the objectives of ASIPI.
- c)** Corporate, are legal entities identified with and supporting the objectives of ASIPI. This category does not include legal entities whose activity is to provide Intellectual Property related services.
- d)** Honorary, are the individuals that are distinguished by their accomplishments in the field of Intellectual Property and that ASIPI considers worthy of such distinction.

To be proposed as honorary chairman, an associate must have previously chaired ASIPI. Such proposal may solely be made following the lapsing of two ordinary periods following the Executive Committee chaired by the candidate to such distinction.

No member of the Executive Committee may be proposed as an honorary associate while in office or within the two ordinary periods immediately following their holding such office.

The appointment of honorary chairmen and associates must be proposed to the Executive Committee, which shall determine whether to bring it before the Congress, which shall make the appointment provided they obtain the favorable vote of 75% of the attending active associates.

The active associates appointed honorary chairmen or associates shall keep all the rights granted to the active associates.

Article 4.- The admittance of active, affiliated and corporate associates shall be decided by the Executive Committee, upon submitting to the Secretary a request for such admittance, sponsored by two active associates that are not members of the Executive Committee.

The Executive Committee, before deciding upon a request for admittance of a candidate as an active or affiliated associate, shall require a report from the national delegate in the country where they are permanently domiciled, if any, who in turn must have consulted with the relevant national associates.

The absence of a reply from the national delegate, within a term of fifteen days of the request for a report, shall be construed as a report favorable to the request for admission.

Upon the lapsing of the term for the delivery of the report by the National Delegate, the Executive Committee shall decide whether to grant or deny the request.

In the absence of a national delegate, the Executive Committee shall directly decide the admission.

The admission of corporate associates shall be decided directly by the Executive Committee. Once admitted as corporate associates, legal entities must appoint an individual to represent them before **ASIPI**, who must be approved by the Executive Committee. Anyone that has been turned down or expelled by **ASIPI** cannot qualify as representative of the corporate associate.

This process must also be conducted in the event that the individual representing the corporate associate were to withdraw or sever ties with the legal entity recognized as a corporate associate.

Should a request for admission of a candidate as an associate be denied, such person may by no means register, sign up, participate or attend any sort of event, proceeding or act organized by **ASIPI**. The Executive Committee has the authority to determine whether to admit candidates as **ASIPI** associates and whether or not to allow any individual involved with their organization or practice to register for its events.

The Secretary shall notify the applicant whether their request has been granted or denied.

Article 5.- The admission of associates, as decided by the Executive Committee, going against an unfavorable report by the national delegate, shall be subject to ratification by the Board of Directors at its next meeting.

Article 6.- The active, affiliated and corporate associates shall pay the annual and special dues established by the Board of Directors, as proposed by the Executive Committee.

Failure to pay the dues established by the Executive Committee, in accordance with these Bylaws, shall be grounds for waiver of the rights of the associate or for their exclusion.

Failure to pay two consecutive annual dues, upon requirement of their payment, at the end of the relevant calendar year, shall carry the automatic forfeiture of associate status.

An associate that has been excluded due to the failure to pay their annual dues may request their readmission, provided one year has lapsed from their exclusion, they pay their admission dues and any others as they may have owed.

The Executive Committee may in turn establish reduced dues for associates that are college students, or for young new associates of less than thirty years of age, until three years have lapsed from their having received their respective college degree.

The Executive Committee may reduce the payment of annual dues to the associates of state or international public law entities, or those engaged mainly in research and teaching.

It may also reduce the payment of dues by the individuals that have been active associates of **ASIPI** for at least thirty-five years and that have reached seventy years of age.

Article 7.- Only active **ASIPI** associates may be elected to hold offices on the Executive Committee and the Board of Directors of **ASIPI** and shall be entitled to vote at the meetings, provided they meet the other requirements established for each case. For the purposes of these Bylaws, it shall be deemed that honorary chairmen and associates, who at the time of their appointment were active associates of the association, shall have the same rights as active associates and, therefore, shall be entitled to vote and be elected.

Affiliated and corporate associates may attend Congress, Work Rounds and other similar meetings with the right to be heard but not vote, but cannot attend, unless invited, the meetings of the Board of Directors and the meetings called by the Executive Committee and the national delegate. Honorary associates that were not active associates at the time of their appointment shall have the same rights as affiliated associates.



Bodies, Governance, Officials and Languages

Chapter I Bodies

Article 8.- The **ASIPI** bodies are:

- a)** Congress;
- b)** The Board of Directors;
- c)** The Executive Committee;
- d)** The **ASIPI** Tribunal.

These Bylaws shall establish the make-up, rights and obligations of each.

Article 9.-

- a)** The quorum for any Congress shall be of thirty-five active associates, who must represent at least ten countries, excluding the host country and, at least, five members of the Executive Committee. This quorum shall apply except in cases where the dissolution of **ASIPI** is to be discussed, where the required quorum shall be of 75% of the active associates, at a Congress called for such purpose.
- b)** The quorum at the sessions of the Board of Directors shall be five national delegates of different countries plus at least five members of the Executive Committee.
- c)** For meetings of the Executive Committee to be held, at least five members must be present.
- d)** No proxy voting shall be allowed at meetings of Congress, of the Board of Directors or of the Executive Committee, or to establish quorum. Proxy voting shall also not be admitted for the election of national delegates.

Except as otherwise provided in these Bylaws, any matters submitted to Congress, to the Board of Directors or to the Executive Committee, shall be resolved by a majority of votes of the active associates in attendance.

Chapter II

Congress and Reform of Bylaws

Article 10.- The highest authority of **ASIPI** is its Congress, which shall be invested with full powers, including that of amendment of its Bylaws, and those implicit and not specified therein.

Congress shall meet at ordinary sessions every three (3) years, within the relevant calendar year, in accordance with the decision by the Board of Directors. The Board of Directors may call Extraordinary Congresses, when so deemed convenient, to address matters not reserved to Ordinary Congresses.

Article 11.- These Bylaws may be amended by any Congress called for such purpose and with the vote of 75% of the active associates in attendance, provided the quorum referenced in Article 9 a) has been met.

To accord the dissolution of **ASIPI**, the votes of 75% of all active associates in attendance at a Congress called specifically for such purpose shall be required.

Chapter III

Board of Directors

Paragraph I

General rules

Article 12.- The Board of Directors shall be formed by the Executive Committee and the national delegates. Such delegates shall be equal in number to the American countries where there were at least five active **ASIPI** associates. The calls to meetings of the Board of Directors shall be made by the Executive Committee. By no means may there be two or more members of the Board of Directors belonging to the same organization, study or office, even if located in different countries.

The Board of Directors shall meet at least once per year and also immediately following the holding of the Congress. It may also meet when called by the Chairman of the Executive Committee.

Article 13.- During the period between ordinary sessions of Congress, the Board of Directors shall be invested with all powers, except that to suspend, go against or revoke an agreement by Congress, or to alter or modify these Bylaws. It is nonetheless charged with the provisional interpretation of the latter, rendering accounts at the next meeting of Congress. The Board of Directors shall be expressly authorized to issue all necessary regulations to apply and carry out these Bylaws.

Paragraph II **Agreements reached using** **Technological Mediums**

Article 14.- The Board of Directors, under the responsibility of its Chairman and Secretary, may discuss subjects and reach agreements by a majority of votes of its members through communications, by facsimile, email or any other technological medium equivalent in nature, provided there are minutes evidencing what was discussed, the main participations by the members, of their been having consulted; of the opinions provided, and certifying that the participants were in permanent communication.

Paragraph III **Organization of Congress** **and other meetings**

Article 15.- The Board of Directors, at least one (1) year in advance, shall establish the date and place of the meeting of Congress and approve its agenda six (6) months in advance, to be distributed at least three (3) months ahead of the date Congress is to meet. Likewise, at least 6 months in advance, it shall set the date and place of the Work Rounds of the Association and at least 3 months in advance, their agenda, to be distributed at least 2 months ahead of the date on which such Rounds are to start.

Paragraph IV **Work rounds and seminars**

Article 16.- All associates may propose matters to be discussed by Congress and other meetings or Rounds of the Association, but the Board of Directors, or failing which, the Executive Committee, shall determine what proposals are to be considered on the Agenda. No proposal shall be considered unless received by the Board of Directors at least two (2) months prior to the respective meeting. Exceptionally, issues not proposed on the Agenda and the Program may be submitted before the **ASIPI** Congress by resolution of the Executive Committee, which shall require the approval of the Board of Directors. The proposed issues not included on the Agenda or in the Program by the Board of Directors may be submitted to Congress with the support of at least ten (10) active associates in attendance at such Congress, to be included as a new item on the Agenda and its Program.

Paragraph V **National delegates: functions, appointment and removal of national delegates**

Article 17.- The active associates of American countries must choose from among the active associates a principal national delegate and an alternate delegate, within thirty days before the election of the **ASIPI** Executive Committee, communicating the result of such election immediately to the Secretary. The delegates shall assume office at the end of the Congress where such Executive Committee is elected. Should such election not be conducted within the term in question, the Executive Committee must choose and appoint from among the active associates of the referred country, the principal delegate and the alternate delegate, which shall be done, at latest, during their first annual meeting. The alternate national delegates may participate along with the principal national delegates at the meetings of the Board of Directors, but there shall only be one vote per country, with the exception of the votes of the members of the Executive Committee, which shall have full suffrage rights.

To be a national delegate it shall be necessary to have been an active associate of **ASIPI** for at least three consecutive years, be up to date with the payment of dues and have an ongoing relation with the Association. These requirements

shall not be applicable in countries where a delegate is appointed for the first time.

The term of the national delegates shall be the same as that of the members of the Executive Committee of **ASIPI**. Such national delegates may be replaced by majority decision taken by the active associates of such country.

The Principal and Alternate delegates cannot be members of the same Firm located in the same country. In the event that this were to take place over the course of the term for which they were elected, one of the two must resign their office, in which case the Executive Committee shall appoint an alternate delegate to finish the relevant term.

National delegates cannot be reelected for more than two consecutive terms.

National delegates shall be required to:

- a)** Inform the Executive Committee every year of any change in address and other necessary information pertaining to any associate in their country, upon verification thereof.
- b)** Serve as coordinators between the associates of their country and the Executive Committee and the Board of Directors.
- c)** Collaborate with the Executive Committee in the distribution of **ASIPI** material among the associates of their country and in the collection of dues, in the cases where they are expressly required to do so.
- d)** Attend the meetings of the Board of Directors and comply with any tasks as they may be commissioned.
- e)** Remain up to date with the payment of their dues.

In the event of the resignation by any of the national delegates, the Executive Committee must choose and appoint a new delegate from among the active associates of such country, by its first annual meeting, at latest.

In the event that the national delegates were not to duly perform their duties, the Executive Committee may remove them from office, appointing interim delegates, which shall immediately assume office. The removed delegates may appeal the decision to remove them to the Board of Directors within fifteen days of their being notified.

Should the Board of Directors, at its next meeting, ratify the decision by the Executive Committee by simple majority, the interim delegates shall become full delegates.

The Executive Committee may issue Regulations stating the manner in which the national delegates are to be elected in each country.

Chapter IV **Executive Committee**

Paragraph I **General rules**

Article 18.- The Executive Committee shall be formed by:

The **ASIPI** Chairman, two Vice-Chairmen, one Secretary, one Treasurer, three Directors and the last outgoing Chairman.

No two members of the Executive Committee may be domiciled in the same country.

The members of the Executive Committee must be active associates of **ASI-PI** and shall remain in their offices during three years. They may be reelected, with the exception of the Chairman, who cannot be reelected to such office for the term immediately thereafter.

The member of the Executive Committee then in office shall nonetheless continue to execute their offices until succeeded by those elected to replace them.

Paragraph II **Functions of the Executive Committee**

Article 19.- The **ASIPI** official policy shall be established by the Executive Committee.

Article 20.- The Executive Committee shall take all the necessary actions for the objectives of **ASIPI** to be achieved and shall represent **ASIPI** in all matters that the Bylaws do not expressly reserve to Congress. It shall strive for the enforcement of the agreements of Congress and of the Board of Directors and shall further be charged with the administration of the financial resources, shall authorize and supervise the spending and the performance of the budget approved by the Board of Directors.

The Executive Committee shall establish the legal domicile of the Association, and its own, and shall have the authority to set special domiciles for specific purposes.

Paragraph III

Meetings of the Executive Committee

Article 21.- The Executive Committee shall meet at least once per year. One of its meetings must be held immediately after the date set for the meeting by Congress, at the same location thereof. Calls to meetings of the Executive Committee shall be made by the Chairman and the Secretary.

Article 22.- The Executive Committee may appoint Associates to serve as their representatives in certain countries or regions, including countries outside of the territory of the Americas, where **ASIPI** needs to be present.

These representatives shall be appointed by the majority of the Executive Committee establishing, in each case, their specific duties, which may be temporary or indefinite. The tenure of such members shall last for such time as indicated by the Executive Committee and they may be freely removed thereby in advance.

The national and regional representatives of the Executive Committee shall form part of the Board of Directors of **ASIPI**, solely being entitled to be heard. The function of such representatives shall at all times end upon the lapsing of the term of the Executive Committee appointing them.

The offices of Representative of the Executive Committee and National Delegate shall not be mutually exclusive.

Paragraph IV

Election of the Executive Committee

Article 23.- The election of the Executive Committee shall be made from the lists of active associates proposed and during the holding of each Congress, provided the list or lists meet the requirements established in this article. No individual candidacies or incomplete lists shall be accepted. Lists not meeting the requirements established in this article shall not be accepted and shall be returned to the proponent or proponents.

The election shall be made by a majority of votes from among the active associates in attendance in accordance with these Bylaws and shall be subject to the following provisions:

a) The lists must include the names and nationalities of active associates who

are up to date with the payment of their dues, as applicable, proposed to hold each and every office on the Executive Committee, identifying the office that each of them is to occupy.

- b)** The lists must be signed by the individuals proposed therein to occupy the offices on the Executive Committee and such individuals must have a trajectory that could guarantee compliance with these Bylaws.
- c)** The lists with the proposals for candidates to hold the relevant offices on the Executive Committee must be submitted to the **ASIPI** Chairman within the five months prior to the date of inauguration of the Congress whereat the election is to take place, with no possibility of extensions. No proposal whatsoever received after such term shall be admitted for any reason or on any grounds.
- d)** The Secretary of **ASIPI** shall verify that the list or lists received meet the requirements of the Bylaws and that they are distributed among the members at least three months prior to the date of holding of the Congress. Only active associates that are up to date with the payment of their dues, as applicable, shall be entitled to vote.
- e)** The election shall be presided over by the Chairman. The Secretary, with the collaboration of the Treasurer, shall determine the active associates entitled to vote and to be elected. To do so, the Secretary and the Treasurer may seek assistance from whomever they deem necessary. Any clarification in terms of the capacity of an associate with voting rights shall be resolved by the Executive Committee and their resolution shall be final and unappealable.

The receipt of votes to elect the members of the Executive Committee shall take place during the holding of the Congress, at the place and time indicated in its program. It shall be directed by the Chairman and two scrutineers appointed by the Executive Committee from among the active associates and with the assistance of the Secretary and Treasurer for the purposes of accrediting the capacity of associates entitled to vote from among the voters. The latter, where necessary, must certify their identity through an official document, classified as such by the Chairman.

- f)** Associates entitled to vote that are in attendance at the Congress must vote directly and personally. No proxy voting shall be permitted. Voting shall be conducted in secrecy.

- g)** The Secretary and the scrutineers shall tally the votes, the results of which shall be made known by the Chairman of the Executive Committee, who shall announce the winning list and its members.
- h)** In case of tie between two or more voting lists, a new vote shall be made from among the lists with the most votes representing first majorities, proceeding likewise until an election is made.
- i)** In the event that a single list of candidates was to be presented, it will be chosen automatically and the Chairman of the Executive Committee will announce the members of the list. In such case, should any active associate entitled to vote wish to attest to their abstinence, the Secretary shall so notify in the respective minutes.

Paragraph V **Ranking order**

Article 24.- The ranking order on the Executive Committee shall be as follows:

- a)** Chairman
- b)** 1st Vice Chairman
- c)** 2nd Vice Chairman
- d)** Secretary
- e)** Treasurer
- f)** 1st Director
- g)** 2nd Director
- h)** 3rd Director

In case of any impediment or temporary absence of whomever occupies an office, they shall be replaced, for the duration of the impediment, by the member of the Executive Committee holding the next position in the ranking order, except in case of a special agreement by the Executive Committee for special and specific cases.

In case of a permanent absence, for any reason, of any member of the Executive Committee, it shall be covered from among the active associates at the discretion of the Executive Committee, except if the absence were of the Chairman, in which case it shall be covered as established in this article.

Paragraph VI Chairmanship

Article 25.- The **ASIPI** Chairman shall chair the meetings of Congress, of the Board of Directors and of the Executive Committee and shall represent **ASIPI** before all governments, national and international public entities, congresses or meetings and, in general, before any individual or legal entity. In case of a tie in the votes by Congress, the Board of Directors or the Executive Committee, the Chairman shall have a casting vote, except in the case of elections, where the provisions of Article 23 shall apply. The Chairman shall be the legal representative of **ASIPI**. In agreement with the Executive Committee, it may delegate to another associate such official representation for specific matters.

Paragraph VII Secretary

Article 26.- The Secretary shall be the implementer of the agreements and instructions of the Board of Directors and of the Executive Committee.

The Secretary shall have custody of the **ASIPI** stamp and of its official records and shall certify the official documents of **ASIPI**, in its capacity as Certifying Officer of the Association.

The Secretary shall act as Secretary of the Board of Directors.

The Secretary shall keep the Minute Books for the sessions of Congress, the Board of Directors and the Executive Committee and shall make available to any **ASIPI** member as may request the minutes to the sessions of Congress and of the Board of Directors.

After each session of the **ASIPI** bodies and as soon as possible, the Secretary shall provide each member of the Executive Committee with a written copy of the Minutes to such sessions.

The Secretary shall also be charged with:

- a)** Receiving the complaints, claims or requirements to be heard by the **ASIPI** Tribunal.
- b)** Issuing the calls to Congress, the Board of Directors and the Executive Committee.

- c) Keeping the correspondence of **ASIPI**.
- d) Preparing an annual report on the administrative activities.
- e) Safeguarding, at its own responsibility, the Minute Books, Bylaws, the **ASIPI** Code of Ethics and its official documents, including those kept in electronic mediums or any other technological or equivalent medium.
- f) Any other obligations inherent in its office, or assigned by the Board of Directors or the Executive Committee or by these Bylaws.
- g) Immediately delivering, upon ceasing functions, to whomever succeeds it or to whomever it corresponds, or to the Permanent Office, the official books and documents of **ASIPI**, to whose custody they have been committed.
- h) Choosing by drawing the **ASIPI** Tribunal Members that are to hear a given case in chamber, in accordance with Article 32.

Paragraph VIII **Treasury**

Article 27.- The Treasurer shall exercise the functions inherent in its office.

It shall specifically be charged with the following:

- a) Collecting the dues.
- b) Keeping and safeguarding the cash funds and other assets of **ASIPI**.
- c) Preparing, before each session of the Board of Directors, of the Executive Committee and of the Annual General Congress, a written report on the contributions and disbursements incurred for its respective approval.
- d) Preparing, within thirty (30) days of the closing of each fiscal year, financial statements, to be distributed for approval to the members of the Executive Committee.
- e) Delivering to the members of the Executive Committee a draft budget for the year starting, estimating the income from the payment of social dues or others and expenditures, with a breakdown of its items.
- f) Presenting a written report to the Executive Committee, regarding the performance of the budget of the previous year, a copy of which shall be sent to the Secretary for its timely distribution among the associates.
- g) Presenting to Congress, for approval, the relevant financial statements.

Paragraph IX Directors

Article 28.- The directors shall be entitled to be heard and to vote on the matters charged to the Executive Committee and, where applicable, to the Board of Directors.

Paragraph X Committees

Article 29.- The Executive Committee may appoint work committees to aid it in the performance of its duties, with the authority to designate its members and issue the operational regulations of such committees.

The Chairmen of the committees shall be appointed by the Executive Committee.

All associates may ask to form part of the committees that they wish, which they shall do through the Secretary of **ASIPI**.

All committees shall be formed by at least three members, including their Chairman, and may consist of any number of members as is appropriate for their proper operation.



Chapter V **ASIPI Tribunal**

Article 30.- There shall be an **ASIPI** Tribunal charged with hearing, investigating, deciding and correcting any breach of these Bylaws, the Regulations of the Association, the Code of Professional Ethics of the Association, threats to the good image of **ASIPI** and the breach of any other binding rule of **ASIPI**, the hearing of which is not charged to another **ASIPI** body.

Article 31.- The **ASIPI** Tribunal shall be formed by a plural number of members of various nationalities, designated by the Board of Directors, at the proposal of the Executive Committee, and the number of which shall be defined in the Rules of Procedure of the Tribunal referenced in Article 35 of the **ASIPI** Bylaws.

If a chamber cannot be set up or function at any instance for a particular event with the minimum number of members indicated in these Bylaws or the Rules of Procedure of the **ASIPI** Tribunal, as applicable, due to ineligibility or temporary impediment, one or more interim judges shall be appointed, as necessary, in the manner established in paragraph one of this article. Such judges shall form part of the Tribunal or the respective chamber solely during the course of the relevant case, maintaining the status of judges over the term of duration of the case for which they were appointed. The appointment of such interim judges shall be made following the same procedure established for the members of the Tribunal, as provided in this article and in accordance with the provisions of the Rules of Procedure of the **ASIPI** Tribunal.

Both the permanent members of the Tribunal and the interim judges shall be designated from among the active associates that are attorneys and have had an active participation in **ASIPI**; that have belonged to it for over fifteen years; that maintain an ongoing and permanent relation therewith; that have proven an impeccable ethical behavior and are of renowned professional solvency. The members of the Executive Committee in office cannot be members of the Tribunal.

The Tribunal shall have a Chairman, which shall be elected by majority vote of its members and shall remain in office for the entire effective term of the Tribunal. The interim judges cannot be elected Chairmen of the Tribunal or of the Chamber and may solely vote for the election of the Chairman of the

Chamber of which they are members. In the case of the resignation or disqualification of permanent or interim judges, these must be replaced immediately by means of a new designation as indicated in Article 32 of these Bylaws.

The Board of Directors, at the request of the Executive Committee, shall appoint a Secretary of the Tribunal, which must be an active associate and have the same qualifications as the members of the Tribunal, but only will be required to have been a member of **ASIPI** for over seven years.

Article 32.- At first instance, the Tribunal shall hear and find on the matters submitted for its consideration by a Chamber of three of its members, chosen by drawing by the Secretary of **ASIPI**. The Chairman of this Chamber shall be appointed by a majority of its members and shall remain in office for the duration of the case submitted for its consideration.

Motions of appeal shall be heard by the Tribunal en banc, excluding those deciding the case at first instance, or those that have been found temporarily ineligible or disqualified, at all times respecting the minimum number of members established in the following paragraph of this Article. The Tribunal en banc shall be led by the Chairman of the Tribunal. When the Chairman of the Tribunal has been a member of the Chamber that heard the procedure at first instance, or is subject to any grounds for ineligibility or disqualification established in the Rules of Procedure of the Tribunal, the members that will hear the appeal shall choose a Chairman for the procedure from among the members of the appellate Chamber that have no impediment to hold such office.

The appellate Chamber must meet and decide with at least three (3) judges, regardless of the number of temporarily ineligible or disqualified members. Should the total number of members of the Tribunal eligible to hear the appeal not reach the minimum required under this article, interim judges shall be appointed, as established in the second paragraph of Article 31 of these Bylaws.

In case of tie in the vote for any reason, the vote shall be decided by whomever is chairing the Appellate Chamber.

Article 33.- The Secretary and the members of the Tribunal shall remain in office for the term corresponding to the Executive Committee during which they were designated.

In any case, the principal and interim members of the Tribunal shall keep their authorities following the lapsing of the term of their office as regards the issues submitted for their consideration at the time such term lapses.

Article 34.- Unless another penalty or sanction is especially established in the By-laws, the Code of Professional Ethics, the Rules and other special **ASIPI** norms applicable to the matter being heard, the Tribunal may impose the following penalties, in accordance with the severity of the issue and the prior behavior of the party responsible:

- a)** Private admonishment;
- b)** Public admonishment;
- c)** Suspension of the rights of the guilty associate for a term of between six (6) months and three (3) years;
- d)** Expulsion of the **ASIPI** associate.

For the penalties established in letters a), b) and c) of this Article, the punished party may be removed from the office they occupy in the Association.

An associate expelled from the Association cannot by any means register, sign up, participate or attend any type of event, proceeding or act organized by **ASIPI**. At the request of the Executive Committee, the **ASIPI** Tribunal may determine to expel from **ASIPI** associate status anyone related to the organization or practice of the expelled party.

Article 35.- The Board of Directors shall issue a regulation establishing the rules of procedure of the **ASIPI** Tribunal, notwithstanding the fact that such Tribunal, en banc, may issue internal agreements on the issue, which shall be subject to ratification by the Board of Directors in order to be fully effective.



General Provisions

Chapter I Languages, Term and Equity

Article 36.- The official languages of **ASIPI** are Spanish, English, Portuguese and French.

Article 37.- **ASIPI** shall have an indefinite term and may solely be terminated by a Special Congress, as provided by Articles 9 and 11 of these Bylaws.

Article 38.- The equity of **ASIPI** shall consist of the series of goods it acquires by any means or that it receives by donation. Such equity shall consist of assets of any nature that it has acquired or is to acquire in the future.

Article 39.- In case of termination of **ASIPI**, the goods left over after meeting all the legal provisions relating to the administration and disposal of all goods held in trust by or for **ASIPI** and after performing the acts necessary to adjust and settle the outstanding business or issues, shall be pooled together and donated to one or more non-governmental organizations, the purposes of which are related to Intellectual Property, and that are also not for profit.

No person shall have any right, title or interest in any remaining goods of **ASIPI**. No donation of goods shall be made to any organization whose income, even if in part, are for the benefit of any individual associate; nor shall they be donated to any organization whose activities are directed to propaganda and that in any way seek to influence legislation or participate or are involved in any political campaign for candidates to public offices.

Transitory Articles

Transitory Article 1.- These Bylaws shall enter into force on the date of their approval by Congress and shall supersede the previous Bylaws.

Transitory Article 2.- Special power of attorney is granted to those that are at the time the acting Chairman and Secretary of **ASIPI**, so that they may jointly take and perform all steps, procedures and actions as are necessary for the approval of these Bylaws before the relevant government authorities.

The attorneys in fact are authorized to make the formal changes that are necessary to the text of these Bylaws, as required by the governing Law or authority. The attorneys in fact are further authorized to delegate this mandate to any other active associate or associates of **ASIPI**, with the prior approval from the Executive Committee.

Should the Chairman or the Secretary delegate their authorities as granted by this Article, those receiving such delegation must conform their actions precisely to what is established by the Chairman and the Secretary, who must grant written authorization in advance to any formal change to the Bylaws.





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