

German Association for the Protection of Intellectual Property

Statutes

as amended on 25 September 2009

Section I

Name, Domicile, Object, and Financial Year

§ 1

"Deutsche Vereinigung für gewerblichen Rechtsschutz und Urheberrecht" (German Association for the Protection of Intellectual Property) has its registered office in Berlin. The Association is recorded in the Register of Associations. The "Gesamtvorstand" (General Council) has the right to establish a second registered office.

§ 2

(1) The object of the Association is to promote scientific education and further development of the protection of industrial property and copyright, including competition law.

(2) The Association will exclusively and directly pursue non-profit making and scientific purposes in accordance with the section of the German "Abgabenordnung" (Tax Code) dealing with "steuerbegünstigte Zwecke" (purposes entitled to tax relief).

§ 3

(1) The Association shall have the following objectives:

- a) Discussion and handling of industrial property and copyright issues in committees, assemblies, seminars and scientific publications;
- b) Support for the legislature and for administrative agencies with regard to industrial property and copyright issues;
- c) Cooperation with associations pursuing common objectives.

(2) The Association is non-profit making and does not favor any financial interest for itself.

(3) The funds of the Association may only be used for the objectives stated in these Statutes. No individual may benefit from these funds through expenditure which is contrary to the Association's objectives or through disproportionately high remuneration.

§ 4

The financial year shall be the calendar year.

Section II

Members

§ 5

(1) Membership shall be open to individuals, enterprises, agencies, associations, professional guilds and other entities. Corporate members can be represented by individuals when being affiliated to or working with the Association's bodies and committees, and when participating in the Association's events. This individual has to be nominated in the membership application. For involvement and participation of further individuals

belonging to the corporate body, the respective individuals have to be admitted as members.

(2) The "Geschäftsführender Ausschuss" (Executive Committee) shall decide upon the admission of a member. If the residence or registered office of the member-to-be is within the region of one of the "Bezirksgruppen" (Regional Groups) (§ 10), this "Bezirksgruppe" (Regional Group) shall be heard beforehand.

(3) If the "Geschäftsführender Ausschuss" (Executive Committee) rejects the membership application, the applicant will be notified by registered letter. The applicant will have the right to complain to the "Gesamtvorstand" (General Council) within one month, starting at the time of mailing the registered letter.

§ 6

Each member must pay an annual subscription which is fixed by the "Hauptversammlung" (General Assembly).

§ 7

Membership will end:

- a) Upon cancellation of the membership with effect from the end of the financial year. A written notice of the cancellation of the membership must be given to the "Geschäftsführender Ausschuss" (Executive Committee) at least one month in advance;
- b) Upon expulsion by the "Gesamtvorstand" (General Council) after the member has been heard by the "Gesamtvorstand" (General Council). A member may be expelled for serious breach of his duties towards the Association or for seriously disrespecting the Association;
- c) Upon expulsion at the end of the financial year if the member has not paid the annual subscription in spite of a warning including a notice of expulsion.

§ 8

(1) Upon petition of the "Gesamtvorstand" (General Council) the "Hauptversammlung" (General Assembly) may confer Honorary Membership upon persons who have rendered outstanding services in the field of the Association's interest and objectives.

(2) Honorary Members shall be entitled to be admitted to the meetings of the "Gesamtvorstand" (General Council).

Section III

Composition of the Association

§ 9

(1) The Association shall be composed of the following bodies:

- a) The General Council - the "Gesamtvorstand" - composed of no fewer than twelve and no more than thirty-six members elected by the "Hauptversammlung" (General Assembly) as well as two delegates from each "Bezirksgruppe" (Regional

Group) and the Chairpersons of the central "Fachausschüsse" (Special Committees).

b) The Executive Committee - the "Geschäftsführender Ausschuss" - composed of the President of the Association, three Vice Presidents, the General Secretary and optionally a Vice General Secretary, the Treasurer and up to six Associates.

c) The General Assembly - the "Hauptversammlung".

(2) The President and the Vice Presidents are the legal representatives of the Association according to section 26 of the German Civil Code [Bürgerliches Gesetzbuch (BGB)]. Each of them has full power of representation.

§ 10

(1) The Association has "Bezirksgruppen" (Regional Groups), which are set up by and whose territory is defined by the "Gesamtvorstand" (General Council).

(2) The membership of a member to a "Bezirksgruppe" (Regional Group) shall be determined by the member's residence or registered office; members with residence or registered office outside the area of the "Bezirksgruppen" (Regional Groups) belong to the "Bezirksgruppe" (Regional Group) in which the Association has its registered office.

3) Each member has the right to join another "Bezirksgruppe" (Regional Group) instead of the one envisaged for him/her.

§ 11

(1) Each "Bezirksgruppe" (Regional Group) shall establish procedural rules, which must be approved by the "Gesamtvorstand" (General Council).

(2) The procedural rules shall include rules for the election of a Chairperson and for the election of representatives to the "Gesamtvorstand" (General Council); these agents shall be elected by a general assembly of all members of the "Bezirksgruppe" (Regional Group).

(3) The "Bezirksgruppen" (Regional Groups) have the responsibility for managing all funds made available by the "Geschäftsführender Ausschuss" (Executive Committee) for Association purposes; the "Bezirksgruppen" (Regional Groups) are accountable for their funds to the Treasurer of the Association.

(4) The "Bezirksgruppen" (Regional Groups) may set up special committees for matters within the Association's working programme.

§ 12

The "Gesamtvorstand" (General Council) elects the "Geschäftsführender Ausschuss" (Executive Committee) from their midst; the "Gesamtvorstand" (General Council) decides upon the distribution of positions.

§ 13

(1) Each year, one third of the members of the "Gesamtvorstand" (General Council) elected by the "Hauptversammlung" (General Assembly) retire from their post; which third is determined by term of office, and in case of equal terms of office by drawing lots; in

calculating the third of members any fraction shall be rounded to one whole.

(2) If a representative of a "Bezirksgruppe" (Regional Group) retires before the end of the representative's term; or if the representative becomes a member of the "Geschäftsführender Ausschuss" (Executive Committee), the "Bezirksgruppe" (Regional Group) shall send another representative.

§ 14

(1) The "Gesamtvorstand" (General Council) shall direct the Association on the basis of principles set up by the "Hauptversammlung" (General Assembly); the "Gesamtvorstand" (General Council) shall determine the positions taken in statements of the Association on legal and legislative issues.

(2) The President and the General Secretary shall be jointly competent for communicating the statements to the outside world.

(3) The "Gesamtvorstand" (General Council) shall constitute a quorum if it has been convened in proper form; it shall have been convened in proper form if an invitation for the members including an agenda has been mailed at least fourteen days before the gathering; the "Gesamtvorstand" (General Council) shall adopt resolutions by simple majority.

§ 15

The "Geschäftsführender Ausschuss" (Executive Committee) shall direct the Association's general affairs. The "Geschäftsführender Ausschuss" (Executive Committee) shall prepare the resolutions of the "Gesamtvorstand" (General Council) and the "Hauptversammlung" (General Assembly) and take care of their implementation.

§ 16

The President shall preside at the meetings of the Association, the "Gesamtvorstand" (General Council) and the "Geschäftsführender Ausschuss" (Executive Committee). If the President is not present, one of the Vice Presidents or the oldest member of the "Hauptversammlung" (General Council) present in the meeting shall take the chair in place of the President.

§ 17

(1) The Treasurer shall collect the membership dues, manage the Association's assets and report annually to the "Hauptversammlung" (General Assembly); the reports comprise a statement of account for the current year and a preliminary estimate for the following year. The preliminary estimate for the following year must have prior authorization by the "Geschäftsführender Ausschuss" (Executive Committee).

(2) Any profits made shall only be spent in furtherance of the Association's objectives. None of the members shall receive a share of the profits; none of the members shall receive any payment with respect to his or her membership. The same shall apply in case of a member's withdrawal or retirement.

(3) Administrative expenses which do not serve to further the Association's objectives and any disproportionate expenses may not be approved.

§ 18

(1) Statements of the Association on legal and legislative issues shall be prepared by the Association's central "Fachausschüsse" (Special Committees); the representatives of these committees shall be appointed by the "Gesamtvorstand" (General Council) for a three-year-term each time.

(2) The "Fachausschüsse" (Special Committees) shall elect a Chairperson and a deputy from their midst.

§ 19

(1) The Association shall organize annual meetings of the "Hauptversammlung" (General Assembly), whose time and place shall be determined by the "Geschäftsführender Ausschuss" (Executive Committee). In urgent cases, the "Geschäftsführender Ausschuss" (Executive Committee) may convene an "außerordentliche Hauptversammlung" (Extraordinary General Assembly). Upon a motion by 30 members, an "außerordentliche Hauptversammlung" (Extraordinary General Assembly) must be convened within one month.

(2) If urgent matters make it impossible to hold the "Hauptversammlung" (General Assembly), the "Geschäftsführender Ausschuss" (Executive Committee) shall have the power to relocate or postpone the meeting. In case of a postponement all terms of office shall be extended until the meeting of the "Hauptversammlung" (General Assembly) actually takes place.

§ 20

Each member shall have one vote at any of the Association's meetings. Each member may transfer his or her vote to another member by a written power of attorney; before the meeting takes place, any power of attorney shall be presented to the Chairperson for verification.

§ 21

The "Hauptversammlung" (General Assembly) has the following duties:

- a) Approval of the Annual Report;
- b) Approval of the Annual Financial Report by the Treasurer on the basis of the report delivered by the Auditors elected at the previous meeting (see under g) below);
- c) Formal approval of the actions of the "Gesamtvorstand" (General Council);
- d) Approval of the preliminary estimate for the following year;
- e) Determination of the membership subscriptions;
- f) Election of the members of the "Gesamtvorstand" (General Council); the election may be carried out by block vote, more detailed provisions are set forth in the election regulation;
- g) Election of two Auditors;

h) Decision-making on proposals made by the "Gesamtvorstand" (General Council); by the "Geschäftsführender Ausschuss" (Executive Committee) and the members.

§ 22

(1) The "Hauptversammlung" (General Assembly) shall constitute a quorum if it has been convened in proper form.

(2) The invitation to attend a "Hauptversammlung" (General Assembly) shall be made by written notice containing the agenda fourteen days before the meeting. Timely mailing of the invitation shall be authoritative in determining whether this requirement has been met.

(3) Motions by members shall be submitted in written form to the "Geschäftsführender Ausschuss" (Executive Committee) at least one week before the "Hauptversammlung" (General Assembly). Motions submitted after this deadline shall be presented to the "Hauptversammlung" (General Assembly) for consideration and the passing of a resolution if a majority of three quarters of the "Hauptversammlung" (General Assembly) consider the matter to be urgent.

§ 23

Decisions of the "Hauptversammlung" (General Assembly) shall be made by simple majority of all present and represented members unless these statutes specify another majority.

§ 24

The General Secretary shall record the resolutions of the "Hauptversammlung" (General Assembly) in the minutes; if the General Secretary is not present, a person elected by the "Hauptversammlung" (General Assembly) shall take over the recording; the minutes shall be countersigned by the Chairperson and the person having taken down the minutes.

Section IV

Amendments to the statutes and dissolution of the Association

§ 25

Amendments to the statutes shall be proposed to the members of the Association in writing with the invitation to the "Hauptversammlung" (General Assembly). A majority of three quarters of the present and represented members of the Association shall be required to adopt such an amendment.

§ 26

Any proposal to dissolve the Association shall be introduced to the members of the Association at least three months before the General Assembly by registered letter. Dissolution shall require a majority vote of three quarters of the members of the Association present and represented.

§ 27

In case of dissolution of the Association or in case of the cessation of the Association's previous purpose, all assets of the Association shall be passed over to Max-Planck-Gesellschaft; Max-Planck-Gesellschaft shall use such funds exclusively and directly for non-profit purposes.

§ 28

Once a resolution to dissolve the Association has been adopted, the "Gesamtvorstand" (General Council) shall remain in office until all assets have been liquidated.

§ 29

Resolutions with regard to amendments of the Association's purpose and with regard to amendments of the appropriation of financial means shall be presented to the responsible tax authority. In case of any objection by the tax authority with regard to the non-profit making requirement, the resolution in question shall be discussed again in the "Hauptversammlung" (General Assembly).

Election Regulation

§ 1

Election proposals and election management

(1) Election proposals may be made
a. by the "Geschäftsführender Ausschuss" (Executive Committee)

b. by the members

(2) Election proposals by the "Geschäftsführender Ausschuss" (Executive Committee) and any proposals already presented by members shall be notified with the invitation to the "Hauptversammlung" (General Assembly). Election proposals by the members must be submitted in writing to the business office of the Association no later than one week (§ 22 (3) of the Statutes) before the election. It must be signed by at least ten members. Each member may sign several election proposals and also propose him/herself for the election.

(3) The election shall be chaired by the President or in the event of his/her absence by one of the persons stated in § 16 of the Statutes.

(4) No later than at the start of the election, the election officer shall give notice of the election proposals.

§ 2

Election procedure

(1) The election shall be carried out in secret and in writing on prepared voting slips, on which the names of the candidates are stated in alphabetical order. Each member shall have as many votes as there are candidates to be elected. For each candidate, only one vote may be cast. The candidates who have achieved the majority of the valid voting slips cast,

and among these the candidates with the most votes shall be elected.

(2) If only as many candidates are proposed for election as the highest number permits, the candidates may be elected en bloc by raising hands if the "Hauptversammlung" (General Assembly) passes a resolution for this with a majority of three-quarters of the votes cast.

(3) If more names are ticked on voting slips than there are candidates to be elected, if more than one vote is cast for one candidate or the voting slip contains other additional remarks, it shall be invalid.

§ 3

Acceptance of the election

(1) The election officer (§ 16 of the Statutes) shall give notice of the result of the election. If the person elected is not present at the time of giving notice of the election result, he/she shall be notified of his/her election by registered letter by the President.

(2) The persons elected who are present must declare their acceptance at once; the persons elected who are not present must declare their acceptance immediately after the receipt of the notification as provided in paragraph 1.

§ 4

Changes to the election regulation

A resolution to change the election regulation may only be passed with a majority of three-quarters of the votes cast.