

Constitution of the Patent Examination Board

1. The Patent Examination Board (PEB) is a committee of the Chartered Institute of Patent Attorneys (CIPA) and can only exist and operate as such. The PEB acts independently of CIPA's Council and is fully and separately accountable for its plan of work and activities.
2. The PEB comprises a Governance Board (GB) and an Examination Committee (EC). The EC reports to the GB.
3. The PEB has an Head of Qualifications responsible for management of the operation of the PEB. The Head of Qualifications reports to the Chair of the GB.
4. The PEB appoints Chief, Principal and Marking Examiners with expertise in the examined subjects as may be required for the PEB to satisfactorily administer the requisite patent examinations.
5. Changes or alterations to the provisions hereof shall not become effective until approved by the Intellectual Property Regulation Board (IPReg), in consultation with CIPA.

Membership of the Patent Examination Board

Governance Board

6. The GB consists of five members: three lay members with expertise in the area of education, assessment and examination and two members who are qualified patent attorneys. The patent attorney members shall not be members of CIPA Council.
7. The GB shall elect a Chair from the lay members of the GB on an annual basis.
8. The Head of Qualifications is a non-voting member of the GB.

Examination Committee

9. The EC comprises the Chief and Principal Examiners. The EC also comprises ex-officio patent attorney and lay members of the GB as appropriate. Marking Examiners, or others with appropriate expertise, may be invited to the EC as required.

Terms of Engagement

The Governance Board

10. Members of the GB appointed after 1 January 2015 shall be appointed for an initial term no longer than three years.
11. A GB member may be reappointed for a subsequent term of three years on a majority vote of the remaining GB members.
12. No member of the GB is permitted to serve for more than six consecutive years without having a break period of at least two years, with the exception that the lay member appointed for a period of four years at inception of the PEB shall be permitted a further period of office of three years before any break period.
13. Vacancies resulting from the natural termination of a period of office or through resignation on other grounds shall be filled through open competition and the appointment made by a panel comprising two lay members and one member who is a qualified patent attorney of the GB.
14. Members of the GB shall be remunerated at a rate to be determined annually by the GB, at a rate commensurate with other lay representation rates employed by IPReg.
15. The performance of individual members of the GB will be assessed one year after initial appointment, and one year after any re-appointment.
16. The Head of Qualifications will be appointed by the GB as part of the administrative support from CIPA, and in consultation with CIPA.
17. The terms of employment of the Head of Qualifications and any other administrative staff shall ensure that they report directly or indirectly only to the Chair of the GB when engaged on PEB matters, in order to maintain the operational independence of the PEB.

The Examination Committee

18. The GB on behalf of the PEB will appoint as many Chief and Principal Examiners to satisfactorily administer the requisite examinations from year to year.
19. Principal Examiners and Marking Examiners will be appointed and reappointed on an annual basis in accordance with policies and procedures approved by the GB.

20. Members of the EC shall be remunerated at a rate to be determined annually by the GB.

Proceedings

Governance Board

21. The GB shall operate in accordance with Terms of Reference (ToR) which shall be published and which shall be reviewed annually by the GB. The ToR determine the manner in which the PEB will conduct its business and regulate its proceedings.
22. The GB has the power to convene such sub- committees and working groups as are necessary for the PEB to operate effectively whilst ensuring that the GB retains oversight of the activities of the PEB.
23. Any sub-committee of the GB shall be chaired by a lay member. ^[L]_[SEP] ^[L]_[SEP]
24. A meeting of the GB shall be quorate if two lay members and one member who is a qualified patent attorney of the GB are present. In the absence of the elected Chair, a quorate meeting of the GB shall elect one of the lay members present as the Chair.
25. The Head of Qualifications shall provide all members of the GB not less than seven days' notice of the date, time and place of any meeting of the GB. Wherever practicable this notice should be accompanied by a copy of the agenda and all available papers delivered via electronic means. ^[L]_[SEP]
26. At any meeting, only the GB members present shall have voting rights. A motion shall be duly passed if a majority of the GB members present vote in favour. There shall be no casting vote. If a majority cannot be secured, the motion shall be deferred until the next meeting of the GB. ^[L]_[SEP]

Examination Committee

27. The EC shall operate in accordance with Terms of Reference (ToR) which shall be published and which shall be reviewed annually by the GB. The ToR determine the manner in which the EC will conduct its business and regulate its proceedings.

28. The Head of Qualifications shall provide all members of EC not less than seven days' notice of the date, time and place of any meeting of the EC. Wherever practicable this notice should be accompanied by a copy of the agenda and all available papers delivered via electronic means. ^[L]_[SEP]

Functions, Powers and Duties of the PEB

29. The PEB exists to provide examinations in the field of intellectual property.
30. The PEB shall publish the syllabuses for each examination in the examination year.
31. The PEB shall publish guidance for candidates. ^[L]_[SEP]
32. The PEB shall prepare and publish information for candidates which will include but will not be restricted to the requirements for eligibility, the examination timetable, examination processes and the appeals procedure. ^[L]_[SEP]
33. For the examinations which the PEB is approved to administer by IPReg, the PEB will administer these examinations in line with an operating plan submitted to IPReg.
34. The operating plan will set out the examination and financial objectives for the PEB on a three year rolling cycle. There will an annual self-assessment by the GB and external verification by IPReg, the results of which will be published in a self-assessment report (SAR) produced by the GB. ^[L]_[SEP]
35. The PEB shall be responsible for holding examinations on an annual cycle at such times and in such places as it thinks fit.
36. The PEB shall satisfy itself that each candidate undertaking all examinations has complied with the requirements for eligibility published within the examination regulations. ^[L]_[SEP]
37. The PEB shall issue every successful candidate with a certificate of achievement. ^[L]_[SEP]
38. All members of the GB and EC and Marking Examiners and the Head of Qualifications and all administrative staff shall be bound by rules to safeguard the confidentiality of the proceedings of the PEB and all examinations, and shall be required to make declarations as to all and any actual or perceived conflicts of interest. ^[L]_[SEP]

39. The GB shall take full responsibility for quality assurance of examinations, subject to any additional external verification requirements put in place by IPReg, to ensure that examinations meet the minimum requirements for entry onto the register. [L]
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40. The GB Chair will be accountable for the validity, reliability, freedom from bias, and comparability of the question papers, the quality of marking and the monitoring of standards over time. [L]
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41. The GB shall be fully responsible for the financial affairs of the PEB and operate in a manner that is fully independent from the fiscal management of CIPA, save that financial transactions shall be managed and reported through CIPA's accounting systems.
42. The PEB shall be financially self-supporting and shall accumulate an appropriate reserve for contingencies such as appeals, legal challenges and excessive fluctuations in the demand for examinations. Any additional funds shall be used to reduce examination fees or to invest in the quality of PEB's processes. The income of the PEB shall consist solely of such fees and payments as the PEB requires in order undertake its activities as an examining body.