

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 Examination Committees (EC). The ECs report to the GB.
3. The PEB has a Head of Qualifications responsible for implementing the decisions of the GB and for management of the operation of the PEB.
4. The PEB appoints, as may be required for the PEB to satisfactorily administer the requisite patent assessments:
 - Principal Examiners and Marking Examiners with relevant expertise in the examined subject(s);
 - One or more Chief Examiners with appropriate expertise in professional training and assessment;
 - One or more External Examiners with appropriate expertise.
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 examinations 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 Committees

9. The ECs comprise the Chief and Principal Examiners. The ECs also comprise 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 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.
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 one GB lay member, one GB patent attorney member and one external person with appropriate expertise who may not be a patent attorney.
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.
15. The performance of the GB Chair will be assessed one year after initial appointment and thereafter annually.
16. The performance of individual members of the GB will be assessed by the GB Chair one year after initial appointment, and one year after any re-appointment.
17. The Head of Qualifications will be appointed by the GB as part of the operational and administrative support from CIPA, and in consultation with CIPA.
18. 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

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.
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.
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.

Examination Committees

27. The ECs 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.

Functions, Powers and Duties of the PEB

29. The PEB exists to provide assessments in the field of intellectual property.
30. The PEB shall publish the syllabuses for each assessment in the assessment year.

31. The PEB shall prepare and publish information for candidates which will include but will not be restricted to the requirements for eligibility, the assessment timetable, assessment processes and the re-mark/appeals procedure.
32. For the assessments which the PEB is accredited to administer by IPReg, the PEB will administer these assessments in line with an operational plan submitted to IPReg.
33. The operational plan will set out the objectives for the PEB on a three year rolling cycle.
34. The PEB will produce an Annual Report in accordance with IPReg requirements.
35. The PEB shall be responsible for holding assessments on an annual cycle at such times online and/or in suitable physical venues as it thinks fit.
36. The PEB shall satisfy itself that each candidate undertaking assessment has complied with the requirements for eligibility published within the regulations.
37. All members of the GB and ECs, the Marking Examiners, the Head of Qualifications and all professional and administrative staff shall be bound by rules to safeguard the confidentiality of the proceedings of the PEB and all assessments, and shall be required to make declarations as to all and any actual or perceived conflicts of interest.
38. The GB shall take full responsibility for quality assurance of assessments, subject to any additional external accreditation requirements put in place by IPReg, to ensure that assessments meet the minimum requirements for entry onto the IPReg Register.
39. The GB will be accountable for the validity, reliability, freedom from bias, and comparability of the question papers, the quality of marking and the monitoring of adherence to national qualification levels.
40. An annual review of assessment will take place at the GB meeting following the release of assessment results.
41. A periodic review of assessment will take place every five years.
42. The GB shall be responsible for the financial affairs of the PEB. Financial transactions shall be managed and reported through CIPA's accounts.