

STOP PIRACY

Swiss Anti-Counterfeiting
and Piracy Platform

The STOP PIRACY Association Statutes of 29 June 2007 (status as of 1 October 2009)

Article 1 Legal form and headquarters

- 1 “STOP PIRACY”, respectively, “STOP A LA PIRATERIE” and “STOP ALLA PIRATERIA”, is an association under Article 60 ff. of the Swiss Civil Code.
- 2 The association has its domicile in Bern.

Article 2 Purpose and areas of action

- 1 The association fights against counterfeiting and piracy through active awareness-building and enhanced cooperation and coordination between the private and the public sectors as well as within those sectors in an effective and sustainable way.
- 2 To meet this goal, the association undertakes diverse actions such as:
 - operating a password-protected extranet (information exchange forum),
 - carrying out public awareness campaigns,
 - providing training events,
 - realising other projects.
- 3 To implement such activities, the Executive Committee can create project groups. Non-members may also participate in project groups.
- 4 The association does not represent individual interests and does not actively participate in law enforcement in individual cases. Member autonomy, particularly in the public sector, is in no way affected by the association.
- 5 The association can join Swiss and international associations and conclude agreements with them.

Article 3 Membership

- 1 Anyone with an interest in fighting counterfeiting and piracy, irrespective of which sector or branch they are in, and the willingness to pay the annual membership fee for their particular category may become a member. Natural and legal persons may become members. In cases of partnerships (“einfache Gesellschaft”) without their own legal personality, the authorised managerial, natural or legal person becomes the member.
- 2 Anyone applying for membership to the association for the purposes of promoting their products or attracting clients will be excluded from membership.
- 3 The Member Council makes a final decision regarding the acceptance of members based upon a written application. The Member Council can refuse membership without detailing the reason.
- 4 Membership grants the right to access the password-protected extranet (information exchange forum) at no cost.

5 Three categories of membership exist:

Category 1: SMEs, societies for the management of collective rights for copyright and neighbouring rights, non-profit organisations and associations law offices as well as other members not falling under categories 2 or 3.

Category 2: Businesses, corporations and economic associations which:

- employ more than 250 persons or whose members include more than 250 employees in total, and
- have commercial purposes.

Category 3: Members of the public sector (federal, cantonal, or communal agencies).

6 The Executive Committee can also accept as members those who

- grant financial support for association projects equal to more than the membership fee of his category,
- provide a benefit in kind which is worth double the amount of the membership fee in his category instead of or in addition to a financial contribution.

Article 4 Public administration

At the request of the Executive Committee, the association can invite interested agencies of the public administration to participate in the association's activities. As an associate partner, such agencies have an advisory vote in the Member Council, receive free access to the password-protected extranet (information exchange forum) and can nominate its representative for the Executive Committee.

Article 5 Membership fees and other income

1 The association is financed primarily by membership fees and voluntary contributions.

2 The annual membership fees are as follows:

- Category 1: CHF 1,000
- Category 2: CHF 5,000
- Category 3: Membership fee exempt

3 In the event of the dissolution of the association, any profits and capital will be mandatorily allocated to the Swiss Federal Institute of Intellectual Property or another public or non-profit-making legal entity domiciled in Switzerland that is exempt from tax and has a similar purpose to the association. A fusion can only take place with another legal entity that is domiciled in Switzerland and has a tax-exempt status due to non-profit or public purpose activities.¹

Article 6 Resignation and fiscal year

1 Resignation is carried out through a written letter to the Executive Committee; the membership fee for the current financial year must be paid in full.

2 The financial year runs from 1 July until 30 June.

¹ Version as of 29 September 2009; in force since 1 October 2009.

Article 7 Bodies

The association bodies are as follows:

- Member Council
- Executive Committee
- The Board of Control

Article 8 Member Council

- 1 The Member Council, as the highest organ of the association, is responsible for:
 - the acceptance and rejection of members
 - the discharge of the Executive Committee
 - decisions regarding changes in the statutes and the dissolution of the association
 - decisions regarding accession to associations and approval of agreements with them
 - decision regarding other matters presented by the Executive Committee.
- 2 The Member Council elects:
 - the Executive Committee
 - among those, the President and Vice-President
 - the Board of Control.
- 3 Once a year, the regular meeting of the Member Council will take place which will usually be in autumn. Extraordinary Member Council meetings will be called in the following cases:
 - if the Member Council so decides
 - if a fifth of the members request such to the President or
 - if the Executive Committee so decides.
- 4 The President issues a written or e-mail invitation to the members at least two weeks before the Member Council meeting and includes the agenda and the items. Changes or additions to the agenda must be justified and received by the President in written or e-mail form at least ten days before the meeting so that he can transmit these to the members at least five days before the meeting. No prior announcement is required for requests regarding items on the agenda, nor for debating issues which will not entail a decision. Agendas which have not been previously announced in writing or per e-mail may not be voted on.
- 5 The Member Council decides with a relative majority of those present.

Article 9 Executive Committee and Presidency

- 1 The association is represented by the Executive Committee which consists of the President, the Vice-President and at least three members. The public and the private sectors are proportionally represented.
- 2 The Executive Committee is elected for two years. Re-election is possible. The mandates of the Executive Committee members who are elected during the period of office expire with the office period of the other members.
- 3 Except for the President and the Vice-President, who are elected by the Member Council, the Executive Committee is self-constituting. It is entitled to represent the association jointly together with another Member of the Executive Committee.
- 4 The Executive Committee manages the business of the association and prepares the business of the Member Council.

- 5 The Executive Committee decides on all issues which are not reserved for the Member Council.

Article 10 The Board of Control

- 1 The Board of Control consists of at least one auditor who is elected for a two-year period. Re-election is possible.
- 2 The Board of Control examines the financial report and annually conducts at least one audit. It reports to the Executive Committee care of the Member Council.

Article 11 Final Clause

These statutes were agreed upon by the Member Council on 29 June 2007 and enter into force as of 1 July 2007.