

THE INSTITUTE OF TRADE MARK ATTORNEYS

BRIBERY ACT POLICY

INTRODUCTION

The Bribery Act 2010 (“Act”) came into force on 1 July 2011. As a result the Institute of Trade Mark Attorneys has prepared a policy to set out its position in this regard. The Act creates a new offence which can be committed by commercial organisations which fail to prevent persons associated with them from bribing another person on their behalf.

To have a defence against any potential offences under section 7 of the Act, the Institute must be able to show it has adequate procedures in place, based on a risk assessment, to prevent persons associated with it from bribing.

The risk assessment carried out has identified the principal risk of bribery within the Institute to be inappropriate activity, primarily through the giving or receiving of gifts or hospitality, designed to influence decisions by the Institute or those with whom the Institute does business. The perceived likelihood of inappropriate activity occurring is considered to be at a low level.

POLICY

This policy applies to all members of Council, Committees, employees and any person acting on behalf of the Institute. Any breach of this policy could constitute gross misconduct by an employee, Council member or Committee member and lead to immediate dismissal or removal from office or position. If any person has reasonable suspicions that anyone in the aforementioned capacity has acted in breach of this policy, they should report this to the President or Chief Executive of the Institute. In such circumstances, the Institute will undertake a confidential investigation into the matter(s) reported and make conclusions accordingly. Where necessary the police will be notified of the matter.

This policy also applies to any person acting as a representative of ITMA or might be understood to be acting in that capacity. It is the responsibility of individuals to be aware of who they are representing at any particular time and apply the appropriate policy.

Gifts and hospitality received and given is permitted as long as it is not for the sole purpose of seeking a favour from another person or organisation and is carried out in line with this policy.

The policy is as follows:

1. No payment of money (in cash or other form) may be paid to or received from a third party by an employee or a member of Council or a Committee in their personal capacity or by any connected party thereof, in any way in connection with the business of the Institute of Trade Mark Attorneys.
2. No payment of money (in cash or other form) may be paid to or requested to be paid to or received from a third party on the Institute of Trade Mark Attorneys’ account, which in any way represents an inducement which affects the behaviour of the recipient.
3. All gifts and entertaining worth more than £75 received or enjoyed from or given to a third party in any way in connection with the Institute of Trade Mark Attorneys’ business must be disclosed within 2 weeks in the register maintained by the Chief Executive. The register will be reviewed twice annually by the Chief Executive and reported to the appropriate committee of the Institute. The register will be available for review by external auditors.

4. Any such gift or entertainment with a retail value of over £300 must be approved by the Chief Executive and, in the case of the Chief Executive, by the President before being accepted or given.

Any reasonable travel, food, and accommodation expenses properly claimed or paid in accordance with relevant Institute policies do not constitute gifts or entertainment.

Any employee of ITMA or Council/committee member or representative should not allow any gift or hospitality to influence any business decision or cause others to perceive an influence.

Examples of gifts and hospitality may include¹:

Cash or cash equivalents

Loans

Personal services

Invitation to events where the person or company offering the invite is absent

Dining

Complimentary use of function rooms

Products

The Institute of Trade Mark Attorneys could also be liable under the Act for the actions of their agents. Any contract with an agent must, therefore, either make provision for the above policy or require disclosure and acceptance by the Institute of Trade Mark Attorneys of the agent's bribery policy.

It is the responsibility of the Institute of Trade Mark Attorneys to ensure that all employees Council members, Committee members and agents are aware of and understand this policy. If there is any question as to whether the above applies to any proposed transaction, it must be discussed with the President or the Chief Executive before entering into it. The policy will be monitored annually by the Chief Executive in consultation with the appropriate committee.

ITMA

January 2012



¹ This list is not an exhaustive list and merely provides some illustrative examples.