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HOUSE BILL NO. 709

Offered January 21, 2000

A BILL to amend and reenact §§ 54.1-3901 and 54.1-3902 of the Code of Virginia, relating to the practice of patent and trademark law.

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Referred to Committee for Courts of Justice

Be it enacted by the General Assembly of Virginia:**1. That §§ 54.1-3901 and 54.1-3902 of the Code of Virginia are amended and reenacted as follows:**

§ 54.1-3901. Practice of patent and trademark law.

A. For the purposes of this section "an attorney recognized to practice before the United States Patent and Trademark Office in patent and trademark cases" is defined as anyone who is authorized to practice law in any state or territory of the United States, or the District of Columbia, and who is also entitled under the rules of that Office to represent another in patent and trademark cases. The "practice of patent and trademark law" is defined as the performance of all necessary professional services with respect to patent or trademark matters concerning which being recognized to practice before that Office for the performance of such services is required and includes legal services related to or connected with the practice of patent and trademark law and the preparation and filing of copyright applications and assignments thereof in the Copyright Office of the Library of Congress.

B. Any attorney who is eligible under subsection A of this section to practice patent and trademark law may be admitted as an active member of the Virginia State Bar, limited to patent, trademark, copyright and unfair competition cases only, as of July 1, 2000 under the reciprocity rules promulgated by the Supreme Court of Virginia except that such attorneys need not be residents of the Commonwealth so long as they practice full time as a member of the Virginia State Bar. An attorney so admitted shall not hold himself out as authorized to practice law generally in Virginia may continue such active membership subject to compliance with minimum requirements of Mandatory Continuing Legal Education Regulations of the Supreme Court of Virginia.

C. This section shall not authorize a person recognized to practice before the United States Patent and Trademark Office in patent or trademark cases to appear in any court or tribunal other than the tribunals of that Office, unless the person is an active member of the Virginia State Bar, generally or specially as provided in subsection B of this section an active member of the Virginia State Bar limited to patent, trademark, copyright and unfair competition cases only as of July 1, 2000. This section shall not be construed to limit the admission to practice law as an active member of the Virginia State Bar generally of any person otherwise qualified for general admission.

D. No attorney who is not an active member of the Virginia State Bar, whether or not authorized to practice before that Office in patent or trademark cases, shall be deemed to be admitted to practice patent law within the meaning of subdivision B 1 of § 54.1-3902 or duly licensed or otherwise legally authorized to practice law within the meaning of § 13.1-544.

§ 54.1-3902. Professional corporations; professional limited liability companies; and registered limited liability partnerships.

A. No professional corporation organized or qualifying under the provisions of Chapter 7 (§ 13.1-542 et seq.) of Title 13.1, professional limited liability company organized or qualifying under the provisions of Chapter 13 (§ 13.1-1100 et seq.) of Title 13.1, or registered limited liability partnership organized or qualifying under the provisions of Article 7 (§ 50-43.1 et seq.) of Chapter 1 of Title 50 shall render the professional services of attorneys in this Commonwealth unless the professional corporation, professional limited liability company, or registered limited liability partnership is registered under this section.

B. A professional corporation organized or qualifying under the provisions of Chapter 7 of Title 13.1, a professional limited liability company organized or qualifying under the provisions of Chapter 13 of Title 13.1, or a registered limited liability partnership organized or qualifying under the provisions of Article 7 (§ 50-43.1 et seq.) of Chapter 1 of Title 50 shall be issued a professional corporation, a professional limited liability company, or a registered limited liability partnership registration certificate by the Virginia State Bar upon application and payment of a registration fee of \$100 provided that:

1. Each member, manager, partner, employee or agent of the professional corporation, the professional limited liability company, or the registered limited liability partnership who will practice law in Virginia is an active member of the Virginia State Bar, except that nothing herein shall prohibit a nonlicensed individual from serving as secretary, treasurer, office manager or business manager of any such corporation, limited liability company, or registered limited liability partnership; and

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60 2. The name of the professional corporation, the professional limited liability company, or the
61 registered limited liability partnership and the conduct of its practice conform with the ethical standards
62 which the shareholders, members, managers, partners, employees and agents are required to observe in
63 the practice of law or patent law *as defined in § 54.1-3901* in this Commonwealth and that, in the case
64 of a corporation, the corporate name complies with subsection A of § 13.1-630; in the case of a limited
65 liability company, the limited liability company name complies with subsection A of § 13.1-1012; and,
66 in the case of a registered limited liability partnership, the registered limited liability partnership name
67 complies with § 50-43.2.

68 C. Professional corporation, professional limited liability company, and registered limited liability
69 partnership registration certificates shall be renewed biennially for a fee of fifty dollars.