

## THE INSTITUTE OF TRADE MARK ATTORNEYS

### REPORT OF THE COUNCIL AND DIRECTORS' REPORT

The Council presents the Annual Report and the financial Statements for the calendar year 2008

#### President of the Institute 2008/2009

Mrs G.M. Deas

#### Vice-Presidents of the Institute 2008/2009

Mrs. M.A. Ramage (*First Vice-President*)

Dr. C.A. Wolfe (*Second Vice-President*)

#### Honorary Members

(*who are past Presidents of the Institute, retired from Council*)

Mr. E.R. Wenman  
White Lodge  
43, Littlestairs Road  
Shanklin  
Isle of Wight  
PO37 6HS

Miss S.F. Lesley, OBE  
Forresters  
Forrester House  
52 Bounds Green Road  
London  
N11 2EY

Mr. W.J.A. Beeston  
Mug Cottage  
Dicks Lane  
Lathom, Ormskirk  
Lancashire  
L40 6JA

Mr. G.A.A. Ball  
114 Charterhouse Road  
Orpington  
Kent  
BR6 9ER

Mr. M.K. Padmore  
144 Lordswood Road  
Harborne  
Birmingham  
B17 9BT

Mr. D.C. Evans  
More Place  
Betchworth  
Surrey  
RH3 7AD

#### Past Presidents of the Institute

(*Retired from Council*)

Mr. D.B. Lutkin  
David Lutkin Associates  
Four Fairfax Avenue  
St. Leonard's  
East Sussex  
TN37 7TD

Mr. B.H. March  
Wildbore & Gibbons  
Wildbore House  
361 Liverpool Road  
London  
N1 1NL

Mr. J.A. Groom  
Groom Wilkes & Wright LLP  
The "Haybarn"  
Upton End Farm Business Park  
Meppershall Road, Shillington  
Hitchin, Herts, SG5 3PF

## COUNCIL OF THE INSTITUTE 2008/2009

### **President**

Mrs. G.M. Deas  
D. Young & Co.  
120 Holborn  
London  
Tel: 020 7269 8577

### **First Vice-President**

Mrs. M.A. Ramage  
Alexander Ramage Associates  
20 High Street  
Woking,  
GU21 6BW  
01483 750701

### **Second Vice-President**

Dr. C.A. Wolfe  
Page White & Farrer  
Bedford House  
John Street  
London  
WC1N 2BF  
Tel: 020 7831 7929

### **Treasurer**

Mr. C.J. McLeod  
Hammonds LLP  
7 Devonshire Square  
London  
EC2M 4YH  
Tel: 020 7655 1056

### **Past Presidents of the Institute**

*(who are ex-officio Members of Council)*

Mr. P.W Harris  
Gill Jennings & Every LLP  
Broadgate House  
7 Eldon Street  
London  
EC2M 7LH  
Tel: 020 7377 1377

Dr. S.R. James  
R.G.C. Jenkins & Co.  
26 Caxton Street  
London  
SW1H 0RJ  
Tel: 020 7931 7141

Mr. I.A. Buchan  
Potter Clarkson LLP  
Park View House  
58 The Ropewalk  
Nottingham  
NG1 5DD  
Tel: 0115 955 2211

## Elected Members of Council

Mr. S.M. Bentley\*  
Abel & Imray  
20 Red Lion Street  
London  
WC1R 4PQ  
**Tel:** 020 7242 9984

Ms. L.A.E. Bray  
Wildbore & Gibbons  
Wildbore House  
361 Liverpool Road  
London  
N1 1NL  
**Tel:** 020 7607 7312

Mr. D.C. Butler\*\*  
GlaxoSmithKline  
GSK House CN9 25.2  
980 Great West Road  
Brentford  
Middlesex  
TW8 9GS  
**Tel:** 020 8047 4389

Ms. K. Cameron  
R.G.C. Jenkins & Co  
26 Caxton Street  
London  
SW1H 0RJ  
**Tel:** 020 7931 7141

Ms. T. Clark\*  
Withers & Rogers LLP  
Goldings House  
2 Hays Lane  
London  
SE1 2HN  
**Tel:** 020 7663 3500

Mr. T. Farrand\*  
ip21 Limited  
1 Cornhill  
London  
EC3V 3ND  
**Tel:** 020 7645 8250

Mr. J. Fish\*\*  
J.A. Kemp & Co  
14 South Square  
Gray's Inn  
London  
WC1R 5JJ  
**Tel:** 020 7405 3292

Mr. R.N. Furneaux\*  
Rouse & Co. International  
1<sup>st</sup> Floor, 228-240 Banbury Road  
Oxford  
OX2 2BY  
**Tel:** 01865 318400

Mr. K.R. Havelock  
25 Beaconsfield Road  
Claygate  
Surrey  
KT10 0PN  
**Tel:** 01372 464716

Mr. R.M. Hiddleston  
Elkington & Fife  
Prospect House  
8 Pembroke Street  
Sevenoaks  
TN13 1XR  
**Tel:** 01732 458881

Mrs. C.J. Jackman\*\*  
Bond Pearce  
Ballard House  
West Hoe Road  
Plymouth  
Devon  
PL1 3AE  
**Tel:** 01752 266633

Mr. M.A. Lynd\*  
Marks & Clerk  
90 Long Acre  
London  
WC2E 9RA  
**Tel:** 020 7420 0000

Mrs. A.M. Mastrovito\*  
Mastrovito Wyness  
Rapier House  
40-46 Lamb's Conduit Street  
London  
WC1N 3LJ  
**Tel:** 020 7025 2375

Ms. K. O'Rourke\*  
Charles Russell LLP  
8-10 New Fetter Lane  
London  
EC4A 1RS  
**Tel:** 020 7203 5011

Mr. A. Porteous\*\*  
20 Kennington Palace Court  
Sancroft Street  
London  
SE11 5UL  
**Tel:** 020 7735 2880

Mr. J. Setchell\*  
Trade Mark Consultants Ltd  
54 Hillbury Avenue  
Harrow  
Middlesex  
HA3 8EW  
**Tel:** 020 8907 6066

Mr. D.G. Turner  
240 Caledonian Road  
London  
N1 0NG  
**Tel:** 020 7278 2724

Mr. D.A. Welch\*  
Joshi & Welch LLP  
5<sup>th</sup> Floor  
3 Bunhill Row  
London  
EC1Y 8TZ  
**Tel:** 020 7847 4055

Miss I.O. Wiseman  
fjCleveland & Co  
40-43 Chancery Lane  
London  
WC2A 1JQ  
**Tel:** 020 7405 5875

Mr. J.J. Wyness\*  
Mastrovito Wyness  
Rapier House  
40 – 46 Lamb's Conduit Street  
London  
WC1N 3LJ  
**Tel:** 020 7919 1903

\* **Retiring from Council but available for re-election under Article 52(iii)**

\*\* **Retiring from Council but not available for re-election**

The Members of the Council are also Directors of the Institute for the purposes of the Companies Act.

The Institute is a Company Limited by guarantee with no share capital: the Directors therefore have no beneficial interest in the company, which under its Memorandum is forbidden from distributing any surplus to its members.

**Chief Executive**

Mr. K. Bader

**Secretary**

Mrs. M.J. Tyler, MBE

**Auditors**

Sawin & Edwards  
15 Southampton Place  
London  
WC1A 2AJ

**Bankers**

Lloyds TSB Bank Plc  
95 George Street  
Croydon  
Surrey  
CR9 2NS

Royal Bank of Scotland  
117-119 North End  
Croydon  
Surrey  
CR0 1TL

**Registered & Administrative Office**

Canterbury House  
2-6 Sydenham Road  
Croydon  
Surrey  
CR0 9XE

# THE INSTITUTE OF TRADE MARK ATTORNEYS

2008

## 1. Principal Activity

The principal activity of the company is to protect the interests of all persons engaged in the profession of Trade Mark Attorneys and generally promote and maintain the standards of the profession.

## 2. Membership

In 2008 143 members were elected, comprising:

|               |               |
|---------------|---------------|
| 1 Honorary    | 23 Associates |
| 4 Fellows     | 10 Overseas   |
| 28 Ordinary   | 45 Students   |
| 32 Affiliates |               |

As at 31<sup>st</sup> December 2008 the Institute's Membership list showed:

|                       |                       |
|-----------------------|-----------------------|
| 13 Honorary Members   | 247 Associate Members |
| 51 Fellows            | 287 Overseas Members  |
| 511 Ordinary Members  | 324 Student Members   |
| 125 Affiliate Members |                       |

After taking into account restorations to the roll, deaths, resignations and changes of membership status during the year the total number of members is 1,558.

## 3. Finance

The year saw a fall in the Institute's financial reserves by £70,179 to £1,025,315.

## 4. Annual General Meeting

The 73<sup>rd</sup> Annual General Meeting of the Institute was held on 2 April, 2008 when the Statement of Accounts for 2007 and the Report of the Council for the year were adopted. In the ballot for the election of Council Members the following were declared elected for 2008/2010:-

Ms. L.A.E. Bray  
Ms. K. Cameron  
Mr. K.R. Havelock  
Mr. M. Hiddleston  
Mr. C.J. McLeod  
Mr. D.G. Turner  
Miss I.O. Wiseman

A full list of Council for 2008/2009 and the names of the Officers elected by the Council are given at the beginning of this Report. The members of Council throughout the year are given in the table in section 7 below.

## 5. Election of President and Vice-President

At its meeting on 22<sup>nd</sup> April, 2008 the Council elected Mrs G.M. Deas as President, Mrs. M.A. Ramage as First Vice-President, Dr. C.A. Wolfe as Second Vice-President and Mr. C.J. McLeod as Treasurer.

## 6. Chief Executive

In November 2008 Keven Bader joined the Institute as its first Chief Executive with a remit to transform the Institute into one which focuses on the representation of the interests of the Institute's members to the UK Government, other national Governments, the European Commission (and its Agencies) and international organisations. Keven has overall responsibility for the day to day operations of the Institute and will oversee the transfer of the Institute's regulatory functions (as an Approved Regulator of the Trade Mark Attorney profession) to the Intellectual Property Regulation Board.

## 7. Standing Committees

The Standing Committees of the Council were elected at the Council meeting held on 13<sup>th</sup> May, 2008. The President, the two Vice-Presidents, the Immediate Past President and the Treasurer of the Institute are ex officio Members of each Committee (except the ITMA Review and Professional Guidance & Disciplinary Committees) and are as follows:-

|                  |                          |
|------------------|--------------------------|
| Mrs. G.M. Deas   | President                |
| Mrs. M.A. Ramage | First Vice-President     |
| Dr. C.A. Wolfe   | Second Vice-President    |
| Mr. C.J. McLeod  | Treasurer                |
| Mr. P.W. Harris  | Immediate Past President |

Their names should be added to each Committee given below where indicated; unless included as Chairman, only the elected members who attended meetings are named individually. The name of the Chairman of each Committee is in italics.

### Book Committee

Officers

*Mr. R.M. Hiddleston*

Mr. M.A. Lynd

Mr. A. Porteous

### Membership Committee

Officers

Mr. R. Furneaux

*Mrs. C. Jackman*

### Continuing Professional

### Development Committee

Officers

*Mr. D.C. Butler*

Mrs. C.J. Jackman

Mr. M.A. Lynd

Ms. K. O'Rourke

Mr. J.J. Wyness

### Designs Committee

Officers

Mr. S.M. Bentley  
Ms. K. Cameron  
Mrs. T. Clark  
Mr. J. Setchell  
*Ms. I.O. Wiseman*

**Professional Guidance &  
Disciplinary Committee**

Miss L.A.E. Bray  
Mr. P.W. Harris  
Mr. K.R. Havelock  
Mrs. A.M. Mastrovito  
Mr. A. Porteous  
*Mr. D.G. Turner*

**Education & Training Committee**

Officers  
Mr. D.C. Butler  
Mr. T. Farrand  
*Mr. R. Furneaux*  
Mr. J. Setchell  
Mr. J.J. Wyness  
Miss R. Bond ) Student  
Ms. C. Duly ) Representatives

**Trade Mark Administrators'  
Course Committee**

Officers  
Mrs. T. Clark  
*Mr. T. Farrand*

**General Purposes & Finance  
Committee**

Officers  
Ms. L.A.E. Bray  
Mr. R. Furneaux  
Mr. K.R. Havelock  
*Mrs. A.M. Mastrovito*  
Mr. D.A. Welch  
Ms. I.O. Wiseman

**ITMA Review Committee**

*Mrs. T. Clark*  
Mrs. C.J. Jackman  
Mr. M.A. Lynd  
Mrs. A.M. Mastrovito  
Mr. C.J. McLeod  
Ms. K. O'Rourke  
Mr. J. Setchell

**Laws & Practice Committee  
Officers**

Ms. L.A.E. Bray  
Mr. K.R. Havelock  
*Dr. S.R. James*  
Ms. I.O. Wiseman  
Mr. J.J. Wyness

**Programme Committee**

Officers  
Mr. S. Bentley  
*Ms. L.A.E. Bray*  
Ms. K. Cameron  
Mr. D.G. Turner  
Mr. D.A. Welch

**Public Relations Committee**

Officers  
Mr. S. Bentley  
*Mr. T. Farrand*  
Mr. D.A. Welch

**Litigators Accreditation Board**

Officers  
Mr. I.A. Buchan  
Mr. M. Edenborough  
*Mr. P.W. Harris*  
Mr. S.J.M. Kinsey  
Ms. S.A. Lambeth  
Ms. M. Macdonald

**Joint Examination Board  
(Joint with CIPA)**

Mr. J. Fish  
Mr. S.J. Jennings  
Ms. S.A. Lambeth  
Mrs. A.M. Mastrovito  
Mr. B.A. Ramage  
Ms. H. Whelbourn

## **Council & Committee Meetings**

Notes:

- (1) By tradition, the Officers divide responsibility for attending the various Standing Committees so that at least one Officer attends the majority of designated Committees.
- (2) Members have been co-opted onto Committees and assisted as set out below and Council is very grateful for their assistance.

### **Book**

Mr. Manish Joshi

### **Education & Training**

Mr. Iain Stewart

Mr. A. Wood

### **Designs**

Mr. Peter Brownlow

Ms. Charlotte May

Mr. David Musker

Mr. Tim Pendered

### **Laws & Practice**

Mrs. Angela Fox

Ms. Felicity Hide

Miss Penelope Nicholls

Mr. Jonathan Thurgood

### **Membership**

Mr. Aidan Clarke

### **Public Relations**

Mr. Joseph Letang

### **Trade Mark Administrators' Course**

Mr. Francis Preedy

Mr. Roy Scott

Mr. Daniel Smart

### **ITMA Review**

Ms. Jordana Popli

Ms. Kate Swaine

Ms. Kathrin Vowinckel

Mr. Robert Williams

### **Programme**

Ms. Mary Bagnall

Ms. Natalie Brindle

Mr. Declan Cushley

Ms. Morag Macdonald

Mr. Philip Redman

Mr. Adam Wilder

Much of the work of the Council is undertaken outside the formal meetings and, as usual, the Institute is indebted to those Council members who have given so freely of their time and to the Partners and employers who have supported those Council members in their endeavours.

The following table shows the members of Council during the year and the number of times Council and the Standing Committees met during the year, together with details of attendance. As Council and Committee composition changed during the year, the figure in parentheses against each attendance figure is the maximum number of meetings which each person was entitled to attend.

|  | Council | GP & F | E&T     | L&P     | Member-<br>ship | Progr-<br>amme | P.R.  | CPD   | TM<br>Administ-<br>rators | P G & D | Designs | Review |
|--|---------|--------|---------|---------|-----------------|----------------|-------|-------|---------------------------|---------|---------|--------|
| Bentley, S.M.                                  | 9 (9)   | -      | -       | -       | -               | 7 (10)         | 6 (8) | -     | -                         | -       | 2 (4)   | -      |
| Bray , Ms. L.A.E                               | 9 (9)   | 5 (6)  | -       | 7 (11)  | -               | 10 (10)        | -     | -     | -                         | 3 (4)   | -       | -      |
| Buchan I.A                                     | 6 (9)   | -      | -       | -       | -               | -              | -     | -     | -                         | -       | -       | -      |
| Butler D.C.                                    | 7 (9)   | -      | 7 (10)  | -       | -               | -              | -     | 5 (5) | -                         | -       | -       | -      |
| Ms. K. Cameron (w.e.f. 02.04.08)               | 7 (7)   | -      | -       | -       | -               | 5 ( 7)         | -     | -     | -                         | -       | 4 (5)   | -      |
| Clarke Mrs. T                                  | 7 (9)   | -      | -       | -       | -               | -              | -     | -     | 2 (2)                     | -       | 5 (6)   | 9 (9)  |
| Deas, Mrs. G.M.                                | 9 (9)   | 8 (9)  | 0 (10)  | 0 (11)  | 0 (9)           | 8 (10)         | 7 (8) | 0 (5) | 0 (2)                     | -       | 0 (6)   | -      |
| Farrand, T.                                    | 8 (9)   | -      | 9 (10)  | -       | -               | -              | 8 (8) | -     | 2 (2)                     | -       | -       | -      |
| Fish, J.A.                                     | 2 (9)   | -      | -       | -       | -               | -              | -     | -     | -                         | -       | -       | -      |
| Furneaux, R.N.                                 | 8 (9)   | 5 (9)  | 10 (10) | -       | 7 (9)           | -              | -     | -     | -                         | -       | -       | -      |
| Harris, P.W.                                   | 7 (9)   | 6 (9)  | 1 (10)  | 0 (11)  | 1 (9)           | 0 (10)         | 0 (8) | 0 (5) | 0 (2)                     | 2 (3)   | 0 (6)   | -      |
| Havelock, K.R.                                 | 7 (9)   | 6 (9)  | -       | 9 (11)  | -               | -              | -     | -     | -                         | 2 (4)   | -       | -      |
| Hiddleston, R.M.                               | 5 (9)   | -      | -       | -       | -               | -              | -     | -     | -                         | -       | -       | -      |
| Jackman, Mrs. C.J.                             | 6 (9)   | -      | -       | -       | 9 (9)           | -              | -     | 3 (3) | -                         | -       | -       | 5 (9)  |
| James, S.R.                                    | 4 (9)   | 0 (2)  | 0 (3)   | 11 (11) | 0 (2)           | 0 ( 2)         | 0 (2) | 0 (1) | -                         | -       | 0 (1)   | -      |
| Letang, J..M. (to 02.04.08)                    | 1 (2)   | -      | -       | -       | -               | -              | 2 (2) | 1 (1) | -                         | -       | -       | -      |
| Lynd, M.A                                      | 8 (9)   | -      | -       | -       | -               | -              | -     | 2 (5) | -                         | -       | -       | 5 (9)  |
| Mastrovito, Mrs. A.M.                          | 6 (9)   | 7 (9)  | -       | -       | -               | -              | -     | -     | -                         | 3 (3)   | -       | 6 (9)  |
| McKinnon, G.R. (to 02.04.08)                   | 0 (2)   | -      | -       | -       | -               | -              | 1 (1) | -     | -                         | 0 (1)   | -       | -      |
| McLeod, C.J.                                   | 8 (9)   | 7 (9)  | -       | -       | 0 (7)           | -              | 0 (6) | 0 (4) | 0 (2)                     | -       | 3 (6)   | 4 (9)  |
| O'Rourke, Ms. K.                               | 7 (9)   | -      | -       | -       | -               | -              | -     | 3 (5) | -                         | -       | -       | 5 (9)  |
| Porteous, A.                                   | 2 (9)   | -      | -       | -       | -               | -              | -     | -     | -                         | 1 (4)   | 0 (6)   | -      |
| Ramage, Mrs. M.A.                              | 9 (9)   | 8 (9)  | 0 (10)  | 0 (11)  | 5 (9)           | 10 (10)        | 8 (8) | 0 (5) | 0 (2)                     | -       | 0 (6)   | -      |
| Setchell, J.                                   | 4 (7)   | -      | 4 (10)  | -       | -               | -              | -     | -     | -                         | -       | 2 (6)   | 3 (6)  |
| Tarrant, G. (to 02.04.08)                      | 0 (2)   | -      | 0 ( 3)  | -       | -               | -              | -     | 0 (1) | -                         | -       | -       | -      |
| Turner, D.G.                                   | 4 (9)   | -      | -       | -       | -               | 9 (10)         | -     | -     | -                         | 4 (4)   | -       | -      |
| Welch, D.A.                                    | 8 (9)   | 4 (9)  | -       | -       | -               | 5 (10)         | 7 (8) | -     | -                         | -       | -       | -      |
| Wiseman, Miss I.O.                             | 6 (9)   | 4 (6)  | 3 ( 3)  | 11 (11) | -               | -              | -     | -     | -                         | -       | 6( 6)   | -      |
| Wolfe, C.A. Dr. (on maternity leave Dec – Apr) | 4 (9)   | 6 (9)  | 0 (10)  | 0 (11)  | 0 (9)           | 0 (10)         | 0 (8) | 0 (5) | 2 (2)                     | -       | 0 (6)   | -      |
| Wyness, J.J.                                   | 6 (9)   | -      | 7 (10)  | 5 (11)  | -               | -              | -     | 3 (5) | -                         | -       | -       | -      |

## **8. Register of Trade Mark Agents**

The Institute continued to keep the Register of Trade Mark Agents established under Section 282 of the Copyright, Designs and Patents Act 1988. The Secretary, Mrs. M.J. Tyler, was re-appointed by Council at its meeting on 2<sup>nd</sup> April 2008 as Registrar for a further year, in accordance with The Register of Trade Mark Agents Rules 1990. The Register as at 31<sup>st</sup> December, 2007 was published and placed on sale in March, 2008 and contained the names of 896 persons.

## **9. Joint Examination Board**

The Joint Examination Board is a joint committee with CIPA and conducts its business in accordance with its constitution which has been approved by the Comptroller.

The Joint Examination Board held examinations in November, 2008 as follows:-

- |  |   |  |
|--|---|--|
| Paper T1                                 | - | Basic United Kingdom Trade Mark Law  |
| Paper T2                                 | - | Basic United Kingdom Trade Mark Practice   |
| Paper T5                                 | - | Basic Overseas Trade Mark Law and Practice   |
| Paper T3                                 | - | Advanced United Kingdom Trade Mark Law and Practice  |
| Paper T4                                 | - | Advanced Trade Mark Search   |
| Paper T6                                 |   | Advanced Community Trade Mark and International Trade Mark Law and Practice  |
| Basic English Law                        |   |  |
| United Kingdom Designs and Copyright Law |   |  |
| Paper P1                                 | - | Basic United Kingdom Patent Law and Procedure  |
| Paper P5                                 | - | Basic Overseas Patent Law and Procedure  |
| Paper P2                                 | - | Patent Agents' Practice  |
| Paper P3                                 |   | Preparation of specifications for United Kingdom and Overseas Patents  |
| Paper P4                                 | - | Amendment of specifications for United Kingdom Patents Applications in Prosecution, Revocation Proceedings or otherwise. |
| Paper P6                                 | - | Infringement and validity of United Kingdom Patents.   |

The following are the numbers who sat the examinations and the numbers of successful candidates in respect of the examinations held in November, 2007:-

|          | <b>Candidates</b> | <b>Passes</b> |
|----------|-------------------|---------------|
| Paper T1 | 52                | 38            |
| Paper T2 | 44                | 36            |
| Paper T5 | 78                | 58            |
| Paper T3 | 66                | 31            |
| Paper T4 | 64                | 31            |
| Paper T6 | 73                | 32            |
| Law      | 36                | 25            |
| D&C      | 60                | 41            |
| Paper P1 | 25                | 21            |
| Paper P5 | 31                | 25            |
| Paper P2 | 211               | 126           |
| Paper P3 | 111               | 49            |
| Paper P4 | 107               | 61            |
| Paper P6 | 246               | 137           |

The Examiners in respect of the 2007 Papers were as follows:

Mr. C. Atkinson  
Ms. S. Boxall  
Ms. K. Cheney  
Ms. S. Chiappinelli  
Mrs. Tania Clark  
Mr. N. Condon  
Mr. M. Connors  
Mrs. C. Crago  
Mr. R. Davis  
Mr. P. Derry  
Mr. H. Dunlop  
Mr. D. Edwards  
Mrs. J. Evenson  
Mrs. P. Frayne  
Ms. J. Freeman  
Mr. C. Gibbs  
Mr. M. Greenwood  
Ms. S. Hardy  
Miss L.J. Harland  
Ms. L. Harris  
Mr. D. Harrison  
Ms. Y. Hashim

Mr. M. Houghton  
Mr. D. Jackson  
Mr. S. Jennings  
Mr. P. Johnston  
Ms. H. Jones  
Mr. A. Leppard  
Mrs. C. Lindley-Vass  
Dr. V. Lovatt  
Ms. A. Marshall  
Dr. P. Martin  
Mr. J. Mears  
Mr. A. Miller  
Mr B. Mooneapillay  
Mr. F. Newbould  
Mr. D. O'Connell  
Mr. N. Parnell  
Mrs. L. Prentice  
Mr. S. Reese  
Mr. E. Round  
Mr. J. Setchell  
Ms. A. Thornton-Jackson  
Ms. I. Wiseman  
Mr J. Wyness

## 10. Examination Awards

Council was pleased to make the following awards to successful students during the year in respect of the examinations held in November 2007:

**Payne/Bennett Memorial Award** to Ewen Mitchell of Rouse & Co. International for attaining the highest marks in the Advanced level U.K. Trade Mark Law & Practice paper (who also sat and passed the Advanced Trade Mark Search paper at the same sitting).

**John Parker Memorial Award** to Rebecca Tilbury of Pinsent Masons LLP for attaining the highest marks in the Basic United Kingdom Trade Mark paper.

**Peter FitzGibbon Memorial Award** to Melissa Ah Chan of Forresters for attaining the highest marks in the Basic Overseas Law & Practice paper.

**Adrian Spencer Memorial Award** to Christine Renate Graser of Merck KGaA for attaining the highest marks in the Advanced Trade Mark Search paper.

**Nick Wilson Memorial Award** to Jocelyn Retter for attaining the highest marks in the United Kingdom Design & Copyright paper.

## 11. Review Committee

The Committee met 11 times in 2008 and produced 10 editions of the ITMA Review.

Kelly Robson, our editor, is extremely professional and hard working and the committee is grateful for her invaluable support. We have a high attendance rate for the committee and all of its members actively participate in the format and contents of the Review. The committee members for 2008 were the following:

Alice Mastrovito, Chris McLeod, Clare Jackman, James Setchell, Jordanna Popli, Kate O'Rourke, Kate Swaine, Kathrin Vowinckel, Michael Lynd and Robert Williams.

We are also ably assisted by our Secretary, Gillian Rogers, who acts as an aide-mémoire of the previous meeting's discussions.

To the extent possible, all speakers at the ITMA talks are encouraged to provide summaries of their presentations for publication in the Review. Our list of contributors is ever increasing and this has led to some bumper issues of the Review in 2008.

Our goals for 2009 include the following: encouraging overseas attorneys to provide updates on changes in national laws, continuing the Trade Mark of the Month and including articles of general interest to our members.

## **12. Education & Training Committee**

The Committee met 10 times during the year.

Between January and October the two-year Advanced Trade Mark course took place in conjunction with Queen Mary College with one day sessions for each year. There were 15 students enrolled for the second year and a new first year course started with 28 students enrolled on the course. This was the first year of the course being offered on a modular basis in response to student feedback.

The Residential Revision Courses were held at the Aston Business School in Birmingham. The courses took place over two weekends in September and were attended by 70 students. The courses covered all trade mark foundation and advanced level examination papers and the majority of patent foundation and advanced level examination papers. Numbers were noticeably down for the Basic English Law, Design & Copyright, T1, T2, T5 and the patent papers and the continued viability of the course is in question.

The Committee ran its programme of Foundation Level Seminars with four seminars covering the basics in English Law, Foreign Law, Trade Mark Law and Design & Copyright held between March and June.

Members of the Committee took part in one-to-one tutorials with students who had narrowly failed one of the advanced level examination papers in order to give guidance on examination technique. Five consultations were held in 2008.

The Committee cancelled the three day course on Advocacy and Evidence for Members of the Institute in conjunction with the Inns of Court School of Law due to lack of interest. This was disappointing bearing in mind the feedback from the UKIPO about the skill levels of the profession in these skills.

The Committee also ran a one-day course on Designs Practice which was fully attended.

Having conducted much research we embarked over the summer on a consultation exercise to give members feedback on reform of the Education Training and qualification process for ITMA members. A proposal for how a new process might look was put together following this feedback and outline approval given to the scheme by Council in November. We are now working on the detail and implementation of the proposal with Queen Mary, Nottingham Law School and IPREG; for more detail see the student section of the ITMA website.

## **13. Trade Mark Administrators' Course Committee**

During 2008 the *Formalities Course* was renamed the *Trade Mark Administrators' Course*. This was done in order to better reflect current terminology and the job titles of those attending the course.

The course continues to be extremely popular. The number of candidates applying to attend the course in 2009 far exceeded demand. In 2009 the committee will be looking at ways to meet demand in future years.

The 2008 course was run in London only. The refreshed content of the course and a number of new faces among the lecturers were well received and gave the course some renewed energy.

The examination took place in London on 13<sup>th</sup> June, 2008. 36 people sat the examination of which 24 were successful.

For 2009, the committee has been able to organise courses in Cambridge and Jersey in addition to London. Thanks go to the locals who have helped with the organisation of the out of London courses. For 2010, we are hoping to run a course in Reading, and will look for opportunities for other out of London courses. Demand in London is so high that we may consider running two courses in 2010.

#### **14. Continuing Professional Development Committee**

The CPD Committee continues to receive and review requests for accreditation for ITMA CPD points as well as advising members on the availability of CPD points for activities which do not fall clearly within the guidelines. The Committee also follows up on those cases in which members have failed to provide evidence of compliance with ITMA's CPD requirements and refers cases of non-compliance to the Professional Guidance and Disciplinary Committee for possible disciplinary action.

#### **15. Laws & Practice Committee**

The Committee met 11 times during the year. The principal topics addressed were:

1. Trade Mark Registry Practice
2. OHIM Practice
3. Madrid Protocol
4. RPWG (Registry Practice Working Group)

1. Trade Mark Registry Practice

The major issue facing the Committee during the year was the consolidation of the Trade Mark Rules. The Committee provided detailed comments on the UK IPO's proposals, some of which found their way into the Rules that were introduced on 1<sup>st</sup> October 2008, a number of which did not.

Perhaps the most notable success, from the point of view of UK trade mark practitioners, was to persuade the UK IPO not to include a proposal to open up UK inter-partes proceedings to representatives based throughout the EU. The conflict between the rules for conversion under the CTM Regulation (see Article 110(3)(c)) and the UK IPO's

proposal proved to be the major reason for the UK IPO deciding to omit its proposed pan-EU (representative) change.

Unfortunately, this omission has proved to be only temporary. Under pressure from the European Commission, the UK IPO has now decided to introduce a provision in April 2009 that will allow any EU trade mark representative to conduct inter-partes proceedings before the UK IPO. No doubt there will now be a veritable avalanche of our sister, EU national trade mark offices following suit, with the Commission taking a vigorous lead in the interests of creating a level playing field.

## 2. OHIM

Once again, members of the Committee were heavily involved in the British Day with OHIM in March 2008. Amongst the issues raised were the introduction of the optional national searches, problems associated with e-filing, the proposed EU wide search database (TM VIEW formerly known as Euro.Register) which is due to go live in the near future, greater consultation prior to drafting guidelines, the onerous consequences of not filing two copies of evidence by post and the disadvantages faced by English language marks (from the point of view of showing acquired distinctiveness).

OHIM appears to be disinclined to organise a British Day during 2009. Indeed, it appears that the days of such national events may be numbered. In the author's view, if this is indeed the case, it is a mistake. If OHIM truly wishes to improve its consistency in decision making, it should be meeting a wider range of practitioners from throughout the EU more often, not less.

## 3. Madrid Protocol

The first WIPO British Day took place on 24<sup>th</sup> October 2008. A productive meeting involving WIPO officials and representatives from ITMA and CIPA discussed issues surrounding the Madrid Protocol, including formality examination, access to WIPO examiners, WIPO's handling of correspondence, processing delays, the definition of "commercial and industrial establishment" and routes for appealing an adverse decision from WIPO.

At the meeting, ITMA was represented by Imogen Wiseman (F.J. Cleveland) and Oscar Benito (GlaxoSmithKline).

## 4. RPWG

Committee members continue to attend RPWG meetings on a quarterly basis. The importance of this body in the steady evolution of UK trade mark law and practice cannot be overstated. Proposals, from the UK IPO, to decrease the number of meetings of this body have so far been resisted. The UK IPO would like RPWG to become a more strategic entity. This is fine, provided that there remains a forum at which practitioners can make suggestions for change to specific areas of practice, so that the UK IPO continues to lead the world in its consistency of decision making, both during examination and during inter partes proceedings.

## 5. Miscellaneous

- i) The Committee entered comments on the Google Adwords cases (C-236/08 to C-238/08). We commented that the sale of a trade mark such as *Adidas* as an adword by Google to a competitor of *Adidas*, such as *Nike* or *Reebok*, should fall foul of either Article 5(2) of the Directive or Article 9(1)(c) of the CTM Regulation.
- ii) In these straightened times, the number of scam trade mark registers seems to be on the increase. The Committee has drawn the attention of the UK IPO, OHIM, and even Trading Standards, to a number of these scams.
- iii) The UK Government is proposing to include legislation to force tobacco companies to use plain packaging. The Committee wrote to the Department of Health in October 2008, reminding them that they must meet their obligations under the Paris Convention and the TRIPS Agreement when drafting any future legislation.
- iv) The Gower Review is to be reviewed by the All Parliamentary IP Group (APIPG). The Committee had thought for some time that it should be possible to bring appeals from UK IPO decisions to the Patents County Court, in an effort to contain costs. We therefore made this proposal to APIPG. After taking more soundings on this matter, however, it seems unlikely that it will bear fruit until (or unless) all ITMA members obtain rights of representation (at least) before that Court (PCC).

## 16. **Designs Committee**

The Committee meets every two months and is heavily dependent on contributions from co-opted members as well as council members. We would therefore like to take this opportunity to thank all those, including ITMA staff, who contribute to the smooth running of this Committee.

The Committee continues to review consultation documents issued by both the Community and UK Offices. Many of those reviewed by the Committee over the last year have related to copyright and the Committee is fortunate to have co-opted a member with particular interest and experience in this area.

Members of the Committee have also attended meetings of the UK Design Registry Practice Working Group, which have now been incorporated into the Trade Marks Registry Working Group. They have also attended the Community Office's British Day and a similar day at WIPO, at which a number of general design related issues were discussed, as well as the running of the various offices.

The Committee continues to work to raise the profile of designs amongst ITMA's membership and the general public at large. The Committee contributes regularly to the Copyright and Design section in the Review, the designs section of the ITMA website and the Institute's printed materials and continues to investigate ways of increasing the general public's awareness of design protection and the role that ITMA members can play in the acquisition and enforcement of these rights.

## **17. Programme Committee**

The Committee met 10 times during the year and organised the events below:-

### **Evening Meetings**

- 22 January - Mr. Mark Engleman, Hardwicke Building – The Olympic Symbol, etc. Protection Act 1995
- 19 February - Mr. David Musker, R.G.C. Jenkins & Co. – Infringement of Registered and unregistered Designs
- 13 May - Ms. Emma Himsforth, One Essex Court – High Court and Court of Appeal Decisions
- 24 June - Mr. Chris Schulte, Merchant & Gould, USA – Update on U.S. Law
- 22 July - Mr. Glen Barclay, The Scotch Whisky Association – A brief introduction to Geographical Indications – and how the proposed new Scotch Whisky Regulations will help to protect the GI Scotch Whisky
- 16 September - Ms. Cathy Ayers, Scott York Intellectual Property – ECJ and CFI Update
- 28 October - Mr. Mark Bryant, UK-IPO – New Trade Mark Rules
- 25 November - Mr. Simon Chalkley, Redd – Trade Mark Licensing – Practical tips and pitfalls for practitioners

### **Out of Town Meetings**

The following meetings took place:-

#### **Birmingham**

- 13 February - Mr. Mark Jefferiss, UK-IPO – Section 5 – The Story so far!

#### **Glasgow**

- 5 November - Mr. Glen Barclay, The Scotch Whisky Association – A brief introduction to Geographical Indications and how the proposed new Scotch whisky Regulations will help to protect the GI Scotch Whisky

## **Manchester**

- 13 February - Mr. Mark Jefferiss, UK-IPO – Section 5 – The Story so far!
- 2 April - Mr. Mark Engleman, Hardwicke Building – The Olympic Symbol, Etc. Protection Act 1995
- 23 September- Ms. Cathy Ayers, Scott York Intellectual Property – ECJ and CFI Update

The Institute is very grateful to those firms outside of London who very kindly provided Venues for the above meetings – Browne Jacobson LLP in Birmingham and Cobbetts Solicitors in Manchester.

## **Seminars**

Seminars were organised as follows:-

### **Working with Dots:**

London - 17 January Mr. Eric Ramage, Alexander Ramage Associates  
Mr. Ari Launne, Kolster OY Ab, Finland  
Ms. Sandra Waller, Reckitt Benckiser plc

Manchester - 13 March Mr. Eric Ramage, Alexander Ramage Associates  
Ms. Sandra Waller, Reckitt Benckiser plc

### **Joint Seminar with UK-IPO:**

London - 18 April Mr. Allan James, UK-IPO  
Mr. Michael Edenborough, Hogarth Chambers  
Mr. Simon Malynicz, Hogarth Chambers

### **Joint Seminar with CIPA - New Trade Mark Rules:**

London - 30 September Speakers from the UK-IPO

### **Case Management Seminar:**

London - 19 November Master Nicholas Bragge  
Mr. Chris Ryan  
Ms. Fiona Clark

## **Quiz Night**

This event was held on 5 February again at the Punch Tavern in Fleet Street, where 18 teams battled for the winner's prize and trophy. There were joint winners at the end and the prize was shared between Frank B. Dehn and Taylor Wessing. The amount of £1,014 which was raised on the evening was split between Help for Heroes and St. Mungo's.

## **London International Meeting**

The International Meeting took place from 2 – 4 April at the Royal Garden Hotel, Kensington.

The speakers at the meeting were:-

Mr. Wolfgang May, Wella (P & G), Germany  
Mr. Oscar Benito, GlaxoSmithkline, UK  
Mr. Clark Lackert, King & Spalding, USA  
Mr. Kris Williamson, Advocacia Pietro Ariboni, Brazil  
Mr. Michael Edenborough, Hogarth Chambers, UK  
Miss Linda Harland, Reddie & Grose, UK  
Mr. Vincent O'Reilly, OHIM, Spain  
Mr. Bill Trott, UK-IPO  
Ms. Katharine Stephens, Bird & Bird, UK  
Mr. Mark Hiddleston, Elkington & Fife, UK  
Ms. Anna Carboni, Wilberforce Chambers, UK

After a long tradition the dinner and dance was removed from the programme this year but a gala dinner was held at the RAC Club on 3 April and the Institute was honoured by the presence of the following guests:

Mr. David Bradley, (CIPA)  
Mr. Richard Heath, (INTA)  
Mrs. Cynthia Rowden (Canada)  
Mr. Bill Trott (UK-IPO)  
Mr. Roger Wyand Q.C. (UK)

## **President's Dinner**

This event took place for the first time in 2008 and was to celebrate the election of the new President. The dinner was held on 25 April at Le Meridien Hotel, Piccadilly where the incoming President, Mrs. Gillian Deas was host to guests and members and outlined her aims for her two year term. Guests at the dinner were:-

|                              |                      |
|------------------------------|----------------------|
| Mr. Daniel Alexander         | Mr. Simon Malynicz   |
| Mr. Michael Edenborough      | Ms. Amanda Michaels  |
| Mr. Richard Heath            | Ms. Renate Siebrasse |
| Mr. Allan James              | Mr. Roger Wyand      |
| The Hon. Mr. Justice Kitchin |                      |

## **Summer Reception**

This was held at the Westminster Boating Base and attended by around 200 people.

## **Autumn Conference**

This took place over the 25 -26 September in Alicante, Spain and was attended by around 80 delegates. The speakers were:-

Mr. Wubbo de Boer, OHIM  
Mr. Vincent O'Reilly, OHIM  
Mr. Simon Bentley, Abel & Imray  
Mr. Oliver Morris, UK-IPO  
Miss Imogen Wiseman, fJCleveland  
Miss Penelope Nicholls, D Young & Co  
Mr. Julius Stobbs, Boulton Wade Tennant  
Ms. Mireia Curell, Curell Suñol, Spain  
Mrs. Alice Mastrovito, Mastrovito Wyness  
Mr. Miguel Rodriguez, CMS Albiñana & Suárez de Lezo, Spain

## **IP Bar Reception**

This annual event was moved from July to October and held at Unilever's refurbished offices at Blackfriars, for which the Institute is very grateful. Around 40 members of the Bar attended the event and were entertained by members of the Institute.

## **Christmas**

The annual Christmas Luncheon was held on 9 December, again at the Royal Lancaster Hotel where nearly 700 attendees enjoyed a traditional Christmas meal.

Mr. Bruce Marsh of Wilson Gunn arranged a Christmas Dinner in the north of the country on 11 December at the Renaissance Manchester Hotel where around 50 people had a very good evening.

## **18. Public Relations Committee**

2008 was again a busy year in Public Relations. In general terms the aims of the PR Committee are to increase awareness of trade marks and designs and to promote the profession of trade mark attorneys not only in the UK but also overseas.

By far the most important PR event of 2008 was the reception ITMA hosted at the British Embassy in Berlin during INTA's conference in May. A full report, with pictures, appeared in the June edition of the ITMA Review but with almost 200 guests attending from our target markets of the Far East and the US and a speech from the British Ambassador, we can safely say our own targets were met.

Also on the international front, the Institute sent another delegation to the Far East; to Tokyo and Beijing, to give presentations on OHIM law and practice, developments in UK law and practice, clearance and comparison of marks, provision of evidence, and designs. This has enhanced relations with the equivalent organisations in those countries and further overseas visits are envisaged, taking in other territories.

One of the key aims of the PR Committee is to promote the Institute through the media. During the year we issued 23 Press Releases, wrote 8 articles for specialist magazines and gave one interview to the BBC World Service.

Five News Release announced appointments:- Gillian Deas' as ITMA President including her inaugural address, Keven Bader's appointment as Chief Executive; David Lammy's appointment as the third Minister of IP in a year; David Heap's appointment as Chair of the IP Regulation Board (IPREG) and Elizabeth France's appointment as Chair of the Office of Legal Complaints (OLC). The other two substantial News Releases concerned our Berlin reception and the introduction of the new website.

One article was written for the Company Secretaries Review about scam registers and others covered the importance of registering trade marks and using registered trade mark attorneys to do so effectively in the IP Review, the World IP Review Digest, the UK Science Park Association Journal (twice), Innovation UK, IP Insight (the UK's IPO on-line newsletter) and the Sage Guide to setting up your own business which is now a sponsor of ITV's Krypton Factor.

Partnerships are a constant feature of the PR Committee's work. We have continued our partnership with HM Revenue & Customs who organise free Business Advice Open Days. In 2008 we attended 16 events in Aberdeen, Barrow, Belfast, Birmingham NEC, Bradford, Cardiff, Carlisle, Leicester, Llandudno, London Docklands, Northampton, Reading, Torquay, Twickenham, Walsall and Workington. These Open Days provide new and small businesses with free advice and assistance. ITMA is one of ten partners who are supported by local organisations at the events.

We continue to work with the renamed Patent Office – for a short time renamed the UK-IPO, and now simply IPO - and CIPA on the national IP Awareness Campaign which this year visited Aberdeen, Cambridge, Edinburgh, Inverness, Manchester, Newbury, Newcastle and Weston Super Mare. It is hoped the campaign will continue throughout 2009.

In 2008 we continued our work with University Careers Services by attending the College of Law - Beyond the Bar event; and attending the Kings College Law Fair. We continue to work as a partner with the British Library's Business and IP Centre providing literature and featuring in many of their news releases and are happy to work with other business organisations to widen our sphere of influence.

The Institute continued to offer free trade mark advice clinics on a bi-monthly basis at Harmsworth House throughout 2008. They will continue in 2009 on the first Thursday of alternate months and are publicised on the front page of the ITMA website.

ITMA again sponsored the Design Week Awards covering two categories; Identity Programmes and Letterheads and logos. The past President Phil Harris made the award presentation at the Park Lane Hilton on 4 March. We are sponsoring the awards again in 2009 as it gives us a great opportunity to get our message across to the design community as well as affording us reduced advertising rates in Design Week.

The PR Committee were instrumental in introducing sponsorship for the Institute's programme of conferences with sponsors being obtained for the International Meeting in

March 2009. This is at a very early stage and it remains to be seen how the economic climate will impact on this initiative.

In helping to promote the Institute, the PR Committee launched the new ITMA website in March which we believe will enable members of the public to gain better access to top quality advice on trade marks and designs and to find trade mark attorneys more easily through an improved navigation within the site. We also hope it will provide members of ITMA with clearer information and improved services.

Also in furthering the interests of members, we continued with the programme of Regional Visits by officers and ITMA head office staff to discuss members' interests and how the Institute can work effectively. Other pressures meant that only one event could be held in 2008, in Manchester, but with over 40 members from the region turning out, it proved a real success, helped by the fact that it attracted CPD points by having a speaker from the IPO on the new trade mark rules. These will continue in 2009, with the first event in Bristol in January.

Two new developments have been added to the Institute's services in 2008. One was a collaboration with Darts-IP to provide reduced fee access to their case law database and the second was the introduction of Members Benefits Plus offering members discounts on a range of goods and services. The IP Benefits scheme was drawn up in conjunction with CIPA.

The PR Manager, supported by the PR Committee, will seek to continue to increase awareness of trade marks within the UK and to promote the Institute and the expertise of its members both within and outside the EU. In particular the committee will be looking at ways in which ITMA's voice can be heard better in parliamentary circles, building on the representation we had in attending the Conservative Party Business Relations IP Seminar and the joint meeting, alongside sister organisations, with the new Minister for IP, David Lammy.

## **19. Book Committee**

This year, Tibor Gold of Kilburn & Strode stepped down as Editor of the UK Trade Mark Handbook. The members of the Committee would like to extend a sincere and warm thanks to Tibor for his sterling assistance over the years in connection with the Handbook. Tibor for several years has been a mainstay of and one of the primary forces behind the Handbook and it is no exaggeration to say that in recent years, without his assistance, the Handbook probably could not have continued. We would like to wish Tibor all the very best for the future.

The Book Committee would also like to thank Richard Abnett of Reddie & Grose, Keith Farwell of Phillips & Lee, Jonathan Clegg and Imogen Wiseman of F.G. Cleveland for their continuing efforts in relation to the Community Trade Mark Handbook and Imogen, again, and David Musker of RGC Jenkins & Co. for their hard work in relation to the Community Designs Handbook.

The work of the Book Committee itself in 2008 has concentrated upon two main areas:

The Committee has been involved in the preparation, in conjunction with the joint editors of CIPA and ITMA, of the two half-yearly updates for the United Kingdom Trade Mark Handbook. The Committee has also been busy in recruiting new contributors during the course of the year for the Handbook.

The members of the Committee would like to extend a warm welcome to Terry Johnson of Marks & Clerk who has joined as a co-editor to the Trade Mark Handbook during 2008. Terry will be a great aid for the Handbook moving forward.

There are many individual authors who have contributed to particular chapters of the three handbooks. Their names are acknowledged in the various works. Without them, the handbooks could not be produced. The CIPA representative editors in particular, Tibor Gold, Keith Farwell, David Musker and now Terry Johnson have each made and will continue to provide an enormous contribution to the scholarship of these works.

In addition, work is continuing upon a proposed publication of tutorial-style questions for each of the current advanced level of trade mark examination papers. A set of draft questions for each of the advanced level papers has now been prepared but is currently being reviewed in the light of recent changes to the style of examination questions. The Committee is currently reviewing these with the intention of publishing the same during the course of 2008.

The Committee is actively considering other possibilities for publication of works on behalf of ITMA.

## **20. Joint Council Meetings**

The annual APRAM, BMM, ECTA, GRUR, ITMA, MARQUES meeting was hosted this year by BMM and held in Brussels on 28 February. The Institute was represented by Mr. Philip Harris, Mrs. Gillian Deas and Mrs. Maggie Ramage.

## **21. Representation of the Institute**

The Institute was represented at the following during the year:-

|                                      |                     |
|--------------------------------------|---------------------|
| Design Awards                        | Mr. Philip Harris   |
| CIPA's President's Dinner            | Dr. Catherine Wolfe |
| Irish Association Dinner             | Mrs. Maggie Ramage  |
| ECTA Conference, Killarney           | Mrs. Gillian Deas   |
| Ministry of Justice Summer Reception | Mr. Philip Harris   |
| World Intellectual Property Day      | Mrs. Gillian Deas   |

Throughout the year Mrs. Angela Fox, Dr. Stephen James and Miss Imogen Wiseman represented the Institute at the Registration Practice Working Group.

The Institute was also represented by Miss Imogen Wiseman at various Designs Registry Working Group meetings with the Patent Office.

Mrs. Mastrovito has represented the Institute at meetings of the Policy Interest Group set up at the end of 2006.

## **22. General Purposes & Finance Committee**

The committee met 9 times in the past year.

The committee continued to oversee the work to develop the joint regulation board, which has been termed the Intellectual Property Regulation Board (IPREG). This has been set up by ITMA and the Chartered Institute of Patent Attorneys (CIPA) to undertake the regulation of the Trade Mark Attorney and Patent Attorney professions. Until the formal designation of CIPA and ITMA as Approved Regulators, the IPREG has been preparing for the handover of regulatory responsibilities and has developed a "Shadow Board" and a skeleton administrative organisation.

The IPREG appointed Michael Heap as a Lay Chairman and three Lay Members along with three Patent Attorneys and three Trade Mark Attorneys will be appointed early in 2009.

The committee continues to monitor the expenditure of IPREG, has approved budgets for 2009 and has developed appropriate mechanisms for payment with CIPA and IPREG. The committee is liaising with the Ministry of Justice, who have set up the Legal Service Board to monitor all Approved Regulators, to ensure that the regulation of the Trade Mark profession is appropriate and proportional.

The Committee has continued to foster relations with the UK Intellectual Property Office and to seek ways to improve the practice of trade marks in the UK both for members and for users at large. The Officers have regular meetings with senior officials and ITMA's new CEO has also introduced direct liaison with the IPO.

The Committee continues to seek access to the CFI and improved access to the PCC and particular thanks are due to the Immediate Past President, Philip Harris, for his work on these matters and in connection with regulation with which he continues to be much involved.

The Chairman of the Committee attended meetings of the Policy Interests Group established by the UK Intellectual Property Office until meetings ceased in mid-2008. News is awaited on whether it will meet again or whether a new forum will be set up to replace it.

The Committee has considered whether the profession should continue to require a degree for entry. At present, applicants to sit JEB exams must have a degree, or equivalent although there is discretion for applicants without a degree who have suitable

practical experience. No decision has been taken on whether to change the entry requirement although it is emerging from discussions with course providers for the new educational provisions that it may be difficult for them to provide eg a postgraduate certificate to candidates who do not have a first degree.

The Committee continues to investigate ways to outlaw companies which send out requests for fees for entry in private registers including publishing articles and making representations to OHIM and to the UK Intellectual Property Office.

In the past ITMA has made donations to the educational charity IPET which has itself funded certain ITMA education projects. IPET has declared its intention to disband and has invited proposals for projects which it could fund with its remaining reserves. The Education and Training Committee is working on a suitable proposal.

Members of the Committee contribute to the CIPA/ITMA Joint Business Practices Committee which continues to work on ways to assist members in running their practices in areas ranging from Money Laundering Regulations, to transfer of files. The results of the Committee's work are published in the ITMA Review and/or made available on the ITMA website.

The Committee, in the person of the President and First Vice President completed negotiation of membership to IP Benefits Plus, a scheme designed for ITMA and CIPA to obtain discounts on a range of goods including CD's shirts, wines and flowers, details of which are available in the members' area of the ITMA website.

In 2007, the government set up a committee for nominating Honorary QC's for which ITMA had put forward a member. It transpired that CIPA and ITMA and two other bodies had to make joint nominations and the Committee continues to liaise with those bodies concerning nominations.

Following concern that the programme of evening meetings in London was too costly, the Programme Committee looked at ways to reduce costs. Introduction of an attendance charge was considered but ultimately the decision was taken that membership should continue to be free to members but that non-members should be charged and to end video filming of meetings.

The Committee has organized the set up of a benevolent fund and work continues on how to fund it most equitably.

The Institute's application to register REGISTERED TRADE MARK ATTORNEY has been completed.

The Committee continues to seek ways in which to liaise with members of the IP bar, the judiciary, parliament and the House of Lords to foster its aims and concerns.

Officers continue to attend meetings of the the Joint Acronym bodies APRAM/BMM/ECTA/GRUR/ITMA/MARQUES to discuss ways in which the bodies can cooperate, particularly to enhance the impact of submissions to European institutions concerning trade marks.

The First Vice President organised the purchase of the domain name itma.org and rationalisation of the Institute's portfolio of domain names to ensure (a) that they all point to the Institute's website and (b) are cost effectively maintained and administered.

Following the introduction of the new ITMA website, a number of non-members requested access to the members' area of the site which is now restricted by password. It was concluded that the members' area should be for the benefit of members only. However, because the electronic copy of the ITMA Review is in the members' area, an exception could be made for non-members seeking back copies, which could be provided electronically by the Office.

The Committee organised production of lapel badges to be presented to all incoming Presidents

The Committee is already benefiting immensely from Keven Bader's involvement in its work. So far, in the short time he has been in post, he has made significant contributions in working with IPREG, drawing up recommendations for reform of ITMA following the introduction of regulation, liaising with the UK Intellectual Property Office and other IP bodies, reviewing the options for ITMA accommodation and ITMA Office systems. Many thanks go to him for making such a strong start and confirming the Committee's confidence in his appointment.

Thanks are equally due to Margaret Tyler MBE, Jane Attreed, Gillian Rogers, Val Rice, Joy Dublin and Geraldine Flood in the ITMA Office. The recruitment of a CEO has focused attention on the work of the ITMA Office and has highlighted just how much we owe to them for the work they have done in the past with fewer resources.

The Committee also extends heartfelt thanks to Ken Storey, Caroline Glover, Kelly Robson and to the partners of Sawin and Edwards for all their work throughout the year.

Finally, on behalf of the Institute the Committee also thanks members of Council and its Committees who give up so much of their busy lives to the working of ITMA.

**23. Professional Guidance & Disciplinary Committee**

The Committee met 4 times during the year and dealt with one or two cases outstanding from the previous year and considered two new complaints, one of which is still ongoing

**24. Charitable Donations**

During the year the Institute made donations for charitable purposes amounting to £1,414.

**25. Auditors**

The Auditors, Messrs. Sawin & Edwards, have indicated their willingness to continue in office and a resolution will be proposed for their reappointment at the forthcoming Annual General Meeting.

**26. Small Company Provisions**

This report has been prepared in accordance with the special provisions for small companies under Part VII of the Companies Act 1985.

**Approved by the Council on 17<sup>th</sup> February, 2009  
and signed on its behalf by**

**Mrs. Margaret J. Tyler, MBE  
Secretary**