

Frequently Asked Questions in Relation to the Experience requirement for qualification as a Registered Trade Mark Attorney

Q1. What is a Training Diary?

A training diary is a written diary / document designed to demonstrate that a trainee is receiving a good mixture of trade mark work, which is important when seeking to train and qualify as a registered trade mark attorney. A good mixture of training should include the following practice areas and the best way of evidencing this is by capturing the same in a training diary:-

- i) Clearance searching of new trade marks
- ii) UK/CTM Prosecution
- iii) Prosecution of Madrid applications
- iv) Management of TM portfolios outside the UK and EU
- v) Maintenance and exploitation of UK/CTM registrations
- vi) Dispute resolution/contentious proceedings.

Q2. Do I need to keep a training diary in support of my application to qualify as a Registered trade mark attorney?

IPReg does not require students to compile a training diary or submit evidence of a training diary in order to gain entry on to the Register of Trade Mark Attorneys (once the trainee has passed all the qualifying examinations). In order to gain entry on to the Register of Trade Mark Attorneys, IPReg requires a student who has passed the qualifying examinations to sign a Statutory Declaration confirming that, in line with IPReg's Patent Attorney and Trade Mark Attorney Qualification and Registration Regulations, he/she has the relevant length of training experience.

In the Patent Attorney and Trade Mark Attorney Qualification and Registration Regulations, there is provision for evidence of a trainee's training experience to be asked for in support of an application to gain entry onto the Register of Trade Mark Attorneys. We understand capturing that training experience in a Training Diary is the preferred format for IPReg.

A training diary, should, of course, document the various practice areas that a trainee is being exposed to, (having regard to Q1. above), and is a very good way of ensuring that a trainee is receiving a good balance of work. If there are deficiencies in certain areas then these should be readily identifiable in a training diary and can therefore be addressed by the trainee and his/her supervisor.

Furthermore, compilation of a training diary might assist a student in career progression as he/she will be able to provide to their existing employer, or any potential new employer, details of their experience and the types of work that they have undertaken.

Q3. What is the relevant length of training experience required?

According to the Patent Attorney and Trade Mark Attorney Qualification and Registration Regulations, a trainee who is working under supervision must have completed not less than two years' full-time practice in the field of intellectual property, including substantial experience of trade mark attorney work, under the supervision of:

- i) a registered trade mark attorney, or

ii) a barrister, solicitor or advocate who is engaged in or has substantial experience of trade mark attorney work in the United Kingdom.

A trainee who does not work under supervision must have satisfactorily completed not less than four years' full-time practice in the field of intellectual property, including substantial experience of trade mark attorney work in the United Kingdom.

The supervisor, referred to in i) and ii) above must be an appropriately qualified person for the entire period of supervision.

Please see <http://www.ipreg.org.uk/sublinks.php?id=41> which is a link to the relevant section of the Patent Attorney and Trade Mark Attorney Qualification and Registration Regulations.

Q4. I am a trainee. When do I start compiling my training diary?

New entrants to the profession should start to compile the diary either three months after beginning the Queen Mary Certificate in Trade Mark Law and Practice course or six months after entering the profession, whichever is later. Transitioning trainees (from the JEB system) or other professionals with trade mark experience can commence their training diary immediately.

Q5. Do I have to be a member of ITMA in order to complete a training diary?

You do not need to be a member of ITMA to complete a training diary. However membership of ITMA is beneficial in terms of information and support during training and qualification and so is strongly recommended.

Q6. How much detail needs to be included in the training diary? Do I need to keep examples of work to support the diary?

A diary should contain sufficient detail to identify the nature of the work undertaken without compromising client or company confidentiality. It should be sufficient to record the file number and a short note, for example "drafting opposition". Examples of work need not be kept but enough information needs to be included in the diary to enable the trainee and the supervisor to produce such examples, if requested.

Q7. What happens if I do not receive exposure / training in all of the disciplines mentioned in Q1?

A trainee should have exposure to all the areas mentioned in Q1. With this in mind, supervisors and trainees should periodically review the level of training and the training diary content.

Q8. What happens if I have a regulated supervisor or some, but not all of the time during my training period?

This will depend on the circumstances of the particular case and it will be necessary to contact IPReg for guidance and/or a decision.

Q9. What happens if I change job during my training?

The training diary should be reviewed and signed off by the supervisor before the student takes up his/her new position. It is acknowledged that it may be impossible to

have access to files at a firm at which the trainee is no longer employed. The training diary should be continued under the new supervisor and any gaps in experience should be addressed by the new supervisor.

Q10. I am a trainee solicitor and I am also training to become a trade mark attorney. Does my training as a solicitor count towards my training (for trade mark attorney qualification)?

In general, it is unlikely that work carried out as a trainee solicitor will count towards qualification as a trade mark attorney. However, if soft IP / trade mark attorney work is one of the trainee's seats then that may count towards the experience requirement. Individual circumstances should be referred to IPReg for clarification.

Q11. I have had a career break and my training experience has therefore been interrupted. What should I do?

In circumstances such as these, decisions need to be made on a case by case basis. The trainee should contact IPReg for guidance, setting out the precise circumstances.

Q13. Is experience in Northern Ireland equivalent to experience in the UK?

Yes it is.

Q14. Can I rely on experience outside the UK in support of my training?

Under normal circumstances, training and experience obtained outside the UK is unlikely to assist. However, if the student believes that he/she has particular and relevant circumstances then he/she should apply to IPReg for a ruling or guidance.

Q15. Is there a particular format for a training diary?

There is not set format for a training diary, but to aid students, there is an EXCEL version of a training diary on the ITMA website, which can be accessed and downloaded for individual use.