



# **THE INSTITUTE OF TRADE MARK ATTORNEYS**

Annual Report of the year ending  
31<sup>st</sup> December 2010

Company No: 294396

## ***President and Chief Executive's introduction***

We are very pleased to introduce this Annual Report of the Institute of Trade Mark Attorneys (ITMA).

During the course of the year, ITMA has seen a significant change with the separation of its regulatory and representational functions. This separation came into full effect on the 1<sup>st</sup> January 2010 and over the course of the year ITMA, in its representational role, has been working hard with the Intellectual Property Regulation Board (IPReg), which has the delegated powers for regulation of the Trade Mark profession, to ensure that the transition has been as smooth and trouble free as possible.

There is no doubt that issues have arisen and it is to the credit of the IP profession that these have been worked through and resolved in good time. The new regulatory arena is still bedding in, but we continue to communicate with IPReg, the Legal Services Board, the Legal Ombudsman and other interested parties to ensure that changes are proportionate, fair and in the best interests of the Trade Mark profession.

Regulation proposes to be high on the agenda in 2011 as we look to ensure that ITMA and IPReg are compliant with the Internal Governance Rules set by the Legal Services Board and the thorny subject of Alternative Business Structures continues to develop.

During the year we achieved a major milestone transferring the administrative office from Croydon to central London. This had been an objective of the Institute for some time and it was identified as one of the key priorities for this year, building on the initial progress in 2009. After a great deal of hard work by all concerned with the project, we finally moved into the new office in the Outer Temple on the Strand on 26<sup>th</sup> March 2010. Since moving we have been able to host meetings of the ITMA Council and ITMA committees and have welcomed numerous visitors to "ITMA Towers".

2010 also saw the introduction of the new qualification system for those wishing to qualify as a Registered Trade Mark Attorney. Despite some complexities encountered in the set up and implementation of the new system we are confident that the new route to qualification is applicable to the modern day Trade Mark Attorney. The split of the qualification examination into the letter of the law and the practical application is synonymous with up to date teaching methods. To all those that were involved in bringing in the new system and to all those students who found themselves in the transitional phase (which is never easy) we thank you for your efforts and patience.

These three significant projects have come at some cost and again this year the Institute has had to operate at a loss. The ITMA Council has recognised and planned for this for some time. In essence this is what the reserves were built up for during the more prosperous years. We are confident that this is money well spent and will maintain the profession and the Institute as leaders in the Trade Mark fraternity. We have committed to reducing the deficit significantly for 2011 with the aim to return to a break even position in 2012.

We are grateful to the staff of the Institute and to those that devote so much voluntary time to the work of the Institute. We are, in comparison to many, a small Institute, but one with a strong identity and the ability to punch above our weight. We will continue to do so and are committed to representing the Trade Mark profession to ensure it is seen as one of the best, if not the best, profession in the world. We can only do this with the continued support and growth of our membership and it goes without saying that their support is truly valued.



**Maggie Ramage**  
**President**



**Keven Bader**  
**Chief Executive**

**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 2010

**President of the Institute 2010/2011**

Mrs. M.A. Ramage

**Vice-Presidents of the Institute 2010/2011**

Dr. C.A. Wolfe (*First Vice-President*)  
Mr. C.J. McLeod (*Second Vice-President*)

**Honorary Members of the Institute 2010/2011**

Mr. G.A.A. Ball  
Mr. W.J.A. Beeston  
Mr. I.G. Davies  
Mr. D.C. Evans  
Mr. T.Z. Gold  
Mr. K.R. Havelock  
Mr. R. Keyes  
Mr. M. Knight  
Miss. S.F. Lesley, OBE  
Mr. M.K. Padmore  
Ms. R. Stanger  
Mrs. V. M. Tyers  
Mrs. M. Tyler  
Mr. E.R. Wenman

## Past Presidents of the Institute

Sir Edgar Sanders	1934 - 1941
James Noel Evans-Jackson	1942 - 1946
Algernon Romaine Carpenter	1947 - 1948
James Noel Evans-Jackson	1949 - 1951
William Urquhart-Dykes	1952 - 1955
John Conrad Arnold	1956 - 1956
Leslie Ashcroft Ellwood	1956 - 1961
Rex Brown	1961 - 1962
Maurice Frank Rowland	1962 - 1964
Derek Rolfe Martin	1964 - 1966
Lovell Strange Eaton Ellis	1966 - 1967
Ernest Schubert Wickenden	1967 - 1968
Julius Joseph	1968 - 1969
Clifford John Forrester	1969 - 1970
Douglas Edwin Parker	1970 - 1972
Eric Raymond Wenman	1972 - 1974
Joseph Martin Wilson	1974 - 1976
John Lawrence Drury Oakley	1976 - 1978
Julius Joseph	1978 - 1979
Keith Richard Havelock	1979 - 1981
Sheila Florence Lesley	1981 - 1983
William John Andrew Beeston	1983 - 1985
Graham Alastair Albert Ball	1985 - 1987
David Brian Lutkin	1987 - 1989
Donald Gordon Turner	1989 - 1990
Maurice Keith Padmore	1990 - 1992
Richard Charles Abnett	1992 - 1994
John Alexander Groom	1994 - 1996
John Arthur Slater	1996 - 1998
Brian Herbert March	1998 - 2000
David Charles Evans	2000 - 2002
Ian Alexander Buchan	2002 - 2004
Stephen Richard James	2004 - 2006
Philip Warren Harris	2006 - 2008
Gillian Mavis Deas	2008 - 2010

## COUNCIL OF THE INSTITUTE 2010/2011

### **President**

Mrs. M.A. Ramage  
Alexander Ramage Associates  
Griffin House  
West Street  
Woking  
GU21 6BS  
Tel: 01483 750701

### **First Vice-President**

Dr. C.A. Wolfe  
Boult Wade Tennant  
Verulam Gardens  
70 Gray's Inn Road  
London  
WC1X 8BT  
Tel: 020 7430 7500

### **Second Vice-President**

Mr. C.J. McLeod  
Hammonds LLP (now Squire, Sanders & Dempsey LLP)  
7 Devonshire Square  
London  
EC2M 4YH  
Tel: 020 7655 1056

### **Treasurer**

Ms. K. O'Rourke  
Charles Russell LLP  
5 Fleet Place  
London  
EC4M 7RD  
Tel: 020 7203 5011

### **Past Presidents of the Institute** *(who are ex-officio Members of Council)*

Mrs. G.M. Deas  
D. Young & Co  
120 Holborn  
London  
EC1N 2DY  
Tel: 020 7269 8577

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

## Elected Members of Council as of 24<sup>th</sup> March 2010

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

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\*  
Harrison Goddard Foote  
40-43 Chancery Lane  
London  
WC2A 1JA  
Tel: 020 7440 8900

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

Mr. R. Goddard  
B.P. Plc  
20 Canada Square  
Canary Wharf  
London  
E14 5NJ  
Tel: 020 7948 3110

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

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

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

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

Miss. I.O. Wiseman  
Cleveland  
40-43 Chancery Lane  
London  
WC2A 1JQ  
Tel: 020 7405 5875

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

\* **Resigned from Council during 2010 after election**

Mr D. G. Turner who appeared in the 2009 Annual Report resigned from Council in February 2010 before the election of Council members above.

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

**Company Secretary**

Ms. K. O'Rourke

**Auditors**

Sawin & Edwards  
15 Southampton Place  
London  
WC1A 2AJ

**Bankers**

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

**Registered & Administrative Office**

5<sup>th</sup> Floor  
Outer Temple  
222-225 Strand  
London  
WC2R 1BA

# THE INSTITUTE OF TRADE MARK ATTORNEYS

2010

## 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 2010 123 members were elected, comprising:

1	Honorary Member	10 Associate Members
2	Fellows	11 Overseas Members
30	Ordinary Members	23 Student Members
7	Affiliate Members	28 Administrator Members
11	Allied Members	

As at 31<sup>st</sup> December 2010 the Institute's Membership list showed:

14	Honorary Members	186 Associate Members
54	Fellows	248 Overseas Members
508	Ordinary Members	327 Student Members
126	Affiliate Members	51 Administrator Members
15	Allied 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 1,529.

## 3. Finance

The year saw a decrease in the Institute's financial reserves by £148,986 to £624,810.

## 4. Annual General Meeting

The 75<sup>th</sup> Annual General Meeting of the Institute was held on 24<sup>th</sup> March 2010 when the Statement of Accounts for 2009 and the Annual Report of the Council for the year were adopted. In the ballot for the election of Council Members the following were declared elected for 2010/2012:-

Mrs. L. Bray  
Ms. K. Cameron  
Mr. R. Goddard  
Mr. K. Havelock  
Mr. M. Hiddleston

Mr. S. James  
Mr. S. Kapur  
Ms. I. Wiseman

A full list of Council for 2010/2011 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 6 below.

## 5. Election of President and Vice-President

At its meeting on 20<sup>th</sup> April 2010 the Council elected Mrs. M.A. Ramage as President, Dr. C.A. Wolfe as First Vice-President, Mr C.J. McLeod as Second Vice-President and Ms K. O'Rourke as Treasurer.

## 6. Standing Committees

The Standing Committees of the Council were elected at the Council meeting held on 20<sup>th</sup> April 2010. The President, the two Vice-Presidents, the Immediate Past President and the Treasurer ("the Officers") of the Institute are ex-officio Members of each Committee (except the ITMA Review Committee) and are as follows:-

Mrs. M. A. Ramage	President
Dr. C. A. Wolfe	First Vice-President
Mr. C. J. McLeod	Second Vice-President
Ms. K. O'Rourke	Treasurer
Mrs. G. M. Deas	Immediate Past-President

Their names should be added to each Committee given below, unless included as Chairman.

The name of the Chairman of each Committee is presented in italics.

Information below is based on the constitution of the committees as at 31<sup>st</sup> December 2010.

### **Book Committee**

Officers

*Mr. R.M. Hiddleston*

Mr. M.A. Lynd

Mr. J. Setchell

### **Designs Committee**

Officers

*Mr. S.M. Bentley*

Ms. K. Cameron

Mrs. T. Clark

Ms. I.O. Wiseman

### **Trade Mark Administrators'**

#### **Course Committee**

Officers

Mrs. T. Clark

*Mr. R. Goddard*

Mr. S. Kapur

#### **Education & Training Committee**

Officers

*Mr. S. Kapur*

Mr. J. Setchell

**General Purposes & Finance  
Committee**

Officers

Ms. L.A.E. Bray

*Mrs. G.M. Deas*

Mr. K.R. Havelock

Ms. I.O. Wiseman

**ITMA Review Committee**

*Mrs. T. Clark*

Mr. M.A. Lynd

**Laws & Practice Committee**

Officers

Ms. L.A.E. Bray

Mr. K.R. Havelock

Dr. S.R. James

*Ms. I.O. Wiseman*

**Programme Committee**

Officers

Mr. S. Bentley

*Ms. K. Cameron*

Mr. R. Goddard

Mr. S. Kapur

**Public Relations & Communications  
Committee**

Officers

*Mr. S. Bentley*

Ms. K. Cameron

Mr. R. Goddard

Mr. M.A. Lynd

**Litigators Accreditation Board**

Mrs. M. Bagnall

Mrs. G.M. Deas

Mr. P. Johnson

Mr. S.J.M. Kinsey

Mr. B.A. Ramage

*Mrs. M.A. Ramage*

Mr. C. Ryan

**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 the designated Committees.
- (2) Council and Committees are allocated a secretary from the administrative office support team. In addition to their attendance, the Chief Executive attends the majority of the Council and Committee meetings held throughout the year.
- (3) Members have been co-opted onto Committees and assisted as set out below and Council is very grateful for their assistance.

**Book Committee**

Mr. Andrew Marsden

Mr. Manish Joshi

Mr. Iain Stewart

**Education & Training Committee**

Ms. Charlotte Duly

Mr. Tom Farrand

Mr. Robert Furneaux

Ms. Alison Melling

Ms. Clare Stanmore

**Designs Committee**

Mr. Peter Brownlow

Ms. Charlotte May

Mr. David Musker

Mr. Tim Pendered

**Laws & Practice Committee**

Mrs. Angela Fox

Ms. Felicity Hide  
Ms. Sarita. Pandya  
Mr. Jonathan Thurgood

**Public Relations & Communications  
Committee**

Mr. Joseph Letang

**Trade Mark Administrators' Course  
Committee**

Mr. Francis Preedy  
Mr. Roy Scott  
Mr. Daniel Smart

**ITMA Review Committee**

Ms. Alex Brodie

Ms. Matilda Davidson  
Mr. George Cameron  
Ms. Kathrin Vowinckel  
Mr. Robert Williams  
Mr. Aaron Wood

**Programme Committee**

Ms. Mary Bagnall  
Ms. Natalie Brindle  
Mr. Declan Cushley  
Ms. Morag Macdonald  
Mr. Philip Redman  
Mr. Adam Wilder

In addition, to the above information, the Education & Training committee has a number of student representatives that also sit on the committee. Their involvement is crucial to the work of the committee and Council are grateful for all their contributions. The student representatives as at 31<sup>st</sup> December 2010 are set out below:

Ms. Sharon Daboul  
Ms. Elizabeth Dunn  
Mr. Christopher Hawkes  
Ms. Amie Jordan  
Ms. Claire Keating  
Ms. Jayne McClelland  
Ms. Rebecca Tilbury

Much of the work of the Council is undertaken outside the formal meetings and, as usual, the Institute is indebted to those Council members and co-opted members who have given so freely of their time and to the Partners and employers who have supported those 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	Book	Progr- amme	P.R. & Comms	TM Administ- rators Course	Designs	ITMA Review
Bentley, Mr. S.M.	7 (8)	-	-	-	-	6 (10)	4 (4)	-	4 (4)	-
Bray , Ms. L.A.E	6 (8)	9 (10)	-	7 (9)	-	2 (5)	-	-	-	-
Cameron, Ms. K.	6 (8)	-	-	-	-	10 (10)	3 (4)	-	3 (4)	-
Clarke, Mrs. T	7 (8)	-	-	-	-	-	-	6 (6)	2 (4)	8 (8)
Deas, Mrs. G.M.	6 (8)	8 (10)	-	-	-	4 (10)	0 (1)	-	-	-
Farrand, Mr. T.	1 (2)	-	2 (9)	-	-	-	1 (1)	1 (1)	-	-
Furieux, Mr. R.N.	1 (2)	1 (3)	8 (9)	-	-	-	-	-	-	-
Goddard, Mr. R.	4 (6)	-	-	-	-	6 (6)	3 (3)	3 (4)	-	-
Havelock, Mr. K.R.	5 (8)	7 (10)	-	7 (9)	-	-	-	-	-	-
Hiddleston, Mr. R.M.	7 (8)	-	-	-	6 (6)	-	-	-	-	-
James, Dr. S.R.	2 (8)	-	-	7 (9)	-	-	-	-	-	-
Lynd, Mr. M.A.	5 (8)	-	-	-	0 (6)	-	2 (3)	-	-	4 (8)
Kapur, Mr. S.	6 (8)	-	6 (9)	-	-	2 (6)	-	5 (5)	-	-
McLeod, Mr. C.J.	7 (8)	8 (10)	-	-	-	-	-	3 (4)	1 (4)	1 (3)
O'Rourke, Ms. K.	8 (8)	4 (7)	-	1(6)	-	-	2 (3)	-	-	1 (3)
Ramage, Mrs. M.A.	7 (8)	10 (10)	-	-	-	10 (10)	3 (4)	-	-	-
Setchell, Mr. J.	5 (8)	-	4 (9)	-	5 (6)	-	-	-	-	-
Wiseman, Miss I.O.	4 (8)	7 (10)	-	9 (9)	-	-	-	-	2 (4)	-
Wolfe, Dr. C.A.	8 (8)	9 (10)	7 (9)	4 (9)	-	-	-	6 (6)	-	-
Wyness, Mr. J.J.	1 (1)	-	2 (3)	-	-	-	-	-	-	-

## 8. Register of Trade Mark Attorneys

Under the transfer of regulatory obligations to the Trade Mark Regulation Board, operating under the control of The Intellectual Property Regulation Board (IPReg), the Institute maintained the Register of Trade Mark Attorneys for IPReg. The Register as at 31<sup>st</sup> December, 2009 was published in March, 2010 and contained the names of 772 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, 2009 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, 2009:-

	<b>Candidates</b>	<b>Passes</b>
Paper T1	52	27
Paper T2	32	26
Paper T3	100	53
Paper T4	81	25
Paper T5	67	48
Paper T6	86	39
Law	47	29
Design & Copyright	74	48
Paper P1	29	24
Paper P2	162	82
Paper P3	121	73
Paper P4	127	83
Paper P5	29	27
Paper P6	240	94

The Examiners in respect of the 2009 Papers were as follows:

Ms. J. Aliss	Mr. J. Knowles
Ms. C. Atkinson	Mr. A. Leppard
Ms. S. Boxall	Mrs. C. Lindley-Vass
Mrs. N. Charlick	Dr. V. Lovatt
Ms. K. Cheney	Ms. E. Lowe
Ms. S. Chiappinelli	Mr. A. Marsden
Ms. J. Chisem	Dr. A. Marshall
Mrs. N. Condon	Dr. P. Martin
Mr. M. Connors	Mr. J. Mears
Mrs. J. Evenson	Mr. A. Miller
Mr. M. Farrow	Mr. F. Newbould
Mrs. P. Frayne	Mr. D. O'Connell
Ms. J. Freeman	Mr. N. Parnell
Mr. C. Gibbs	Mr. R. Pixton
Mr. R. Goddard	Mrs. L. Prentice
Mr. S. Goodall	Ms. R. Priestley
Mr. M. Greenwood	Mr. S. Reese
Ms. S. Hardy	Mr. E. Round
Ms. L. Harris	M. N. Walker
Mr. D. Harrison	Ms. I.O. Wiseman
Mr. M. Houghton	Mr. J.J. Wyness
Mr. D. Jackson	Mr. M. Yeadon
Mr. P. Johnston	

## 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 2009:

**Payne/Bennett Memorial Award** to Mr. Edward Carstairs of Venner Shipley LLP for attaining the highest mark in the Advanced Trade Mark Search paper (T4).

**John Parker Memorial Award** to Mrs. Helena Peat of Murgitroyd & Company for attaining the highest mark in the Basic United Kingdom Trade Mark Practice paper (T2).

**Peter FitzGibbon Memorial Award** to Mr. Kwok Keung Lau for attaining the highest mark in the Basic Overseas Trade Mark Law & Practice paper (T5).

**Adrian Spencer Memorial Award** to Dr. Michael Holmes of Appleyard Lees for attaining the highest mark in the Advanced UK Trade Mark Law & Practice paper (T3).

**Nick Wilson Memorial Award** to Mrs. Claire Jenkins of Ipulse for attaining the highest mark in the United Kingdom Design & Copyright paper.

## 11. ITMA Review Committee

The Committee met 8 times and produced 10 editions of the ITMA Review.

The Committee have been ably assisted by our indefatigable editor Kelly Robson who continues to do a sterling job and by Gillian Rogers, our secretary, who succeeds in producing very accurate minutes despite the somewhat heated discussions taking place during the meetings. The ITMA Review is recognised by the Council to be an extremely useful marketing tool in promoting the Institute's activities not only to its members but also to overseas attorneys. Indeed contributors to the Review regularly include overseas attorneys and these attorneys are now beginning to apply for membership thereby increasing our exposure overseas.

The aim last year was to extend the readership and enhance the reputation of the Institute. This has been achieved by entering into an agreement with Darts IP to include all of our contributors' case notes on the Darts IP website so that both the contributors and their firms will benefit from the increased exposure to the companies which subscribe to this service.

We have also embarked on a recruitment drive to attract more members onto the committee and will be welcoming at least two new members in 2011. We have been less successful in obtaining feedback from members although we always publish any letters which we receive or at least acknowledge any justified complaints. Our aim for 2011 is to review the format of the Review and to monitor the success of the new relationship with Darts IP.

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

The Committee met 9 times during the year.

Between January and October the Advanced Trade Mark course took place in conjunction with Queen Mary College. The course is modular and 18 students enrolled on the T3 course, 14 students on the T4 course and 16 students on the T6 course.

The Residential Revision Courses for the Advanced papers T3, T4 and T6 were held at the Aston Business School in Birmingham. The courses took place over two weekends in September and were attended by 28 students.

A one day revision course in relation to the Foundation paper T5 was also held in September.

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 February and June.

One-to-one tutorials were given to students who had narrowly failed one of the advanced level examination papers in order to give guidance on examination technique.

The Committee also ran a one-day course on Designs Practice in April 2010 which was fully attended.

After a number of years of planning, 2010 marked the commencement of the new educational qualification system for trade mark attorneys. The Queen Mary Law Course commenced in September 2010 and the Nottingham Law School practice (Intensive) practice course commenced in December. The JEB will continue to run Advanced papers in 2011 and 2012, but the JEB Foundation papers T1, T2 and T5 ceased in 2010.

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

The Trade Mark Administrators' course continues to be extremely popular with the number of those applying to attend exceeding the number of places which can be offered.

The examination for 2010 took place in London at the Battersea Arts Centre on 11<sup>th</sup> June. In total 67 people sat the examination of which 51 were successful.

In 2011 the course is to be run in three locations; London, Nottingham and Jersey. The examination is to take place on 10<sup>th</sup> June 2011 in London, at the Battersea Arts Centre, and Jersey, at CPA's Professional Development Centre. Candidates attending the Nottingham course will sit the examination in London.

Since the Administrator category of membership was introduced last year, 53 graduates of the course have joined ITMA as Administrator Members.

## **14. Laws & Practices Committee**

The Committee met 9 times during the year. The principal topics addressed were:

- 1) UK IP Office Practice
- 2) Patents County Court
- 3) OHIM Practice
- 4) Overall functioning of the trade mark system in Europe
- 5) Madrid Protocol
- 6) ECJ/CFI cases

### **Trade Mark Registry Practice**

The Marks and Designs Forum (MDF), which was set up to review strategic trade mark issues affecting the UK, met four times during the year. The meetings were a useful forum for discussing the study of the CTM system, discussed in more detail in paragraph 4 below.

In addition, the MDF provides a forum for discussing the Office's initiatives following the Branding in the Modern Economy conference that took place in November 2009, the Office is actively working on a number of branding related initiatives.

Although not directly connected with Registry practice, the Committee continues to discuss the subject of 'sharp practices'. This is an area which continues to concern the Committee and the Office and which is an agenda item on the MDF's agenda.

The Office had intended minor points of practice to be addressed by on-line forum at the Registry's website but this has faltered somewhat. Partly in response to this, and to continue its dialogue with the Office on day to day Office practice, the committee has invited representatives from the Office to attend its meetings on a regular basis. The committee has also commented on a number of proposed changes including various proposed TPNs issued by the Office and the recent changes to opposition periods.

### **The Patents County Court**

The Committee continued to participate in the IP Court Users' Committee, whose focus in 2010 were the proposed reforms of the Patents County Court, which were effective from 1 October 2010.

### **OHIM Practice**

Members of the Institute attended OHIM British Day, which was held at the CTM Office in Alicante in October 2010. Participants had the opportunity to meet with Antonio Campinos, who has just assumed the role of President. The meeting also marked the last British Day with Peter Lawrence, who after 5 years, was about to leave his role as Vice President of the Office.

In addition to discussing the Max Planck study (discussed in item 4 below), there was also discussion on the progress of the Office's database for comparing goods, as well as recent

changes to procedure, such as the Office's changes to extension requests and proof of use evidence.

### **Max Planck Study on the functioning of the trade mark system**

The Committee submitted its substantive response on the study in February 2010. A further submission was made in September 2010, dealing with a number of issues raised by both the CTM Office and UK IPO.

Max Planck's report, which was originally expected in November 2010, has not yet been published.

### **Madrid Protocol**

The second WIPO British Day took place in Geneva in January 2010, at which a number of issues concerning the Madrid system were discussed. WIPO had been able to report some significant improvement in their timeframes for processing international applications. Discussions have subsequently taken place regarding a minimum time period for applicants to respond to official objections raised by designated Offices.

### **ECJ/CFI cases**

During the year the Committee filed comments on a number of important ECJ cases. In particular, the committee submitted comments on the questions referred to the ECJ on CIPA's application for IP TRANSLATOR. In essence, the committee felt that for a number of reasons, it was desirable for trade mark offices in the EU to adopt a consistent approach. Furthermore, the committee felt that of the options available, the 'means what it says' approach was preferable.

In addition to the above, the Committee also submitted comments on the following:

- Nokia Corporation –v- Her Majesty's Commissioners of Revenue & Customs and the International Trade Mark Association (C-495/09)
- Bureau National Interprofessionnel du Cognac –v- Oy Gust. Ranin (C-4/10 and 27/10)
- BCS SpA –v- OHIM (C553/09)
- Viking Gas A/S –v- BP Gas A/S (C-46/10)

## **15. Designs Committee**

The Committee meets quarterly and is pleased to enjoy the support of several co-opted members, including the chair of CIPA's sister committee, as well as Council members. We would like to take this opportunity to thank all those, including ITMA staff, who ensure the smooth running of this Committee.

The Committee continues to review consultation papers issued by both the Community and UK Offices, and other bodies such as the European Commission with an interest in IP and designs in particular. 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 expertise in this area. This year we submitted responses to a non-paper issued by the UKIPO in respect of various aspects of the UK designs system and a consultation paper on the future of the UK's Designs Council. We are preparing a response on the formal consultation paper issued by the UKIPO concerning proposals to equalise the remedies available in the UK courts to holders of Community designs and UK registered designs in relation to innocent infringement. Finally, we are reviewing the IP Review consultation paper issued by Professor Ian Hargreaves.

Members of the Committee attend the Marks and Designs Forum, where our views on designs matters can be relayed to the Intellectual Property Office (IPO), and also meetings organised by the Office for Harmonisation in the Internal Market (OHIM) and the World Intellectual Property Office (WIPO).

The Committee continues to work in conjunction with the Institute's Education and Training Committee and has this year reviewed and approved the syllabus content of the Manchester, Bournemouth and Nottingham courses so that they provide exemptions from the Designs & Copyright paper.

The Committee continues to work to raise the profile of designs amongst ITMA's membership and the general public at large. The Committee arranges regular contributions on design matters to the ITMA Review and has reviewed and comprehensively revised the designs section of the ITMA website. The committee 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. In 2011, we shall once again organise in conjunction with CIPA the Designs Practice Day to take place in April.

## **16. Programme Committee**

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

### **Evening Meetings**

12<sup>th</sup> January 2010

Estoppel issues arising from Registry Proceedings – Thomas Elias – Serle Court

16<sup>th</sup> February 2010

Rectification actions before the UK IPO – Charlotte Duly – Boulton Wade Tennant

16<sup>th</sup> March 2010

The Legal Ombudsman – Impact on Trade mark Attorneys – Adam Sampson (Chief Ombudsman)

20<sup>th</sup> April 2010

The Cipriani Decision – Ian Purvis – 11 South Square

22<sup>nd</sup> June 2010

UK IPO Decisions – Geoff Weller, I-Pulse

20<sup>th</sup> July 2010

ECJ & CFI Decisions – Rigel Moss-McGrath, WP Thompson & Co

14<sup>th</sup> September 2010

Reputation – Kieron Taylor – Swindell & Pearson

26<sup>th</sup> October 2010

Brand Valuation – Michael Rocha

23<sup>rd</sup> November 2010

IP Mediation – Michael Cover

### **Out of Town Meetings**

The following meetings took place:-

#### **Manchester**

9<sup>th</sup> March 2010

Estoppel - Thomas Elias – Serle Court

11<sup>th</sup> November 2010

Case Law - Rigel Moss McGrath – WP Thompson & Co

#### **Seminars**

Seminars were organised as follows:-

8<sup>th</sup> June 2010

Electronic Infringement (speakers Stacey King, Alex Brodie, Charlotte May, Andrew Norris)

24<sup>th</sup> June 2010

Leeds Regional Seminar - Regulatory issues (speakers Oliver Morris, Gary Garland, Ann Wright, Penny Nicholls, Michael Harrison)

7<sup>th</sup> October 2010

Autumn Seminar, Birmingham (speakers Simon Malynicz, Imogen Wiseman, Betty Berendson, Alexandra Ellis, Tom Scourfield, Kieron Taylor)

16<sup>th</sup> November 2010

Jointly with LES – Licensing Issues (speakers Jeremy Dickerson, Simon Chalkley, Tom Howland, Tim Collins)

#### **Roundtable Meetings**

8<sup>th</sup> December 2010

L'Oreal v Bellure – discussion led by Peter O'Byrne

### **Quiz Night**

This was held on 9<sup>th</sup> February 2010 at the Penderel's Oak, 283-288 High Holborn, London, and was attended by 22 teams.

### **International Meeting**

The International Meeting took place from 24<sup>th</sup> - 26<sup>th</sup> March 2010 at the Waldorf Hotel, London.

Two gala dinners were held, in the Palm Court, Waldorf Hotel, and at The London Aquarium

### **Summer Reception**

This was held at The Westminster Boating Base on 6<sup>th</sup> July 2010 and was attended by 103 people.

### **Christmas Lunch and Dinner**

The London Christmas lunch was held on 14<sup>th</sup> December 2010 at the Lancaster Hotel, London, and was attended by 613 people. The Northern Christmas dinner was held on 9<sup>th</sup> December 2010 at the Midland Hotel, Manchester, and was attended by 44 people.

## **17. Public Relations & Communications Committee**

2010 was another busy year in Public Relations. In general terms the aims of the PR & Communications 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.

### **Media**

One of the key aims of the PR & Communications Committee is to promote the Institute through the media. During the year we issued 17 Press Releases. Of those, 5 were issued nationally and included the announcement that IPReg became operational on 1 January; the appointment of the new ITMA President, Maggie Ramage, which was tweaked as a local Press Release as well; one about the new NLS course; another one warned about scam registers and the last one emphasised that trade marks and brands are key elements of economic growth. One Press Release was issued as a joint Press Release with the British Brands Group and attracted more attention than usual with IPKat, IAM and US News Services picking up on it.

In addition to the local press release announcing Maggie Ramage's Presidency we issued another 11 regional releases covering our attendance at Business Advice Open Days. The Release announcing our presence at the Oxford exhibition triggered a request from BBC Radio Oxford to take part in a Breakfast Show broadcast. The attorney assisting at the day, Janice Trebble, was interviewed live and her contribution featured throughout the morning local news bulletins.

This year we wrote more articles than in any previous year – 14 - for specialist magazines including World IP Review; World IP Digest, The Institute of Directors' Growing Business Handbook; Real Business; Professional Insight; the UK Science Parks Journal; Financier Worldwide and two Chamber of Commerce Magazine covering Manchester and North London. We also gave two newspaper interviews; one to a magazine Corporate International and finally, one to the Daily Telegraph in December.

## **Partnerships**

Partnerships are a constant feature of the PR & Communications Committee's work. We have continued our partnership with HM Revenue & Customs who organise free Business Advice Open Days. In 2010 we attended 11 events in Ipswich, Cheltenham, Edinburgh, Lingfield, Blackpool, Oxford, Coventry, Llandudno, Sunderland, Cambridge and, finally, Croydon. Unfortunately after the Croydon event in September, the programme was curtailed due to a moratorium on publicity imposed by the Cabinet Office. Subsequently the Government Spending Review forced HMRC to cancel all further events for 2010 and the programme for the first half of 2011 with little prospect of it being reinstated. Should the programme return ITMA would hope to take another positive role as one of the main partners.

We continue to work with the IPO on the national IP Awareness Campaign of Branding Events which were held this year in Haydock, Cardiff, York and London. The Branding Seminars are expected to continue throughout 2011. We also provided speakers for the IP Masterclasses held in Edinburgh and London which are run jointly by the IPO, the British Library and Coventry University and are aimed at improving the IP knowledge of business advisers. All the above events have been supported by ITMA members throughout the UK who have given their time voluntarily. These events could not work without them.

We continue to work in partnership with the British Library, CIPA and ACID. Due to the period of purdah imposed during the run-up to a General Election our involvement with those organisations and the IPO in promoting World IP Day on 26<sup>th</sup> April was cancelled, as was another attempt to hold a British IP Day when the moratorium on publicity by Government Departments was imposed later in the year. We would hope for more success in 2011.

## **Advice Clinics**

The Institute continues offering free trade mark advice clinics on the first Thursday of alternate months. These are publicised on the front page of the ITMA website and will continue in 2011. The Institute has also increased promotion of the free initial consultations available to new customers through the search facility on the home page of the website. This message has been incorporated in recent articles and interviews.

## **Sponsorship**

For the first time, we secured sponsorship in 2010 for the pre luncheon drinks at the ITMA London Christmas lunch from Thomson Compumark – part of Thomson Reuters. We also received sponsorship of the Northern Christmas Dinner, which was sponsored by Corsearch – a Wolters Kluwer business. We are very grateful for the support received from our sponsors,

Throughout 2011 we will be looking to expand the sponsorship opportunities through other ITMA activities.

## **Membership**

The IP Benefits Plus scheme, offering members discounts on a range of goods and services, is now in its third year and continues to provide significant saving to those making use of it. The scheme was promoted more vigorously in 2010 through the ITMA Review and other marketing techniques will be investigated in 2011.

During the course of 2010, a survey of members was undertaken to ascertain whether the Institute is meeting the needs of its members and how we might improve. Over 450 members responded to the survey and the results are available to members on the ITMA website. The main findings were that the Institute provides the focus for a recognised profession and helps members develop expertise and skills. Lobbying government and international organisations as well as promotion of the Institute were deemed important for the future. There were no calls for radical change. The whole point of the survey was to establish the priorities for the Institute in the coming years and ascertain whether other things should be done. The consensus was that the Institute is doing a good job but the committee will look closely at those areas which can be improved and developed. In particular, the Institute will look at establishing a sub-committee to focus on raising our profile within government and government agencies. The PR & Communications Committee will continue to promote the Institute and the expertise of its members both within and outside the EU and will seek actively to encourage the recruitment and retention of new and existing members.

At the end of January 2011, our PR Manager, Ken Storey, is due to step down from the role, although he will continue to contribute his regular media watch column to the ITMA Review. Ken joined ITMA in 1997 and since then has been instrumental in raising awareness of our Institute, its members and activities. We shall miss his professionalism, sound judgement and sense of humour. His contribution to the Institute has been truly outstanding.

## **18. Book Committee**

The work of the Book Committee in 2010 concentrated upon the following matters:

The committee prepared, finalised and subsequently published in November 2010 a Tutorial publication providing two draft sample T3 and T6 examination papers and one draft sample T4 examination paper. This publication will be continuously updated and it is hoped that a further edition will be produced later in 2011.

The Committee will be looking at a number of additional projects including, inter alia:

1. In collaboration with the ITMA Review Committee the production of a collection of the earlier case reports produced for the ITMA Review to be published on an annual basis.
2. The production of a publication providing summaries of key UK and Court Justice/ General Court decisions which will be divided by reference to specific topics.
3. The production of a possible publication in relation to specific aspects of Pharmaceutical trade mark law and practice.

The Committee would like to thank in particular Tania Clark of Withers & Rogers and Steven Jennings of Lewis Silkin for their assistance in relation to the Tutorial publication.

In addition, the Committee has been involved in the preparation, in conjunction with the joint editors of CIPA and ITMA, of the two yearly updates for the UK Trade Marks Handbook. The members of the Committee would like to thank Terry Johnson as Co-Editor of the Handbook, representing and acting on behalf of CIPA.

There are, in addition, many individual authors who have contributed to particular chapters of the UK Handbook and, in addition, the Community Designs Handbook and Community Trade Mark Handbooks. Their names are acknowledged in the various works. Without them, the Handbooks could not be produced.

The Book Committee would also like to thank Richard Abnett of Reddie & Grose, Jonathan Clegg and Imogen Wiseman of Cleveland and Geoffrey Smith of Harrison Goddard Foote for their continuing efforts in relation to the Community Trade Mark Handbook and Imogen, again, for her hard work in relation to the Community Designs Handbook.

#### **19. Joint Council Meetings**

The annual APRAM, BMM, ECTA, GRUR, ITMA, MARQUES, UNION meeting was hosted this year by UNION and held in Lisbon on 12<sup>th</sup> February 2010. The Institute was represented by Mrs. Maggie Ramage and Mrs. Gillian Deas.

#### **20. Representation of the Institute**

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

IPO event with David Lammy MP	Mr. Keven Bader Mrs. Maggie Ramage
CIPA's President's Dinner	Mrs. Maggie Ramage
Irish Association Dinner	Mrs. Maggie Ramage
ILEX President's Lunch	Mrs. Maggie Ramage
Law Society Summer Reception	Dr. Catherine Wolfe
British Brands Group reception	Mr. Keven Bader Mrs. Maggie Ramage Dr. Catherine Wolfe
British Brands Group annual lecture	Mr. Keven Bader Mrs. Maggie Ramage
Legal Ombudsman launch event	Mrs. Maggie Ramage

Guardian Law website launch event	Ms. Kate O'Rourke Dr. Catherine Wolfe
OHIM British Day	Dr. Stephen James Mrs. Maggie Ramage Miss. Imogen Wiseman Dr. Catherine Wolfe
WIPO British Day	Mr. Oscar Benito Mrs Gillian Deas Miss. Imogen Wiseman
JPAA Reception	Mrs. Maggie Ramage Dr. Catherine Wolfe
Intellectual Property Awareness Network (IPAN)	Mr. Keven Bader

Throughout the year Dr. Stephen James, Mrs. Maggie Ramage and Miss. Imogen Wiseman represented the Institute at the Marks & Designs Forum (formally the Registration Practice Working Group).

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

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

The Committee met 10 times in the past year.

The Committee has continued to foster relations with IPReg, the UK Intellectual Property Office, the Office for Harmonisation in the Internal Market (OHIM) and the World Intellectual Property Organisation (WIPO) and continues to work with these bodies in an effort to improve the practice of trade marks in the UK, Community and worldwide.

During the course of 2010 the functions of the IPReg committee merged into the General Purposes & Finance committee as IPReg officially took on the delegated regulatory functions. IPReg 'went live' from 1 January 2010 and the committee have overseen the various consultations that have stemmed from IPReg, the Legal Services Board (LSB), Legal Services Ombudsman (LSO) and the other regulators on the legal sector. Representative of ITMA (primarily the Officers and CEO) have met with all of the former, at numerous meetings / workshops / events to ensure that the voice of the trade mark fraternity is heard and that policy decisions are taken in a proportionate and fair way.

The Institute's President and Vice President attended the meeting of the European sister organisations (APRAM, BMM, ECTA, ITMA, Marques, Union) in Lisbon in February 2010 to discuss, primarily, the respective bodies' submissions to the Max Planck Institute. At that

time, the OHIM also accepted and approved ITMA's application to become a member of the OHIM Users' Group.

At the beginning of 2010, a Board of Trustees to administer the ITMA Benevolent Fund was set up under the chairmanship of Mike Knight, formerly acting CEO of IPReg. During the course of 2010, Memorandum and Articles of Association were drawn up and a company was incorporated by Companies House which has now applied for charity status.

Also early in 2010, a lease was signed in respect of the 5<sup>th</sup> floor of Outer Temple, 222-225 The Strand, London WC2R 1BA and the Institute Office moved from Croydon into their new premises at the end of March 2010. The removal of the Institute Office to Central London has been a great boon to all the Institute's Committees as well as Council as it now proves possible to hold all Committee and Council meetings in the meeting room of the new offices which has saved a significant sum of money as we no longer need to rent alternative premises for these meetings or to impose on the good nature of the respective Committee's Chair's firm for meeting space.

Mrs Margaret Tyler, who had been Company Secretary of the Institute for nearly 30 years, retired at the end of August and a reception was held in her honour. After much contemplation, the role of Company Secretary was assigned to the Treasurer of the Institute. Ken Storey, who has been our PR Manager for some years, is planning to retire at the end of January 2011.

The Committee continues to benefit from Keven Bader's involvement in its work whose assistance has been enormously helpful. He continues to make significant contributions in the Institute's discussions with IPReg, liaising with the UK IP Office and other IP Bodies and was chiefly instrumental in bringing about the move of the ITMA Office to its new accommodation opposite the Royal Courts of Justice. Our thanks go to him for providing such a strong arm to the Institute.

Thanks are equally due to Margaret Tyler MBE, Ken Storey, Jane Attreed, Gillian Rogers, Lauren Boosey, Joy Dublin and Geraldine Flood. The Committee would also like to take this opportunity to thank Caroline Glover, Kelly Robson and to the Partners of Sawin & 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 unstintedly devote so much of their time to the working of ITMA.

## **22. Charitable Donations**

During the year the Institute made donations for charitable purposes amounting to £1,875.28.

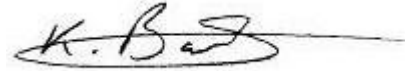
## **23. Auditors**

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.

**24. Small Company Provisions**

This report has been prepared in accordance with the special provisions for small companies under Part XV of the Companies Act 2006.

**Approved by the Council on 15<sup>th</sup> February, 2011  
and signed on its behalf by**

A handwritten signature in black ink, appearing to read 'K. Bader', with a horizontal line extending to the right.

**Keven Bader  
Chief Executive**



Institute of Trade Mark Attorneys  
Annual Report 2010

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