

**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 2007

**President of the Institute 2007/2008**

Mr. P.W. Harris

**Vice-Presidents of the Institute 2007/2008**

Mrs. G.M. Deas (*First Vice-President*)  
Mrs. M.A. Ramage (*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  
Forrester  
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 2007/2008**

### **President**

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

### **First Vice-President**

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

### **Second Vice-President**

Mrs. M.A. Ramage  
Alexander Ramage Associates  
20 High Street  
Woking  
Surrey  
**Tel:** 01483 750701

### **Treasurer**

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

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

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. T. Clark  
Withers & Rogers LLP  
Goldings House  
London  
SE1 2HN

Mr. T. Farrand  
ip21 Limited  
1 Cornhill  
London  
EC3V 3ND

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. J. Letang\*\*  
Frank B Dehn & Co  
Aspect House  
84-87 Queens Road  
Brighton  
East Sussex  
BN1 3XE  
**Tel:** 01273 244200

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

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

Mr. G.R. McKinnon\*\*  
BATMark Limited  
Globe House  
4 Temple Place  
London  
WC2R 2PG  
**Tel:** 020 7845 1528

Mr. C.J. McLeod\*  
Hammonds  
7 Devonshire Square  
Cutlers Gardens  
London, EC2M 4YH  
**Tel:** 0870 839 0000

Ms. K. O'Rourke  
Decherrt LLP  
160 Queen Victoria Street  
London  
EC4V 4QQ  
**Tel:** 020 7184 7484

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

Mr. J. Reddington 01.01.07 – 26.11.07  
Williams Powell  
Morley House  
26-30 Holborn Viaduct  
London  
EC1A 2BP  
**Tel:** 020 7039 5959

Mr. G. Tarrant\*\*  
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4 Temple Place  
London  
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**Tel:** 020 7845 1934

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  
Baker & McKenzie LLP  
100 New Bridge Street  
London  
EC4V 6JA  
**Tel:** 020 7919 1903

\* **Retiring from Council and 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.

### **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  
38 Park Street  
Croydon  
Surrey  
CR9 1YS

### **Registered & Administrative Office**

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

# THE INSTITUTE OF TRADE MARK ATTORNEYS

2007

## 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 2007 149 members were elected, comprising:

1 Honorary	22 Associates
21 Ordinary	18 Overseas
18 Affiliates	69 Students

As at 31<sup>st</sup> December 2007 the Institute's Membership list showed:

12 Honorary Members	249 Associate Members
48 Fellows	327 Overseas Members
496 Ordinary Members	358 Student Members
108 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 1,598.

## 3. Finance

The year saw an improvement in the Institute's financial reserves by £80,386 to £1,095,494.

## 4. Annual General Meeting

The 72<sup>nd</sup> Annual General Meeting of the Institute was held on 21st March, 2007 when the Statement of Accounts for 2006 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 2007/2009:-

Mr. S. Bentley	Mr. M. Lynd
Mr. D. Butler	Mrs. A.M. Mastrovito
Mrs. T. Clark	Ms. K. O'Rourke
Mr. T. Farrand	Mr. A. Porteous
Mr. J. Fish	Mr. J. Reddington
Mr. R. Furneaux	Mr. D. Welch
Mrs. C. Jackman	Mr. J.J. Wyness
Mr. J. Letang	

A full list of Council for 2007/2008 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 27<sup>th</sup> March, 2007 the Council re-elected Mr. P.W. Harris as President, Mrs. G.M. Deas as First Vice-President, Mrs. M.A. Ramage as Second Vice-President and Dr. C.A. Wolfe as Treasurer.

## 8. Standing Committees

The Standing Committees of the Council were elected at the Council meeting held on 24<sup>th</sup> April, 2007. 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:-

Mr. P.W. Harris	President
Mrs. G.M. Deas	First Vice-President
Mrs. M.A. Ramage	Second Vice-President
Dr. C.A. Wolfe	Treasurer
Dr. S.R. James	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 individually named. 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

### Continuing Professional Development Committee

Officers

*Mr. D.C. Butler*

Mrs. C.J. Jackman

Mr. J.M. Letang

Mr. M.A. Lynd

Ms. K. O'Rourke

Mr. J.J. Wyness

### Designs Committee

Officers

Mr. S.M. Bentley

Mrs. T. Clark

Mr. C.J. McLeod

Mr. A. Porteous

*Ms. I.O. Wiseman*

### Professional Guidance & Disciplinary Committee

Miss L.A.E. Bray

Mr. K.R. Havelock

Mr. G.R. McKinnon

Mr. A. Porteous

*Mr. D.G. Turner*

### Education & Training Committee

Officers

Mr. D.C. Butler

Mr. T. Farrand

*Mr. R. Furneaux*

Mr. G. Tarrant

Ms. I.O. Wiseman

Mr. J.J. Wyness

Miss R. Bond ) Student

Ms. C. Duly ) Representatives

### Formalities Course Committee

Officers

Mrs. T. Clark

*Mr. T. Farrand*

### **General Purposes & Finance Committee**

#### Officers

Mr. R. Furneaux  
Mr. K.R. Havelock  
*Mrs. A.M. Mastrovito*  
Mr. C.J. McLeod  
Mr. D.A. Welch

### **ITMA Review Committee**

Mrs. C.J. Jackman  
Mr. M.A. Lynd  
Mrs. A.M. Mastrovito  
*Mr. C.J. McLeod*  
Ms. K. O'Rourke  
Mr. J. Reddington (to 27.11.07)

### **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

### **Membership Committee**

#### Officers

Mr. R. Furneaux  
*Mrs. C. Jackman*(from 27.11.07)  
*Mr. J. Reddington* (to 27.11..07)

### **Programme Committee**

#### Officers

Mr. S. Bentley  
*Ms. L.A.E. Bray*  
Mrs. T. Clark  
Mr. D.G. Turner  
Mr. D.A. Welch

### **Public Relations Committee**

#### Officers

Mr. S. Bentley  
Mr. T. Farrand  
Mr. J. Letang  
*Mr. G.R. McKinnon*  
Mr. D.A. Welch

### **Litigators Accreditation Board**

#### Offices

Mr. M. Edenborough  
Mr. S.J.M. Kinsey  
Ms. S.A. Lambeth  
*Ms. M. Macdonald*  
Mr. C. Ryan

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

Mr. J. Fish  
Ms. S.A. Lambeth  
Mr. B.A. Ramage  
Ms. N. Ramage  
Ms. H. Whelbourn  
Mrs. A. Wong

## **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.

Education & Training Committee

Mr. Iain Stewart  
Mr. A. Wood

Designs	Mr. Peter Brownlow Ms. Katie Cameron Mr. David Musker Mr. Tim Pendered
Formalities Course Committee	Mr. Francis Preedy Mr. Roy Scott Mr. Daniel Smart
Laws & Practice Committee	Mrs. Angela Fox Mr. Jonathan Thurgood Ms. Felicity Hide
ITMA Review Committee	Mr. Robert Williams Ms. Kate Swaine Ms. Kathrin Vowinckel
Programme Committee	Ms. Mary Bagnall Ms. Katie Cameron 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-ship	Progr-amme	P.R.	CPD	Forma-lities	P G & D	Designs	Review
Bentley, S.M. (wef 27.03.07)	8 ( 8)	-	-	-	-	4( 6)	5( 5)	-	-	-	5(6)	-
Bray , Ms. L.A.E	10 (10)	-	-	8( 9)	-	10(10)	-	-	-	3(3)	-	-
Buchan I.A	2 (10)	3 ( 3)	-	-	-	-	-	-	-	-	-	-
Butler D.C.	5 (10)	-	5( 8)	-	-	-	-	6(6)	-	-	-	-
Clarke Mrs. T (wef 27.03.07)	7 ( 8)	-	-	-	-	3( 6)	-	-	3(3)	-	3(4)	-
Crawford D.G.(to 27.03.07)	2 ( 2)	-	-	-	-	-	-	2(2)	-	-	-	-
Deas, Mrs. G.M.	6 (10)	10(10)	0( 8)	0( 9)	0( 7)	8(10)	6( 8)	0(6)	0(3)	-	0(6)	-
Farrand, T.	6 ( 8)	-	5( 5)	-	-	-	5( 5)	-	3(3)	-	-	-
Fish, J.A. (wef 27.03.07)	8 ( 8)	-	-	-	-	-	-	-	-	-	-	-
Furneaux, R.N.	8 (10)	2( 6)	7( 8)	-	6( 7)	-	-	-	-	-	-	-
Harris, P.W.	7 (10)	7(10)	2( 8)	0( 9)	0( 7)	3(10)	0( 8)	0(6)	0(3)	-	0(6)	-
Havelock, K.R.	8 (10)	7(10)	-	8( 9)	-	-	-	-	-	2(3)	-	-
Hiddleston, R.M.	5 (10)	-	-	-	-	-	-	-	-	-	-	-
Jackman, Mrs. C.J. (wef 27.03.07)	5 ( 8)	-	-	-	4( 7)	-	-	3(3)	-	-	-	4 (5)
James, S.R.	5 (10)	0(10)	0( 8)	9( 9)	0( 7)	0(10)	0( 8)	0(6)	0(3)	-	0(6)	-
Letang, J.M.	5 ( 8)	-	-	-	-	-	5( 5)	1(1)	-	-	-	-
Lynd, M.A	5 (10)	-	-	-	-	-	-	1(3)	-	-	-	1 (5)
Mastrovito, Mrs. A.M.	6 (10)	9(10)	-	-	-	3( 4)	-	0(2)	-	-	-	5 (8)
McKinnon, G.R.	4 (10)	-	-	-	-	-	8( 8)	-	-	1(2)	-	-
McLeod, C.J.	7 (10)	5( 6)	-	-	-	-	2( 3)	-	-	-	4(6)	6 (8)
Moya, Ms. I.(to 27.03.07)	0 ( 2)	-	0( 2)	-	-	-	-	-	-	-	-	-
O'Rourke, Ms. K.	5 ( 8)	-	-	-	-	-	-	1(3)	-	-	-	3 (5)
Porteous, A.	6 ( 8)	-	-	-	-	-	-	-	-	0(2)	1(4)	-
Preedy, N.F (to 27.03.07)	1 ( 2)	-	-	-	-	-	-	0(2)	2(2)	-	-	2 (2)
Ramage, Mrs. M.A.	10 (10)	10(10)	0( 8)	0( 9)	0( 7)	9(10)	7( 8)	0(6)	0(3)	-	0(6)	-
Reddington, J. (to 27.11.07)	7 (10)	-	-	-	6( 6)	-	-	-	-	-	-	6 (8)
Tarrant, G.	1 (10)	-	3( 8)	-	-	-	-	1(2)	-	1(1)	-	-
Turner, D.G.	6 (10)	-	-	-	-	6(10)	-	-	-	3(3)	-	-
Welch, D.A.	5 (10)	2(10)	-	-	-	5(10)	4( 8)	-	-	-	-	-
Wiseman, Miss I.O.	7 (10)	-	6( 8)	7( 9)	-	-	-	-	-	-	6(6)	-
Wolfe, C.A. Dr.	10 (10)	9(10)	0( 8)	0( 9)	0( 7)	0(10)	6( 8)	0(6)	0(3)	-	0(6)	-
Wong, Mrs. A. (to 27.03.07)	2 ( 2)	2( 3)	-	-	-	-	-	-	1(1)	-	-	-
Wyness, J.J.	5 (10)	-	2( 5)	2( 6)	-	-	-	1(3)	-	-	-	-

## 9. 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 27<sup>th</sup> March, 2007 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, 2006 was published and placed on sale in March, 2007 and contained the names of 896 persons.

## 10. 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, 2007 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, 2006:-

	<b>Candidates</b>	<b>Passes</b>
Paper T1	61	52
Paper T2	48	39
Paper T5	70	55
Paper T3	82	28
Paper T4	66	31
Paper T6	70	28
Law	45	32
D&C	55	38
Paper P1	28	25
Paper P5	30	26
Paper P2	229	118
Paper P3	139	70
Paper P4	134	60
Paper P6	250	116

The Examiners in respect of the 2006 Papers were as follows:

Mrs. J. Aliss	Mr. D. Jackson
Mr. C. Atkinson	Mr. S. Jennings
Ms. S. Boxall	Ms. H. Jones
Ms. K. Cheney	Mr. M. Joshi
Ms. S. Chiappinelli	Ms. S. Lambeth
Mrs. Tania Clark	Mr. A. Leppard
Mr. N. Condon	Mrs. C. Lindley-Vass
Mrs. C. Crago	Ms. A. Marshall
Mr. R. Davis	Dr. P. Martin
Mr. P. Derry	Mr. J. Mears
Mr. H. Dunlop	Mr. A. Miller
Mr. D. Edwards	Ms. I. Moya
Mr. J. Fish	Mr. F. Newbould
Ms. J. Freeman	Mr. D. O'Connell
Mr. C. Gibbs	Mr. N. Parnell
Ms. Bernie Hambleton	Mrs. L. Prentice
Ms. S. Hardy	Mr. S. Reese
Miss L.J. Harland	Mr. S. Robinson
Ms. L. Harris	Mr. E. Round
Mr. D. Harrison	Ms. A. Thornton-Jackson
Ms. Y. Hashim	Ms. I. Wiseman
Mr. M. Houghton	

## 11. Examination Awards

Council was pleased to make the following awards to successful students during the year in respect of the examinations held in November 2006:

**Payne/Bennett Memorial Award** to Stephanie Hall of A.A. Thornton & Co. for outstanding achievement 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 Anna Blackburn of Frank B. Dehn & Co. for attaining the highest marks in the Basic United Kingdom Trade Mark paper.

**Peter FitzGibbon Memorial Award** to Sharmeer Jasani of Boulton Wade Tennant for attaining the highest marks in the Basic Overseas Law & Practice paper.

**Adrian Spencer Memorial Award** to Louise Popple of Taylor Wessing for attaining the highest marks in the Advanced Trade Mark Search paper.

**Nick Wilson Memorial Award** to Philip Sanger of Withers & Rogers LLP for attaining the highest marks in the United Kingdom Design & Copyright paper.

## 12. Review Committee

The committee met 10 times in 2007 and produced 11 editions of the ITMA Review. 2007 saw the Review continue with its new format. We managed to continue producing it despite the printers unfortunately going out of business shortly before it was due to print one issue. We are now working with new printers introduced to us by our designer. Editor Kelly Robson's continued control of the tiller has kept us on the right course and her efforts have once again been vital this year. We could not do it without her. This year we have for the first time used a professional photographer, Kat Hannon, for the summer reception and the Christmas lunch.. The results were outstanding. Our thanks also go to Stewart Rayment for his past and continued provision of photographs for a host of other events.

As always, the Review should be judged primarily on its content and it is on our still-ever-growing band of UK and overseas contributors that we rely to fill the pages of the Review each month. All contributions are highly valued and very gratefully received but we cannot mention all of our contributors by name. However, as before, we look forward to continuing and growing our relationship with our contributors.

The Review committee members for 2007 were once again the backbone of the Review: John Reddington, Kathrin Vowinckel, Kate Swaine, Alice Mastrovito, Robert Williams, Kate O'Rourke, Clare Jackman and Mike Lynd have all contributed substantially to the progress of the Review and deserve our thanks for their efforts. Likewise, Gillian Rogers' continued support as Secretary to the committee is indispensable. We accepted with regret the resignation of John Reddington due to work commitments. John has been responsible for some great ideas and his input will be missed.

For 2008, we hope to continue with a mix of case reports, features and lighter material such as trade mark of the month. We always appreciate input from members so if you have anything which you think you wish to contribute to the Review, from news of members to case reports, we look forward to hearing from you.

### **13. Education & Training Committee**

The Committee met 8 times during the year.

Between January and October the two-year Advanced Trade Mark course took place in conjunction with Queen Mary College with 10 one day sessions for each year. There were 17 students enrolled for the second year and a new first year course started with 9 students enrolled on the course.

The Residential Revision Courses were held at the Aston Business School in Birmingham for the first time in 2007 and the new venue went down well with students and tutors. The courses took place over two weekends in September and were attended by 94 students. The courses covered all trade mark foundation and advanced level examination papers and the majority of patent foundation and advanced level examination papers.

This was also the first year that the Committee ran its programme of Foundation Level Seminars. Four seminars covering the basics in English Law, Foreign Law, Trade Mark Law and Design & Copyright were held between March and June, with a repeat D&C seminar taking place in September. With the exception of Basic English Law, all the seminars were sold out.

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. In total 5 one-to-one consultations were provided in 2007. Feedback on this format of tutoring continues to be extremely positive.

The Committee ran a three day course on Advocacy and Evidence for Members of the Institute in conjunction with the Inns of Court School of Law and attendees gave the course excellent feedback. This course will be repeated in 2008.

The Committee also ran half day courses on Designs and Drafting which were both fully attended. The Committee will repeat these courses in 2008.

### **14. Formalities Course Committee**

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

The 2007 course was run in two locations, London and York, with the examination taking place in London on 15<sup>th</sup> June, 2007. 49 people sat the examination of whom 43 were successful.

The 2008 course was over-subscribed and a number of applicants were turned away, but promised a place in 2009. The Applicants expressing an interest in attending lectures outside London were not concentrated around one location, and so we could not justify running the course outside London in 2008. We will actively look for opportunities to run in the 2009 course outside London.

## **15. Continuing Professional Development Committee**

The CPD Committee continues to advise members on the availability of CPD points for activities which do not fall clearly within the guidelines, and to follow up those cases in which members have failed to provide evidence of compliance. A number of members need to be reminded more than once before submitting their annual declarations. Once again, due to the excellent management of this procedure by Gillian Rogers only a very small number ultimately failed to submit a satisfactory declaration for 2006. As a result, two cases were referred to the Professional Guidance and Disciplinary Committee for possible disciplinary action.

The Committee continues to receive and review requests for accreditation for ITMA CPD points.

## **16. Laws & Practice Committee**

The Committee met 9 times during the year. The major issues addressed were:

- UK IPO Trade Marks Practice
- OHIM Practice
- RPWG (Registry Practice Working Group)
- Criminal Sanctions for IP Infringement

As far as UK IPO trade mark practice, the Committee remained closely involved in the discussions surrounding the change to the manner in which relative grounds for refusal (Section 5) are handled. The Committee was pleased to note that, when this major change in practice was introduced in October 2007, a number of their suggestions for improving the new procedure formed part of the UK IPO's new Section 5 practice. The Committee would like to thank the UK IPO for their willingness to consider our alternative proposals.

Once again, members of the Committee were heavily involved in the organisation of British Day with OHIM in March 2008. Amongst the issues raised were developing a coherent approach to the submission of evidence, draconian consequences of not copying non-faxed evidence, consistency in exam practice, costs awards, timely responses to extension requests and fraudulent notices of publications of CTM applications sent to CTM applicants.

Committee members continue to attend RPWG meetings on a quarterly basis. This body continues to play an extremely important role in the steady evolution of UK trade mark law and practice.

The slow but steady encroachment of criminal sanctions into what used to be areas of civil litigation (for example, "ordinary" trade mark infringement rather than just counterfeiting) is a matter of concern to the Committee. Consequently, we have been watching the progress of the proposed EU Directive on criminal measures in the enforcement of IP rights with some interest. The Committee believes that, in trade mark terms at least, the criminal sanctions that are already available in the UK are entirely adequate to deal with criminal activities.

The Committee has also been involved in and filed comments on the following practice areas:

➤ Undefended invalidation actions

Under this TPN (2/2007), the failure to file a defence by the registered proprietor will, in most cases, lead to the invalidation of the registration. The Committee became rather exercised by this TPN, particularly the question of adequate service of the action on the proprietor. Our concerns appear to have been taken on board by the UK IPO and the issue of adequate service will be addressed when the Trade Mark Rules are consolidated later in 2008.

➤ Fast track examination

The proposal for a fast track exam of UK trade mark applications was made in the Gower Report published in 2006. As this was backed by the then Chancellor, now Prime Minister, there was a certain inevitability about its introduction. The fast track process, which will speed up *ex parte*, but not *inter partes*, proceedings before the Office for the fast tracked case, will be introduced in April 2008.

The Committee's only concern about this proposal was that it should not lead to a deterioration in the handling of non-fast track cases. We were assured by the UK IPO that it would not.

➤ Costs

The Committee became quite agitated about a TPN dealing with costs in proceedings before the Comptroller, in particular the issue of off the scale costs. This concern was prompted in part by the quite staggering costs awarded by the UK IPO in the Music Choice trade mark case. The Committee was assured by the Office that Music Choice was a very unusual case and, that the costs TPN did not change the position radically, if at all. We shall see.

➤ Business Hours

The Office had proposed new business hours which seemed to require everyone to work 24 hours a day / 7 days a week.

The Committee expressed a certain amount of unhappiness about this proposal. The Office agreed to reflect upon this unhappiness. They still are.

➤ Consolidation of UK IPO Trade Mark Rules

The Office intends to consolidate the Trade Mark Rules during 2008 and, at the same time, make significant changes to the present UK trade mark practice. Among the areas in which major changes can be expected are:

- Interlocutory Hearings. Fewer are likely to be allowed.
- Cancelled trade mark registrations. It will be possible in certain circumstances (ineffective service of documents) for the owners of cancelled trade mark registrations to resurrect their rights.

- Filing evidence in non-use revocation cases. The rules will be simplified.
- Failing to file a Counterstatement in opposition proceedings. This will not lead to automatic refusal, the Registrar will have a discretion to "direct otherwise".

The Committee will be closely involved in the development of these (and other) proposals and will seek to assist the Office in the introduction of a coherent set of new Trade Mark Rules.

## **17. 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 participate in the review of and preparation of formal responses to consultation documents issued by both the Community Designs Office and UK Designs Registry. This year, the Committee has provided written comments on the Review of the Copyright Tribunal.

Members of the committee have also attended meetings of the UK Design Registry Practice Working Group, as well as the Community Office's British Day, at which a number of general issues concerning the registration of UK and Community designs are discussed, as well as the running of the respective offices.

The Committee continues to work to raise the profile of designs amongst ITMA's membership. In November, an afternoon seminar dedicated to trade mark and design related issues was organised at which members of OHIM, as well as members of the Institute spoke. The foundation level courses for student members (one dedicated to law, the other to practice) were also successful.

The Committee contributes regularly to the Copyright and Design section in the Review and have updated the designs section of the ITMA website, as well as 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.

## **18. Programme Committee**

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

### **Evening Meetings**

- 16 January - Miss Penny Nicholls, D. Young & Co. – Trade Mark Dilution - A New Era?
- 13 February - Mr. Trevor Choy, Choy Lawyers - Australian Trade Mark Law

- 24 April - Mr. Colin Birss, 3 New Square - High Court & Court of Appeal Decisions
- 22 May - Mr. David Keeling, OHIM - Relative Grounds-Decisions at OHIM
- 26 June - Mr. David Crouch, Bromhead Johnson - UK Cancellation and Invalidity Decisions
- 24 July - Miss Linda Harland, Reddie & Grose - Recent Decisions of the UK Intellectual Property Office
- 18 September - Mr. Gordon Wright, Elkington & Fife LLP – Trade Mark Law & Medicines Regulation - The Overlap
- 23 October - Mr. Jonathan Thurgood, Carpmaels & Ransford – ECJ and CFI Decisions

### **Out of Town Meetings**

The following meetings were held:

#### **Birmingham**

- 6 November Miss Linda Harland, Reddie & Grose - Recent Decisions of the UK Intellectual Property Office

#### **Leeds**

- 17 July Miss Linda Harland, Reddie & Grose - Recent Decisions of the UK Intellectual Property Office

#### **Manchester**

- 15 February Mr. Trevor Choy, Choy Lawyers - Australian Trade Mark Law
- 31 October Mr. Michael Edenborough, Hogarth Chambers - Appeals from OHIM to CFI - Practice and Procedure
- 21 November Mr. Michael Edenborough, Hogarth Chambers - Revocation of Trade Marks for Non-use - Practice and Procedure

The Institute is very grateful to those firms outside of London who very kindly provided venues for the above meetings - Browne Jaconson LLP in Birmingham, Pinsent Mason in Leeds and Cobbetts in Manchester.

### **Seminars**

Seminars were organised as follows:-

- |                 |            |             |                                 |
|-----------------|------------|-------------|---------------------------------|
| Madrid Protocol | London     | 27 February | Mr. William O'Reilly, WIPO      |
|                 | Manchester | 17 April    | Mr. Max Stacey, Baron & Warren  |
|                 |            |             | Ms. Jane Collins, Syngenta Ltd. |

OHIM	London	13 November	Mr. David Keeling, OHIM
	Manchester	14 November	Mr. Peter Rodinger
			Ms. Daniele La Carval (London)
			Miss Penny Nicholls (Manchester)

### **IP Bar Reception**

The Reception was this year held at British American Tobacco's offices in London and some 38 or so members of the Bar were entertained by members of the Institute.

### **Quiz Night**

This event moved yet again in 2007 to the Punch Tavern in Fleet Street where 20 teams pitted their wits against each other on 30<sup>th</sup> January and raised £1,053.50 for charity. The winning team were from R.G.C. Jenkins and their chosen charity was "Mind".

### **London International Meeting**

The International Meeting took place from 21<sup>st</sup> – 23<sup>rd</sup> March, 2007 at the Royal Garden Hotel, Kensington.

The speakers at the meeting were:

Mr. Piers Acland	Sir Hugh Laddie
Ms. Sara Ashby	Mr. Charters Macdonald-Brown
Ms. Katie Cameron	Mr. Oliver Morris
Mr. Patrick Cantrill	Mr. Vincent O'Reilly
Mr. Tibor Gold	Ms. Cynthia Rowden
Mr. Stephen Kinsey	Mr. Edouard Schmitt zur Hohe

### **Dinner and Dance**

The International Meeting was closed by the Annual Dinner and Dance on 23rd March at the Royal Garden Hotel. The Institute was honoured by the presence of distinguished guests including:

Mr. Richard Arnold Q.C.,	Ms. Lesley Edwards (PTMG)
Mr. Michael Kiernan (Ireland),	Mr. Richard Heath (INTA)
Mrs. Cynthia Rowden (Canada)	Mr. Mike Knight (UK-IPO)
Ms. Mireia Curell (ECTA)	Ms. Susan Luke (NTU)

Following the dinner members enjoyed themselves at the gaming tables and dancing to live music.

### **Summer Reception**

This was held again at Westminster Boating Base and attended by over 240 people.

## **Autumn Conference**

This was held in Treviso 27<sup>th</sup> – 28<sup>th</sup> September and was attended by around 100 delegates. The speakers were:-

Mr. Nathan Abraham  
Ms. Nicola Amsel  
Mr. Richard Ashmead  
Mr. Jeremy Dickerson  
Ms. Rachel Gillard-Jones

Mr. John Groom  
Ms. Felicity Hide  
Mr. Peter Lawrence  
Mr. Andrew Norris

## **Christmas**

The Institute's annual Christmas Luncheon was held on 11<sup>th</sup> December, again at the Royal Lancaster Hotel, where approximately 780 members sat down to the traditional Christmas meal.

As in previous years the members in the North of the country held a Christmas Dinner, this year at the Renaissance Manchester Hotel on 6<sup>th</sup> December. Over 50 attendees, including the President who represented the Council, enjoyed the festive occasion.

## **19. Public Relations Committee**

2007 was again a busy year in Public Relations.

The objectives of the PR Committee are fivefold:

1. increasing awareness of the importance of trade marks and the expertise of members;
2. increasing awareness of the importance of designs and the expertise of members;
3. increasing awareness amongst new UK businesses of the importance of trade marks and the expertise of members;
4. promoting the expertise of members to IP professionals especially those outside Europe; and
5. ensuring that the voice of ITMA is heard and its aims are promoted through good communications.

Meeting these objectives is the responsibility of the PR Manager Ken Storey with the guidance of the PR Committee under the Chairmanship of Graeme McKinnon.

### **OBJECTIVE 1 - increasing awareness of the importance of trade marks and the expertise of members.**

In 2007 we continued our work with University Careers Services providing speakers for the College of Law - Beyond the Bar event; the Inns of Court School of Law event

and the Kings College Alternatives to Law seminar. We also attended 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

**OBJECTIVE 2 – increasing awareness of the importance of designs and the expertise of members;**

ITMA again sponsored the Design Week Awards with Johnson Banks winning the Identity Programmes category for their new designs for promoting Blackpool Pleasure Beach. Phil Harris made the award presentation at the Park Lane Hilton on 19 February. We are sponsoring the awards again in 2008 as it gives us great opportunities to get our message across to the design community.

As part of our sponsorship package we have favourable advertising rates with Design Week and have a series of adverts on the Design Week web pages promoting the awards. Further advertising will accompany the re-launch of the ITMA website where there will be a specific design section for the first time.

**OBJECTIVE 3 - increasing awareness amongst new UK businesses of the importance of trade marks and the expertise of members;**

We have continued our partnership with HM Revenue & Customs who organise Business Advice Open Days. In 2007 we attended 12 Open Days in Winchester, Islington in London, Llandridnod Wells, Market Rasen, Milton Keynes, Dundee, Brighton, Croydon, Armagh, Sheffield, Bristol and Hull. 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 – now UK-IPO - and CIPA on the IP Awareness campaign, the successor to “What is the Key?” These seminars take the form of UK-IPO outlining the four elements of IP, then ourselves and CIPA explaining why attorneys add value to the process, followed by a local entrepreneur who explains how they secured IP protection and lessons for others to learn. Finally the audience are offered one-to-one consultations with the attorneys who attend the seminar. These are working extremely well and in 2007 seminars were held in Reading, Macclesfield, Newport, Wrexham, Leeds, Nottingham, Liverpool and London. The campaign will continue throughout 2008.

Free trade mark advice clinics continued at Harmsworth House throughout 2007 and received further publicity through the British Library partnership and IP Insight the e-newsletter of UK-IPO. The clinics will continue in 2008 on the first Thursday of alternate months.

**OBJECTIVE 4 - promoting the expertise of members to IP professionals especially those outside Europe.**

Following the success of the overseas delegations to the Far East and the USA it has been decided that, in order to maintain these good relations and to widen contacts, the Institute will host a party during INTA in Berlin in May 2008. The main audience for invitations will be INTA delegates from Japan, China and the USA. Plans are well advanced and the party will take place at the British Embassy on Monday 19 May.

**OBJECTIVE 5 - ensuring that the voice of ITMA is heard and its aims are promoted through good communications.**

We continue to issue press releases to trade, national and local media outlets, together with articles. As a direct result of PR activity in 2007 we secured coverage in the Sunday Times and Daily Telegraph as well as numerous local newspapers that pick up on our press release announcing our presence at Business Advice Open Days. In addition, this year has been particularly fruitful in getting coverage in specialist trade press including The Lawyer, Legal Week, Law Gazette, the Solicitors Journal, Managing Intellectual Property and Design Week.

In addition to 12 press releases announcing our presence at exhibitions, we issued the following nine press releases:

- Jan i-Phone trade mark war hots up;  
Special Effects ruling gives L'Oreal a head start;
- March Patent Office name change heralds new era;
- June Sort out your trade marks and relax!  
Trade mark attorneys welcome new government department;
- Aug Trade Mark Attorneys to sponsor Design Week Awards;
- Oct ITMA and the Law Society reach agreement on trade mark registration;  
ITMA and CIPA welcome Royal Assent of the Legal Services Bill;
- Nov ITMA welcomes Justice Floyd's elevation to the Bench.

**2008 – A LOOK AHEAD**

Early in 2008 we hope to launch the new ITMA website which we believe will enable members of the public to gain better access to top quality advice on trade marks and designs and find trade mark attorneys far easier through an improved navigation within the site. We also hope it will provide members of ITMA with clearer information and improved services.

The PR Committee will continue to work with the UK-IPO and CIPA on IP Awareness campaigns; with HM Revenue & Customs on the programme of Business Advice Open Days and with the British Library. Thanks are due to all the members around the country who have given their time and resources to supporting PR initiatives.

We will continue to develop our relationship with the design community and seek to impress upon the design world that ITMA members can help them with their design protection.

Following the first round of regional visits by officers and ITMA head office staff to discuss members' interests and how the Institute can work effectively with members around the UK, receptions were held in Bristol, Cambridge and Belfast. These proved quite popular and future events will be linked to an evening meeting type talk which

will attract CPD points as well as continuing the idea of a reception and open discussion forum.

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.

## **20. Book Committee**

The work of the Committee continues. A significant part of the work of the Committee relates to the Trade Mark Handbook. This work is going through significant changes. A recent new co-editor has been appointed. In addition, a new edition of the work with new chapter numbering is planned. Significant revisions to specific chapters, including current chapters 104 and 105 are currently underway.

Members of the Committee are currently in the process of considering new contributors to assist with the publication.

In addition, the Committee is also considering a number of new publications. In particular, we are currently working on the publication of a new tutorial work.

Additional possible works are under review.

## **21. Joint Council Meetings**

The annual APRAM, BMM, ECTA, GRUR, ITMA, MARQUES meeting was hosted this year by MARQUES and held on 1<sup>st</sup> March in Copenhagen, Denmark. The Institute was represented by, Mr. Philip Harris, Mrs. Maggie Ramage and Mrs. Alice Mastrovito.

## **22. Representation of the Institute**

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

Design Awards	Mr. Philip Harris
Meeting of Association of Danish Patent Agents	Mr. Philip Harris
IPTA Annual Conference	Mr. Philip Harris
CIPA's President's Dinner	Mrs. Gillian Deas Mrs. Maggie Ramage
Irish Association Dinner	Mr. Philip Harris Mrs. Maggie Ramage
ECTA Conference, Deauville	Mrs. Maggie Ramage
TMPDF lunch in July	Mr. Philip Harris
Alliance against Counterfeiting Summer Reception	Dr. Stephen James

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.

Mr. Philip Harris, Mrs. Gillian Deas and Mrs. Maggie Ramage attended a number of meetings with the DCA and then the Ministry of Justice on the Legal Services Bill throughout the year.

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

The General Purposes & Finance Committee met ten times during 2007.

During the year the committee, principally in the person of the President as well as the first and second Vice Presidents were heavily involved in negotiations with the government and lobbying of the government in relation to the Legal Services Bill. The process was in conjunction with CIPA and continued to use the parliamentary lobbyists Mandate (previously A.S. Biss & Co.). The bill received Royal Assent on 31<sup>st</sup> October, 2007 and became the Legal Services Act.

The Ministry of Justice is now setting up the Legal Services Board and the joint working party set up by ITMA and CIPA is developing proposals for our own Joint Regulation Board which is proposed to be the frontline regulator for the two professions. The joint working party appointed Mike Knight as consultant and has done much work to develop the structure and budget for the Joint Regulation Board. The Committee continues to liaise with the Ministry of Justice, particularly in connection with its estimates for the cost of the Legal Services Board and Office for Legal Complaints.

Many thanks are due to all the officers and in particular to the President and to Mike Knight for all their work and the endless time they have spent on this matter which will represent a fundamental change in the way this Institute is organised.

The certification trade mark application for Trade Mark Attorney, filed in the name of the Registrar of Trade Marks, was opposed by an individual and by the Law Society. It has been agreed with the Law Society that statutory regulation of the title Trade Mark Attorney would be appropriate and the application to register Trade Mark Attorney has been withdrawn. The General Purpose & Finance Committee is now seeking legislative protection for the title (in terms mirroring those already applicable to the title Patent Attorney) and The Law Society has agreed to support that move. An application to register Registered Trade Mark Attorney as a trade mark has been filed.

The General Purposes & Finance Committee has developed guidelines on money laundering for ITMA Members which have been approved by Council and published in The Review.

The Committee continues to develop and foster relationships with sister institutions in Europe and elsewhere by means of joint meetings and consultations on issues which affect us all as well as co-operating in events.

The Committee sends a representative to the Patent Office Policy Interest Group which consults on IP matters. The issues which most affect trade marks this year have been moves by the Commission to outlaw the requirement for a local address for service; a review of the provisions concerning unjustified threats; negotiations concerning the OHIM surplus.

The Committee is investigating whether there is any action which can be taken against the several companies which send out requests for fees for entry in private registers and will pursue the matter during 2008

The Committee continues to investigate the setting up of a benevolent fund for members and their dependants. Negotiations to join the existing CIPA Benevolent Fund are still underway.

The Committee has continued to investigate the possibility of members moving from the second to the first tier of the EU directive on recognition of professional qualifications. It would involve amending the entry requirement for the profession to first degree level and proposals to safeguard the interests of existing members are being developed.

The Committee agreed to increase the value of the prizes awarded in respect of the examinations from £100 per award to £150 .

On behalf of the Institute the Committee thanks all who have contributed to the work of the Council, Committees, publications and events during 2007. Particular thanks are due to Margaret Tyler and to her staff for all their work and continued commitment

#### **24. Professional Guidance & Disciplinary Committee**

The Professional Guidance and Disciplinary Committee met on three occasions during the course of the year and considered a small number of complaints which are still ongoing but which are being progressed by Committee members.

The Institute was invited to comment on the Bar Standards Board Code of Conduct and the Committee submitted a number of comments on their Consultation paper.

#### **25. Charitable Donations**

During the year the Institute made donations for charitable purposes amounting to £1,554.

#### **26. 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.

**27. 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 19<sup>th</sup> February, 2008  
and signed on its behalf by**

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