

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 2003

President of the Institute 2003/2004

Mr. I.A. Buchan

Vice-Presidents of the Institute 2003/2004

Mr. N.M. Wilson (*Senior Vice-President*)

Dr. S.R. James (*Junior Vice-President*)

Honorary Members

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

Mr. E.R. Wenman
White Lodge
43, Littlestairs Road
Shanklin
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Miss S.F. Lesley, OBE
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114, Charterhouse Road
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Mr. M.K. Padmore
11 Woodbourne Road
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Birmingham
B15 3QJ

Past Presidents of the Institute

(Retired from Council)

Mr. D.B. Lutkin
David Lutkin Associates
Four Fairfax Avenue
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TN37 7TD

Mr. W.J.A. Beeston
W.P. Thompson & Co
Coopers Building
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Liverpool
L1 3AB

COUNCIL OF THE INSTITUTE 2003/2004

President

Mr. I.A. Buchan
Eric Potter Clarkson
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Junior Vice-President

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Senior Vice-President

Mr. N.M. Wilson
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Treasurer

Ms. C.T. Bonella
From 01.01.03 – 27.08.03

Mrs. G.M. Deas
D. Young & Co
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W.e.f 28.10.03

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

Mr. D.C. Evans
More Place
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Mr. B.H. March
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Elected Members of Council

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Tel: 020 7388 8506
From 26.03.03 – 29.04.03

Mr. D.G. Lyons*
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Mr. G. Tarrant*
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Miss I.O. Wiseman*
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Mr. D.G. Turner*
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Tel: 020 7278 2724

Mrs. A. Wong
Carpmaels & Ransford
43 Bloomsbury Square
London
WC1A 2RA
Tel: 020 7242 8692

* **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

Auditors

Sawin & Edwards
15, Southampton Place
London
WC1A 2AJ

Bankers

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

2003

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. Obituaries

Council was sorry to learn of the deaths of Caroline Bonella, Peter Lord, David Minto, Laurence Sanderson and Graham Shipley during the year.

3. Membership

In 2003 192 members were elected, comprising:

4 Fellows	45 Associates
33 Ordinary	31 Overseas
18 Affiliates	61 Students

As at 31st December 2003 the Institute's Membership list showed:

9 Honorary Members	236 Associate Members
53 Fellows	336 Overseas Members
479 Ordinary Members	394 Student Members
98 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 1,685.

4. Finance

The year ended with an apparent loss of £47,023. However, this sum reflects monies taken from the Institute's reserves and represents the investment made in the promotional activities undertaken by way of the Trade Mark or Trade Loss campaign and the exhibition stand at INTA in Amsterdam.

5. Annual General Meeting

The 68th Annual General Meeting of the Institute was held on 26th March, 2003 when the Statement of Accounts for 2002 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 2003/2005:

Mrs. K.L. Burchell
Mr. A.V. Clarke
Mrs. G.M. Deas
Ms. J. Kay
Ms. C. Lazenby
Mrs.A.M. Mastrovito

Mr. N.J. Parnell
Mrs. M.A. Ramage
Ms. C.H. Stirling
Mr. J.M. Wallace
Mr. D.A. Welch
Mrs. A. Wong

A full list of Council for 2003/2004 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.

6. Election of President and Vice-President

At its meeting on 1st April, 2003 the Council elected Mr. I.A. Buchan as President, Mr. N.M. Wilson as Senior Vice-President, Dr. S.R. James as Junior Vice-President and Ms. C.T. Bonella as Treasurer.

7. Standing Committees

The Standing Committees of the Council were elected at the Council meeting held on 29th April, 2003. 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 Newsletter & Information and Professional Guidance & Disciplinary Committees) and are as follows:-

Mr. I.A. Buchan	President
Mr. N.M. Wilson	Senior Vice-President
Dr. S.R. James	Junior Vice-President
Ms. C.T. Bonella	Treasurer (01.01.03 – 27.08.03)
Mrs. G.M. Deas	Treasurer (from 29.10.03)
Mr. D.C. Evans	Immediate Past President

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

Book Committee

Officers

Mr. R.C. Abnett
Mr. R.M. Hiddleston
Miss I.O. Wiseman

Designs Committee

Officers

Mrs. G.M. Deas
Mr. J.A. Groom
Mr. D.G. Lyons
Mr. N.M. Wilson
Miss I.O. Wiseman

Education & Training Committee

Officers

Mr. N.J. Parnell
Ms. C.H. Stirling
Mr. G. Tarrant
Miss I.O. Wiseman
Mrs. A. Wong
Ms. H. Bennett) Student
Ms. F. Cameron) Represen-
Mrs. E. Hewson) tatives
Ms. E. Nicholas)

Formalities Committee

Officers

Mrs. G.M. Deas

Mrs. A. Wong

CPD Committee

Officers

Mrs. A.M. Mastrovito

Mr. G.R. McKinnon

Mr. G. Tarrant

General Purposes & Finance Committee

Officers

Mrs. K.L. Burchell

Mr. P.W. Harris

Mr. K.R. Havelock

Mr. B.H. March

Mrs. M.A. Ramage

Mr. D.A. Welch

Professional Guidance & Disciplinary Committee

Mr. R.C. Abnett

Mr. J.A. Groom

Mr. P.W. Harris

Mrs. A.M. Mastrovito

Mr. D.G. Turner

Internet Committee

Officers

Mr. D.G. Lyons

Mrs. A.M. Mastrovito

Mr. B.A. Ramage

Programme Committee

Officers

Mrs. K.L. Burchell

Mrs. A.M. Mastrovito

Mr. N.J. Parnell (resigned May)

Mrs. M.A. Ramage

Mr. D.G. Turner

Mr. D.A. Welch

Laws & Practice Committee

Officers

Mr. A.V. Clarke

Mr. K.R. Havelock

Mr. D.G. Lyons

Mr. B.H. March

Mr. J.A. Slater

Mr. J.M. Wallace

Public Relations Committee

Officers

Ms. J. Kay

Mr. G.R. McKinnon

Mrs. M.A. Ramage

Mr J.A. Slater

Mrs. A. Wong

Membership Committee

Officers

Mr. A.V. Clarke

Mr. J.A. Groom

Ms. C.H. Stirling

Newsletter & Information

Officers

Mr. R.C. Abnett

Mr. B.H. March (resigned Nov)

Council & Committee Meetings

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. As a result of the resignation of Ms.C. Lazenby Council had a vacancy from 29th April and Mr. A. Murch, being the next nominee with the highest number of votes was co-opted on to the Council.

	Council	G P & F	E & T	L & P	Member- Ship	Prog- ramme	P. R.	CPD	Formal- ities	Disci- plinary
Abnett R.C.	6(10)									3(3)
Bonella, Miss C.T. (1.1.03 – 27.8.03)	5(7)	6 (7)	0(8)	0(6)	0(5)	2(5)	0(4)	0(4)	0(4)	
Buchan I.A.	8(10)	9(10)	6(12)	2(9)	1(8)	7(8)	0(7)	0(5)	0(6)	
Burchell, Mrs. K.L.	8(10)	3(10)				7(8)				1(2)
Clarke. A.V. (wef, 23.04.02)	7(10)			8(9)	8(8)					
Deas, Mrs. G.M.	6(10)	1(1)	0(2)	1(5)	0(1)	0(1)		0(1)	6(6)	
Evans, D.C.	7(10)	3(10)	5(12)	0(9)	0(8)	0(8)	0(7)	0(5)	0(6)	
Groom, J.A.	3(10)				6(8)					1(1)
Harris, P.W.	6(10)	8(10)		3(4)	1(3)					3(3)
Havelock, K.R.	8(10)	8(10)		8(9)						
Hiddleston, R.M.	1(10)		1(12)							
James, S.R.	8(10)	7(10)	0(12)	5(9)	0(8)	0(8)	0(7)	3(5)	0(6)	
Kay, Ms.J.	5(10)						7(7)			
Lazenby, Miss J.C. (1.1.03 – 29.4.03)	2(3)									
Lyons, D.G.	4(10)			4(9)						
March, B.H.	7(10)	7(10)		6(9)						
Mastrovito, Mrs. A.M.	7(10)					6(8)		5(5)		3(3)
McKinnon, G.R.	7(10)						5(7)	4(5)		
Murch, A.M. (wef 27.5.03)	3(6)									
Parnell, N.J.	8(10)		5(12)			1(1)		2(2)		
Ramage, Mrs. M.A.	10(10)	5(6)				7(8)	7(7)			
Rowley, Miss E.D.M.(1.1.03 – 26.3.03)	2(2)		4(4)			2(3)				
Slater, J.A.	4(10)			9(9)			0(7)			
Stirling, C.S. (wef 26.3.03)	5(8)		6(8)		4(5)					
Tarrant, G.	4(10)		8(12)					3(5)		
Turner, D.G.	9(10)					8(8)				2(3)
Wallace, J.M.	7(10)		2(4)	3(5)						
Welch, D.A. (wef 26.3.03)	7(8)	6(6)				3(5)				
Wilson, N.M.	9(10)	4(10)	1(12)	1(9)	0(8)	2(8)	5(7)	0(5)	0(6)	
Wiseman, Miss I.O.	6(10)		9(12)							
Wong, Mrs. A.	6(10)		12(12)				3(5)		6(6)	

- 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) The Newsletter & Information Committee holds informal meetings in respect of the publication of most Newsletters, attendance is not recorded and, therefore, not included in the above table.
- (3) Meetings of the Book Committee are concerned with editing the Institute publications. Most of the work is however undertaken outside the meetings and attendance at meetings is also not formally recorded.
- (4) The Internet Committee held most of its meetings over the Internet and, therefore attendance was not recorded and is not included in the above table.
- (5) The Designs Committee dealt with most of their issues by email and 1 or 2 brief meetings which were not recorded.
- (6) Members have been co-opted onto Committees and assisted as set out below and Council is very grateful for this assistance.

Education & Training Ms. Isabel Moya-Ballester

Designs Mr. Peter Brownlow
Mr. Tim Pendered
Ms. Katie Cameron

Formalities Course Committee Ms. Sunita Kotecha
Mr. David Potter
Mr. Roy Scott
Mr. Daniel Smart
Mr. Patrick Tucker

Internet Committee Mr. Eric Ramage
Mr. Nick Wood

Newsletter & Information Committee Ms. Alex Brodie
Mrs. Angela Fox
Mr. Chris McLeod
Mr. James Setchell
Mr. Roland Wilding
Mr. Aaron Wood

Programme Committee Ms. Mary Bagnall
Miss Kate Johnson
Ms. Morag Macdonald
Mr. Philip Redman

Public Relations Committee Mr. Nick Wood
Mr. Chris McLeod

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.

8. Register of Trade Mark Agents

The Institute continued to keep the Register of Trade Mark Agents established under Section 282 of the Copyright, Designs and Patents Act 1988. The Secretary, Mrs. M.J. Tyler, was re-appointed by Council at its meeting on 1st April, 2003 as Registrar for a further year, in accordance with The Register of Trade Mark Agents Rules 1990. The Register as at 31st December, 2002 was published and placed on sale in March, 2003 and contained the names of 894 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, 2003 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
Paper T4	-	Advanced United Kingdom Trade Mark Practice
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, 2002:-

	Candidates	Passes
Paper T1	66	49
Paper T2	56	47
Paper T5	96	76
Paper T3	68	16
Paper T4	123	54
Paper T6	108	47
Law	78	46
D&C	88	66
Paper P1	58	42
Paper P5	46	38
Paper P2	186	98
Paper P3	127	49
Paper P4	121	32
Paper P6	252	97

The Examiners in respect of the 2002 Papers were as follows:

Mr. Mike Abrams	Mr. Frank Leng
Ms. Alison Cole	Ms. Carrollanne Lindley-Vass
Mr. Derek Chandler	Mr. Anthony Luckhurst
Mr. Jonathan Clegg	Mr. Nick Manley
Mr. David Crawford	Mrs. Alice Mastrovito
Mr. Richard Davis	Mr. Jon Mears
Mr. Paul Derry	Mr. Tony Miller
Mr. Michael Edenborough	Mr. Stuart Nield
Ms. Helen Fisher	Mr. David O'Connell
Mrs. Angela Fox	Mr. Peter Oliver
Ms. Jacqui Freeman	Mr. Nigel Parnell
Mr. Roger Grimshaw	Dr. Janet Perkins
Mr. Martin Hammler	Ms. Linda Prentice
Mr. Philip Harris	Mr. Stephen Rees
Mr. David Harrison	Ms. Lucy Samuels
Mr. Derek Jackson	Mrs. Janice Trebble
Mr. Steven Jennings	Ms. Helene Whelbourn
Mr. Stephen Jones	Mr. Ian Wilkes
	Ms. Imogen Wiseman

10. Examination Awards

Council was pleased to make the following awards to successful students during the year.

Payne/Bennett Memorial Award to Jonathan Parker of Rouse & Co for outstanding achievement in the Advanced level U.K. Trade Mark Practice paper (who also sat and passed the Advanced U.K. Trade Mark Law Paper) held in November 2002.

John Parker Memorial Award to Clare Turnbull of Prentice & Matthews for attaining the highest marks in the Basic United Kingdom Trade Mark Paper held in November, 2002.

Peter FitzGibbon Memorial Award to Clare Speed of Maguire Boss and Christopher Ellis of Withers & Rogers for attaining the highest marks in the Basic Overseas Law & Practice Paper held in November, 2002.

Adrian Spencer Memorial Award to Tania Clark of Haseltine Lake for attaining the highest marks in the Advanced Trade Mark Law Paper held in November, 2002.

11. Newsletter & Information Committee

The committee met 7 times and produced 11 editions of ITMA News and Information. The first six issues were produced under the editorship of Claire Lazenby, who has taken the standard of the journal to yet higher levels during her term as editor. Very grateful thanks are due to her for all that she has contributed to the Institute.

In the summer it was decided that a professional editor should be appointed to take over the editorial production under and with the assistance of the Committee. Until a professional editor could be appointed, Brian March agreed to take over as interim editor. The Institute owes him a great debt of gratitude for maintaining the high standard of the Newsletter over the summer period, a task he assumed without warning and without demur. In the autumn a professional editor was duly appointed: Kelly Robson, known to many members on account of her past involvement with the magazine Trademark World. Unsurprisingly Kelly has maintained the standard of the Newsletter and has some excellent ideas for further improvement in 2004.

The Newsletter could not exist without the unstinting help of a loyal and hardworking band of contributors. The names and allegiances of contributors are now clearly identified under their contributions. Particular thanks are nevertheless due first to those who have been on the committee in 2003, largely non-Council members, including Alex Brodie, Angela Fox, Chris McLeod, James Setchell, Roland Wilding and Aaron Wood, and also to many others who have contributed individual items for publication.

12. Education & Training Committee

The Committee met 12 times during the year.

Between January – October the second year of the two-year Advanced Trade Mark course took place in conjunction with Queen Mary College with 10 one day sessions. There were 16 students enrolled for the second year. A new first year of the course started with 32 students enrolled for the course.

The extended tutorial programme provided six tutorials (two for each Advanced examination paper) for each student who applied. The tutorial pack was updated with up-to-date examination material.

The Residential Revision Course at Warwick University took place over two weekends in September and October.

The Committee gave an evening presentation on examination technique to tutors and examiners.

The Committee has progressed the setting up of a course on Advocacy and Evidence for Members of the Institute which will start in 2004 in conjunction with the Inns of Court School of Law.

Members of the Committee took part in one-to-one tutorials with students who had narrowly failed the T3 Advanced Paper in order to give guidance on exam technique.

13. Formalities Course Committee

The Formalities Course was run, once more, during the year 2003. 48 students attended the course and the examination was passed by 45 candidates giving a pass rate in excess of 90%.

In the year 2003, two courses were run, one in London and another in the north of England. Both proved to be popular. In 2004, the London based course will commence on 7th January with the northern commencing one week later.

The examination is scheduled for 11 June 2004 and will be held in London and the cost for this course, which includes the examination fee, has remained at £250.

14. Continuing Professional Development Committee

The formal announcement relating to the introduction of the CPD scheme was republished in 2003 and the Guidance Notes were updated. The Notes, CPD record and compliance form are all available on the ITMA web site.

No member has been referred to the Professional Guidance and Disciplinary Committee for non-compliance in 2003. A number of waivers were given but with the increase in opportunities to obtain CPD points at no cost, the need for waivers should continue to reduce in future. Waivers will continue to be available for members who are fully retired, unwell, taking a career break or working overseas. Exemptions are also available for members who are pursuing relevant postgraduate study.

The few members who have had difficulty obtaining sufficient CPD points have tended to be those who are working part time in trade marks: sometimes because they are working fewer hours, sometimes because their work is principally in patents. To assist members, the following are now available:

Ten free London Evening Meetings per year. Each meeting lasts approximately one hour and attracts two CPD points (Trade Marks Registry practice update meetings usually attract three points).

Recordings of all London Evening Meetings. Soundtracks can be downloaded free of charge from the ITMA web site, or VHS tapes can be purchased for £10.00 plus VAT. To earn two CPD credits using internet transmissions or VHS tapes, members need to spend at least one hour listening or watching in company with one or more colleagues and discussing the topic.

Evening Meetings in Birmingham, Bristol, Glasgow, Leeds and Manchester. In 2003 The Patent Office ran an evening meeting in each region to update members on changes to Registry practice and the proposals for the opposition procedure. At least one more evening meeting was held in each region and in Leeds regular bi-monthly meetings were held.

The Committee has started to seek accreditation from the Bar Council for all ITMA Meetings and in 2004 will seek accreditation from the Law Society.

The Committee also provides accreditation to organizations which are running courses and training events. Members can self certify even if an event has not been formally accredited but some organisations believe that it helps to attract trade mark attorney delegates if there has been a ruling on the number of CPD points which their event attracts.

15. Laws & Practice Committee

The Committee met 8 times during the year. The major issues addressed were:-

Trade Mark Registry practice
OHIM Practice
Madrid Protocol
RPWG (Registration Practice Working Group)

On Trade Marks Registry practice the committee has reviewed a range of Practice Amendment Notices relating to inter alia time periods for filing responses, disclaimers, classification issues, applications for colour marks and Section 3 examination.

In the course of the year the Trade Marks Registry published its formal consultation document proposing changes to the trade mark rules. The most significant change proposed related to The New Opposition Procedure. In addition there were other proposals for a new fee structure, changes to applications for Revocation and Declarations of Invalidity and the requirements for a UK address for service.

To facilitate a useful exchange of views with the Registry on these issues, the committee met in September with three members of the Registry's Law Section, Messrs. Mike Knight, Oliver Morris and Andrew Rees. Following this discussion the committee submitted a formal response to the Consultation document.

In the course of the year the committee learnt that the Registry would retain the current examination of trade mark applications on relative grounds. We regard this as a satisfactory outcome since the committee had argued strongly for no change in the examination procedure prior to the 1st April 2006 date proposed in the 1994 Trade Marks Act.

On 7th March 2003 Messrs. Ian Buchan (President), Nicholas Wilson (Senior Vice President), Brett Lyons, Aidan Clarke and Phil Harris represented the Institute as part of a British group which met with the OHIM in Alicante to discuss OHIM issues. The Trade Marks Registry was represented by Messrs. Peter Lawrence (Assistant Registrar), Julian French and Richard Dickinson. The OHIM was represented by Messrs. Wubbo De Boer (President), Hans Jakobsen, Director of Trade Marks, Paul Maier, Director, Vincent O'Reilly, Director, Administration of Trade Marks and Designs and some ten additional OHIM officials.

The topics discussed included e-filing, designs, classification issues, enlargement of the EU, seniority, inter partes proceedings and appeals to the Board of Appeal.

Mr. Brett Lyons and Mr. Brian March have represented the committee at meetings of the Registration Practice Working Group which operates as a quarterly forum for discussing issues affecting all aspects of policy or practice of the Trade Marks Directive.

Reports of the committee meetings and the RPWG meetings have been produced for the newsletter by Mrs. Angela Fox who has now been co-opted onto the committee.

16. Designs Committee

The Designs Committee met twice during November 2003. The main topic of the first meeting in May was submissions on the draft OHIM examination guidelines. The Committee made a submission to Paul Maier at OHIM.

The next meeting was to comment on the Joint Examination Board syllabus on the Designs and Copyright Paper, concentrating on those to be updated to take account of the Design Directive, and whether we need to keep the Copyright Act 1956 in the syllabus. The Committee has reported on the design training manual, and have been preparing papers for the publication of a joint institute handbook, the title of which will be Community Design Handbook.

The Committee has also been represented at the Registry Working Practice Group on Designs, which met on 21 October 2003. Among the issues discussed was the concern over the 50% reduction in UK design applications, which could be a direct consequence of the Community Designs Registry and the vexed question of whether there is a future for national design registrations. The Committee supports the view that national designs should be maintained. Lastly, the Committee has prepared a report for the rights of audience in Design Court as part of the wider concept of rights of audience.

17. Programme Committee

The Committee held 8 meetings during the year and organised the events mentioned below.

Evening Meetings

- 21 January - Ms. Sarah Byrt, of Mayer Brown Rowe & Maw spoke to members on IP Aspects of Mergers & Acquisitions.
- 18 February - Ms. Clare Algar, Mr. Joe Cohen and Mr. Neil Parkes of Collyer Bristows Solicitors discussed Dispute Resolutions – an IP Case Study.
- 1 April - Mr. Mike Knight, Ms. Sally Long and Mr. Miles Rees of the UK Trade Marks Registry gave an update on Case Law, Practice and Opposition Procedures.
- 29 April - Mr. Jeremy Dickerson of DLA spoke on The Pitfalls of Using Brands in Advertising and How to frame a Complaint to the Advertising Standards Authority.

- 27 May - Ms. Jacqueline Reid Q.C. of Chambers of C. Floyd discussed Recent Cases in the High Court and the Court of Appeal.
- 24 June - Mrs. Alice Mastrovito of Mastrovito & Associates read Ms. L. Lovells talk on What to do when a Trading Standards Officer Calls and review of the Copyright, etc and Trade Marks (Offences and Enforcement) Act 2002.
- 22 July - Mrs. Carollanne Lindley-Vass of Kilburn & Strode discussed Recent Decisions of the UK Appointed Persons and Trade Marks Registry.
- 16 September - Dr. Steve James of R.G.C. Jenkins & Co. spoke on OHIM Decisions.
- 28 October - Mr. Jeremy Pennant of D. Young & Co. spoke on Recent Decisions of the European Court of First Instance and Court of Justice.
- 24 November - A talk on the U.S. Implementation of the Madrid Protocol was given by Ms. Lynne Beresford, Deputy Commissioner for Trade Marks at the USPTO and Mr. Albert Tramposch of Burns Doane Swecker & Mathis LLT.
- 25 November - Mr. Ian Buchan (President), Mr. Nicholas Wilson (Senior Vice-President), and Mr. Phil Harris (Chairman G.P. & F Committee) spoke on Litigation Rights for Trade Mark Attorneys.

Out of Town Meetings

The following meetings were held:

Leeds

- 14 January - Mr. Michael Edenborough of Hogarth Chambers spoke on Recent Cases.
- 27 November - Mr. Ian Buchan (President) and Mr. Phil Harris (Chairman G.P. & F. Committee) spoke on Litigation Rights for Trade Mark Attorneys
- 3 December - Dr. S. James of R.G.C. Jenkins & Co. spoke on Recent Decisions of the OHIM Opposition and Appeals Board.

Birmingham

- 20 March - Mr. Aubrey Craig and Mr. Alistair Wyvill, barristers of St. Philips Chambers, spoke on Current Competition Law Issues and Developments.
- 16 April - Mr. Steve Rowan, Mr. Kevin Bader and Ms. Lynda Adams of the UK Trade Marks Registry spoke on Case Law, Practice and Opposition Procedures.

Glasgow

- 17 July - Mr. Peter Brownlow of Bird & Bird, discussed Trade Mark and Copyright Law Case.

Bristol

- 19 March - Mr. Steve Rowan, Mr. Kevin Bader and Ms. Lynda Adams of the UK Trade Marks Registry gave an update on Case Law, Practice and Opposition Procedures.

Seminars

- 11 March - A seminar on Registered Community Design – The Basics, with Mr. Nicholas Wilson of Withers & Rogers, Mr. Timothy Pendered of R.G.C. Jenkins & Co. and Mr. Michael Edenborough, of Hogarth Chambers was held in London.
- 10 & 11 April - Two afternoon seminars were held in London on Domain Names. Speakers were Mr. Debrett Lyons of Berwin Leighton Paisner, Mr. Nick Wood of CPA, Mr. Alex Liesche and Ms. Jenny Settergren both of register.com and Mr. Simon Chapman of Laytons Solicitors.
- 4 & 5 June - The Registered Community Design seminar was held in both London and Manchester on consecutive days. Speakers were Mr. Alexander Carter-Silk of Manches, and Ms. June Davies of OHIM.

Quiz Night

This event was again held in Corts Wine Bar in Chancery Lane on 4th February where a further 24 teams pitted their wits against each other and raised £1388 for charity. The winning team came from Frank B. Dehn & Co and their chosen charity was 'Dreams Come True'.

International Meeting

The International Meeting took place from 26th – 28th March, 2003 at the Royal Lancaster Hotel. The Meeting was immediately preceded by the Institute's Annual General Meeting and Open Meeting.

The speakers at the meeting were:

Mr. Scott Thompson (USA)

Mr. John Reddington (UK)

Mr. Paul Maier (OHIM)

Mr. Nick Lockett (Belgium)

Mr. Reinhart Lange (Germany)

Mr. Bruno Machado (OHIM)

Ms. Vanessa Parker (France)

Dr. Alexander von Mühlendahl (OHIM)

Mr. Mike Knight (UK)

Mr. Richard Elsen (UK)

Mr. Jaroslaw Kulikowski (Poland)

Dinner and Dance

The International Meeting was closed by the Annual Dinner and Dance on 28th March, 2003 at the Royal Lancaster Hotel at which the chief guest was Miles Kington. The Institute was honoured by the presence of other distinguished guests including:

Mr. John Brown, CIPA

Mr. Alan Cox, PTMG

Judge Fysh Q.C.

Mr. Gerard van Hulst, BMM

Mr. Mike Knight, The Patent Office

Mr. Richard Fawcett, TMPDF

Mr. John Baker, IP Institute of Canada

Ms. Pascale Lambert, APRAM

Mr. Peter Lawrence, The Patent Office

Mr. Cliff Kennedy, Association of Patent & Trade Mark Agents (Ireland)

Summer Reception

Around 220 people attended this event held at Haberdashers' Hall, London.

Autumn Conference

The event was held this year in Glasgow over the 25th/26th September, 2003. Those speaking were:

Mr. Mike Knight (UK)

Ms. Sarah Lambeth (UK)

Ms. Gill Grassie (UK)

Mr. Roger Wyand, Q.C.(UK)

Mrs. Alice Mastrovito (UK)

Mr. Philip Harris (UK)

Ms. Sheila Henderson (UK)

Mr. Vincent O'Reilly (OHIM)

Mr. Mark McGuire (USA)

Christmas Luncheons

The Institute's annual Christmas Luncheon was held on 9th December, again at the Royal Lancaster Hotel, where 732 sat down to the traditional Christmas meal.

As in previous years the members in the North of the country held a Christmas lunch at the Palace Hotel, Manchester, this year on 11th December which had 63 attendees, including the President who represented the Council.

18. Public Relations Committee

This has been another incredibly busy year requiring the full and active support of all Committee members, Chaired by Julie Kay, as well as the valuable assistance of members of the Institute in carrying out many of the activities undertaken in the name of PR.

As usual, a number of articles and Press Releases have been put into the public domain to improve awareness of trade mark issues amongst the public and, more specifically, the business community. For the record these were the articles and Press Releases issued in 2003.

Articles and Press Releases

February	What's in a name? – find out at Donnington Park
March	Government backs Trade Mark or Trade Loss Campaign
March	Article for Imprint Publishing
May	What's in a name? – find out at business start-up at the NEC
May	UK Trade Mark Specialists provide a “Gateway to Europe”
May	ITMA unveils new Registered Community Design
September	Trade Mark Attorneys make their mark in Glasgow
October	Welcome to the world of trade marks (Business North East)
October	Trade Marks – Why Bother (Chamberlink, Birmingham)
October	How Science Parks can make their mark – UKSPA Journal
November	IP Wales - Trade mark protection key to securing finance
December	Trade mark owners need to exercise control over internet

Trade Mark or Trade Loss Campaign

Following on from the recommendations of the Working Party on the drop in trade mark filings, the PR Committee commissioned Luther Pendragon to mount a campaign designed to increase media attention on trade marks and the important role played by members of the Institute i.e. professionally qualified trade mark attorneys, in registering and protecting trade marks.

The campaign commenced its six month run in March with the publication of research from Professor Derek Bosworth of UMIST which showed that small businesses were failing to use their trade marks as assets and that only 26% of firms used their IP as an asset to secure finance.

The Times and Mail on Sunday of the nationals used the material put together by Luther Pendragon along with numerous regional and specialist business titles. Lunches for senior journalists and major business organisations were arranged by Luther Pendragon and all those who attended have received follow-up letters and invitations to the London International Meeting social event in March 2004.

The major success, however, of the entire campaign was the development of a Regional Seminar Template which is available, together with supporting materials, on the Institute's website. The first regional seminar took place in Nottingham and provided useful information for future events. During 2003, other regional events were held in Cambridge, York and Cheltenham. Other events are already being planned for 2004 and a momentum has developed.

INTA – Amsterdam 3 – 7th May

Largely because INTA was in Europe, the Institute decided to attend as an exhibitor. The main themes were the CTM (including a sales pitch for the Handbook); the new Registered Community Design (for which we made an early successful application was made for a promotional design); the Madrid Protocol (to alert the US audience, in particular, about the scheme before they became signatories in November); and Overseas Membership.

All expectations were exceeded. Our targets, which had been set quite high, were all reached and even doubled; thanks largely to the ITMA Red London Bus which captured the imagination of most delegates and seemed to become the “must have” giveaway.

Our original target had been to speak to 1,000 delegates; giving them all copies of literature comprising “The Madrid Protocol”, “The Community Trade Mark” and “The Community Designs” Briefing Papers, which members have all received copies of in the past. We also aimed to hand out 200 application forms for Overseas Membership.

Our targets were beaten twofold.

Nearly 2,000 buses were given away and were apparently the talk of the INTA party scene. The PR Committee is grateful to all those members, too numerous to name individually, who gave their time to help out on the stand.

The success of our attendance at INTA Amsterdam is to be built upon by attending INTA Atlanta in 2004. Preparations are already well under way to ensure we achieve equally good results. New literature is in preparation as well as updating existing leaflets and the stand graphics.

Exhibitions & Careers Fairs

In order to increase awareness amongst the business community we continue to take the ITMA exhibition stand around the country to major regional business exhibitions. We have joined with the Customs and Excise initiative of Business Advice Days which are a cost effective way of speaking to VAT registered companies throughout the UK. We will be continuing this initiative in 2004. In 2003 we attended the following:

Jan 30	Newcastle Law Fair
Feb 6	Oxford Business Advice Day
Feb 7 – 9	Donnington Park Exhibition
Mar 24	Leeds University Graduate Enterprise Day
Mar 26 - 28	ITMA International Meeting (Arranged Open Meeting)
Mar 27	Edinburgh Business Advice Day
May 3 – 8	INTA
May 9 – 11	NEC Business Start-up Exhibition
May 15	Kempton Park Surrey Business Advice Day
June 5	Ipswich Business Advice Day
June 19	Maidstone Business Advice Day
June 26	Trading Standards Conference – ITMA Seminar
Sept 2	Essex Business Advice Day
Sept 24 – 27	Glasgow ITMA Autumn Conference
Sept 30	Newcastle Business North East to Oct 2 – President seminar

Oct 28	Kings College Careers Fair
Nov 7	Leicester Business Advice Day
Nov 26	QMW Law Fair
Nov 27	Twickenham Business Advice Day
Dec 4	Sunderland Business Advice Day

Website Management

The Institute's website, www.itma.org.uk, now attracts over half a million hits every month. Job advertisers come back to us time and time again to advertise their vacancies and we have a number of support services who advertise in the members area; directing their marketing straight to ITMA members where appropriate. Around 30 members' firms have also availed themselves of the special provision of advertising in the public area in the Online Services section. We are continually looking at ways of improving the service.

Other Activities

The PR Manager continues to represent the Institute on the IP Awareness Group and Marjon Esfandiary serves as the ITMA representative on the Alliance Against Counterfeiting & Piracy.

Through the work of PR, the President has spoken at the Institute of Trading Standards conference as a seminar speaker as well as running a seminar at the Business North East Exhibition.

We have also advised the President and officers of the Institute on presentational matters including responding to newspaper articles (e.g. on the abundance of new logos) and commenting on issues to the Patent Office, including another request for them to consider changing their name to the UK Patent and Trade Marks Registry.

The PR Manager is also involved with more internal PR and, amongst other things, is advising the Education & Training Committee on ways of improving attendance on ITMA run courses.

19. Book Committee

The main work of the Book Committee in 2003 has continued to the preparation, in conjunction with the joint editors CIPA, of the two half-yearly updates to The Community Trade Mark Handbook. The updates this year included complete re-issuing of several major chapters. Particular thanks are due to Jonathan Clegg and Imogen Wiseman of fj Cleveland & Co. who have put in an enormous amount of work, in particular on the Chapter covering Opposition Decisions, which has been entirely re-written.

The Institute has also continued to edit, again in conjunction with CIPA, the UK Trade Marks Handbook. Thanks are due to Mark Hiddlestone who has now taken over on the main ITMA representative editor of the Handbook.

There are many individual authors who have contributed to particular Chapters of the two Handbooks; their names are acknowledged in the two works. Without them the Handbooks could not be produced. The CIPA representative editors, Tibor Gold and Keith Farwell, both Fellows of this Institute, have each made an enormous contribution to the scholarship of the works.

The Committee has also become involved in certain of the Training Manuals, which have previously been produced by CIPA alone. The Community Trade Mark Training Manual was published at the end of the year as a jointly branded ITMA/CIPA publication, editors Keith Farwell and Richard Abnett, and author Rebecca Chambers. The Manual is a valuable aid not only to students but also to their principals in assisting training in the early stages. Co-operation on other Training Manuals is envisaged for the future.

20. Internet Committee

Over the past twelve months, the Committee has kept abreast of, and made its contribution to, a number of national and international initiatives. At a domestic level, it continues in a close working relationship with Nominet, the body which regulates the .uk name space. Meetings with ITMA took place to discuss, amongst other matters, proposed changes to Nominet's WHOIS information and balance the interests of those with privacy concerns with the rights of brand owners. In collaboration with the Programme Committee, an evening lecture was given on cases decided under Nominet's Dispute Resolution Service. At the international level, the Committee has tracked the developments of .eu and .pro, keeping the membership informed as necessary through the medium of the Newsletter. The Committee made representations in relation to the IP protective measures which should be incorporated into the .eu framework.

21. Joint Council Meetings

This usual annual meeting between APRAM, BMM, ECTA, GRUR and ITMA was postponed until 2004 and will be arranged by GRUR.

22. Representation of the Institute

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

The Irish Association's Annual Dinner in March - Dr. Stephen James

British Day in Alicante in March - Mr. Ian Buchan, Mr. Nicholas Wilson, Mr. Debrett Lyons, Mr. Aidan Clarke and Mr. Philip Harris.

Annual Conference of the Institute of Patent and Trade Mark Attorneys of Australia in April – Mr. Ian Buchan

The Annual Meeting of GRUR in June - Mr. Ian Buchan

CIPA's Annual President's Dinner in May – Mr. Ian Buchan

INTA Lunch in Amsterdam in May – Mr. Ian Buchan

The Third Brands Lecture of the British Brands Group in June – Mr. Ian Buchan and Mr. Ken Storey

ECTA's Annual Conference in Salzburg in June – Dr. Stephen James

TMPDF's lunch in July – Mr. Ian Buchan

Throughout the year the Institute was represented at the Registration Practice Working Group by Mr. Ian Buchan, Mrs. Angela Fox, Mr. Debrett Lyons and Mr. Brian March.

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

23. General Purposes & Finance Committee

The General Purposes & Finance Committee met ten times during 2003. Among the items dealt with were:

- the Institute's Application for Authorised Body Status under The Courts and Legal Services Act, 1990. Despite some unanticipated difficulties the Application has now been formally put to the Department of Constitutional Affairs and is progressing through the review stages. It is expected that the enabling legislation will be approved in the course of the coming year, hopefully before the Spring.
- In anticipation of that, in conjunction with Nottingham Trent University Law School ITMA has set up two academic courses to train Trade Mark & Design Litigators. The first is a "crash course" designed to assist those practitioners having some experience who are seeking to qualify under the transitional provisions of the application. The second is a version of the existing LLM in Intellectual Property Litigation, designed for those with no previous experience. In addition, two "roadshows" were held to draw attention to the new rights.

The Institute has also set up its Litigators' Accreditation Board to review applications for accreditation or participation in the Crash Course.

We have been proceeding on the basis that the jurisdiction of the PCC will be extended to include trade marks but at the present time the future of that move is uncertain.

The Institute continues to maintain pressure on the DCA to move to a rapid introduction of Litigation Rights, and is working hard to encourage the Membership to seek certification. Messrs Wilson, Parnell and Buchan have borne the brunt of the workload in this project and thanks are due to them.

- Management of the Institute website by Magnitude gave cause for concern in 2003 and as a result the contract has been terminated. Two companies were invited to tender and as a result Grayswood Computer Services were selected. The website is likely to be transferred fully by early Spring 2004.
- the Joint Examination Board: a great deal of work has been done with the JEB over the last year and much thanks are due to Messrs Ian Buchan and Stephen James for their efforts. The JEB is now moving towards a more efficient administration and moves are underway to separate its responsibilities and liabilities from the two parent institutes.
- Joint CIPA/ITMA Disciplinary Review Committee; the proposed uniform procedures have, after much debate within CIPA, been submitted to The Patent Office.

- Joint CIPA/ITMA Business Practices Committee; Mr. Phil Harris joined the CIPA Committee and it has now been agreed to set up a composite committee to look at matters of common interest in this field, in particular pro-forma Terms of Business.
- Future of the Profession/drop in trade mark filings; the Committee continues to liaise with the Working Party on this important issue. Some important initiatives have been undertaken, such as the TRADE MARK OR TRADE LOSS campaign and the successful appearance at INTA. Further initiatives will be pursued in 2004.

Changes to the staffing and presentation of the Newsletter have also been made possible thanks to the efforts of Messrs Buchan, March and Abnett.

The Committee also proposed to Council that a working party on ADR be set up and this is now going forward successfully under the Chairmanship of Mrs Katrina Burchell.

TPN 1/2003: this practice direction issued by the Registry purported to shorten the period for Appeal to the Court to 14 days. Mr Buchan and Mr. Harris argued strongly that this was an incorrect interpretation of the Civil Procedure Rules and in due course the amendment was withdrawn.

Finally, the Committee was very saddened by the death of Caroline Bonella, ITMA Treasurer, in August. Caroline was a valuable and highly regarded member of the Officers' team and of the Institute at large, and she will be greatly missed. Gillian Deas accepted the post of Treasurer at short notice and has risen to the role in difficult circumstances.

At the close of the year, the Committee learnt that Nick Wilson had fallen seriously ill, and we wish him a full and speedy recovery.

The General Purposes & Finance Committee has again had a busy year and this looks set to continue. On behalf of the Institute, the Committee thanks all those who have served during 2003 and for all their help. Thanks are also extended to the staff of the Institute Office, and to Margaret Tyler in particular, for their unstinting support throughout the year.

24. Professional Guidance & Disciplinary Committee

This committee is pleased to report that at the end of 2003 it has no Disciplinary cases on its books. The revised Complaints/Disciplinary procedures have worked well and most "live" cases were dealt with by mediation. No cases required reference to Council.

The Review of the Code of Practice mentioned in the previous report has made slow progress, partly because of the involvement of the Chairman in progressing the Joint RDPS and Litigation Rights and partly because of the need to consider the implications of the Clementi Review. However, work shall recommence in the New Year. Changes to the Disciplinary Articles, and a new By-law relating to Notice provisions, will be put before the Institute at the 2004 AGM.

25. Auditors

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

26. Small Company Provisions

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

**Approved by the Council on 17th February, 2004
and signed on its behalf by**

**Mrs. Margaret J. Tyler
Secretary**