

# IPReg

Intellectual Property Regulation Board

## ITMA Spring Conference Open Meeting, 24 March 2010

Penny Nicholls, IPReg Board Member



# The Intellectual Property Regulation Board (IPReg)

- Incorporates The Patent Regulation Board and The Trade Mark Regulation Board. Officially constituted 1 January 2010.
- The Board consists of 3 Patent Attorneys, 3 Trade Mark Attorneys and 3 Lay Members.
- The Lay Members are
  - **Rosalind Burford**
  - **Philip Portwood**
  - **Danny Keenan**
- The Board has been meeting monthly but now every other month

IPReg

# The Committees

- **Education & Qualifications Committee**
  - Rosalind Burford (Lay)
  - Penny Nicholls (Trade Mark Attorney)
  - Steve Smith (Patent Attorney)
  
- **Internal/External Governance Committee**
  - Danny Keenan (Lay)
  - Ian Buchan (Trade Mark Attorney)
  - Bruce Alexander (Patent Attorney)
  
- **Conduct & Disciplinary Committee**
  - Philip Portwood (Lay)
  - Phil Harris (Trade Mark Attorney)
  - Nicholas Fox (Patent Attorney)

# The Office

- The Chief Executive is Ann Wright. She is a solicitor (non practising) and works 3 days a week
- The Office Administrator is Lisa Quarticelli, who is full time
- Queries can only be replied to by e-mail to ensure consistency

# How does IPReg see its Role?

- Not “light touch” but “high level” regulation
- Not interventionist
- Setting guidelines - not rules for rules sake
- “Observing a well run profession self-regulating”

# Code of Conduct – Key 2010 Issues - Insurance

- Insurance is a good example of the confusion between the rule and guideline. Rule 17 of the Code requires a level of cover “commensurate with risks at large arising from the extent and size of the practice” The guideline suggests cover of £1m unless “demonstrably” [the] “practice does not warrant a sum that high.”
- The 2011 application for registration will contain a declaration that the individual/practice has cover (but will not enquire about the amount) and will give authority for IPReg to request further details from the insurers.

# Code of Conduct – Key 2010 Issues – Complaints Handling

- The Office of the Legal Ombudsman will be opening in the autumn. The Legal Ombudsman will deal with service complaints.
- Over the next months IPReg will be working closely with the Ombudsman to establish how we will work together.
- It is critical that Rule 12 is observed and each practice has an established procedure for complaints handling and details are given to new clients.

# Code of Conduct – Key 2010 Issues – Complaints Handling

- IPReg will be working with sole practitioners to establish appropriate routes for complaint handling.
- IPReg will also be facilitating training in complaint handling and working with the other ARs to share costs in production of leaflets/website etc.
- The Ombudsman also wants “signposting” i.e. its details to feature in terms and conditions and in every letter responding to a complaint

# Education, Qualifications and CPD

- **“The Education and Qualifications Committee of IPReg is concerned with the *regulatory aspects* of:**
  - **examination and qualification for registration as a patent and/or trade mark attorney, including education and training for entrants to the patent and trade mark professions**
  - **continuing professional development (CPD) for registered patent and trade mark attorneys**
- **Their primary aim is to ensure that registered attorneys achieve and maintain an appropriately high educational standard relevant to their practice as IP professionals in order to serve the best interests of the consumer. In discharging this role the Committee will seek to promote educational best practice amongst providers and continuing access to the professions by people from a broad range of backgrounds.”**

# CPD – Key 2010 Issues

- No “accreditation” process for CPD – self certification
- CIPA and ITMA have authority to determine how many hours CPD can be claimed for their lectures.
- The consultation on CPD for in house training led to a review by the Committee and fresh guidelines have been published. But they are guidelines – the word used is “normally”
- The criteria is “What is this activity worth to you as a practising attorney delivering services to a client?”

# Education & Qualifications

- Education should be high quality
- Academic providers vs. professional input
- Are they mutually exclusive?
- Need for consistent approach to how examinations are set, marked and administered
- Should achieve objectives of fair access & take account of diversity agenda

# Conduct & Disciplinary

- The Rules apply to registered individuals and entities. IPReg does not regulate anyone else e.g. solicitors. If a complaint is made to IPReg about the work of a solicitor it will be passed to the SRA even if it relates to patent or trade mark work.
- First “sift” disciplinary panel – members of the Board will undertake this role. Purpose is to reject claims with no grounds or vexatious claims.
- Disciplinary Board – separate from the Board and consisting of 2 lay and 1 professional member (drawn from a panel).
- Rules have been drawn up with assistance of external specialist lawyers and will be placed on the website for final one month consultation prior to submission to LSB for approval.

# Entity Regulation – An Update

- The LSB will approve the entity fees structure at its Board meeting on 25<sup>th</sup> March. Entities will then be registered on the relevant register.
- The fee comprises a base fee of £250 for each entity plus an additional fee depending on the number of registered and other professionals.
- “Other professionals” will include European registered patent attorneys



# Entity Regulation – An Update

- Entities will therefore be bound under the IPReg Code for acts and omissions of all its “other professionals”
- Entities will need to ensure all its professional staff understand the obligations of the entity under the Code
- Trainees will not count as “other professionals”
- Paralegals and administrators will not count

# Legal Services Board

- What is it?
  - Regulators' regulator
  - Levy – to be paid in March
- What are its ambitions 2010 and onwards?
  - Diversity – the LSB's diversity forum is attended by Penny Nicholls but is of relevance to CIPA and ITMA as well as IPReg
  - ABS (Alternative Business Structures)
  - Complaints – with the Legal Ombudsman

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## Questions?