

The Intellectual Property Regulation Board

2024/25 Business Plan

IPReg's strategic priorities

1. In January 2023, reflecting the progress made in achieving its initial strategic priorities, the Board set the following new strategic priorities:
 - a. To carry out our regulatory activities proactively, effectively and inclusively, ensuring the efficient use of resources;¹
 - b. To increase the range of good quality education providers accredited by IPReg, in particular as a tool to increase the diversity of the trade mark and patent attorney professions;
 - c. To increase the public profile of IPReg to the regulated community and users of IP legal services.

Driving forward our work on education

2. The IPReg Board wants to maintain the momentum it has built up on education issues. In particular we want to support and drive initiatives to improve equality, diversity and inclusion in the professions. Our main focus to date has been to sponsor organisations that support and encourage children and young adults into science, technology, engineering and maths careers. In the course of our work on diversity, we have identified a number of regulatory policy concerns in the route to qualification for patent attorneys (particularly at the advanced level). We therefore consider that it is appropriate to turn our focus (and resources) to exploring the issues raised about the patent attorney qualification route.
3. In the second half of 2023 we will start gathering evidence about the benefits of, and issues raised by, the current approach, what different routes to qualification might look like and how we could encourage their development. This will involve extensive discussions with stakeholders including firms, CIPA, CITMA, the IP Practice Directors' Group, the IP Federation, academics, education experts, IP Inclusive and students.
4. This work is still at a very early scoping stage and we will publish more details about our approach and timescales as the project develops. We anticipate that we will want to consider:
 - a. Whether the current competency framework correctly identifies the minimum competencies (i.e. knowledge and skills) required for a "day one" qualified patent attorney and the level at which they have to demonstrate their competence;
 - b. The appropriate principles for bodies that (a) set; and (b) assess qualification pathways at the foundation and advanced levels;
 - c. Whether there could be alternative routes to qualification such as (a) the development of [equivalent means](#); and/or (b) whether the IP sector should develop an apprenticeship route to qualification as a patent attorney and if so, what initial steps need to be taken.

It is likely that this project will start formally with a Call for Evidence in Q1 or Q2 of 2024.

5. In addition, we will continue to work on important issues concerning accredited attorney qualification providers:
 - a. Working with providers to ensure that accreditation recommendations are taken forward

¹ This was amended by the Board on 13 July 2023 from: to carry out its regulatory activities in a more proactive way and to perform well. In order to do so we will ensure that IPReg has the necessary staff, IT external expertise and other resources

and quality assurance mechanisms are fit for purpose, including responding to key stakeholder feedback. Where there are concerns, IPReg will raise these with the provider to ensure that action is taken. This work will continue as necessary in 2024/25;

- b. Working with providers to ensure that online delivery of courses and examinations meets the required standards;
 - c. Working with stakeholders and potential providers to encourage new qualification pathway options;
 - d. We will continue to undertake reaccreditation assessments (typically every 5 years) of qualification providers;
 - e. We will consider the outcomes of the European Qualifying Examinations Modernisation Discussions and Proposals and the extent to which any changes impact on our qualification requirements (e.g. in relation to exemptions).
6. We will start a review of the Accreditation Handbook. The Handbook sets out the requirements for qualification agencies (such as universities and the Patent Examination Board) to deliver qualification courses and/or examinations which meet our standards. It also outlines the core syllabus for the Foundation Level Qualifications. However, currently the Handbook does not include requirements for the advanced level qualifications and we consider that it would be appropriate to include these as well. Some of this work is closely related to the work on barriers to becoming a patent attorney.
 7. In addition, we will review the IPReg Competency Frameworks for both professions. The review of the Patent Attorney Competency Framework will be carried out as part of the project looking at reviewing barriers to entry to the profession, while the review of the Trade Mark Attorney Competency Framework will be a standalone project. We have considered whether reviewing both frameworks was too ambitious given the other work to which we have committed, but we think it is important that both are reviewed at the same time, and at the earliest opportunity, to ensure consistency and to reflect the requirements of the new Core Regulatory Framework.
 8. We anticipate that this work will need significant input from external advisers such as academics, qualified attorneys and analysts with expertise in education syllabi and the development of competency frameworks. We have therefore allocated £90,000 to this work in the budget.
 9. This work supports in particular the regulatory objective in the Legal Services Act 2007 (LSA) of encouraging an independent, strong, diverse and effective legal profession.² In the medium to long term, any changes that we make should benefit users of IP legal services by ensuring that the attorneys that advise them continue to undertake appropriate training based on the required competencies.

² The LSA section 28(2) imposes an obligation on IPReg to, so far as is reasonably practicable, act in a way (a) which is compatible with the regulatory objectives, and (b) which [IPReg] considers most appropriate for the purpose of meeting those objectives. The regulatory objectives in the LSA section 1(1) are: (a) protecting and promoting the public interest; (b) supporting the constitutional principle of the rule of law; (c) improving access to justice; (d) protecting and promoting the interests of consumers; (e) promoting competition in the provision of [legal] services; (f) encouraging an independent, strong, diverse and effective legal profession; (g) increasing public understanding of the citizen's legal rights and duties; (h) promoting and maintaining adherence to the professional principles [in LSA section 1(3)].

Thematic reviews

10. Our main project for the last three years has been the review of our regulatory arrangements. These were approved by the LSB in February 2023 and came into force on 1 July 2023. We are committed to reviewing the effectiveness of the new arrangements by conducting thematic reviews of:

- a. Continuing competence – attorneys are now required to: assess, bearing in mind their existing skills and the nature of their practice, how they will maintain their competence. This means that they regularly:
- reflect on their professional knowledge and skills and identify any development needs;
 - plan how these needs can be addressed through appropriate activities, training and other learning; and
 - record the assessments and evaluate the activities they have undertaken in the light of those assessments.

Attorneys will have to confirm to IPReg annually that they have met these requirements and, if requested, provide to us their records or other material which demonstrates that they have met the requirements. We will have transitional arrangements on enforcement of these requirements in place for approximately 18 months in order to give attorneys and firms sufficient time to become familiar with the new arrangements.

We will conduct random sampling of attorneys' records or other material to assess how well the new requirements have been embedded and identify any barriers to compliance with them. We anticipate that this will be done in Q1 or Q2 of 2024 with a report on the findings and lessons learned to be considered by the IPReg Board in July (one year after the arrangements came into force). This will enable the IPReg Board to consider when the transitional arrangements should end.

It might be appropriate for this work to be supported/conducted by an independent external body to reassure registrants about its impartiality. We have therefore budgeted £15,000 for this work.

This work should benefit users of IP legal services by ensuring that the attorneys that advise them continue to maintain their competence throughout their career.

- b. Transparency requirements – these will provide better information to clients and prospective clients about costs. The new rules came into force on 1 July and require that attorneys give appropriate explanations to their clients about any financial benefits that they may receive as a result of the work that they do. This includes commissions, foreign exchange rate uplifts or discounts or rebates. Attorneys also need to inform their clients about any referral arrangements in place such as payment of a referral fee and fee sharing arrangements. Although it will be for attorneys/firms to decide how to provide this information, it must be clear, accurate and sufficient to enable clients and prospective clients to make informed decisions about how to instruct. During Q2 of 2024 we anticipate developing our approach to this thematic review with a view to conducting the review in Q3 and reporting on its findings, lessons learned in Q4 of 2024 or Q1 of 2025.

We have budgeted £30,000 for this work to enable us to obtain external advice on the best way to structure the review, to analyse the information we obtain and evaluate the effectiveness of the requirement. We may also use an independent party to undertake the review to provide reassurance to firms about its impartiality.

This work should benefit users of IP legal services by providing us with evidence about whether the transparency requirements enable those users to make more informed decisions.

- c. Implementing the professional indemnity insurance (PII) sandbox. This will enable testing alternative PII arrangements by providing a way for firms or sole traders to obtain PII from insurers who are not on IPReg's list of participating insurers. This will then enable them to apply to be admitted to, or remain on, the IPReg registers and be regulated. It may also be of interest to firms who are able to obtain cover from a participating insurer but who want to make alternative arrangements (perhaps for commercial reasons).

We will monitor closely how the sandbox is working throughout 2024 and report on it in the Annual Report for 2024. A wider thematic review is likely to be conducted in 2025 once the sandbox has been operational for at least 18 months, depending on the nature and extent of applicants and entrants.

We have budgeted £10,000 for this work in case we need to take external advice (e.g. from an insurer or actuary).

11. This work supports all the regulatory objectives in the LSA.

Building our evidence base

12. In addition to the data and evidence gathering work that we plan to undertake for the thematic reviews on continuing competence and transparency, we will continue to gather data and evidence about the nature of the IP legal sector.
13. We have appointed an external adviser who will review relevant research by the other regulators, the Legal Services Consumer Panel and other bodies to evaluate whether it should be incorporated into IPReg's evidence base.
14. This work supports all the regulatory objectives.

Website redevelopment

15. When we implemented the new CRM system in November 2019, we took a "lift and shift" approach to our website – moving the content without making significant changes to it. The current website runs on a platform called Drupal 7. This will be unsupported from early 2025 and will be replaced by Drupal 10.
16. The IPReg Board has decided that it would be a significant risk to the organisation to have an unsupported website. We have therefore been exploring alternative approaches and the cost of them. IPReg will need external support in order to develop the new website. We have allowed £70,000 for the redevelopment and external support in the budget; this is also supported by a reserve.
17. This work supports in particular the regulatory objectives of protecting and promoting the interests of consumers; improving access to justice and increasing public understanding of the citizen's rights and duties.

Diversity

18. For the avoidance of doubt, we remain committed to keeping a ring-fenced reserve to fund suitable diversity initiatives. The reserve is currently set at £20,000.

19. We will be developing our approach to data gathering/research with other stakeholders in the IP sector – for example IP Inclusive, CIPA, CITMA, the IP Practice Directors’ Group and the IP Federation. This will include identifying ways to improve the diversity data we hold for individuals and firms to get a clearer picture of the makeup of the profession. This will provide a platform that will inform our EDI workstreams and enable us to develop a longer-term EDI strategy.

We have allocated £10,000 for this work.

20. We will be using our work on diversity to inform our education workstreams. Understanding the barriers to entry and progression in the profession will be a key factor in exploring different routes to qualification for patent attorneys. Identifying barriers to entry and progression and ensuring that this information forms a key part of our education workstream will give us the ability to improve the opportunities at the earliest stages of education and training. To ensure we have up to date information about the diversity of the profession, we will conduct a diversity survey in 2024. We have allocated £10,000 to this work.
21. We will continue to work with, and contribute to, the cross-sector work on EDI. This will enable us to learn from other regulators as well as share our research and experiences to work towards a collective approach to gathering data, identifying barriers to entry to the legal profession and the sector’s approach to designing, implementing and evaluating interventions.
22. This work supports in particular the regulatory objective of encouraging an independent, strong, diverse and effective legal profession.

Responding to LSB consultations and related work

23. The LSB is IPReg’s (and the other legal regulators’) regulator. In order to ensure that we can respond effectively to the LSB’s work programme and ensure that the regulated IP sector’s specific characteristics are taken into account, we have restructured the Executive Team and the Director of Policy now undertake this work in addition to work on wider policy matters.
24. The LSB’s [Quarterly Activity Schedule](#) for 2023/24 shows a significant number of issues where IPReg will need to engage with and respond to the LSB’s work. In the first quarter (January to March) of 2024 these include:
- a. Considering the impact of the LSB’s new statement of policy on equality, diversity and inclusion;
 - b. Engagement on expectation on professional ethics;
 - c. Consideration of the LSB’s thematic review of disciplinary and enforcement processes of the frontline regulators;
 - d. Consideration of the impact of the LSB’s policy framework on PII and compensation funds;
 - e. Consideration of any proposed changes to the LSB’s education and training guidance;
 - f. Engaging on scoping proposals for evaluating the Internal Governance Rules concerning the separation of regulatory and representative functions of Approved Regulators;
 - g. Responding to proposed changes to the LSB’s enforcement policy.
25. In addition, the LSB’s [Business Plan](#) for 2023/24 includes the following issues where IPReg will need to engage with and respond to the LSB’s work:

- a. Reviewing regulators' existing approaches to encouraging diversity and dismantling barriers to a fair and inclusive profession. Consulting on a statutory statement of policy on equality, diversity and inclusion;
- b. Consultation on new statutory guidance promoting technology for access;
- c. Development of a toolkit for regulators to ensure their financial protection arrangements are fit for purpose and sustainable in the long term;
- d. Implications of any changes to the LSB's rules for first tier complaints handling;³
- e. Responding to LSB work on improving access to justice where relevant to the IP sector;
- f. Responding to requests for information about IPReg's compliance with the LSB's new [regulatory performance framework](#);
- g. Other requests for information during the course of the year.

Developing our understanding of Artificial Intelligence

26. We will continue to build on the work we have started in 2023 to develop our understanding of Artificial Intelligence and an appropriate approach to its regulation in the IP sector. We will initially use our reserves to fund this activity.

Our day to day activities

27. In addition to the specific areas of work set out above, the IPReg team carries out a wide range of "business as usual" activities. These include:
 - a. Considering applications from individuals and entities for registration on, and removal from, the registers;
 - b. Providing advice on our regulatory arrangements;
 - c. Investigating complaints and taking disciplinary action where necessary;
 - d. Dealing with enquires to our CRM system and our "Info" email box.
28. These activities support all of regulatory objectives.

Impact of Covid-19: IPReg's office and Board meetings

29. We are working on a hybrid basis: members of the IPReg Team work in the office for some of their working time and work from home for the remainder. We have considered whether it would be appropriate not to have a fixed base in London and to work permanently from home, booking regular meeting spaces as required. However, because IPReg is a small team, the IPReg Board considers that it is important to ensure that staff overlap as much as possible and our experience of returning to the office after the lockdowns is that it is highly beneficial to be in the office with colleagues when developing policy issues or generating ideas. Nevertheless, we recognise that our office licence fee and related services costs is a significant proportion of the budget and we will continue to look for ways to manage that more efficiently, including a smaller office if one becomes available with our current provider. The budget for 2024 has provided for a 5% increase in the licence fee and services.

³ First Tier Complaints are complaints which are made to firms and sole trader attorneys. These are reported to IPReg annually as part of the Annual Return process.

We have budgeted £82,170 for our licence fees and services.

30. The Board will continue its practice of holding hybrid meetings for its 7 scheduled meetings in 2024.

During the course of 2024, two Board members (Sam Funnell and Emma Reeve) will complete their second terms of office and will step down from the Board. We will run an open recruitment campaign for their successors (one patent attorney and one trade mark attorney) and use an external recruitment consultant to help us with this process. We have budgeted £14,000 for this.