

IPReg's Complaints and Disciplinary Procedures

The Intellectual Property Regulation Board, IPReg, is the independent regulatory body for patent attorneys and registered trade mark attorneys and firms of such attorneys. Not all individuals working in the field of intellectual property are regulated attorneys. You can check whether an attorney or a firm is regulated using our [online register](#).

Instructing a regulated attorney or firm can provide additional protections to clients. For example, all regulated firms and attorneys must comply with IPReg's [Code of Conduct](#) which sets out a number of professional principles and rules that must be met. If they are not met, IPReg can investigate and in some cases hold a disciplinary hearing which might result in a number of different sanctions. All regulated firms and attorneys providing services to consumers must have a particular type of professional indemnity insurance in place which will protect clients in the event that the attorney or firm has acted negligently, causing loss to their client.

IPReg has a lot of information about [IP legal services](#) and [how to choose an IP advisor](#) on our website.

In particular, we would encourage you to ask a prospective attorney questions about the types of services you need, how much the attorney will charge to help you, whether there are any other or ongoing costs and whether they can offer fixed fees for certain aspects of their work which might help you to budget for costs. We have prepared a [consumer leaflet](#) which sets out some of the questions you may wish to ask.

Paragraph 1 of Chapter 2 of the [IPReg Code of Conduct](#) requires that regulated attorneys provide clients with the best available information about their work and costs, both at the time of engagement and, when the context applies, as the work progresses. They must also provide an appropriate explanation of any associated fees, and information on any referral arrangements. This will be typically provided in your client care letter.

Section 5 of the [IPReg Code of Conduct](#) requires that clients are informed in writing, at the time they instruct an attorney about:

- their right to complain about the work and associated fees;
- how a complaint can be made and to whom;
- any right they have to complain to the [Legal Ombudsman](#) and the timetable within which a complaint must be made.

IPReg hopes that there is never any need to complain about a firm or attorney, and in fact we receive very few complaints about those that we regulate. However, there is a process in our rules that will be followed where we do receive a complaint and some frequently asked questions are set out below.

In this document, reference to an attorney or a firm means reference to an attorney or firm listed on IPReg's register. Unfortunately, IPReg is unable to assist you with a complaint against an unregulated attorney.

If you want more information about IPReg's powers and rules, you might find the following documents of interest:

[The Core Regulatory Framework](#). This document sets out:

- i. the Code of Conduct that all attorneys and firms must comply with
- ii. the Overarching Principles which attorneys must have in mind when they take any particular course of action
- iii. IPReg's powers in relation to (amongst other things) the investigation and disciplinary process.

[The Standard Operating Procedure](#). This document sets out processes and procedures which must be followed when carrying out, amongst other things, a disciplinary investigation.

[Glossary](#). This document explains what is meant by some of the words or terms used in IPReg's regulations and guidance.

Frequently Asked Questions

I am not satisfied with the intellectual property legal advice/service I received. What can I do?

You should first raise the issue with the attorney or firm as that is usually the quickest way to resolve your complaint. Attorneys and firms must have a complaints procedure in place and should follow this procedure if something goes wrong.

How must IPReg regulated attorneys and firms handle my complaint?

If you make a complaint about the work done or associated fees, this should be resolved to your satisfaction within 8 weeks. If your complaint cannot be resolved and the attorney or firm's complaints procedure has been exhausted, they must explain to you why they cannot settle the complaint and inform you of your right to complain to the [Legal Ombudsman](#), the timeframe for doing so and provide you with their full contact details. The complaint to the firm or attorney should have been dealt with promptly, fairly, and free of charge.

IPReg would expect a firm or attorney to consider your concerns fully and try to resolve them as best they can in line with their complaints procedure. If we go on to investigate a complaint against a firm or attorney, we will usually ask the firm to provide us with their correspondence with you so that we can be assured that they have carried out an appropriate complaints resolution process.

I've complained to my attorney and I'm still not happy. What is the next step?

If your complaint is not dealt with to your satisfaction, or is not responded to, you ask the [Legal Ombudsman](#) to look into your complaint. The Legal Ombudsman is the independent body set up to deal with disputes between consumers and regulated legal services providers. It investigates complaints about the service consumers have received from their legal services provider and works to resolve the issue. Should the complaint relate to the conduct of the attorney, rather than the level of service they provided, the Legal Ombudsman will refer the complaint to IPReg. Alternatively, you can raise a conduct complaint directly with us.

The Legal Ombudsman can in some cases, award compensation when a complaint has been upheld. IPReg cannot award compensation to a complainant.

I believe my IP attorney has charged me too much. Can IPReg help me?

If your complaint is that you were overcharged for the work done or that you received a bill that did not reflect what you had agreed with them, you should make a complaint to the [Legal Ombudsman](#) if the firm or attorney hasn't resolved the issue for you.

If your complaint raises an issue about the *conduct* of the attorney or firm in relation to overcharging, then you should make a complaint to IPReg.

A complaint about overcharging becomes a conduct dispute if, for example, there was some sort of dishonesty or deliberate misrepresentation about the fees that would be charged or the amount of work that needed to be done.

IPReg is unable to direct the firm to refund you or offer you compensation.

How do I make a complaint to IPReg?

Please use our [online form](#) to make a complaint about a regulated attorney or firm. This helps us to assess your complaint more quickly.

What happens when I make a complaint to IPReg?

IPReg has a dedicated regulatory officer, the Compliance and Authorisations Officer, that deals with complaints about attorneys. They will acknowledge receipt of your complaint and consider whether further information is needed from you or another person. You will be given a date by which you need to provide this information. This is so we can ensure the complaint is dealt with and resolved as efficiently as possible.

When any further information is received, IPReg will review it and decide the next steps. Based on all the information received, IPReg may decide:

- (i) to close the complaint and not take it any further. If this is the case, you will be told by IPReg has made this decision; or
- (ii) to refer the complaint to the next stage of the disciplinary process. This is where the complaint and the evidence obtained is considered by two independent Case Examiners who will decide whether there is enough evidence that there has been a breach of IPReg's regulations. This is explained more below.

Will the firm know that I have made a complaint about them?

If IPReg needs to get an explanation from the firm about their actions or ask them for further information which you cannot provide then we will need to tell them that you have made a complaint. The firm would not be able to provide an explanation for their actions if they don't know who has made the complaint.

In some cases IPReg may ask that you give us a signed witness statement which sets out key evidence in the case. If the firm does not accept that they breached IPReg's rules and the case goes to a full disciplinary hearing, IPReg may ask you to give evidence at the hearing in line with your witness statement.

Why do you need so much information/detail?

Carrying out a disciplinary investigation against a firm is serious and can have significant consequences for the firm involved. IPReg needs to be satisfied there is enough information to show has been a breach of its regulations, known as “regulatory arrangements”.

We need to ask the firm to provide an explanation of their actions so that we can properly understand what happened and so that the investigation of the complaint is thorough and fair. A complaint may result in disciplinary action being taken against a registered attorney or firm and in the most serious cases, an attorney may be removed from the register and prevented from practising again. It is therefore important that IPReg has all the information it needs.

Will IPReg protect the attorney and be biased against the complainant?

IPReg’s role as regulator of patent attorneys and trade mark attorneys in the UK is to protect the interests of consumers and the public. Although IPReg is funded by the practising fees paid by attorneys, IPReg does not act in their interest but to ensure that breaches of IPReg’s regulations, (which are in place to protect consumers) are properly dealt with.

In doing this, IPReg does not act as representatives for you (in the way that an attorney or solicitor would, for example) but as the regulator who must ensure that the profession is upholding the Code of Conduct and complying with IPReg’s regulations.

IPReg’s role in investigating complaints is therefore independent and we don’t act for you as a complainant or for the attorney.

How long does the full process take?

Each case is different and it is difficult to make an accurate assessment that will apply to all cases. It will depend on, amongst other things:

- (i) the quality and quantity of the information or evidence provided and obtained;
- (ii) how quickly IPReg is provided with the information needed;
- (iii) whether the firm accepts or denies the breach took place;
- (iv) the complexity of the case and number of issues that need to be resolved;
- (v) whether more than one attorney or firm, or more than one complainant is involved.

The process might take a matter of weeks or a matter of months. IPReg will keep you updated with progress on a regular basis.

Who makes the decisions about my complaint?

At the early stages decisions are made by the Compliance and Authorisations Officer, as agreed by the Head of Registration who is a solicitor. Such decisions will include:

- i. whether the complaint amounts to a complaint about IPReg’s regulations or whether it is best dealt with by another agency such as the Legal Ombudsman;
- ii. what further information is needed to understand the complaint or to prove that there has been a breach of the regulations;
- iii. whether the complaint should be closed if there is no evidence of a breach;
- iv. whether the complaint should be referred to the Case Examiners for the first part of a disciplinary process.

You will be provided with reasons in writing for each of these decisions.

If the case is referred to the independent Case Examiners, they can decide:

- i. that there is not enough evidence that there has been a breach of IPReg's regulations and that the case should be closed;
- ii. that the evidence suggests there has been a breach and invite the firm to admit that the breach took place. They can also ask the firm to accept a sanction such as a written warning or admonishment that is published, a fine or a period of suspension from the register;
- iii. that the evidence suggests there has been a breach and that it is so serious that it needs to be looked at and dealt with by a full disciplinary panel ;
- iv. that more information is needed before they come to a decision about whether there is sufficient evidence of a breach (and direct the Compliance and Authorisations Officer to obtain that evidence if it is available).

You will be provided with reasons in writing for each of these decisions.

If the case is referred to a full independent disciplinary panel:

- i. the Chair of the panel can make decisions or directions about how the hearing should be run and whether it should be in person;
- ii. after the evidence has been considered (whether by witnesses giving oral evidence or simply by reading the signed witness statements) whether any of the allegations have been proved;
- iii. where some or all of the allegations have been proved, the appropriate sanction that should be applied against the firm. This might include some of the sanctions that the Case Examiners can apply but the Panel can also order the firm or attorney is removed from the register;
- iv. if none of the allegations have been found proved, the case should be dismissed.

You will be provided with reasons in writing for each of these decisions. In the case that allegations are found proved, this will be published on IPReg's website. Your name will not be published.

IPReg has guidance which sets out the factors it must take into account when making decisions about different things. You can read more about this following the links below.

[IPReg Decision Making Guidance](#)

[IPReg Disciplinary and Enforcement Guidance](#)

[IPReg Disciplinary Sanctions Guidance](#)

[IPReg Publication Policy](#)

What sanctions might be ordered against a firm?

IPReg's [Disciplinary Sanctions Guidance](#) provides guidance to the independent decision makers (i.e. Case Examiners and Disciplinary Panel members) about different sanctions that might be applied. The ultimate decision is for the independent assessors to make, on a case-by-case basis, taking into account the evidence that they have considered, the seriousness of the breach and any aggravating or mitigating factors. Disciplinary sanctions available include: a warning (published), reprimand (published), undertakings, financial penalty, imposition of conditions, suspension of registration/authorisation, suspension of an advocacy or litigation certificate, revocation of a

litigation certificate, disqualification and removal from the register. More than one sanction can be applied in any case.

Case Examiners and Disciplinary Panels cannot order that a firm refund any person, give compensation or make an apology.

Are disciplinary findings published and for how long?

Where a finding has been made that a breach has taken place, this will be published against the attorney's entry on the online register, and also on the [disciplinary findings](#) webpage. Information about the cases are published in line with our [Publications Guidance](#) which sets out how long IPReg can continue to publish information about a case. This can vary between two years and five years.

Your name will not be published as part of the decision.

A decision was made that I don't agree with. Can I appeal?

Complainants and witnesses cannot appeal any decision made by the Compliance and Authorisations Officer, the Case Examiners or the Disciplinary Panel. You will be provided with written decisions which explain why the decision was made but there is no right to challenge that decision.

I have another question that is not answered here. Can I speak to someone at IPReg?

Please contact us using the online [Contact Form](#). Please let us know what you would like further information about so we can direct your query to the person at IPReg that can help you. We can arrange a telephone call with you if needed.

For more information:

[Legal Ombudsman FAQs](#)

[IPReg Code of Conduct](#)

[More information about making a complaint to IPReg](#)

[Published disciplinary findings](#)