

# IPReg's requirements and guidance on continuing competence

## Purpose and background

1. This document sets out our requirements and associated guidance on continuing competence.
2. These requirements have removed any hours-based measures in place up until 1 July 2023, and is designed to help make sure that attorneys maintain their competence in a way that is relevant to them and their practice whatever stage they are at in their career. It puts the responsibility for maintenance of competence on the individual attorney, each of whom will be best placed to ascertain their own development needs.

## Our rules on continuing competence

3. Our rules on competence are set out in rule 2 of our Code of Conduct:
  - 2.1 You only undertake work that is within your expertise and competence.
  - 2.2 You maintain your continuing competence in accordance with *IPReg's* requirements and guidance.
  - 2.3 Those with management responsibility ensure that appropriate training and supervision arrangements are in place for those working at all levels.
4. This document expands on rule 2.2 set out above. It is mainly aimed at individual attorneys, although regulated firms and their managers will be aware of, and will need to comply with, their own obligations.

## Our requirements

5. You will:
  - (a) assess, bearing in mind your existing skills and the nature of your practice, how you will maintain your competence. This means that you regularly: 1) reflect on your professional knowledge and skills and identify any development needs; 2) plan how these needs can be addressed through appropriate activities, training and other learning; and 3) record the assessments and evaluate the activities you have undertaken in light of those assessments; and
  - (b) confirm to us annually that you have met these requirements and, when requested, provide to us your records or other material which demonstrates you have met these requirements.

6. We no longer set a minimum requirement of the number of hours that you should spend maintaining your competence. Instead, developing your skills, knowledge and professional standards should be a continuous process, aimed at ensuring you operate to the standards expected of you as set out in our core regulatory framework. You should reflect on the quality of your practice, plan and then complete learning and development that maintains your competence.

### **To whom do our requirements apply?**

7. All registered patent attorneys and trade mark attorneys, including those who work part time. It also applies to attorneys who are based abroad.
8. Attorneys do not need to do learning and development while they are not in active practice or where they are on leave from work, for example, due to a period of parental leave, extended sick leave or on a sabbatical. However, where an attorney has been out of active practice for more than 12 months, we expect the attorney to undertake reflection before they return to work, identifying any training needs and addressing them so that they are competent when they return.
9. We expect firms to have appropriate systems in place to help make sure that their attorneys meet their continuing competence obligations. Those in management functions and especially those responsible for supervising and developing more junior attorneys should therefore make sure that their staff receive sufficient time and support to dedicate to meeting these requirements. Firms can do this in a wide range of ways such as integrating the attorney's continuing competence requirements into their 121s and appraisal processes or helping employees find appropriate external or internal opportunities for relevant learning and development.

### **What is continuing competence and why is it important?**

10. When first admitted as a patent or trademark attorney, attorneys will have demonstrated their competence to practise to the required standard in their chosen field. However, in order to maintain the standards that are required of them, attorneys need to keep up to date their own skills, knowledge and professional standards in areas relevant to their area of professional practice and responsibilities. They will also need to adapt to the changing needs of clients.
11. The public needs to be confident that when they consult an attorney, they are aware of any recent changes in law and practice. Due to the often highly technical and constantly evolving area of IP law, it is likely that attorneys will always need to undertake some activities in relation to **legal and technical competence** if they are to meet their obligations under our Code of Conduct.

12. The public and clients also need to be confident that attorneys understand the wider context of competence in practice. This will vary depending on the nature of the work being undertaken, the age and seniority of the attorney and their areas of practice and responsibilities. An attorney might identify training needs in areas such as:

- **professional ethics** – development activities in this area could include, for example, understanding recent case law and principles on conflicts of interest, confidentiality, bribery or anti-money laundering;
- **dealing appropriately with clients and third parties** – for example, being able to provide information clearly and simply and effectively managing client relationships. Effective and appropriate interpersonal skills are important when delivering services to clients, especially to those that are less sophisticated.
- **knowledge and awareness of equality and diversity** - for example, a training need may arise in relation to equality legislation or how to make reasonable adjustments for clients or colleagues. It might also include training in respect of issues such as unconscious bias.
- **management issues** - such as effective supervision, training on recruitment and employment law, business planning or managing an effective complaints system. It might also include activities to encourage inclusive leadership and management and the importance of ongoing learning on mental and physical wellbeing in the workplace, for example by learning about the importance of supporting staff with stress/anxiety/other poor health so that those issues do not turn into competency issues which can adversely affect the client, the attorney and the firm. These issues affect not only inclusivity (and thus also diversity) in the workplace, but also attorneys' productivity, resilience and general fitness to practise.

13. An attorney's learning and development needs can be aspirational as well, including activities to build on existing strengths or develop a whole new skill set or expanding their area of practice. An example could be identifying the desirability of training for a higher rights of audience qualification, because you received positive feedback about the quality of your advocacy and want to focus on that area of your practice.

### **How should you assess your competence needs?**

14. At the outset of each practice year and at regular intervals thereafter, you should **reflect** critically on the quality and challenges of your own practice and existing skills, as well as any emerging issues, such as a change in your responsibilities. You should ask yourself what you need to do to make sure that you keep your skills and professional knowledge up to date. This reflection may also be driven during the practice year, in ways that cannot necessarily be planned in advance. Examples might be:

- the conclusion of a significant transaction where you reflect on issues such as “What went well? What did not go well? What issues did I encounter in participating in, resolving or completing the matter? Would I do things differently now if approaching a similar matter and why?”;
- becoming aware of the introduction of a new piece of legislation that may affect your area of practice;
- taking on a new supervisory or management role.

### **What is “reflection” in the context of continuing competence?**

15. You are asking yourself *“Which areas of my knowledge and skills do I need to enhance? Why?”*

You could also ask yourself:

- *Do I have any learning gaps or weaknesses?*
- *What do I want to know and why do I want to know it?*
- *Is there a new law, procedure or system that I need to know about?*
- *Is my job or role changing? Are there things I could work on to help me with that?*
- *What work would I like to be doing next year? Are there things I could work on to help me achieve this?*
- *How did my last performance review go? Was anything identified that I could work on?*
- *Thinking about a piece of work I am doing / have recently completed, were there things that I could do better or could have gone better?*
- *Is there a piece of work I am really enjoying or am interested in? Can I take this further and what would help me to do so?*
- *Is there a process, procedure or system we use at work that could be improved? Could I help improve it?*

16. By asking yourself these sorts of questions you are focussing on your own individual practice and career. This will help you identify areas for development and opportunity that meet your personal needs and goals. This is important because it will help you ensure you’re spending your time on continuing competence activities that are relevant and beneficial.

17. Not all learning will be planned, though you should be regularly asking yourself these types of questions so that you are satisfied that your competence is maintained and you continue to develop your skills and knowledge.

### **What sort of activities might be undertaken to maintain continuing competence?**

18. We are concerned with the **outcomes** of your developmental activity rather than with the precise sorts of activities or learning that you might undertake. We are,

however, clear that activities are not confined to training courses and can include a broad range of different activities that will help take forward your own development plan. You will need to consider what activities are best for you in light of your development needs and your personal learning style and preferences. We set out below, as a guide, some examples of the sorts of activities that may be appropriate:

- acquiring knowledge about a new or evolving issue in your area of practice by attending an online or in person event such as an IP related educational event organised by professional bodies such as CIPA, CITMA, Law Society or the Bar Council;
- organising or participating in in-house meetings or training, for example, to raise awareness of recent case law in a relevant IP field (patents, trademarks, copyright, designs or associated areas e.g. confidential information, licensing, competition law) or updating knowledge of practice changes and new procedures of the UK IPO, EPO, UKIPO, WIPO and foreign IP offices;
- authoring/editing articles and blogs;
- teaching, training or mentoring professional colleagues or others, or engaging with a mentor who can help you meet your professional goals;
- studying towards any of the IP certificates or other industry examinations/ qualifications;
- writing reflective notes on, or discussing formally with a colleague, a case in which you have been involved, identifying areas where you have developed or need to do further work;
- setting aside time (e.g. weekly or monthly) to complete self-study (e.g. of newsletters, law journals and blogs) to maintain an adequate and up-to-date understanding of relevant law, policy and practice;
- completing training to improve a technical legal skill such as advocacy;
- completing training to develop or strengthen other skills or attributes, such as behaving inclusively and dealing effectively with people who are vulnerable;
- taking part in initiatives run by a professional network to develop your knowledge or skills in a particular area;
- attending meetings with colleagues to discuss developments in your area(s) of practice and share knowledge and good practice.

19. While it is often the case that learning and development ‘happens on the job’, the activities we expect you to undertake to maintain competence is work undertaken over and above the normal work and professional commitments of practitioners. It would not therefore cover routine work such as giving seminars for clients on basic IP matters where the primary purpose is to obtain or retain client business, or day to day supervision of junior staff.

20. Presenting at a seminar at a higher, more specialist level would be considered appropriate activities for attorneys, as these would usually require research into a

particular area and developing public speaking skills. Likewise, mentoring a junior attorney or training junior members of a team would develop the competence of an attorney as they would be learning communication, leadership and management skills.

### **What do I do after completing the CPD activity?**

21. After you complete each activity you chose to help you address your learning need you should then **evaluate** the outcomes of doing that activity to make sure they have been met. You should regularly review and update your plan. This should not be unduly burdensome as our research indicates that on the whole, attorneys are used to considering what professional development they need to undertake to provide a proper standard of service to their clients.

### **What is meant by Evaluation?**

22. You are asking yourself *“What will I do different as a result of this activity?”*

You could also ask yourself:

- *Did the activity achieve my learning or development objective?*
- *What did I learn?*
- *How can I apply my new knowledge?*
- *How will this change my approach?*
- *Do I need to take further action? If so, when?*
- *Can I share this learning with others?*
- *Will I need refresher or more targeted training in this area?*
- *Has my client / employer / team / trainee benefitted from me doing this? How?*

Evaluation is important because it gives you the evidence you need to show that you have met your learning objective, or it can help you identify whether you still have more to do.

### **How should I record my CPD?**

23. Your record need not be lengthy or overly detailed, but the links between your reflection, the activity chosen and the outcome of completing the activity should be clear. This provides the reassurance IPReg needs that attorneys are engaging in appropriate learning activities to maintain their competence.

24. The thematic review we undertook shows us that attorneys record their continuing competence activities in a variety of different ways.

25. Some adopt a narrative style, providing a lot of detail and information about why the attorney chose to undertake activities in a particular area and having done so whether this achieved their aims or not.
26. Others take a more succinct approach, using bullet points and making brief, but clear notes.
27. During the thematic review, we identified some good examples of different ways continuing competence can be approached. We are grateful to those attorneys who have agreed to allow us to publish the excerpts annexed to this document and share their varied approaches with others. These examples are shared to show the different recording styles which you might find useful to adapt for your own approach and are not necessarily shared to encourage you to undertake the same activities.

**How will I confirm my compliance and how will IPReg monitor the position?**

28. You will need to confirm to us that you are satisfied that you have met your continuing competence requirements in accordance with rule 2.2 in the Code of Conduct by completing the certification which we will request of you each year on the annual declaration. You will not need to provide your records or any evidence of CPD to us, unless we request these.
29. IPReg will undertake some random sampling from time to time. The purpose of this exercise is to understand how well the requirements have been embedded, identifying any issues that may be preventing attorneys from complying with the rules and getting assurance that attorneys are maintaining their competence throughout their career.
30. If an attorney is asked to submit their continuing competence records, they will be given a reasonable time to do so.
31. Failure to provide records when asked, or a clear demonstration that an attorney has refused to attempt to comply with the continuing competence arrangements may result in enforcement action being taken.

<b>Version</b>	<b>Date</b>	<b>Author</b>	<b>Rationale</b>
V1.0	24.3.23	IPReg	Submitted with LSB application
V1.1	6.4.23	SE	Included template records. Inserted transitional approach to enforcement in final section
V1.2	24.10.24	SE	Update following 2024 thematic review

## Annex 1 – IPReg templates

### Example template 1 – Planned activity

<b>Area for reflection</b>		
<b>Learning outcome</b> What do I want to achieve by focussing on this area? How is it relevant to my practice?		
<b>Planned activity to meet learning outcome</b> May include more than one activity Record target dates if planned activity in the future		<b>Date of completion</b>
<b>Evaluation</b> How well did my activity achieve my desired learning outcomes? How can I use this? Do I need to take further action?		



### Example template 2 – Unplanned activity

<b>Area of learning</b>		
<b>How did the learning arise?</b>  Why did I do this activity? What did I do to develop my understanding in this area?		<b>Date of activity</b>
<b>Evaluation</b>  How can I share this new learning with others? How will it help me in the future? Is there more I could do to develop my knowledge further? If my learning arose out of a piece of work, what went right? What went wrong? How would I do things differently?		

**Example template 3 – Planned or unplanned activity**

<b>Description of activity</b>	
<b>Why did I do this activity?</b>  What did I hope would be the benefit to me?	
<b>When did this activity take place?</b>	
<b>What did I learn?</b>  <b>How will I apply it?</b>  <b>Can I share this learning with others?</b>	
<b>Do I need to do more in this or a related area?</b>  Is refresher training a good idea?	

**Annex 2 – Examples provided by attorneys during 2024 Continuing Competence Thematic Review**

**Planned activity**

<p><b>Area for reflection</b></p>	<p>UK Patent Box Scheme, tax credits, etc.</p>	
<p><b>Learning outcome</b></p> <p>What do I want to achieve by focusing on this area? How is it relevant to my practice?</p>	<p>Improve knowledge about UK's Patent Box Scheme and how clients of varying sizes/scales can benefit from it.</p>	
<p><b>Planned activity to meet learning outcome</b></p> <p>May include more than one activity</p> <p>Record target dates if planned activity in the future</p>	<p>Discuss with in-house attorney clients and existing clients how they use and benefit from Patent Box and Tax Credits.</p> <p>Meeting with solicitors who provide Patent Box and Tax Credits advice to companies to better understand the system</p>	<p><b>Date of completion</b></p> <p><b>22/11/2023</b></p> <p><b>18/06/2024</b></p>

<p><b>Evaluation</b></p> <p>How well did my activity achieve my desired learning outcomes? How can I use this? Do I need to take further action?</p>	<p><b>22/11/2023</b> Interesting conversation about why Patent Box is used, and the filing strategies implemented by our clients vis a via Patent Box in particular. Have gained a deeper understanding of the systems and its benefits, which will enable better advice for new and other existing clients</p> <p><b>18/06/2024</b> Good conversation, and a deeper understanding of the system gained. This achieved the learning outcomes well.</p> <p><b>Ongoing:</b> Keep an eye out for updates, especially in event of new government policy.</p> <p><b>Update:</b> Have booked on to CIPA Webinar “Patent Box and R&amp;D tax credits updates” on 10 Sept 2024</p>
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**Planned activity**

<p><b>Area for reflection</b></p>	<p>ED&amp;I policy</p>
<p><b>Learning outcome</b></p> <p><i>What do I want to achieve by focusing on this area? How is it relevant to my practice?</i></p>	<p>Improve my understanding of ED&amp;I and my responsibilities in this area as an employer.</p> <p>Formalize firm’s ED&amp;I policy.</p> <p>ED&amp;I training for all employees.</p>

Planned activity to meet learning outcome		Date of completion
<i>May include more than one activity</i>	Panel and roundtable discussions on ED&I in IP firms	<b>03/12/2023</b>
<i>Record target dates if planned activity in the future</i>	ED&I policy capture. Meeting held with external ED&I specialist to discuss and capture current policy	<b>26/01/2024</b>
	Attend an ED&I training session with my fellow Directors, the session hosted by the external specialist.	<b>30/04/2024</b>
	Roll out ED&I training for all staff.	<b>08/08/2024</b>
<b>Evaluation</b>	These activities achieved my desires.	
<i>How well did my activity achieve my desired learning outcomes? How can I use this? Do I need to take further action?</i>	<p>I was reassured that our firm's attitudes to ED&amp;I, though initially not formalized/written down, were exceptional. Our ED&amp;I policy is now formalized/written and is easily communicable to staff and clients alike.</p> <p>Our ED&amp;I training made me more aware of diversity issues in the workplace and allowed me chance to reflect on my own beliefs and possible biases.</p> <p>Further action: Regular ED&amp;I training is scheduled for staff.</p>	

**IPReg Continuing Competency – Partner leadership training day**

<b>Description of activity</b>	Together with my fellow partners in our group I attended leadership training day facilitated by an external consultant.
<b>Why did I do this activity?</b>	To work on my skills as a leader within the firm
<b>When did this activity take place?</b>	July 2024
<b>What did I learn?</b> <b>How will I apply it?</b> <b>Can I share this learning with others?</b>	The day focussed on how we as a group of Partners engage and work together – what works well and what doesn't, and what we can do, both individually and collectively, to work better together. We also looked at how we engage with other teams within the firm. One of the most interesting aspects for me was taking into account generational differences across the business.
<b>Do I need to do more in this or a related area?</b>  Is refresher training a good idea?	I will be partaking of additional management training.

**IPReg Continuing Competency – Anti Money Laundering**

<b>Description of activity</b>	I undertook online training module on Anti Money Laundering. This comprised viewing a presentation and thereafter undertaking an online quiz about the subject
<b>Why did I do this activity?</b>	To be fully advised as to what activities constitute Money Laundering and what to do if I observe any suspicious activity.

<b>When did this activity take place?</b>	August 2024
<b>What did I learn?</b> <b>How will I apply it?</b> <b>Can I share this learning with others?</b>	I learned about what constitutes a Money Laundering activity and what actions should be taken if I suspect such activity might be taking place. I also learned the firm's reporting procedures
<b>Do I need to do more in this or a related area?</b>  Is refresher training a good idea?	A periodic refresher on this subject is advisable

Area of learning	Why am I focussing on this area? (Planned CPD)  or  How did this learning arise? (Unplanned CPD)	What did I do?	When did I do it?	What did I learn?	And now?
<p><i>To help identify suitable areas for planned CPD, consider e.g.:</i></p> <ul style="list-style-type: none"> <li>- any learning gaps, weaknesses or development needs</li> <li>- any upcoming changes in your practice (promotion/change of role/changes in law)</li> </ul>	<p><i>For planned CPD, consider e.g.:</i></p> <ul style="list-style-type: none"> <li>- what do I want to achieve by focussing on this area?</li> <li>- how is it relevant to my practice?</li> </ul>	<p><i>You can include more than one activity.</i></p>	<p><i>You may keep a record of the length of the activity, but this is not required</i></p>	<p><i>Consider e.g.:</i></p> <ul style="list-style-type: none"> <li>- what key things did I learn?</li> <li>- how well did the activity meet the need I had identified?</li> </ul>	<p><i>Consider e.g.:</i></p> <ul style="list-style-type: none"> <li>- how can I apply what I learned?</li> <li>- how can I share my learning with others?</li> <li>- is more/refresher training needed?</li> </ul>
<p>New IPREG regulatory arrangements</p>	<p>To ensure I understand and will be in compliance with the new IPReg rules that came into effect on 1 July 2023</p>	<p>Attended the IPREG webinar on the new IPReg rules</p>	<p>3 July 2023  1.5 hours</p>	<p>Details of the new process by which you are expected to plan your CPD and record the activities done and their impact on</p>	<p>I can set aside time to plan my own CPD and make use of the new template.</p>



				your practice. It was useful but examples of good practice will be helpful.	
Supplementary Protection Certificates (SPCs)	Because my major client has just had approval of its first product and we need to provide detailed advice concerning SPCs	Attended internal talk about SPCs	23 August 2023, 1 hr	<p>I learned:</p> <ul style="list-style-type: none"> <li>- the circumstances under which SPCs will and will not be granted.</li> <li>- it is best to identify/draft a specific claim covering the approved product.</li> <li>- Combination therapies can be</li> </ul>	<p>I can more comfortably advise on the circumstances in which an SPC will be granted, and for how long.</p> <p>I am also clear on when I need to involve our internal SPC expert.</p>

Learning need identified	Action taken	Date(s)	Outcomes and benefits
<p><b>Export Control</b> - I identified that some invention submissions contained “dual-use technology” e.g. folding wing systems. I needed to understand how to deal with such submissions and comply with the regulations.</p>	<p>Completed several training courses on the proper handling of export-controlled technical information. Studied the relevant regulations (both EP and US)</p>	<p>Q3 2023</p>	<ul style="list-style-type: none"> <li>• More confident in identifying and proper handling of invention submissions containing export-controlled technical information.</li> <li>• Devised process for in-house colleagues dealing with similar submissions</li> <li>• Devised process for liaising with outside counsel dealing with these submissions.</li> </ul>
<p><b>Extension filings</b> - my team identified a need to ensure that we were making good foreign filing decisions and protecting our IP in the right countries.</p>	<p>Participated in discussions and research on this topic, looking at such considerations as patentability, enforceability, evidentiary thresholds, costs etc for multiple countries</p>	<p>May 2024</p>	<p>As a team, we created a useful spreadsheet that outlines the key considerations for many countries/territories.</p>
<p><b>IP Awareness</b> - a division of the business identified a need for IP awareness.</p>	<p>A colleague and I created a presentation adapted to the needs of this division and containing relevant examples. We presented this on several occasions to different teams in this group and encouraged discussion.</p>	<p>June-July 2023</p>	<p>Better working relationship with these teams; more invention submissions from them.</p>

## Planned activity

<b>Area for reflection</b>	Developments in Foreign Jurisdictions
<b>Learning outcome</b>  What do I want to achieve by focusing on this area? How is it relevant to my practice?	I work in-house within a small IP team with colleagues outside of Europe. In my role, I need to be aware of and advise internal stakeholders on IP matters in our major markets and not be too “Euro-centric” in my outlook
<b>Planned activity to meet learning outcome</b>  May include more than one activity  Record target dates if planned activity in the future	Within our IP team we run bimonthly “Patent Practice Update” meetings, during which my overseas colleagues take turns to provide an update on recent changes in, or other interesting aspects of, patent law within their jurisdiction.  <b>Date of completion</b>  <b>17.8.23, 26.10.23, 25.1.24, 21.3.24, 30.5.24, 2.7.24</b>
<b>Evaluation</b>  How well did my activity achieve my desired learning outcomes?  How can I use this?  Do I need to take further action?	These insights from expert colleagues are extremely helpful and often eye-opening. Of particular interest this year was a report on the US on-sale bar including confidential sales in which no money is exchanged (vital information when advising project teams about what activities can be undertaken before filing a patent application), as well as a review of punitive damages in China. On this latter point, while I was aware of the introduction of such damages in China, it was very useful to receive an update on how this law is being applied.  This activity is ongoing and needs to be continued in order for me to stay fully informed and up-to-date

## Unplanned activity

<b>Area of learning</b>	German Utility Models and Preliminary Injunctions	
<b>How did the learning arise?</b>  Why did I do this activity? What did I do to develop my understanding in this area?	<p>In the course of my work, it became necessary to consider the potential risk posed by a German Utility Model that was considered, following internal and external assessment, to be invalid. In particular, the potential for ex-parte preliminary injunction had to be considered as well as whether a protective letter would be a help or a hindrance.</p> <p>I discussed these points with an external German lawyer to gain an insight into the current practice of the German Courts, in particular in relation to Utility Models, and to obtain a refresher on the reasons why protective letters have gone out of favour in Germany and whether these reasons also apply in respect of UMs</p>	<b>Date of Activity</b>  6-8.8.24
<b>Evaluation</b>  How can I share this new learning with others? How will it help me in the future? Is there more I could do to develop my knowledge further?  If my learning arose out of a piece of work, what went right? What went wrong? How would I do things differently?	<p>This discussion was helpful on several points. One point in particular was a new learning for me; namely the ability of a Utility Model owner to amend the claims when filing an action (and the limitations attached to this). Overall, however, the main takeaways were the low probability of ex-parte PIs being granted in relation to UMs, as well as the same case law regarding protective letters in relation to patents being applicable to UMs.</p> <p>These findings were discussed in detail with several colleagues, one of whom did some further research and reported back on particular case law regarding the amendment of UMs.</p> <p>This knowledge will be helpful in the future when assessing Utility Models in the course of FTO work and when considering whether to enforce our own Utility Models. At present I do not feel any further study is required.</p> <p>I consider this an example of a case “done right”: questions arose during preparation of a work product, these questions were discussed internally, an external expert was consulted, which enabled an informed decision to be made. I would not do anything differently</p>	

<b>1. Reflect</b>	
Area of reflection	Ambush marketing
<b>Learning Outcome</b> <i>What do I want to achieve by focussing on this area? How is it relevant to my practice?</i>	With the Olympics on the horizon this summer, it seemed a good me to learn more about ambush marketing and how this can impact on IP rights
<b>2. Plan</b>	
Plan activity to meet learning outcome	CITMA website: 'Game on! Ambush marketing and big-ticket sports and music events'
<b>3. Evaluation</b>	
<i>How well did my activity achieve my desired learning outcomes? How can I use this? Do I need to take further action?</i>	<p>Can have a detrimental impact on potential sponsorship deals – why would brands invest hundreds of thousands in sponsorship when they can produce ambush marketing campaigns at a fraction of this cost. The webinar looked at the different forms this can take, such as misleading people into believing there is an association with an event when there's not, by physical intrusion at the event or simply taking advantage of particular circumstances.</p> <p>Most major event organisers will protect their IP beforehand but in practice brands can find workarounds that don't use the official mark but indirectly reference the event all the same. Mascots, anthems, etc can all be protected by copyright or design rights.</p> <p>This will help me to ensure that any clients who may be hoping to take advantage of big events to promote their brands do not infringe any IP rights or fall foul of event specific legislation or passing off, and that we consider PR and all different angles to ensure it doesn't blow up in the wrong way.</p>
Other comments	
Date	

<b>1. Reflect</b>	
Area of reflection	Protecting unusual TMs in the EU, Germany and Sweden
<b>Learning Outcome</b> <i>What do I want to achieve by focussing on this area? How is it relevant to my practice?</i>	Having only recently qualified, the majority of my training has been UK-centred. I want to learn more about how to protect 'unusual' marks, such as position marks or holograms, within the EU. Whilst I will take advice from EU associates when asked about these type of issues, it is still good for me to have a basic understanding of what is and isn't registrable and the difficulties surrounding these type of marks.
<b>2. Plan</b> <i>Plan activity to meet learning outcome</i>	CITMA website on 'Future of TM's: Protection of unusual trade marks in the European Union, Germany and Sweden
<b>3. Evaluation</b>	
<i>How well did my activity achieve my desired learning outcomes? How can I use this? Do I need to take further action?</i>	<p>Very educational. Position marks are increasing within the fashion and transport (vehicles) sectors. It can sometimes be necessary to submit evidence of acquired distinctiveness in order to obtain registration of unusual marks such as position marks or motion marks. Some applications to register a sequence of light movements were deemed to lack inherent distinctiveness with consumers not viewing such marks as a badge of origin.</p> <p>However some applications to register short video sequences, for example, have been registered; it was considered that, as long as the relevant public can identify the sign as a commercial origin, the length of the sign or complexity of individual elements are irrelevant.</p> <p>Think: what do you want to protect, how will this be used, what do you want to achieve from it? What is the best way to get this result? Good chance for 'early adopters' to be bold and creative, and to make use of the possibilities open via the TM system. This knowledge will help me to advise clients who may be seeking protection for marks which are outside of the norm.</p>
Other comments	
Date	

### **Area of Learning**

Evidence at the EPO

**Date of Activity:** 21/3/24

Attended seminar and post seminar discussion on evidence, specifically internet publications. I've not thought about this carefully for a long time since it came up in an opposition so it was a useful refresher.

**Evaluation** *How can I share this new learning with others? How will it help me in the future? Is there more I could do to develop my knowledge further? If my learning arose out of a piece of work, what went right? What went wrong? How would I do things differently?*

It was useful to have a history on the standard of proof needed to evidence internet disclosures and latest more recent decisions on this. It was also useful to learn about the potentially different standards given to different types of internet disclosures (eg online versions of journals). We also discussed the need for examiners to provide copies of documents and not just links if the information can change. Useful reminder – not necessarily relevant day to day, but good to know if/when next opposition/TPOs needed.

### **Area of learning**

Changes to EPO exams

**Date of Activity:** 8/8/24

*How did the learning arise? Why did I do this activity? What did I do to develop my understanding in this area?*

I am training an individual 2 years into the profession and need to know how the changes to the exam process for EP qualification are being modified and may change the way I train him. Attended seminar on this presented by a current trainee who is just entering into this stage of their training.

*Evaluation*

Important to keep up to date with this and avoid the old 'well in my day' attitude which can still be prevalent! Chatted it through post meeting with the trainee to review where we are at and what next steps are in terms of his training progression