IPReg

The Patent Regulation Board and the Trade Mark Regulation Board

Minutes

Thursday 17 January 2019 at 12 noon

The Seminar Room, Hardwicke Building, New Square, Lincoln's Inn, London WC2A 3SB

Attending:

Rt Hon Lord Smith of Finsbury (Chair)
Alicia Chantrey
Jonathan Clegg
Samantha Funnell
Steve Gregory
Keith Howick
Alan Kershaw
Emma Reeve
Nigel Robinson
Caroline Seddon
Nick Whitaker

In attendance: Fran Gillon, Shelley Edwards, Victoria Swan

1. Apologies

None.

2. Notification of any conflicts of interest

None.

3. Minutes of December 2018 meeting and matters arising

3.1 The Board agreed the minutes of the December 2018 meeting.

3.2 Matters arising – FG reported on the following items not covered elsewhere on the agenda:

a) Higher Courts Litigation Certificates – the Legal Services Board (LSB) had been content with the proposal to refund the charges for these certificates. CIPA and CITMA had subsequently been informed about the proposal and the matter was due to be discussed at the next CEOs' meeting. Communication to the affected individuals would be sent following the annual renewal process;
b) Directors' Fees – the Board confirmed its provisional decision in December 2018 that in future all Board members' remuneration would be made through the payroll;
c) LSB Regulatory Performance Assessment - the LSB's drafting of its assessment on transparency had remained unchanged.

4. Action Log

4.1 The action log was noted.

5. Oral updates including Chair and CEO activities (not covered elsewhere):

a) Discussions with CIPA/CITMA (Chair)

[redacted]

c) 2019 re-registration update (FG)

FG reported that fees of c£527,000 had been invoiced (against a projected total of c£886,000). This compared to c£350,000 at the same time last year. There had been minimal comment on the fee rates themselves.

SE reported receipt of ten Voluntary Removal (VR) applications. Nine of these were due to retirement and one was moving to the unregulated sector. A further eleven attorneys had requested the VR application forms and there are ongoing discussions with a small number of attorneys about their appropriate categorisation.

Action: undertake analysis of Voluntary Request factors after the renewal period

SE reported 340 attorneys had not completed their CPD declarations, despite the fact that these should have been completed by 31 December. This is a significant level of non-compliance which was taking considerable IPReg resources to pursue. Following the 31 January deadline, a letter warning of suspension from the Register will be issued to those that remain non-compliant, with the potential for disciplinary action following this.

d) Money Laundering Regulations (MLR): conference with Counsel (SE)

SE reported that she, NR, CIPA and CITMA had a conference with Counsel in order to clarify whether the MLR apply to attorneys and, if so, who would be the supervising authority. [redacted]

Counsel is compiling draft advice which should be received by the end of January. CIPA had suggested another conference and this had been arranged for 13 February.

[redacted]

6. Progress on new CRM system (FG)

6.1 FG reported that FG, AK, SE, KD and our consultant (from Purple Consultancy) had attended four supplier presentations earlier in the week, of which two - [redacted] and [redacted] - had demonstrated a particularly good understanding of IPReg's activities and the requirements set out in the ITT. [redacted]

6.3 The Board agreed to contract with [redacted] subject to satisfactory due diligence and references.

Action: contract with [redacted] (upon receipt of satisfactory references and due diligence)

7. Discussion – issues to focus on at Strategy Day March 2019 (Chair)

7.1 The Chair introduced his note. The Board agreed that, following a review of progress on CRM development, office move and review of regulatory arrangements, the Board Strategy Day on 21 March would discuss:

- Board size and structure, especially in light of any IGR recommendations from the LSB – to include Board effectiveness review and appraisals; Chair to draft a paper;
- How IPReg can best provide appropriate consumer protection and be valued by those it regulates; SG and NW to draft a paper;
- CPD and ongoing competence assurance – AC and SE to draft a paper;
- Accreditation of courses, quality of education and providers - CS and VS to draft a paper;
- Changing workforce – FG to review whether any workforce information is available from wider sector given the limitations of the current database; and
- Sharing services for disciplinary proceedings –agreed as a possible topic if time; FG to revisit where the joint regulator discussions got to and provide cost of current arrangements.

Action: designated leads to draft papers.

8. Response to LSB on IGRs (FG)

8.1 FG presented a paper setting out IPReg's proposed response to the Legal Services Board's consultation on the Internal Governance Rules (IGRs). The reporting mechanism for the IGRs is to be through the LSB's regulatory performance framework. The Board strongly endorsed the proposed response, subject to reinforcing the message about the need for the LSB's oversight role and the assurance role of the Approved Regulators to be explained more clearly.

8.2 The Board agreed to delegate finalising the response to the Chair and CEO.

Action: Chair and CEO to finalise response

9. Complaints update (SE)

9.1 SE presented the complaints update paper to the Board. The Board noted the paper.

10. Any Other Business

10.1 VS repeated her request from the previous meeting for names of attorneys (except former IPReg Board members) who might be interested in providing professional practitioner input to the litigation module re-accreditation process.

11. Regulatory Statement

11.1 Confirmation that, except where expressly stated, all matters are approved by the Patent Regulation Board and the Trade Mark Regulation Board.