

Business Plan 2022/23

Introduction

1. IPReg is undertaking a significant project to review our regulatory arrangements. In addition, although the regulated IP sector appears to have weathered the pandemic relatively well, the overall impact of the pandemic in the coming 1-2 years remains unknown. This continues to create uncertainty for us in terms of the amount of practising fees that we will be able to collect. We therefore consider that it is appropriate to continue to focus on improving the way we conduct core activities and to limit the number of new initiatives that we start.

IPReg's strategic priorities

2. In March 2019, the IPReg Board met to discuss its strategic priorities for the period from 2019 – 2021. The Board has achieved two of its priorities - to implement a new CRM system and move to offices that have more suitable facilities and better accessibility. In setting its strategic priorities (as part of that review and more widely) the Board wants to be more externally focused to ensure that its regulatory framework encourages and supports innovation:
 - a. In the provision of services that providers are able to offer consumers and the ways in which those services are provided, including the use of law tech. We will do this by ensuring that our review of regulatory arrangements focuses on setting reasonable standards but does not 'gold plate' them;
 - b. By encouraging the entry of new providers of education courses (at both the foundation and advanced levels). We want people who want to become trade mark attorneys and patent attorneys to have a variety of routes into the profession (including apprenticeships). We want these to be provided using different delivery methods and to introduce new subjects (e.g. law tech). We consider that, over time, this will help to increase diversity, improve quality and lower costs. We also want to review on a more regular basis the quality and performance of existing accredited education providers;
 - c. By ensuring that its requirements for continuing competence, in addition to protecting consumers, are relevant to the changing way in which legal services are provided and the commercial requirements of regulated individuals and entities.
3. A further strategy day is planned for November 2021. Any revised strategic objectives will be published after that.

Our day to day activities

4. The IPReg team carries out a wide range of "business as usual" activities. These include:
 - considering applications from individuals and entities for registration on, and removal from, the registers;
 - providing advice on our regulatory arrangements;

- investigating complaints and taking disciplinary action where necessary;
- dealing with enquires to our CRM system and our “Info” email box;
- a rolling accreditation process of examination agencies and considering applications from new entrant agencies;
- responding to LSB consultations and requests for information;
- developing policies following recommendations from external bodies (e.g. the CMA).

These activities occupy most of the team’s time over the course of a typical year. The activities support a number of regulatory objectives including: protecting and promoting the interests of consumers; promoting competition; encouraging an independent, strong, diverse and effective legal profession; promoting and maintaining adherence to the professional principles.

Reviewing our regulatory arrangements

5. As we said when we consulted on the 2021 Business Plan, our regulatory arrangements (our rules and regulations) have built up over time and, inevitably, there are areas where they could be improved. We do not plan to change our overall approach to regulation – risk-based, keeping prescriptive rules to a minimum and providing guidance to help understand the outcomes we are seeking. However, we are reviewing our regulatory arrangements in their entirety based on the feedback we have received from the Call for Evidence as well as our own experience of applying the current rules. In doing so, we will make them more streamlined and consistent and will look to provide more flexibility for those we regulate where it is safe to do so.
6. This is a significant piece of work, both for IPReg and those we regulate and we have therefore established a new post to drive the work forward. We have also engaged external experts in the areas of diversity and inclusion, economic regulation, design and reform of regulatory frameworks (including impact assessment) and professional indemnity insurance, to support and challenge our thinking as the review progresses.
7. We will be providing more information about the Review over the coming months including a consultation on the proposed changes. Further details of the review can be found on our [website](#).
8. This work supports the regulatory objectives of: protecting and promoting the interests of consumers; promoting competition; encouraging an independent, strong, diverse and effective legal profession; promoting and maintaining adherence to the professional principles.

Education work

9. 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 and quality assurance mechanisms are fit for purpose, including responding to student and client 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 2022;

- b. Working with providers to ensure that online delivery of courses meets the required standards (a change in the method of delivery as had been triggered a result of the pandemic);
 - 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. We will consider the outcomes of the European Qualifying Examinations Modernisation Discussions and Proposals and the Mercer Review.
10. The Call for Evidence at the outset of the review of regulatory arrangements identified the following education areas for review:
- a. we will continue to encourage more pathway providers to offer new qualification pathway options;
 - b. consider whether the Basic Litigation Skills Certificate requirement should be pre-qualification for patent attorneys;
 - c. review of the current arrangements regarding the Higher Courts (both Litigation and Advocacy) Certificates;
 - d. consider the impact of education and training requirements on diversity in the profession, to include apprenticeships.
11. This work supports in particular the regulatory objective of encouraging an independent, strong, diverse and effective legal profession.

Disciplinary panel recruitment

12. IPReg has established a pool of independent lay and professional people to sit on our disciplinary panel. There are currently 3 lay members and 6 professional members in this pool. From time to time we need to recruit more members of this pool to replace people who have stood down. We plan to conduct this recruitment exercise in 2022 to ensure that enough people are available to hear cases; this was delayed from 2021 due to the pandemic.
13. We have allocated £15,000 from our reserves for the recruitment of panel members and for the training of Board members (who currently sit as Complaint Review Committee members) and panel members.
14. This work supports the regulatory objectives of: protecting and promoting the public interest; protecting and promoting the interests of consumers; promoting and maintaining adherence to the professional principles.

Diversity funding

15. 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.

16. This work supports in particular the regulatory objective of encouraging an independent, strong, diverse and effective legal profession.

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