

Continuing Professional Development Regulations 2013

The Patent Regulation Board of the Chartered Institute of Patent Attorneys and the Trade Mark Regulation Board of the Institute of Trade Mark Attorneys working jointly together as the IP Regulation Board (IPReg) now make the following provisions under section 275A of the Copyright Designs and Patents Act 1988 and under section 83A of the Trade Marks Act 1994, respectively, pursuant to Sections 185 and 184 of the Legal Services Act 2007.

Regulation 1 – Interpretation

In these Regulations, unless the context otherwise requires:-

“Qualification and Registration Regulations” means the Patent Attorney and Trade Mark Attorney Qualification and Registration Regulations [2009];

“Calendar year” means a period of one year commencing on 1 January in the year in question;

“CIPA” means the Chartered Institute of Patent Attorneys;

“ITMA” means the Institute of Trade Mark Attorneys;

“PRB” means the Patent Regulation Board of CIPA;

“TRB” means the Trade Mark Regulation Board of ITMA;

“IPReg” means the PRB and the TRB working jointly together as the IP Regulation Board;

“patent attorney register” means the register kept under section 275 of the Copyright Designs and Patents Act 1988 as amended;

“trade mark attorney register” means the register kept under section 83 of the Trade Marks Act 1994 as amended;

“the Registers” means the “patent attorney register” and the “trade mark attorney register”;

“registered patent attorney” means an individual whose name is entered in the patent attorney register and who is in active practice to provide patent related professional services;

“registered trade mark attorney” means an individual whose name is entered in the trade mark attorney register and who is in active practice to provide trade mark related professional services ;

“Higher Court Advocate” means a registered patent attorney or registered trade mark attorney granted a Higher Courts Advocacy Certificate under the Rights to conduct Litigation and Rights of Audience and other Reserved Legal Activities certification Rules 2012.

Regulation 2 - Scope

These Regulations are made according to Regulation 6 of the Qualification and Registration Regulations and apply to all registered patent and trade mark attorneys.

Regulation 3 - Requirements

- 3.1 A registered patent or trade mark attorney is required to complete a minimum total of sixteen hours in continuing professional development (CPD) during each calendar year of registration.
- 3.2 A Higher Court Advocate is required to complete a minimum of five hours Higher Court Advocacy CPD in each of the five years following qualification as a Higher Court Advocate or in the case of a Higher Court Advocate previously awarded Higher Court Advocacy rights by another authorised body in each of the five years following the award of those rights by that body.
- 3.3 Time spent in CPD activities in excess of the minimum required in Regulation 3.1 or 3.2 cannot be carried forward into another calendar year.
- 3.4 A registered patent or trade mark attorney when applying to remain on one or both of the Registers in accordance with the Qualification and Registration Regulations must include an annual declaration of compliance with the CPD requirement of Regulation 3.1 and of 3.2 if applicable using the form prescribed in Schedule 1 hereto (or equivalent) and an undertaking to submit if required details of the CPD undertaken in the calendar year preceding the application.
- 3.5 PRB or TRB separately, or together as IPReg, may by resolution specify the amount, nature, content and format of courses and other activities which may be undertaken by registered patent and trade mark attorneys in order to satisfy the requirements of Regulation 3.1 or 3.2 and may issue periodic guidance to that effect.
- 3.6 IPReg may, by resolution and following consultation with CIPA, ITMA and others as appropriate, vary the minimum number of hours of CPD that must be completed in order to satisfy the requirements of Regulation 3.1 or 3.2.
- 3.7 CPD activities which predominantly involve personal study and which may make up part of the overall CPD requirements of Regulation 3.1 must be adequately supported by detailed records which can be provided on request.

Regulation 4 - Waivers

- 4.1 PRB or TRB separately, or together as IPReg, are empowered under the Qualification and Registration Regulations to waive for due cause any or all of the requirements of Regulation 3 hereof in whole or in part or to extend the time within which requirements must be completed.
- 4.2 Any application by a registered patent or trade mark attorney under Regulation 4.1 to the relevant Board for a waiver of any of the requirements or to extend the time within which to complete any of the requirements must be made in writing, setting out all mitigating circumstances relied on and supported by all relevant documentary evidence.
- 4.3 For avoidance of doubt, persons entered onto either the register of patent attorneys or the register of trade mark attorneys who are not in active practice (that is who are not available to conduct any patent and/or trade mark work for a client or employer) are exempt from any CPD requirements under these Rules during the period of their inactivity from practice.

Regulation 5 – Compliance

- 5.1 In discharging its regulatory role IPReg will monitor compliance with these Regulations as it determines appropriate including requiring details of the CPD activities undertaken in the previous calendar year to be supplied by a random sample of registered patent attorneys and registered trade mark attorneys.
- 5.2 To assist it in administering CPD under these Regulations IPReg may establish a CPD Sub-Committee reporting at least annually.
- 5.3 Any non-compliance with these Regulations which is not satisfactorily addressed under Regulation 4 will be considered by the Registrar who may suspend the registered patent or trademark attorney from the register for a period of up to three months.
 - (a) If a registrant's name is suspended from the register under Regulation 5.3, the suspension will be lifted upon completion of the required CPD and/or receipt of requested evidence.
 - (b) If the non-compliance is not rectified within three months of the first day of the Registrant's suspension from the register, the Registrar shall refer the registrant to the Joint Disciplinary Panel established under the CIPA and ITMA Rules of Disciplinary Procedure.
 - (c) If the registrant is referred to the Joint Disciplinary Panel under Regulation 5.3(b), the registrant's name shall remain suspended from the register until any disciplinary proceedings are concluded.

- 5.4 Appeals from decisions under these Regulations shall be made in accordance with Regulation 9 of the Qualification and Registration Regulations.

Regulation 6 – Commencement

These Regulations shall apply from 1st January 2013.