



Education and Qualification Frequently Asked Questions

Qualifying as an attorney

The qualification and registration processes for entry to either register are governed by the [Patent Attorney and Trade Mark Attorney Qualification and Registration Regulations 2009](#) (“the Regulations”). The process involves passing specific education elements and completion of work experience, followed by a formal application for entry on to the relevant register.

1. How do I qualify to be entered on to the IPReg register as a Registered Trade Mark Attorney?

There are two elements to the qualification process:

Qualifying courses: you must successfully complete the IPReg-accredited Foundation Certificate course at either Bournemouth University, Brunel University or Queen Mary University London, followed by the IPReg-accredited Advanced Certificate course at Nottingham University. You may be exempt from part of the examination process if you hold particular qualifications – see Question 6 below. All questions about exemptions must be raised with the relevant university.

Substantial experience: you are required to have undertaken at least two years’ full-time practice in intellectual property with substantial experience of trade mark attorney work (as defined at Regulation 1 of the Regulations) in the United Kingdom or elsewhere, supervised by a UK Registered Trade Mark Attorney or a solicitor or barrister who is engaged in or has substantial experience of trade mark work in the UK. Alternatively, you must have completed not less than four years’ unsupervised full-time practice in intellectual property including substantial experience of trade mark work.

Upon successful completion of both the education and experience requirements, you can apply to be entered on to the register of Trade Mark Attorneys. The [Admission to the Register webpage](#) provides information on how to apply and the [Trade Mark Competency Framework](#) gives an indication of what we expect could be demonstrated on admission to the register.

2. How do I qualify to be entered on to the IPReg register as a Patent Attorney?

There are two elements to the qualification process:

Qualifying courses and examinations: you must successfully complete the IPReg-accredited Foundation Certificate course at Bournemouth University, Brunel University or Queen Mary University London, or the IPReg-accredited Foundation Certificate examinations provided by the Patent Examination Board (PEB). This is followed by the Final Diploma examinations provided by the PEB. You may be exempt from part of the examination process if you hold particular qualifications – see question 6 below. All questions about exemptions must be raised with the relevant university or the PEB.

Substantial experience: you are required to have undertaken at least two years' full-time practice in intellectual property with substantial experience of patent attorney work (as defined at Regulation 1 of the Regulations)) in the United Kingdom or elsewhere, supervised by a UK Patent Attorney or a solicitor or barrister who is engaged in or has substantial experience of patent attorney work. Alternatively, you must have completed not less than four years' unsupervised full-time practice in intellectual property including substantial experience of patent work.

Upon successful completion of both the education and experience requirements, you can apply to be entered on to the register of Patent Attorneys. The [Admission to the Register webpage](#) provides information on how to apply and the [Patent Competency Framework](#) gives an indication of what we expect could be demonstrated on admission to the register.

3. How do I demonstrate I have substantial experience in trade mark or patent work?

If applying on the basis of having not less than two years' experience of full-time intellectual property work with substantial experience of trade mark/patent attorney work, you will have been supervised by a registered attorney, solicitor or barrister with substantial experience in this field. In most cases, IPReg will deem your experience to be of the type and at the level required for entry to the register if you have been appropriately supervised and will not require you to provide any additional evidence. IPReg may contact your supervisor(s) to verify that you were working in a supervised capacity and that there are no concerns about your ability to work at the level of a newly registered attorney.

Applying on the basis of four years' unsupervised experience qualification is less common and usually affects only those who are "in-house" trainees in industry or acting as a legal adviser to their employer.

As IPReg is unable to verify the quality and level of your work with a registered attorney or other regulated legal professional, we will usually require you to provide evidence of your experience using the [Competency Frameworks](#) as a basis against which to demonstrate your skills. We may ask you to provide a training diary in which you set out a summary of work undertaken and an indication of the training need addressed by successfully completing that work. Alternatively, you may prefer to map your work experience directly against the competencies in the relevant framework. You are not required to have achieved advanced level competency in all areas but you should be able to demonstrate that the work you have undertaken shows you have practical experience across a broad range of core attorney work at an appropriate newly qualified level.

Further information can be found on the [Admission to the Register](#) and the [note on becoming an attorney](#) webpages.

4. What are the entry requirements to the IPReg-accredited university courses and examinations?

Entry on to the Foundation courses/examinations (see Questions 1 and 2 above) typically require a (2.2) degree and in the case of the Patent Attorney qualification route, a degree in Science, Technology, Engineering or Mathematics (STEM).

The education providers - the universities and the PEB - have discretion to waive the degree requirement and accept another qualification or experience as “providing a suitable basis for entry” (Schedule 2 paragraph (d) of the [Rules for the Examination and Admission of Individuals to the Register](#)). It is for that qualification provider to verify whether an individual’s circumstance meets their entry requirements.

5. Where do I gain the IPReg accredited qualifications?

IPReg-accredited Foundation courses for the Registered Trade Mark Attorney qualification pathway are currently offered by Bournemouth University, Brunel University and Queen Mary University London. The Advanced course for the RTMA qualification pathway is provided by Nottingham University. For further information see the [Qualifying Courses and Examinations webpage](#). Any queries regarding these courses should be made to the relevant university.

IPReg-accredited Foundation courses and examinations for the Patent Attorney qualification pathway are currently offered by Bournemouth University, Brunel University, the Patent Examination Board (PEB) and Queen Mary University London (QMUL). The Advanced examinations for the Patent Attorney qualification pathway are provided by the PEB. For further information see the [Qualifying Courses and Examinations](#). Any queries regarding these courses/examinations should be made to the relevant university or the PEB.

Please note these are the only courses/examinations currently accredited by IPReg as providing elements of the attorney qualification pathways. Intellectual Property Diplomas, Certificates, Masters etc. obtained from other universities are not accepted for IPReg qualification purposes. Those who sat the QMUL Certificate in Intellectual Property prior to September 2017 and who are seeking to qualify as a Registered Trade Mark Attorney will need to take an additional module, Module B.

In August 2021, IPReg introduced an 18 month sunset clause to the historic Joint Examination Board examinations and the pre-2013 course offers of the universities of Bournemouth, Brunel and Manchester. As of 1st February 2023, these historic qualifications will not be recognised for the purposes of entry on to the IPReg register(s) unless the individual successfully applies for those qualifications to be recognised due to extenuating circumstances – please see the attached guidance provided as an Annex to these FAQs as to what extenuating circumstances means in this context.

6. Does my Law Degree, Masters, European Qualifying Examination and/or other qualification provide exemption to any element of the attorney qualification pathway?

Schedule 3, ‘Exemptions and Deemed Passes’, of the [Rules for the Examination and Admission of Individuals to the Registers](#) provide that a law degree, the Legal Practice Course, Bar Final Examination, the European Qualifying Examinations (patent attorney qualification route only) and specified provision from the other accredited qualification providers (as at Questions 1,2 and 5 above) may provide an element of module/exam exemption.

It is for the relevant university or PEB to verify the exemptions which may apply to you. Any queries regarding exemptions should be referred to the relevant university or the PEB.

7. What if I obtained a compensable fail in a European Qualifying Examination (EQE) paper?

The Patent Examination Board historically recognised the passing of EQE papers A and B as providing exemption (respectively) to the PEB's Final Diploma Examination FD2 'Drafting of Specifications' and FD3 'Amendment of Specifications Papers'.

IPReg continues to recognise their equivalence, via successful completion of the entire EQE, or a pass in the individual paper. It does not extend to a compensable fail in relation to a single paper. If you have a compensable fail in EQE papers A or B you would need to re-sit and successfully pass the relevant single paper, or pass the EQE as a whole before you can apply for registration with IPReg.

8. I am an actively practising UK solicitor or patent attorney:- what is my qualification pathway to becoming a Registered Trade Mark Attorney?

a) Solicitor fast-track: there is currently a "fast track" route option to qualification available to practising solicitors. This typically takes the form of Module B only of the Queen Mary University London course, followed by an intensive version of the Nottingham course. You will normally be required to have practised as a solicitor for at least two years before being able to take advantage of the fast track option. It is for Queen Mary University London to determine whether you meet the entry requirements.

In addition to successfully passing the fast track courses/modules, you will have to satisfy the experience requirement as at Question 1 above.

Patent attorney: whilst there is no standard "fast track" route option for practising patent attorneys, there are potential exemptions available depending upon whether any JEB exemption criteria are met in your case and whether you already hold the IPReg Intellectual Property Litigation Certificate. Please see Question 11.

In addition to successfully passing the relevant courses/modules, you will have to satisfy the experience requirement as at Question 1 above.

9. Can I qualify as an attorney whilst working abroad?

An individual does not need to be a UK citizen nor to be based in the UK to become a Registered Trade Mark Attorney or Patent Attorney. The reference to experience in "patent attorney work" or "trade mark work" in the UK referred to in the [Regulations for Qualification and Registration of Individuals](#) relates to the nature of the work, *not* where the individual is physically situated. The IPReg Registrar's prime concern when considering applications for admission from applicants based outside of the UK is that the applicant has the requisite competence and experience to practise UK intellectual property law so as not to pose any risk to UK consumers of intellectual property services and an applicant will have to demonstrate there is no such risk.

10. Can my qualification as an overseas lawyer count towards the attorney qualification pathway?

IPReg is currently developing its policy and process for applicants with non-UK qualifications following the Legal Services Board's approval of our rule change application. Any new process will not likely be in place before May 2023. We will then have agreed criteria in place against which to

assess an application. Please monitor the [Applications from non-UK qualified professionals](#) webpage for updates.

Upon an application being made, IPReg will assess an individual's qualifications, experience and knowledge of UK trade mark work using the [Competency Framework](#). The individual will be asked to map their experience against the framework in order to assess whether they have all the knowledge, skills and experience required of a newly registered attorney. If IPReg considers that there are areas where knowledge is deficient, it may direct compensation measures to be taken before registration is granted. These may include (but are not limited to) the passing of examinations, taking a course or courses, a period of supervised practice and undertaking targeted CPD activities.

11. I am an actively practising attorney:- what is my pathway to being on both registers?

Patent Attorneys seeking to be entered on the Trade Mark Attorney Register: as at Question 8b, depending upon when, and by which route you qualified as a Patent Attorney you may have to sit one (Trade Mark B) module only of the Queen Mary University London course and/or go straight to, the Nottingham course. Whether you meet any entry/ exemption requirement is a decision for the relevant university. It is for the relevant university to verify whether any JEB exemption criteria are met in your case and it is for Nottingham to verify the same regarding the litigation module in its Professional Certificate in Trade Mark Practice and those attorneys who hold the IP Litigation Certificate.

Registered Trade Mark Attorneys seeking to be entered on the Patent Attorney Register: the route to qualification is the standard pathway set out at Question 2, requiring completion of one of the Foundation courses or passing of the Foundation examinations, followed by the Final examinations of the PEB. Whether you meet any entry/exemption requirement – as at Questions 6 and 7 - is a decision for the relevant university or the PEB.

Admission to both registers: following successful completion of the course(s) and/or examinations and when having met the substantial experience requirement in the defined area of work (see Questions 1-3) you can apply to IPReg for entry to the register in the usual way. You will be required to pay the difference between registration on one register and registration on two registers at the point of application.

12. Do I have to be registered with IPReg to provide trade mark and/or patent services in the UK?

Legal professionals wishing to practise intellectual property law in the UK need not be registered with IPReg in order to do so. Individuals are required to be registered with IPReg (or another legal regulator) only if they intend to carry out reserved legal activities (as specified in the [Legal Services Act 2007](#)). An unregulated individual who carries out any of those reserved legal activities, or describes themselves as a Patent Attorney / Patent Agent or Registered Trade Mark Attorney, if not on the IPReg register as such, is committing a criminal offence.

13. How do I gain Chartered status?

The representative bodies of the [Chartered Institute of Patent Attorneys](#) and the [Chartered Institute of Trade Mark Attorneys](#) have chartered status and accordingly are able to provide that status to their professional members. Please contact the relevant representative body for information on

becoming a member and with any queries regarding Chartered status. You do not have to be a member of one of these bodies to be on the IPReg register.

14. We are an education/examination provider:- can we get our intellectual property qualification recognised as an element of the attorney qualification pathway?

The [IPReg Accreditation Handbook](#) sets out our approach to accrediting courses, examinations, or other, as attorney qualification pathways and outlines the core syllabus for the Foundation qualifications. Any potential qualification provider will need to make an application which demonstrates it meets the standards set out in the Handbook. We very much welcome applications from new providers but would encourage potentially interested providers to undertake a market appetite review (this is advisable, not mandatory) prior to making an application as we cannot guarantee student numbers.

IPReg outsources the assessment of an accreditation application to external consultants and recharges the costs of the accreditation exercise to the applicant body.

Ongoing professional development

1. What are my (standard) Continuing Professional Development (CPD) requirements?

CPD is work undertaken over and above the normal work and professional commitments of practitioners. It is undertaken with a view to developing skills, knowledge and professional standards in areas relevant to areas of practice, to keep up to date and to maintain the highest standards of professional practice. All registered attorneys in active practice are required to achieve a minimum of 16 hours CPD each calendar year and to self-certify that they have met this requirement when renewing their registration with IPReg.

2. What are my CPD requirements given:

a) I work part-time?

Registered attorneys practising on a part-time basis are required to complete the same minimum number of CPD hours (16) as those in full-time practice. This is because all attorneys registered with IPReg and actively practising are expected to deliver the same standard of service to their client(s) regardless of whether they themselves are only working on a part time basis.

b) I will not be actively practising for much of/all the calendar year;

For attorneys who are not in active practice for a significant period during a year (for example due to parental leave, illness, sabbatical leave or career break) a pro rata calculation is applied to the standard 16 CPD hours requirement. If the inactive period is longer than a year, IPReg may require that a programme of CPD activities is started immediately on return to active practice. Whether or not you are in active practice, IPReg requires you to make an annual CPD Declaration through your online IPReg account, in order to remain on the register. If you want IPReg to pro-rate your CPD requirement because of a period of inactive practice, you can make a CPD waiver application through your online account.

c) I am on both patent attorney and trade mark attorney registers?

Attorneys on both registers are typically required to achieve no less than 16 hours CPD provided the number of hours spent on patent and trade mark activities broadly reflects the split of patent and trade mark business carried out.

d) I am a Litigator?

If you exercise your rights to litigation under the [Rights to Conduct Litigation and Rights of Audience and other reserved legal activities Certification Rules 2012](#) (see below) you need to undertake relevant CPD activities on a reasonably regular basis to ensure that your skills in this area are maintained. If you hold a Higher Courts Advocacy Certificate you must undertake at least five hours CPD relating to provision of advocacy services in the higher courts in each CPD year (1 January – 31 December) for the first five years of holding the certificate. This is a self-certification process.

3. Can we get our learning or training event formally recognised by IPReg as Continuing Professional Development (CPD)?

IPReg does not formally endorse individual commercial course providers and events. Only learning or training events hosted by CIPA, CITMA, IP Inclusive, or one of the legal regulators, are automatically accepted as CPD. If your event is not in-house training or hosted by one of the organisations listed above, we rely on the professional judgement of the attorneys that attended to self-certify that the event could be appropriately considered to be CPD using the rule of thumb *“What is the value to me in providing legal services to my clients?”*.

4. When and where can I obtain my Litigation Certificate?

Before being able to conduct litigation or have any rights of audience, attorneys must hold a litigation certificate. For most trade mark attorneys, a basic certificate will be automatically awarded upon registration with IPReg as the litigation skills course forms part of the trade mark attorney qualification pathway. Patent attorneys, or trade mark attorneys who did not qualify for registration under the standard route are required to complete an IPReg-approved Basic Litigation Skills Course (BLSC), either before/upon entry to the register, or within 3 years of the end of the year upon which they were registered. CPD Training, Nottingham University and Sheffield University all offer the BLSC.

Upon successful completion of this course and application to IPReg, you will be awarded the Intellectual Property Litigation Certificate (ILPC). This allows you to exercise rights to conduct litigation and rights of audience within the parameters set out in the [Rights to Conduct Litigation and Rights of Audience Certification Rules 2012](#). There are two higher certificates that can be obtained either pre or post registration which will allow you to undertake litigation and/or advocacy in the higher courts. These certificates are not mandatory. You should be aware that in conducting litigation or advocacy, you are bound by an additional code of conduct under the [Special Rules of Professional Conduct applicable to Regulated Persons conducting litigation or exercising a right of audience before the Courts](#).

More information can be found on our website [here](#).

Annex – Guidance for applicants applying for registration on the basis of historic qualifications

1. As a basic principle, IPReg considers that it is reasonable to expect that an individual wishing to become a registered patent attorney or registered trade mark attorney would apply for registration within 10 years of first commencing study. This ensures that an attorney coming on to the register will have current qualifications obtained within a recently accredited programme.
2. From 1 February 2023, the following historic qualifications are no longer deemed equivalent to some of the qualifying examinations:
 - a. IPReg accredited Intellectual Property qualifications obtained from Bournemouth, Brunel, Manchester or Queen Mary London universities prior to and including 2013 cohorts;
 - b. Joint Examination Board examinations prior to and including 2011 passes (or 2012 resits).
3. Individuals holding those qualifications who have been unable, due to extenuating circumstances, to apply for entry onto the register prior to 1 February 2023, may apply to the CEO to continue to recognise those qualifications in their specific case.
4. In this context, “extenuating circumstances” means circumstances that could reasonably be considered exceptional, out of the ordinary and not foreseeable by the applicant which prevented or had a significant impact on the applicant’s ability to apply for registration at an earlier time. That making the application earlier was merely inconvenient or burdensome to the applicant, would not be sufficient.
5. All applications will be considered on their own merits, but the following may in appropriate cases, be considered to be exceptional circumstances:
 - a. disability/illness – a significant disability (or illness or accident) can mean an individual has to withdraw from their studies or employment for a substantial period of time, and/or at intervals. This can include mental health conditions with a long-term effect on normal day-to-day activities;
 - b. gender reassignment – the process of reassignment of gender typically involves surgical procedures and hormone treatment, alongside counselling and support, and can mean an individual has had to take time out of their studies or employment. This may be for a substantial period of time, and/or at intervals;
 - c. maternity and caring – sole parental and/or child caring responsibilities can mean an individual has had to withdraw from their studies or employment for a substantial period of time, and/or at intervals. Caring responsibilities for older people or close family members with health or mental issues may also have disrupted an individual’s qualification pathway;
 - d. financial – where an individual is self-funding their course of study they may need to pursue their qualifications over a longer period of time in order to support themselves and complete the course. It may be that they were furloughed due to the Covid-19 pandemic and/or their employer could not finance the placement of

the individual on course/examinations.

6. IPReg may ask for evidence of the extenuating circumstances where it considers it would be appropriate to do so.
7. Where an applicant has demonstrated there were extenuating circumstances that prevented them from applying for registration before February 2023, IPReg must then go on to consider the remaining elements of the overarching question:
 - a. Do they have current experience of the nature set out in the relevant competency framework, when considered as a whole;
 - b. Do they meet the other admission and eligibility requirements necessary to uphold public confidence in registered attorneys?"
8. To assist IPReg in making a decision, applicants should aim to provide in their application, the following information:
 - a. details about what they have been doing since they gained their qualifications – for example working in an entirely different sector, doing intellectual property work but abroad or in the unregulated sector, carrying out caring responsibilities, illness etc.
 - b. their intentions as to future practice once registered (at least in the short term) – for example, in private practice in a supervised setting, working as a Sole Trader, working solely for their employer in-house, with evidence to support this;
 - c. with reference to the Competency Framework, what skills or knowledge gaps they identified whilst undergoing supervised or non-supervised practice and what they had done or will do to address those gaps – evidence of CPD, a training diary etc.;
 - d. if previously registered and now seeking restoration, dates of registration, the reasons for leaving the *register* and the lapse of time between active practice and seeking restoration;
 - e. confirmation that they meet the other admission and eligibility requirements.
9. In considering whether the applicant demonstrates suitability to be registered on the basis of their historic qualifications, evidence of the applicant's current ability to provide a competent service to consumers will be paramount. Applicants might be able to demonstrate that their knowledge, skills and experience are up to date by providing information about:
 - a. their Continuing Professional Development ("CPD") activities such as webinars and conferences, personal study for other related qualifications or of books, articles and law reports;
 - b. serving on a related committee;
 - c. their appointment of and working with an appropriate mentor;
 - d. other activities which demonstrate their current competence to practise and ongoing commitment to maintain that competency.
10. The decision maker is more likely to exercise the discretion to allow registration on the basis of historic examinations where an applicant shows:
 - a. they have spent not less than two years in a supervised practice setting immediately prior to their application for registration;

- b. they are employed and will remain so by their current employer who supports their application for registration and can attest to the applicant's competence as against the Competency Framework;
 - c. they have engaged with CPD and have targeted their professional development to areas that are relevant to them and their practice.
11. The decision maker is less likely to exercise the discretion where:
- a. an applicant's practice prior to their application is not current, or not supervised and where they have not sufficiently demonstrated competency against the core competencies set out in the framework;
 - b. they intend to immediately practise as a Sole Trader;
 - c. they have been working in an entirely unrelated sector prior to application.
12. An individual may also apply for a waiver on the basis of other protected characteristics such as:
- a. age;
 - b. marriage or civil partnership;
 - c. race;
 - d. religion or belief;
 - e. sexual orientation;
 - f. sex / gender,

although as *IPReg* has not found these factors to have typically presented a potential barrier to registration within what would constitute a reasonable timeframe, they are less likely to be considered 'exceptional circumstances'.

Case studies relating to applying for registration on the basis of historic qualifications

Case study 1

Applicant A obtained their patent attorney qualifications from the Joint Examination Board, having studied between 2005 and 2009. Before they could qualify, Applicant A was diagnosed with a serious illness requiring lengthy hospital stays, treatment programmes and an extended period of rehabilitation. In 2023, Applicant A became well enough to apply for registration. They cited extenuating circumstances which prevented them from applying earlier, and provided medical information in support of their application.

Outcome 1

IPReg considered there to be valid extenuating circumstances in not applying for registration within 10 years of obtaining qualifications. There was nothing to suggest that Applicant A had not genuinely intended to pursue a career in patent law and but for their illness and long recovery period, they would have been able to apply for registration immediately upon completion of their studies.

However, *IPReg* declined Applicant A's application on the basis that they did not have evidence of 2 years' supervised or 4 years' non supervised full time practice of IP work with substantial experience of *patent attorney work* in the UK. They had not worked in the field of *UK patent attorney work* since finishing their studies in 2009 and there were significant

concerns that they did not have any or sufficient up to date knowledge or experience in *patent attorney work* in the *UK*. The imposition of conditions would not remedy this as the conditions would need to be so prescriptive and open-ended so as to be unworkable. The application was therefore declined.

Outcome 2

Following their unsuccessful application, Applicant A obtained work in a regulated firm of patent attorneys, under the supervision of a partner in the firm. They worked in a supervised capacity in a trainee type role, and underwent the firm's training programme for patent attorneys. They attended CIPA webinars, training events (both internal and external to the firm) and engaged in significant self-study to bring their knowledge up to speed with current patent law practice. They also attended and passed the Intellectual Property Litigation Skills Certificate. After 2 years, they reapplied for registration, again on the basis of their JEB qualifications.

IPReg granted the application for registration without restrictions. In making that decision, *IPReg* took into account the CPD activities Applicant A had undertaken, and the reference from their supervising partner who confirmed that in their opinion, Applicant A met the competencies set out in the Competency Framework. Applicant A mitigated the risks inherent in their historic qualifications and there were no public protection concerns which would warrant refusal of the application.

Case study 2

Applicant B obtained their trade mark attorney qualification from the JEB in 2012. They applied to *IPReg* for registration in 2023, explaining that they did not do so earlier as they moved to Spain to take up a job in the EUIPO for which they did not require registration as an attorney in the *UK*. They have now returned to the *UK* to look after their elderly parents, and wishes to register as an attorney in the *UK*.

Outcome

IPReg declined the application on the basis that they have not presented extenuating circumstances which would set aside the rule that historic qualifications are no longer accepted after February 2023. Applicant B had not actively practised in *UK* trade mark law since at least 2012 and there was no apparent reason why they could not have applied for registration at any point before the sunset clause became operational. The reason they did not apply for registration earlier was due entirely to their preference to live and work in Spain and that they now have caring responsibilities in the *UK* is not an extenuating circumstance which led to their decision not to apply for registration at an earlier date.