

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.

IPReg no longer accredits the Manchester University Foundation IP Diploma or examinations of the Joint Examination Board (JEB). If you hold qualifications from those providers, the universities and the PEB currently continue to honour exemptions which were in place at the time at which that course/examination was successfully completed. This may be reviewed in due course and the decision taken to no longer accept those qualifications due to the passage of time since they were obtained.

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 past 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?

Until 11pm on 31 December 2020, an EU national may apply for registration with IPReg under the EU Recognition of Professional Qualifications Regulations 2015. We provide information on our website [here](#) about that process and applicants can obtain an application form by contacting us [before 24 December 2020](#). If an application is submitted prior to 11pm on 31 December 2020, the application will continue to be dealt with under the Directive even after the UK has left the EU.

From 1 January 2021, attorneys holding an EEA or Swiss patent or trade mark qualification may apply for recognition of their qualification for registration in the UK. The applicant need not be an EEA or Swiss national but the qualification must be obtained in an EEA member state or in Switzerland.

Please contact us so that we can advise you on this process.

In all cases, IPReg will assess your qualifications, experience and your knowledge of UK patent / trade mark work using the [Competency Frameworks](#) as a guide. We will ask you to map your experience against the relevant framework in order to assess whether you have all the knowledge, skills and experience required of a newly registered attorney. If IPReg considers that there are areas where your knowledge is deficient, it may direct compensation measures to be taken via additional examinations before registration will be granted.

If you are not an EU national applying before 31 December 2020 or after 1 January 2021 you do not hold an EU Patent or Trade Mark qualification, your route to qualification as an attorney would be the standard qualification pathway as at item 1 or 2.

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](#).