

Guidance on the use of European titles

Statutory framework

The UK statutory framework establishes a number of protected titles that only registered attorneys (i.e. those on IPReg's registers) can use:

The Trade Marks Act 1994 (TMA) [s84](#) establishes protected titles for trade mark attorneys.

The Copyright, Designs and Patents Act 1988 (CDPA) [s276](#) establishes protected titles for patent attorneys.

The CDPA [s277](#) sets out protected titles for the use of "European" agents/attorneys. In particular s277(5) states:

Where the term "European patent attorney" or "European patent agent" may, in accordance with this section, be used in reference to an individual, partnership or body corporate, it is equally permissible to use other expressions in reference to that person, or to his business or place of business, which are likely to be understood as indicating that he is entitled to be described as a "European patent attorney" or "European patent agent".

There is no equivalent of CDPA s277 for trade mark attorneys.

The use of titles that are not protected

A number of titles that are not protected in UK law use the term "European" - for example: European Trade Mark Attorney, European Design Attorney, European Trade Mark and Design Attorney.

There are no restrictions on attorneys using unprotected titles. However, IPReg's [Rules of Conduct](#) require that:

Publicity and promotional activity of any kind by regulated persons is permitted if it is fair, honest, accurate and is not misleading and is not otherwise in breach of these Rules.¹

It is therefore important that the public and clients are not misled about what rights of representation an attorney does or does not have to appear before European bodies after 31 December 2020. If individual online profiles include information about European matters, they should make clear whether an attorney has a right of representation or not. If an attorney's right of representation is confined to ongoing pre-existing matters and they could not offer that service to new clients or existing clients in respect of new matters, they should not hold themselves out as having representation rights before the EU (unless they are also regulated in an EU state).

¹ Rule 18 – Publicity

Firms that have some attorneys who will have continuing EU representation rights and other attorneys who will not, should ensure that clients (and potential clients) are not misled about the different services that these attorneys can provide.

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