

**The Patent Regulation Board**  
**and**  
**The Trade Mark Regulation Board**

**IPReg Appeals Rules**

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 as the Intellectual Property Regulation Board (IPReg) now make the following provisions under:

- (i) section 275A of the Copyright Designs and Patents Act 1988;
- (ii) section 83A of the Trade Marks Act 1994; and
- (iii) Part 5 and Schedule 11 of the Legal Services Act 2007.

**Rule 1 – Interpretation**

In these Rules:

“ABS” means a licensable body as defined in section 72 of the 2007 Act;

“Adjudicator” means a person appointed in accordance with Rule 4;

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

“IPReg Board” means the combined boards of the PRB and the TRB;

“Patent Attorney Register” means (together) in respect of Registered Persons other than ABS, the Register kept under section 275 of the Copyright Designs and Patents Act 1988 as amended and in respect of ABS, is part of IPReg’s register of licensed bodies for the purpose of section 87 of the 2007 Act;

“PRB” means the Patent Regulation Board of the Chartered Institute of Patent Attorneys;

“the Register” means the combined register kept by IPReg comprising, as sub-registers, the Patent Attorney Register and the Trade Mark Attorney Register;

“Registrar” means a person appointed by IPReg to maintain the Register;

“Trade Mark Attorney Register” means (together) in respect of Registered Persons other than ABS, the Register kept under section 83 of the Trade Marks Act 1994 as

amended and in respect of ABS, is part of IPReg's register of licensed bodies for the purpose of section 87 of the 2007 Act;

"TRB" means the Trade Mark Regulation Board of Institute of Trade Mark Attorneys;  
and

"the 2007 Act" means the Legal Services Act 2007.

## **Rule 2 – Form, timing and fees for appeals**

- 2.1 Any person adversely affected by a decision of IPReg, PRB, TRB or the Registrar other than a decision:
  - a) under the IPReg Disciplinary Procedure Rules; or
  - b) of the Registrar in relation to Voluntary Removalmay invoke the appeal procedure established by these Rules.
- 2.2 Unless provided for otherwise by IPReg, any appeal must be filed with IPReg within 28 days of notification of the decision being appealed. An appeal shall not be deemed to be filed until IPReg has received a notice of appeal and the fee for appeal has been paid.
- 2.3 A notice of appeal under these Rules shall contain:
  - a) the name and address of the appellant;
  - b) an indication of the decision impugned; and
  - c) a statement of grounds indicating the reasons for setting aside the decision impugned, or the extent to which it is to be amended, and the facts and evidence on which the appeal is based.

## **Rule 3 – Review by the IPReg Board**

- 3.1 All appeals received by IPReg shall be reviewed by the IPReg Board.
- 3.2 If, having reviewed an appeal, the IPReg Board considers that the appeal is well founded IPReg shall either rectify the decision or instruct the Registrar to rectify the decision.

## **Rule 4 – Appointment of an Adjudicator**

- 4.1 If, having reviewed an appeal, the IPReg Board considers that the appeal is not well founded the IPReg Board shall prepare a reasoned statement identifying the reasons why the decision the subject of the appeal should be upheld and send a copy of the reasoned statement to the appellant at the address identified in the notice of appeal together with a letter stating that the matter will be reviewed by an Adjudicator and setting a deadline for the appellant to provide comments in response.
- 4.2 When the deadline for response has passed, IPReg shall appoint a barrister or solicitor of at least 10 years' qualification independent of the IPReg Board to act as an Adjudicator and the notice of appeal, IPReg's reasoned statement and any comments

in response shall be forwarded to the Adjudicator who shall review the documents and rule on the appeal.

#### **Rule 5 – Decision in respect of Appeals**

- 5.1 A decision of an Adjudicator shall contain:
- a) the date when the decision was taken;
  - b) the name of the Adjudicator;
  - c) the name of the appellant;
  - d) a summary of the facts;
  - e) the reasons; and
  - f) a recommendation as to whether the decision being appealed should be upheld, revoked in part or revoked.
- 5.2 An Adjudicator shall recommend a decision being appealed should be revoked, or revoked in part, to the extent that the Adjudicator determines that:
- a) a decision maker did not have the power to make the decision being appealed or used a power they had for an improper purpose;
  - b) the decision was irrational;
  - c) the procedure followed by the decision maker was unfair or biased or a substantial procedural error occurred;
  - d) the decision contravened an appellant's rights under the Human Rights Act.
- 5.3 If a decision being appealed is recommended to be revoked, or revoked in part, the decision of the Adjudicator may include an order that some or the entire appeal fee should be reimbursed to the appellant.
- 5.4 Copies of the decision of the Adjudicator shall be sent to IPReg and the appellant.
- 5.5 Where an Adjudicator recommends that a decision should be revoked, or revoked in part, IPReg shall reconsider the decision being appealed in the light of the Adjudicator's comments and take such steps to revise the decision as are considered appropriate.

#### **Rule 6 - Appeals to the General Regulatory Chamber**

- 6.1 A person who is the subject of a decision in 5.2 above may, in accordance with the timescales for such appeals prescribed in the rules issued by the Legal Services Board dated 10 July 2014<sup>1</sup>, appeal that determination to the General Regulatory Chamber of the First-tier Tribunal.

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<sup>1</sup> Please follow the links to "Schedule 13: Rules for the prescribed period for the making of appeals against licensing authority decisions relating to ownership of licensed bodies" and "Rules on the

- 6.2 The appeal right in 6.1 above is subject to the rules of the First-tier Tribunal, the provisions of the 2007 Act (including such of the provisions of the 2007 Act which stipulate the grounds for appeal) and any other relevant enactments and any rules or orders made thereunder.

## **Rule 7 – Commencement**

These Rules shall apply from the **1 January 2015** and the IPReg Administrative Appeals Regulation shall cease to be effective as of that date.

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period for the making of appeals against decisions of a licensing authority in relation to financial penalties” that are published on IPReg’s website.