

## IPReg Board Code of Conduct

### **1. Introduction**

1.1 The Intellectual Property Regulation Board (“IPReg”) is formed from the Patent Regulation Board and the Trade Mark Regulation Board, the purpose of this Code is to establish and maintain high standards of conduct for all members of these Boards and for all members of any Committee set up by these Boards.

### **2. The responsibility of the Chair**

2.1 The Chair has responsibility for providing the leadership such that the Boards can:

2.1.1 formulate strategies for meeting their statutory obligations, in particular to the regulatory objectives set out in the Legal Services Act, and for the regulation of the patent attorney and trade mark attorney professions;

2.1.2 consider matters on the basis of any appropriate statute and its jurisprudence, and on the basis of comprehensive background information and with due regard to the principles of better regulation;

2.1.3 reach decisions by consensus with the Chartered Institute of Patent Attorneys and the Chartered Institute of Trade Mark Attorneys;

2.1.4 promote the efficient use of resources.

2.2 In addition the Chair will:

2.2.1 ensure that IPReg meets regularly and that minutes of each meeting are taken;

2.2.2 represent the views of the Boards to stakeholders and the public;

2.2.3 assess the performance of each Board member on an annual basis.

### **3. Responsibility of Board Members**

3.1 The Board members, professional and lay, bring experience and understanding which will be valued by the Boards in the discharge of its responsibilities. In acting as members of the Boards they must:

3.1.1 act in good faith in the best interests of the Boards and not act directly on behalf of any constituency or interest groups;

3.1.2 comply with the Principles of Public Life and set out by the Committee on Standards in Public Life;

3.1.3 declare to the Chair or to the Chief Executive any private interests which may conflict with their responsibilities as a member the Boards, or which might be perceived to conflict with these responsibilities;

3.1.4 comply with the requirements for confidentiality and disclosure contained in their terms of appointment and not misuse information gained in the course of their appointment as a Board member. For the avoidance of doubt, papers presented to IPReg are regarded as confidential as are the discussions at IPReg meetings and subsequent notes (unless disclosure is authorised by the Chair);

3.1.5 seek the permission of the Chair to publish any correspondence, article or paper which might impinge on the work of IPReg.

3.2 In addition, Board members are required to:

3.2.1 listen to and respect the views of others;

3.2.2 seek positive and constructive resolution to those issues where differences of opinion exist;

3.2.3 keep abreast of developments in public policy and other issues which may affect the work and operation of the Boards.

## **4. Personal Liability of Board Members**

4.1 IPReg will indemnify the Chair and members of the Boards against liability incurred in connection with claims or proceedings brought against them in relation to anything done or omitted to be done in the discharge or purported discharge of their duties undertaken for IPReg and the Boards. This indemnity is not available where the Board members' actions or omissions are:

4.1.1 done or omitted to be done in bad faith;

4.1.2 outside the scope of, or inconsistent with, the responsibilities of the Board member;

4.1.3 wilful or culpably negligent.

## **5. Conflicts of interest**

5.1 Board members are entitled to manage their own affairs in privacy, but their work and responsibilities for IPReg and the Boards must be carried out in a manner which is free from any suggestion of improper influence. No conflict arises in respect of the professional Board members as a result of their membership of the Chartered Institute of Patent Attorneys or the Chartered Institute of Trade Mark Attorneys or their registration as patent attorneys or trade mark attorneys regulated by IPReg.

5.2 A conflict of interest arises when the work undertaken for IPReg or the Boards could be affected by a personal interest or a personal association. It becomes significant if an independent third person might take the view that there is a risk that any such personal interest or personal association might affect Board members' actions, whether or not they are affected.

5.3 Conflict of interest may arise as a result of:

5.3.1 a relationship or previous association with those affected or likely to be affected by the matter in hand;

5.3.2 the interests of a spouse, partner or children;

5.3.3 an expectation of a future interest, e.g. future employment.

This list is not exhaustive.

5.4 The Chair and Board members are required to declare any personal or business interest which may conflict with their responsibilities as Board members generally. Any such declaration will be held by the Chief Executive. In addition Board members must declare to the Chair any potential conflict which might arise in the course of their work whenever it becomes relevant.

5.5 Where any Board member has declared an interest they will be excluded from any consideration of the matter which has given rise to the conflict of interest and will not attend any meetings on the matter lest it is thought that they may influence the judgment of other members.

## **6. Accountability for funds**

6.1 Board members have the responsibility for overseeing the proper custody and disbursement of the funds collected by IPReg from those registered. They must ensure that measures are in place to ensure that IPReg operates efficiently, effectively and economically.

6.2 Board members are responsible for ensuring that IPReg does not exceed its powers, functions or responsibilities.

## **7. Misconduct**

7.1 Board Members' conduct may be considered to be unsatisfactory when a breach of this Code, the contract of employment or any legal obligation has occurred. Where a Board member's conduct may be considered unsatisfactory, the following procedure will be put in place:

7.1.1 The Chair will arrange an investigation of any allegation of misconduct to establish the facts;

7.1.2 The Chair will invite another member of the Board together with a member of the Council of one or other of the Chartered Institutes to form a panel to determine what action should be taken. If the complaint concerns the Chair, the longest serving lay member of the Board will arrange for the investigation

and convene the panel;

7.1.3 The panel can recommend removal of the Board member or any other suitable action;

7.1.4 A right of appeal will be provided to the Board (excluding the member on the panel). Any appeal must be submitted within 14 days of being notified of the panel's decision. The Board's decision will be final;

7.1.5 While the allegation is being investigated and considered the Chair may suspend the member from the Board. If the Chair is being investigated, the longest serving lay member of the Board will have power to suspend the Chair should they consider that such action is appropriate.