



IPReg Performance Management Dataset 1 April 2022 – 31 March 2023

INTRODUCTION

This is IPReg’s performance management dataset (PMD) for the period 1 April 2022 to 31 March 2023. It includes information about our performance on authorisations, supervision, enforcement and governance.

The PMD was originally produced to fulfil a [Legal Services Board](#) (LSB) requirement as part of its performance management framework. Whilst no longer a LSB requirement, IPReg considers that it should continue to compile and publish a PMD in order to be transparent, accountable and consistent. In order to add some context to the dataset, we have included some trend analysis over the previous 3 years.

The key items to note about our performance are:

Authorisations

A reduction in processed applications from individuals for admission to the patent and/or trade mark registers

IPReg received 176 applications from individuals for admission to its registers (117 patent attorneys, 59 trade mark attorneys).¹ This is fewer than the 228 applications received in 2021 – 22 (173 patent attorneys, 55 trade mark attorneys). The level of admissions in 2021-22 was higher than usual because people were unable to sit the European Qualifying Examinations (EQE) in 2020 due to the Covid pandemic; passing the EQE

¹ An additional 35 applications were received between 27 – 31 March 2023 but these were deemed incomplete as no application fee was included and they were therefore processed after 31 March.

provides an exemption to two patent Final Diploma papers. The level of applications in 2022-23 is comparable to the 172 applications received in 2020-21 (108 patent attorneys, 53 trade mark attorneys, 11 to both registers).

There has been a reduction in applications from firms for admission to the registers as a registered entity (a firm owned solely by lawyers)

IPReg processed 11 applications from firms for admission to the register(s) as a registered entity (5 patent firms, 6 trade mark firms). This is fewer than the 17 applications in 2021-22 (14 patent firms, 1 trade mark firm, 2 firms doing both patent and trade mark work) but the same as in 2020-21 (6 patent firms, 6 trade mark firms, 1 both patent and trade mark). Evidence indicates that the Covid-19 pandemic may have been a catalyst for some attorneys to set up their own single-attorney firms after being employed in larger firms or in-house: 13 of the 17 applications in 2021-22 were for registration as a single-attorney firm.

Broadly consistent number of applications from firms for admission to the registers as licensed body (a firm with some non-lawyer ownership and/or management)

IPReg processed 5 applications from firms to be admitted to the register(s) as a licensed body (3 patent firms, 1 trade mark firm, 1 firm doing both patent and trade mark work). This is fewer than the 6 applications in 2021-22 (2 patent firms, 1 trade mark firm, 3 firms doing both patent and trade mark work) but more than the 4 applications in 2020-21 (3 patent firms, 1 trade mark firm).

Applications are being considered more quickly

For firms, the longest time taken to process an application (either a registered entity or licensed body) was 26 working days. This is a significant reduction from 50 working days in 2021-22 and 85 working days in 2020-21.

For individuals, the median figure of 8 working days to process an application to become an attorney is a slight improvement from 9 working days in 2021-22 but is longer than the 2.1 working days in 2020-21. Typically, a complete application – when all the necessary information and fees have been received - is decided the same day as the decision maker (the Head of Registration or the Registrar) reviews it. Going forward, we will record the date on which the last *action* on an application takes place (which will generally be either receipt of the fee or receipt of information about qualifications) and this metric will reflect the difference between that date and the date the decision is made. This way, any delay because of a deficient application will not artificially increase the application processing time.

Broadly consistent numbers of voluntary removals

The majority of attorneys leave the register due to retirement (62% in 2022 – 23 and 75% in 2021-22) with other common reasons being career change (21%) and ill health (11%). The level of voluntary removal from the registers remains broadly consistent: 37 removals in 2022-23 compared to 41 in 2021-22.

Supervision

Consistently responding to regulatory enquiries within target times

Of the 383 regulatory enquiries received in 2022-23: 77.2% (292) were dealt with within 1 working day (this figure was not reported in previous PMDs). Altogether, 98.2% (376) were dealt with within our 4-5 working days target. In 2021-22: 98.2% were dealt with within 4-5 working days - up from 97.5% in 2020-21.

Enforcement

Regulatory enforcement – significant reduction in the time to investigate complaints

In 2022-23, IPReg received 10 complaints about the conduct of an individual or firm on its registers. This is fewer than the 12 received in 2021-22 and half the number received in 2020-21.

In terms of the time taken to investigate complaints, there was a median (middle) value of 67 working days from the initial receipt of a complaint to the final decision; this is significantly down from 120 working days in 2021-22 and 221 working days in 2020-21. The longest timeframe was 198 working days, up from 146 working days in 2021-22 but significantly fewer than 561 working days in 2020-21.

Governance and leadership

Restructuring the IPReg team to ensure efficient use of resources

IPReg is small team and currently has 7 members of staff. During the reporting year, the IPReg team was restructured. Two new posts were created: a Compliance and Authorisations Officer and an Education and Diversity Officer; the previous Assurance Officer post was abolished. The PMD reports on staff turnover and shows that this was 25%. Although this is double the turnover of 12.5% in 2021-22 and significantly more than zero in 2020-21, the turnover figure has to be considered in the context of IPReg's small size and the restructuring (there were 2 joiners and 2 leavers).

Consistently very low or no complaint levels made about IPReg

There were no complaints about IPReg in 2022-23 or in 2021-22. In 2020-21 there was 1 complaint about IPReg but this was not upheld.

IPReg Performance Management Dataset: Period of 1 April 2022- 31 March 2023			
		Numbers	Notes
1. Authorisations – applications for entry on to IPReg register(s)			
1.1 Applications	a) Number of authorisations processed for:		
	i) Authorised Persons	176	<p>A total of 176 applications for admission to the registers were received.²</p> <p>Of the 176 applications, 166 were first time admission applications, 8 were readmissions, 1 was from an attorney on one register who applied to join the second (i.e. patent attorney seeking to qualify also as a trade mark attorney) and 1 was withdrawn.</p> <p>Of the processed applications, 117 were for entry to the patent register and 59 were to the trade mark register.</p>

² An additional 35 applications were received between 27 – 31 March 2023 but these were deemed incomplete as no application fee was included and they were therefore processed after 31 March

			<p>The figure of 176 applications is down from the previous 228 figure (2021-22) but comparable to the 174 figure the previous dataset (2020-21).</p> <p>There were significantly more patent attorney admissions in 2021-22 than in the 2 years either side:-</p> <p><u>2022-23</u>: 117 patent attorneys, 59 trade mark attorneys <u>2021-22</u>: 173 patent attorneys, 55 trade mark attorneys <u>2020-21</u>: 108 patent attorneys, 53 trade mark attorneys</p> <p>As indicated above, this is likely due to the number of applicants who waited to pass the European Qualifying Examination (which was not held in 2020) before applying to the IPReg patent register, to avail themselves of the exemptions to the patent attorney qualification pathway.</p>
	ii) Registered Entities	11	<p>Registered entities are patent or trade mark firms owned solely by lawyers.</p> <p>11 first time applications were received, 5 of which were applications to the patent register and 6 were applications to the trade mark register. This is down from the previous PMD (17 applications in 2021-22) but the same as the figure in 2020-21.</p>

			<p>We are aware that the Covid-19 pandemic was the catalyst for some attorneys to move from being employed in larger firms or in-house, to setting up their own single-attorney firms. 13 of the 17 applications in 2021-22 were single attorney firm applications.</p> <p>One application was received just prior to the relevant period but was not processed and was withdrawn shortly afterwards.</p>
	iii) Licensed Bodies	5	<p>Licensed Bodies have an element of ownership and/or management by non-lawyers.</p> <p>5 first time applications were received, 3 of which were applications to the patent register, 1 was to the trade mark register and 1 was to both registers.</p> <p>The figure of 5 is slightly down from the previous PMD (6 applications in 2021-22) but up from 4 in 2020-21.</p>
	b) The outcomes of the applications for:		
	i) Authorised Persons	<p>Approved: 175 Withdrawn: 1 Refused: 0</p>	<p>The applicant had not completed the correct examinations and the application was subsequently withdrawn.</p>

	ii) Registered Entities	Approved: 11 Withdrawn: 1 Refused: 0	The withdrawn application was received on 31 March 2022, just prior to the end of the relevant period. Before it could be processed, the application was withdrawn by the applicant.
	iii) Licensed Bodies	Approved: 5 Withdrawn: 0 Refused: 0	
	c) The types of application for:		
	i) Authorised Persons	Initial: 203 Readmission: 8	35 applications were received between 27 – 31 March 2023 but these were deemed incomplete because no application fee was included and they were therefore processed after 31 March. In total 176 complete applications were processed in the reporting year.
	ii) Registered Entities	Initial: 11 Readmission: 0	6 were applications to the trade mark registered entities register, 5 were applications to the patent registered entities register.
	iii) Licensed Bodies	Initial: 5 Readmission: 0	3 were applications to the patent register, 1 was to the trade mark register and 1 was to both registers.
1.2 Appeals about authorisation decisions	a) Number of appeals received and concluded:	0	No appeals were received. This is the same as in 2021-22; there was 1 appeal in 2020-22 which resulted in admission to the patent register following submission of additional evidence of experience.

	b) Number of appeals where a decision has been made to overturn the original decision and new information has been presented:	N/A	
	c) Number of appeals where a decision has been made to overturn the initial decision where no new information has been presented:	N/A	
1.3 Timeliness	a) From date of completed application:		A completed application is one where the appropriate application fee is paid and all relevant supporting documentation is supplied.
	i) median time taken	Individual attorneys: 8 working days	The median figure of 8 working days is a slight improvement from the previous 9 working days (2021-22) but remains a longer process than the 2.1 working days before that (2020-21). Typically, a complete application – that is one with all the necessary information and fees received - is decided the same day as the decision maker (the Head of Registration or the Registrar) looks at it, or perhaps up to 4 working days later, if there is annual leave or illness which prevents the a decision maker from reviewing the application more quickly. Our system currently records the date the payment was received and the date the decision was made. As of the next PMD, we will record the date on which the last <i>action</i> on an application takes place (which will generally be either receipt of payment or receipt of information) and our timeliness metric will reflect

		Registered entities and licensed bodies: 9.5 working days	<p>the difference between that date and the date the decision is made. This way, any delay because of a deficient application will not artificially expand the application processing timeline.</p> <p>The figure of 9.5 working days is a significant improvement on the previous 24 working days (2021-22) and 19 working days before that (2020-2021).</p>
	ii) longest time taken	Individual attorneys: 308 working days	<p>The longest figure of 308 working days, is due to the applicant in this case was not able to demonstrate that they had the requisite period of supervised practice under the supervision of a suitably qualified trade mark attorney required by IPReg's rules. They were able to demonstrate a significant period of unsupervised practice but this had taken place over different periods at different firms and some of it was historic. The applicant needed time to provide evidence of the breadth of their experience, particularly as they had just started a new role at a new firm. Eventually they were able to provide IPReg with the assurance required that they met the competencies set out in the IPReg Trade Mark Competency Framework and were able to provide a reference from their employer confirming their suitability to be on the register. This was an unusual situation as the vast majority of IPReg's applicants</p>

			<p>have a more straightforward qualification and training journey which takes place in the 2 – 4 years prior to the application being made.</p> <p>The figure of 308 working days to process an application is slightly up from the previous 299 working days (2021-22) and significantly up from the 46 working days before that (2020-21), owing to the circumstances of this individual application. As above, going forward, the timeframe will be calculated from when an individual applicant provides the last piece of information needed to consider their application, rather than from when they paid the relevant fee. This because the current recording of figures does not contextualise that the delay is due to a deficiency in the application rather than a delay in IPReg’s processes.</p> <p>The figure of 308 working days to process an application is slightly up from the previous 299 working days (2021-22) and significantly up from the 46 working days before that (2020-21), owing to the circumstances of the individual application.</p> <p>The 26 working days processing figure is nearly half that of the previous 50 working days (2021-22) and significantly fewer than 85 working days before that (2020-21).</p>
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		Registered entities and licensed bodies: 26 working days	
	iii) shortest time taken	Individual attorneys: 0 working days Registered entities & licensed bodies: 1 working day	Application received and resolved on same day, the same scenario as in the previous 2 datasets (2021-22 and 2020-21). The figure of 1 working day is down from 5 working days figure in both of the previous 2 datasets (2021-22 and 2020-21).
	b) From the date of completed appeal lodged:		No appeals made.
	i) median time taken	Authorised Persons: - Registered Entities & Licensed Bodies: -	
	ii) longest time taken	Authorised Persons: - Registered Entities & Licensed Bodies: -	
	iii) shortest time taken	Authorised Persons: - Registered Entities & Licensed Bodies: -	

2. Supervision – regulatory enquiries, consultations, raising regulatory awareness, education and training, thematic reviews

2.1 Supervisory tools	a) Number of regulatory enquiries	383	<p>A total of 383 regulatory enquiries were received. Regulatory enquiries concern various aspects of regulation and the legal sector, such as how to qualify as an attorney, the rules which attorneys must follow, approaches to continuing competence etc. There were 202 enquiries relating to education and qualification, 63 relating to Rules of Conduct and 148 miscellaneous and 50 relating other topics such as Continuing Professional Development. Please note that the enquirer can choose more than one theme for their enquiry which results in the theme frequency figure of 463 being higher than the 383 enquiries actually received.</p> <p>The 383 regulatory enquiries figure is up from the previous 349 figure (2021-22) and the 282 before that (2020-2021).</p>
	i) % dealt with within 4-5 working day target	98.2%	<p>376 regulatory enquiries were replied to within the 4-5 working day target; 7 were not. 292 enquiries (77.2%) were responded to within 1 working day (previous datasets did not capture this information).</p> <p>The 98.2% figure of regulatory enquiries dealt with within 4-5 working days target is the same as the previous figure (2021-22) and a slight improvement on 97.5% (2020-21) before that.</p>
	b) % of regulatory enquiries relating to Rules of Conduct	16.4%	<p>63 enquiries were received about the Rules of Conduct. Rules of Conduct enquiries can cover a</p>

			range of themes including: client information sharing, client monies, conflict of interest, difficulties with a client, entity structure, fees charged to client, file transfer, and professional indemnity insurance.
	i) % dealt with within 4-5 working days	95.2%	60 of the Rules of Conduct enquiries were replied to within the 4-5 working day target, 3 were not. 33 (52.4%) Rules of Conduct enquiries were replied to within 1 working day. The figure of 95.2% is slightly down from the previous 95.5% (2021-22) but up from the 92.9% figure before that (2020-21).
	c) % of regulatory enquiries relating to education and qualification	52.7%	202 education and qualification enquiries were received about to how to become a registered attorney or firm.
	i) % dealt with within 4-5 working days	98%	198 of the education and qualification enquiries were replied to within the 4-5 working day target; 4 were not. At 98% this is a slight reduction from the previous figure of 99.1% but is comparable to the 97.9% figure from the period before that. In total 166 (82.2%) of these education and qualification enquiries were replied to within 1 working day.
	a) Number of reaccreditations of Qualification Agencies	1	

<p>2.2 Education and training providers</p>	<p>b) % of reaccreditations which were completed within a 12-week target of assessor visit</p>	<p>0</p>	<p>The Final Diploma examinations of the Patent Examination Board were subject to accreditation assessment.</p> <p>The assessor visit took place on 26 September 2022 and the accreditation decision was made at the IPReg Board meeting on 12 January 2023. This was a 15 week period and so the target was not met. There are a number of reasons for this:</p> <ul style="list-style-type: none"> • some documents that the assessors requested were not provided by the PEB; • documents that were provided did not always provide the information sought by the assessors; • the timing of the report coincided with the examination period; • the PEB requested additional time to review and fact check the first draft of the assessors' report. <p>The IPReg Board endorsed the assessors' report and its findings and decided that it would be appropriate to undertake an independent specialist review after 2 years in order to provide confidence that the PEB has implemented all 19 Mandatory Requirements and 2 Recommendations set out in the accreditation assessment.</p>
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2.3 Assurance	a) Number of thematic/benchmarking reviews	0	IPReg's focus has been on its Review of regulatory arrangements and thematic/benchmarking reviews were therefore not undertaken.
	b) Number of consultations	1	<p>The 2023/4 Business Plan, Budget and Practising Fees Consultation ran from 19 July 2022 to 22 August 2022. It proposed a 6% increase in practising fees and set out the anticipated areas for work in 2023/24 as:</p> <ul style="list-style-type: none"> • Implementing the changes to our regulatory arrangements following the Review; • Consideration of changes to the compensation fund; • Building our evidence base about the IP sector; • Developing our website; • Funding diversity initiatives; • Responding to consultations and information requests from the Legal Services Board; • Continuing our work on education, including a review of the IPReg Accreditation Handbook and scoping a review of IPReg's Competency Frameworks to consider whether the required competencies remain fit for purpose.
	c) Number of external events at which Board members have attended to explain IPReg's approach to regulation and its priorities	11	The Chair attended 4 Regulatory Forum meetings (in June, September, December and March) with the CEO of IPReg and CITMA and CIPA Presidents and CEOs. He also attended a meeting with CIPA in April

			<p>and a meeting with Queen Mary University London in January.</p> <p>In June 2022, the IPReg Board and the LSB Board met. Other events attended by IPReg Board members included: attendance at London Pride in July; an all LSB Chairs and CEOs meeting in June; the first day of the Nottingham Course for Professional Certificate in Trade Mark Practice in October; and the Reshaping Legal Services event held by the Legal Services Board in October.</p>
<p>2.4 Learning and good practice</p>	<p>a) Number of IPReg website regulatory news items</p>	<p>6</p>	<p>27 March 2023: Article about the new regulatory arrangements going live on 1 July 2023.</p> <p>6 February 2023: Article about Alan Kershaw, IPReg Board member, becoming the Chair of the Legal Services Board and leaving IPReg</p> <p>14 November 2022: Article about the project to review IPReg’s regulatory arrangements. This article was about the rule change application to the Legal Services Board</p> <p>21 July 2022: Article about IPReg's consideration of responses to the regulatory arrangements review and engagement feedback</p>

			<p>19 July 2022: Consultation on the 2023 Business Plan, budget and proposed practising fees</p> <p>31 May 2022: Advice on sanctions.</p>
	b) Number of 'lessons learned' post-disciplinary case guidance published	0	<p>IPReg receives very low numbers of complaints and, other than failure to maintain Professional Indemnity Insurance (PII – this insurance provides protection for consumers of attorney legal advice in the rare event that advice is negligent), there are very few common themes that arise. We publish disciplinary findings on our website. For the period covered by this PMD, there was only one decision and it concerned failure to maintain PII; this was made following appeal to an independent adjudicator. There were no specific lessons learned that merited guidance being published.</p>
3. Enforcement – disciplinary cases			
3.1 Caseload	a) Number of open cases at 31 March 2023	3	<p>10 cases in total were open and processed (actively worked on) during the relevant period. This compares to 12 cases previously (2021-22) and 20 before that (2020-21).</p>
3.2 Timeliness	a) From receipt of initial complaint to the final first stage committee/case examiner decision (in all case types):		Recorded in working days

	i) Number of cases considered	0	No cases were considered by the Complaint Review Committee (IPReg's first stage committee) in the relevant period as none met the threshold for referral. It is likely that three cases will be referred to the Complaint Review Committee in 2023/24. There were 3 cases considered by the Complaints Review Committee previously (2021-22) and 1 before that (2020-21).
	ii) Median time taken		
	iii) Longest time taken		
	iv) Shortest time taken		
	b) From final first stage committee/case examiner decision to final disciplinary hearing decision (in all case types):		
	i) Number of cases considered	0	No cases were determined by the Disciplinary Board in the relevant period because none met the threshold for referral through the disciplinary process. It is expected that at least one case will be heard by the Disciplinary Board in 2023/24.
	ii) Median time taken		
	iii) Longest time taken		
	iv) Shortest time taken		
	c) From receipt of initial complaint to the final decision (in all case types):		
	i) Number of cases considered	7	

	ii) Median time taken	67 working days	The median (middle value) of 67 working days is broadly half of the previous 124 working days (2021-22) and less than a third of the 221 working days before that (2020-21).
	iii) Longest time taken	198 working days	<p>This case involved allegations of deceptive practice, conflict of interest and prevention of the complainant from instructing an attorney of his choice. There were unique complexities in the case which contributed to the processing time, as did the need to wait for information from a US firm of attorneys from whom we sought evidence about the conduct of the regulated person.</p> <p>The figure of 198 working days is a significant improvement on the previous 286 working days (2021-22) and the 561 working days before that (2020-21).</p>
	iv) Shortest time taken	1 working day	An improvement from the previous 9 working days (2021-22) and 4 working days before that (2020-21).
3.3 Decision Type	a) Number of cases where a decision to conclude the case has been agreed (i.e. consensual disposals or regulatory settlement agreements)	1 case	One case was resolved by disciplinary undertakings. This related to poor complaint handling and the respondent undertook to review and revise its Terms of Business and Complaints Handling policy to reflect the new requirements in relation to complaint handling that will be in place from 1 July 2023, and to ensure that in future any complaints are handled in accordance with regulatory requirements.

	b) From receipt of initial complaint to the final decision for regulatory settlement and consensual disposals:		
	i) Median time taken	168 working days	<p>All this data relates to one case. This case required significant investigation initially to determine the identity of the true client as there was some dispute as to whether the client (a company) that signed the terms and conditions at the start of the relationship was the same client (a different, but related company) that raised the complaint with IPReg. The respondent purported to exercise a lien over the client's papers due to unpaid fees, and this required careful examination of the evidence to determine whether the lien could lawfully be exercised.</p> <p>In 2021-22 there were 3 cases, with a median time taken of 121 working days, a longest time taken of 149 working days and a shortest time taken of 9 working days. There were 0 cases reported before for 2020-21.</p>
	ii) Longest time taken	168 working days	
iii) Shortest time taken	168 working days		
3.4 Appeals	a) Number of appeals (in all case types):		
	i) outstanding	0	
	ii) where decision was overturned	0	
	iii) where decision was upheld	1	<p>There was one appeal against the findings of the Disciplinary Board. The appeal was dismissed and the original findings were upheld. The decision is published on our website.</p>

	iv) settled by consent.	0	
4. Governance and leadership – staff turnover and complaints			
4.1 Organisational health	a) Staff turnover for those dedicated to regulatory activity for the financial year compared to the previous year	25%	The entire IPReg team undertakes regulatory activities. During the period covered by this PMD, IPReg had an average of 8 team members. This turnover figures relates 2 joiners and 2 leavers.
4.2 Complaints	a) Number of justified complaints about the regulator	0	No complaints about IPReg were received, nor previously (2021-22). There was 1 complaint in the period before that (2020-21). This related to professional indemnity insurance and was not upheld.
	b) The subject matter of the justified complaint against the regulator	0	
	c) The timeframe for conclusion of the complaint resolution	0	