

PReg 1st April 2020- 31st March 2021 Performance Management Dataset

INTRODUCTION

This is IPReg's performance management dataset for the period 1 April 2020 to 31 March 2021. There are some differences between this and the 2019-20 dataset and a small number of other items which require some context:

Attorney admissions: there has been an increase in the number of patent attorney admissions to 108 (81 in the 2019-20 dataset); trade mark attorney admissions remain similar at 53 admissions (57 in the 2019-20 dataset); additionally there were 11 applications to both registers.

Enquiries: 97.5% of enquiries were responded to within the 4-5 working days target, compared to 96.%% in the 2019-20 dataset; over half (51.8%) of enquiries were responded to within 1 working day. The enquiries data is reported up until 27 January as we identified an issue with the response timeframe data after this date and this is being looked at by the database provider.

Levels of compliance in annual renewal process: as mentioned in the 2019-20 dataset, the new CRM database does not permit annual renewal and/or payment of practising fees unless the attorney provides information about their Professional Indemnity Insurance (PII) policy. It may be an appropriate time to revisit the relevance of this Performance Indicator which IPReg had proposed prior to introduction of the CRM.

Complaints handling: a slight increase to 20 of open cases (16 open cases in the 2019-20 dataset), and a significant decrease in the longest time taken from receipt of initial complaint to final decision at 561 days (1461 days in the 2019-20 dataset) with the median is now 221 days (560 days in the 2019-20 dataset).

AUTHORISATION

Applications				Narrative
Number of authorisations processed for:				
authorised persons	174			
Entities	11			12 applications were received but only 11 processed as the 12th application (eventually withdrawn) was incomplete (it did not contain evidence of compliant PII) so no work was done to process the application
licensed bodies	4			
Outcomes of applications for:	Approved	Withdrawn	Refused	Narrative
authorised persons	159	4	1	174 applications received in the PMD timeframe. Of these 159 applications approved in period. 4 applications withdrawn in period of which 3 were made in period (1 withdrawn having been made in previous period). 1 application refused (made pursuant to EU mutual recognition regulations and compensation measures required before approval can be granted). 11 applications ongoing of which 8 are made under the EU mutual recognition regulations. 108 applications were to the patent register, 53 to the trade mark register and 11 were to both registers.
Entities	11	1	0	The reason for the withdrawal of the registered entity application was the inability of the attorney to secure compliant PII.
licensed bodies	4	0	0	
Types of Application:	Initial	Re-admission		

authorised persons	145	14	1	Of the initial attorney applications, two were already on one register and obtained registration to the second register. Of the attorney readmissions, 3 were restored having removed themselves voluntarily, 9 were restored having been removed for non-payment of fees and 2 were restored after removal following a disciplinary hearing.
Entities	12	1	0	
licensed bodies	4	0	0	

Appeals				
Number of appeals received and concluded	1			Narrative
Number of appeals where a decision has been made to overturn the initial decision and new information has been presented	1			This was an appeal against a decision to impose compensation measures on an applicant applying under the EU mutual recognition regulations. The appeal was granted on the basis of a breach of European Community Law in that an opportunity to sit the aptitude test directed as a compensation measure, was not available within 6 months of the decision. This is due to the awarding body of the aptitude test (the Patent Examination Board) only holding the examination once a year. The independent adjudicator otherwise upheld IPReg's decision to impose the compensation measure. The application was remitted to the Patent Regulation Board who granted the application following receipt of further evidence of experience.

<p>Number of appeals where a decision has been made to overturn the initial decision, where no new information has been presented</p>	<p>0</p>		<p>This was an appeal against a decision to impose compensation measures on an applicant applying under the EU mutual recognition regulations. The appeal was granted on the basis of a breach of European Community Law in that an opportunity to sit the aptitude test directed as a compensation measure, was not granted within 6 months of the decision. This is due to the awarding body of the aptitude test (the Patent Examination Board) only holding the examination once a year. The independent adjudicator otherwise upheld IPReg's decision to impose the compensation measure. The application was approved following receipt of further evidence of experience.</p>
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Timeliness			
From date of completed application:	Authorised Persons	Entities & Licensed Bodies	Narrative
Median time taken	2.1 days	19	

				<p>This attorney applicant applied for re-registration following removal from the register for a defined period following a disciplinary hearing. The Registrar deferred decision on the reapplication until the Disqualification Review Committee considered the issue of whether the applicant's disqualification as an employee or manager of a regulated person should be revoked. The decision to readmit was made by the Registrar upon confirmation that the disqualification order had been revoked. The entity application involved a registered body undergoing a restructure necessitating a licensing application. The delay was due to the retirement of one of the registered managers following which the restructure could take place.</p>
Longest time taken	46 days		85	
Shortest time taken	same day		5	
From the date of a completed appeal lodged:		1	0	
Median time taken		37	NA	<p>There has been one appeal, lodged 26.3.20 but processed between 26.3.20 and 21.5.20, therefore included in these figures. The appeal process involved the appointing of an independent adjudicator to assess the appeal on the papers, a referral back to the IPReg Board and a final decision taken by the IPReg Board. This process took 37 days.</p>
Longest time taken		37	NA	
Shortest time taken		37	NA	

SUPERVISION

Supervisory Tools			Narrative
Number of regulatory enquiries	282		<p>We received enquiries from 282 individuals, exactly the same number of enquiries as reported in the 2019-20 PMD. The CRM system provides an online enquiry portal which enables the enquirer to self-select the reason for their enquiry and currently enabling more than one category to be selected. Of the 282 total enquiries, 226 were declared as Qualifications only, 45 declared as Rules of Conduct only and 11 declared as relating to both Qualifications and Rules of Conduct. The data provided in this section is taken from 1 April 2020-27 January 2021 CRM data. We identified an issue with the response timeframe data after this date and have raised this with the database provider.</p>
% dealt with within 4-5 working day target	97.5%		<p>275 enquiries were responded to within the 4-5 working days target. Complex enquiries necessarily take longer to reply to. The longest time taken to reply to an enquiry was 11 working days, 1 at 10 working days, 2 at 8 working days and 3 at 7 working days. 51.6% of enquiries were responded to within 1 working day.</p>
% of enquiries relating to code of conduct	16%		<p>There are 45 enquiries (16% of all enquiries) declared as relating to the IPReg Rules of Conduct only. An additional 11 enquiries (3.9% of all enquiries) are declared as relating to both Conduct and education/qualification. Those 56 enquiries have wide-ranging themes and include orderly wind down of a practice, working in-house, terms of business, roles of the Head of Legal Practice/Head of Finance and Administration, an unincorporated body as a client, insolvency of a client firm, fee capping and sole trader issues obtaining Professional Indemnity Insurance [and due to their</p>

		comparative frequency these last two items have been added as new CRM enquiry categories]); funds protection, files ownership, complaints process and client account requirements, protected titles; entity structures; difficult clients, monies and information-sharing); conflicts of interest; and file transfer. In addition to the 45 enquiries declared as solely Rules of Conduct, another 11 enquiries (3.9% of all enquiries) are declared as relating to both this and education and qualification. For reference, there were 55 Rules of Conduct enquiries recorded in the 2019-20 PMD.
% dealt with within 4-5 working days	92.9%	52 of the 56 Rules of Conduct enquiries were responded to within the 4-5 working days target.
% of enquiries relating to education and qualification	80.1%	There are 226 enquiries (80.1%) declared as relating to education/qualification only. An additional 11 enquiries (3.9% of all enquiries) are declared as relating to both education/qualification and Conduct. Those 237 enquiries also have wide-ranging themes including qualifying as a Registered Trade Mark Attorney, qualifying as a Patent Attorney, registration of a firm, readmission to the register, registration on both Patent and Trade Mark Attorney Registers, individuals qualified as a lawyer in the European Union, solicitors looking to qualify as a Registered Trade Mark Attorney, individuals qualified as a lawyer in a non-European Union country, and approved historic qualifications. The 80.1% quoted relates to the 226 enquiries declared as solely education and training. There is an additional 11 (3.9% of all enquiries) where the individual has declared the enquiry as relating to both this and also relating to Rules of Conduct. For reference, there were 164 education and training enquiries recorded in the 2019-2020 PMD.

% dealt with within 4-5 working days	97.9%		232 of the 237 education/qualification enquiries were responded to within the 4-5 working days target.
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Education and training providers			Narrative
Number of reaccreditations of Examination Agencies	1		<p><u>Brunel University</u>:- whilst the re/accreditation related to one qualification agency only, two qualification pathways were subject to assessment: reaccreditation of Brunel's existing patent attorney qualification pathway and accreditation of its new trade mark attorney qualification pathway offer. The assessor visit to Brunel took place at the end of February and the May 2020 Board determined the re-accreditation of the patent qualification pathway. Brunel provided a full trade mark pathway application at the end of April and the July Board determined the accreditation of it.</p> <p>Please note that both <u>CPD Training UK</u> and <u>Nottingham Trent University</u> made Advocacy Course accreditation applications in Q1 2021 which will be reported in the 2021-22 PMD as their accreditation status was/is being determined outside of the timeframe to which the 2020-21 PMD refers.</p>
% of reaccreditations which were completed within 12-week target	100%		
Assurance	Registered Bodies	Sole Traders	Narrative
% of Attorneys PII compliant in first tranche of licence renewal	99.6%	94.5%	The new CRM does not permit annual renewal and payment of practising fees unless the attorney provides information about their Professional Indemnity Insurance policy.
% of attorneys CPD compliant		99.2%	

Number of thematic/benchmarking reviews	0	<p>The IPReg work programme has necessarily been restructured in response to the Covid-19 pandemic including initiating the regulatory arrangements review at the appropriate time and working with professional qualification providers regarding online provision of assessments, as well as focusing upon closing down open complaints, and preparing for and undertaking the diversity survey.</p>
Number of consultations	4	<p>1a) Review of Regulatory Arrangements - Call for Evidence: 12 weeks consultation, closed February 2021; sought views on the matters which IPReg should focus on in its review of the regulatory arrangements.</p> <p>1b) Summary of detailed feedback</p> <p>2a) Sunset Clause for Historic Exemptions: 8 weeks consultation, closed January 2021; proposed introduction of a sunset clause to providing exemptions to historically approved attorney qualifications</p> <p>2b) detailed feedback received (item 12 of Board papers) which informed the rule change application to be made shortly to the LSB.</p> <p>3) 2021 Practising Fee and Budget: 4 weeks consultation, closed October 2020; proposals included no change to practising fees and the potential for an individual attorney to apply for a fee waiver in light of redundancy due to covid; limited feedback received.</p> <p>4a) Accreditation Withdrawal Procedure: 8 weeks consultation with approved qualification providers and representative bodies, closed June 2020;</p>

		4b) detailed feedback received which informed the development of the live final version of the procedure.
Number of external events at which Board Members have promoted IPReg and its regulatory approach	6	In addition to the regular Regulatory Forum meetings with the representative bodies as well as those with the LSB, Board representation was made at the ICLR 2020 Virtual Conference, CIPA Congress, CIPA New Student Induction Day, CITMA Conference, LawTech Roll-out and two dedicated meetings with other regulatory bodies.
Learning and good practice		Narrative
		1) March 2021 - Vacancies for members of IPReg Board
		2) March 2021 IPReg Annual Report 2020 Headlines
		3) February 2021 Information About UK Internal Markets Act 2020
		4) February 2021 Ofcom Notice On Significant Changes Telephony Network
		5) December 2021 UKIPO Certification To EUIPO Closing 18 December
		6) October 2020 American Express Membership Awards Email
		7) Launch of Review of Regulatory Arrangements - Call For Evidence
		8) IPReg Annual Report 2019 Headlines
		9) Announcement of IPReg Consultation on Accreditation Withdrawal Procedure
Number of IPReg website regulatory news items	10	10) Covid-19 - Links and Information
Number of 'lessons learned' post-disciplinary case guidance published	0	Copies of Disciplinary Committee determinations are provided here.

ENFORCEMENT			
Caseload		Narrative	
Number of open cases	20	Number of cases that were open and worked on during this period (not necessarily complaints received in this period).	

Timeliness		Narrative	
From receipt of initial complaint to the final first stage committee/case examiner decision (in all case types):			
Number of cases considered	1	The Complaint Review Committee (CRC) sat on one occasion in this period. The decision was taken to refer the case to the Disciplinary Board	
Median time taken	64		
longest time taken	64		
shortest time taken	64		
From final first stage committee/case examiner decision to final disciplinary hearing decision (in all case types):		The case referred to above was referred to the Disciplinary Board. A Directions Hearing was held one month after the CRC hearing to deal with procedural matters and to set a hearing date. The hearing took place after the summer holidays to accommodate availability of Board members.	
Number of cases considered	1		
Median time taken	98		
longest time taken	98		
shortest time taken	98		

From receipt of initial complaint to final decision (in all case types):			13 cases were resolved in this period, an increase of 9 cases from the previous period.
Number of cases considered	13		
Median time taken	221		
longest time taken	561		This investigation involved a dispute between the complainant and a former business partner in which the entity acting received conflicting instructions leading the complainant to allege a failure to act on instructions. There were added complexities in that relevant material was recorded in paper files which were not immediately accessible due to the firm's office closure due to the pandemic. Upon all required information being provided this investigation was closed without referral to the CRC.
shortest time taken	4		
Decision type			Narrative
Number of cases where a decision to conclude the case has been agreed (i.e. consensual disposals or regulatory settlement agreements)	0		
From receipt of initial complaint to the final decision for regulatory settlement and consensual disposals:	0		
Median time taken	0		
longest time taken	0		
shortest time taken	0		
Appeals			
Number of appeals (in all case types):	0		Narrative
Outstanding	0		

Where decision was overturned	0		
Where decision was upheld	0		
Settled by consent	0		

GOVERNANCE AND LEADERSHIP

Organisational Health			Narrative
Staff turnover for those dedicated to regulatory activity for the financial year compared to the previous year	0%		
			Narrative
Complaints	1		A complaint about IPReg was received in May 2020 from an MP. The complaint concerned Professional Indemnity Insurance and was made on behalf of their constituent who was a registered attorney . The complaint was not upheld. The complaint was indicative of a small number of attorneys who do not renew their PII and are then unable to obtain any PII at all. IPReg takes this issue very seriously and attorneys who practise without compliant PII are likely to have disciplinary action taken against them. Complaint received 26 May 2020 and responded to in full on 27 May 2020. Follow-up contact received 1 June and responded to in full 4 June 2020.
Number of justified complaints about the regulator	0		
The subject matter of the justified complaints about the regulator			
The timeframe for conclusion of the complaint resolution			