



IPReg Performance Management Dataset 1 April 2021 – 31 March 2022

INTRODUCTION

This is IPReg's performance management dataset for the period 1 April 2021 to 31 March 2022. There are some differences between this and the 2020-21 dataset and an item which requires context:

Accreditation of examination agencies – an increase from 1 (re)accreditation in the previous dataset to 3 accreditations, 1 being a scheduled reaccreditation of an attorney qualification pathway and 2 relating to accreditation of 2 new Higher Courts Advocacy Courses offers;

Complaints – a reduction in the number of open cases from 20 to 12 and a reduction in the longest time period from initial complaint to final decision from 561 days to 286 days and in the median time period from 221 days to 124 days;

Levels of compliance in the annual renewal process – Continuing Professional Development compliance is reported as at 100%, by completing the 16 hours, or other specified number of hours (pro rated according to individual circumstance) agreed with IPReg, this because our annual return procedures now require an attorney to make a compliant CPD declaration prior to paying practising fees for the coming year:- should a compliant CPD declaration not be made, an attorney is unable to renew their registration.

IPReg Performance Management Dataset: Period of 1 st April 2021- 31 st March 2022			
		Numbers	Notes
1. Authorisation – LSB Standardised KPIs Information Requirement			
1.1 Applications	a) Number of authorisations processed for:		
	i) Authorised Persons	228	<ul style="list-style-type: none"> 216 attorney applications were received within the timeframe, of which 2 were attorneys on one register who applied to join the second. There were also 3 re-admission applications Two applications were received before 1.4.21 but were processed within the relevant timeframe Six applicants applied under the EU recognition application process where their applications were approved pending further compensation measures before registration would be granted Four applicants withdrew their applications after processing had commenced Of the applications processed, 173 were for entry to the patent attorney register and 55 were to the trade mark attorney register
	ii) Registered Entities	17	
	iii) Licensed Bodies	6	
	b) The outcomes of the applications for:		
i) Authorised Persons	Approved: 218 Withdrawn: 4 Refused: 0	<ul style="list-style-type: none"> Four withdrawn applications (1 individual did not have the appropriate qualifications; 3 EU recognition applications were withdrawn, 1 individual decided to apply instead to the SRA to become a Registered Foreign lawyer and 2 of which did not provide further information sought). 	

			<ul style="list-style-type: none"> • Six applications were received in the relevant timeframe and processing had commenced, but final decisions were pending as at 1 April 2022 • Of the approved applications, 168 were applications to the patent attorney register and 50 were for the trade mark attorney register
	ii) Registered Entities	Approved: 17 Withdrawn: 2 Refused: 0	<ul style="list-style-type: none"> • Of the approved applications, 14 were to the patent register, 1 was to the trade mark register and 2 were applications to both registers (both trade mark and patent).
	iii) Licensed Bodies	Approved: 6 Withdrawn: 0 Refused: 0	<ul style="list-style-type: none"> • Of the approved applications, 2 were applications to the patent register, 1 was to the trade mark register and 3 were applications to both registers (both trade mark and patent).
	c) The types of application for:		
	i) Authorised Persons	Initial: 218 Readmission: 3	
	ii) Registered Entities	Initial: 17 Readmission: 0	<ul style="list-style-type: none"> • 15 initial authorisations; • 2 registered entities applied and were authorised to change business structure (from companies to Limited Liability Partnerships).
	iii) Licensed Bodies	Initial: 6 Readmission: 0	
1.2 Appeals	a) Number of appeals received and concluded:	0	
	b) Number of appeals where a decision has been made to overturn the original decision and new information has been presented:	0	
	c) Number of appeals where a decision has been made to overturn the initial decision where no new information has been presented:	0	
1.3 Timeliness	a) From date of completed application:		
	i) median time taken	Authorised Persons: 9 Registered Entities & Licensed Bodies: 24	

	ii) longest time taken	Authorised Persons: 299 Registered Entities & Licensed Bodies: 50	<p><u>Authorised person application</u>: a complex application from a trade mark attorney based outside of the UK. The individual had previously applied for registration with IPReg in 2017 but had not been successful due to deficiencies in their trade mark experience. To assess whether the applicant met the Competency Framework in key areas, this new application required consideration of that first application, the Board decisions that followed, consideration of the significant amount of written material (including training diaries, redacted case notes and case correspondence and other relevant trade mark documentation) and ongoing correspondence with the applicant. The application was ultimately successful.</p> <p><u>Registered entity and licensed body applications</u>: two applications which took 50 days from receipt of complete application to decision. In both cases, the delays were on the part of the applicants in responding to requests for information or clarification.</p>
	iii) shortest time taken	Authorised Persons: 0 Registered Entities & Licensed Bodies: 5	*recorded in working days; 0 days = received and resolved on same day.
	b) From the date of completed appeal lodged:		
	i) median time taken	Authorised Persons: 0 Registered Entities & Licensed Bodies: 0	
	ii) longest time taken	Authorised Persons: 0 Registered Entities & Licensed Bodies: 0	
	iii) shortest time taken	Authorised Persons: 0 Registered Entities & Licensed Bodies: 0	

2. Supervision – Information Requirement KPIs agreed between LSB and IPReg			
2.1 Supervisory tools	a) Number of regulatory enquiries	340 regulatory enquiries received	Regulatory enquiries cover a broad range of subjects including education and qualification routes, Rules of Conduct, Continuing Professional Development, ramifications of a leave of absence, research and a number of miscellaneous subject areas.
	i) % dealt with within 4-5 working day target	98.2%	6 regulatory enquiries were responded to in a timeframe longer than 5 working days, 3 of which were replied to within 6 working days and 3 of which were replied to within 8 working days.
	b) % of regulatory enquiries relating to Rules of Conduct	17.9% (61 enquiries)	Rules of Conduct enquiries can cover a range of themes, including, but not limited to, 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	95.1%	3 Rules of Conduct enquiries were responded to in a timeframe longer than 5 working days (2 at 6 working days, 1 at 8 working days).
	c) % of regulatory enquiries relating to education and qualification	62.6% (213 enquiries)	Education and qualification enquiries can cover a range of themes, including, but not limited to, how to qualify as a patent attorney, how to qualify as a trade mark attorney, how to qualify with an overseas lawyer qualification, registration of a firm, readmission, sat historic examinations, and solicitor looking to qualify as a trade mark attorney.
	i) % dealt with within 4-5 working days	99.1%	2 education and qualification enquiries were responded to in a timeframe longer than 5 working days (1 at 6 working days, 1 at 8 working days).
	a) Number of reaccreditations of Examination Agencies	3	<u>i) CPD Training UK application to provide an accredited Higher Courts Advocacy Course (HCAC): initial application made on 2</u>

2.2 Education and training providers	b) % of reaccreditations which were completed within a 12-week target of assessor visit	100%	<p>February 2021, application considered complete, on 5 May 2021, upon provision of learning materials sample documentation; application approved by 20 May 2021 meeting of IPReg Board (2 weeks from full application to determination);</p> <p><u>ii) Nottingham Trent University application to provide an accredited Higher Courts Advocacy Course (HCAC):</u> initial application made on 30 March 2021, application considered complete, on 11 May 2021, upon receipt of Learning Outcomes mapping document; application approved by 15 July 2021 meeting of IPReg Board (9 weeks from full application to determination);</p> <hr/> <p><u>iii) Queen Mary University London (QMUL) application to provide attorney qualifying pathway Foundation Level Qualification courses (3):</u> initial application made on 1 December 2021, further documentation provided by 31 January 2022; application approved by 17 March 2022 meeting of IPReg Board, subject to successful implementation of a number of Mandatory Requirements and Recommendations by QMUL; online assessor visit with delivery team on 12 January 2022 and with students on 31 January 2022 (6 weeks from assessor visit and determination).</p> <p>Please note that due to the breadth and length of the course/examination, an assessor visit is a requirement of accreditation of an attorney qualifying pathway accreditation application (as with QMUL), typically it would be a feature of the assessment of a shorter post-qualification course (such as the HCAC) only upon a request of any of the main stakeholders or a concern being raised which needs discussing in person/at the request of any of . Neither HCAC application necessitated an assessor visit and so the target timeframe is taken from receipt of a full application for accreditation.</p>
2.3 Assurance	a) % of attorneys CPD compliant	100%	100% compliant by completing the 16 hours, or other specified number of hours agreed by IPReg. Our annual return procedures require an attorney to make a compliant CPD declaration prior to paying practising fees for the coming year

			so if a compliant CPD declaration is not made, an attorney is unable to renew their registration.
	b) Number of thematic/benchmarking reviews	0	Focus was necessarily placed upon the comprehensive regulatory arrangements review work programme and introducing new compensation arrangements.
	c) Number of consultations	3	i) IPReg Compensation Arrangements (closed 2 September 2021) - proposed changes to the compensation arrangements in place to protect individual consumers and small businesses in the event that they are the victim of negligence, fraud or other dishonesty on the part of a regulated person.
ii) 2022 Practising Fees and Budget (closed 4 October 2021) - proposed changes to the regulatory arrangements which cover the full range of activities undertaken by regulated individuals and firms, from the requirements to qualify as an attorney, the process for admission to the register(s), conduct and other requirements whilst on the register(s), complaints and disciplinary matters and removal or retirement from the register(s).			
iii) Regulatory arrangements review (closed 31 March 2022) - proposals to not increase practising fees in 2022/extending by 12 months the ability for IPReg to waive practising fees for attorneys who are facing hardship as a result of the Covid-19 pandemic, and revised Business Plan for 2022/23 and budget for 2022.			
	d) Number of external events at which Board members have attended to explain IPReg's approach to regulation and its priorities	11	Events hosted by/with the UK Intellectual Property Office, Nottingham Trent University, Mercer Review of education, training and assessment, Patent Examination Board, Queen Mary University London, CILEx Regulation, CITMA, and the Regulatory Forums with the representative bodies.
2.4 Learning and good practice	a) Number of IPReg website regulatory news items	9 regulatory news items (and an additional 3 news items relating to annual renewal)	Transparency Guidance – the annual renewal process requires regulated firms and sole traders to report on the first-tier complaints they have received in the previous calendar year. The four most frequently reported complaints themes - deficient costs information, failure to advise, delay/failure to

			<p>progress, and failure to follow instructions – reinforced the importance of the guidance (the subsequent Call for Evidence consultation as at 2.3b proposes replacing the guidance with compulsory requirement). [Published 1 April 2021]</p> <p>Diversity Survey Findings of the Diversity Survey of registered attorneys. The findings of the survey are being used to assist IPReg in identifying the actions and support required to ensure the professions are inclusive and diverse, reflecting the needs of modern consumers. [Published 12 April 2021]</p> <p>Appointment of new Board members Article relating to the appointments of 3 new Board members: 2 lay and 1 professional member. [Published 17 June 2021]</p> <p>Higher Courts Advocacy Course Article conveying the accreditation decision regarding CPD Training’s HCAC application, as at items 2.2a and 2.2b. [Published 22 June 2021]</p> <p>Introducing a sunset clause to historic exemptions Article conveying the LSB Decision Notice to approve the IPReg application to introduce an 18 month sunset clause to specified historic courses and examinations continuing to afford exemption to the attorney qualifying pathways. [Published 27 July 2021]</p> <p>Higher Courts Advocacy Course Article conveying the accreditation decision regarding CPD Training’s HCAC application, as at items 2.2a and 2.2b. [Published 24 August 2021]</p> <p>Updated Competency Frameworks The Competency Frameworks set out skills sets for trainee patent and trade mark attorneys to aid both trainees and their supervisors in tracking progress to qualification. Article relates to a removal of text to reflect that attorneys no longer have representation rights at the EUIPO and additions in relation to Hague Agreement International Designs. [Published 7 September 2021]</p>
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			Ransomware threat Article signposting to National Cyber Security Centre resources and recommendations to help improve the cyber security resilience of regulated firms and persons. [Published 21 September 2021]
			Russia and UK IP Business Article signposting to guidance, toolkits and statements from a range of agencies in light of the Russian invasion of Ukraine. [Published 2 March 2022]
			Also 3 news items promoting completion of annual returns (as well as a number of dedicated communications through the Customer Relationship Management system): 2022 Practising Fees [Published 15 November 2021]; 2022 registration renewal open soon [Published 24 November 2021]; and 2022 practising fees [Published 8 December 2021]
	b) Number of 'lessons learned' post-disciplinary case guidance published	0	Two cases, both concluded at the summary jurisdiction stage with no identified need for guidance.
3. Enforcement - LSB Standardised KPIs Information Requirement			
3.1 Caseload	a) Number of open cases at 31st March 2022	4	12 cases in total were open and processed during time period
3.2 Timeliness	a) From receipt of initial complaint to the final first stage committee/case examiner decision (in all case types):		
	i) Number of cases considered	3	Three cases considered by the Complaint Review Committee (CRC, final first stage committee) during time period. Two were resolved by way of summary disposal (where the attorney accepted the summary sanction offered by the CRC). One refused summary disposal and case went to full Disciplinary Board.
	ii) Median time taken	120	
	iii) Longest time taken	146	
	iv) Shortest time taken	106	
	b) From final first stage committee/case examiner decision to final disciplinary hearing decision (in all case types):		

	i) Number of cases considered	1	Case went to Disciplinary Board on 30/03/22, decision served on 07/04/22.
	ii) Median time taken	133	
	iii) Longest time taken	133	
	iv) Shortest time taken	133	
	c) From receipt of initial complaint to the final decision (in all case types):		
	i) Number of cases considered	12	
	ii) Median time taken	124	
	iii) Longest time taken	286	A complex case involving dispute over ownership of an invention, leading to allegations of client confidentiality having been breached, acting in a conflict of interest and acting outside of instructions. Considerable professional input from Patent Attorney Board members and the Intellectual Property Office was required to determine the ownership issues. Ultimately no breaches of the Rules of Conduct were found.
	iv) Shortest time taken	9	
	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)	3
b) From receipt of initial complaint to the final decision for regulatory settlement and consensual disposals:			
i) Median time taken		121	
ii) Longest time taken		149	
iii) Shortest time taken		106	
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	0	
	iv) settled by consent.	0	
4. Governance and leadership - LSB Standardised KPIs Information Requirement			

4.1 Organisational health	a) Staff turnover for those dedicated to regulatory activity for the financial year compared to the previous year	12.5% (1 person left)	The entire IPReg team undertakes regulatory activities (with no post dedicated to IT, HR or shared services) as under 51(4)(a) or 51(4)(b) of the Legal Services Act 2007. IPReg being a small office of 8, the 12.5% relates to the turnover of 1 person.
4.2 Complaints	a) Number of justified complaints about the regulator	0	
	b) The subject matter of the justified complaint against the regulator		
	c) The timeframe for conclusion of the complaint resolution		