

# **IPReg Accreditation Handbook**

## **Accreditation of Qualifying Examinations**

**November 2016**

## Handbook Introduction

### Foundation Level Qualifications

Accreditation is a mark of assurance that courses leading to these qualifications meet the high standards set by the IP profession. In the UK, these standards are set by the Intellectual Property Regulation Board (IPReg).

This handbook has been developed by IPReg to assist Examination Agencies in developing and delivering courses that meet the needs of all stakeholders, including students, firms and society.

The handbook has two sections:

### Principles and Procedures

This section sets out the statutory basis for IPReg's accreditation activity, the principles for good accreditation practice, the evidence that will be required from Examination Agencies when seeking accredited status for its provision, the process that must be followed, and indicative timelines.

### Core Subjects and Learning Outcomes

This section sets out the IP law subjects that must be studied, the balance and breadth of these subjects, and the general transferable skills that those completing the course should be able to demonstrate.

In developing this handbook, IPReg has sought to ensure that whilst meeting the high standards set out here, the range of provision can remain varied and that those seeking to study for the Foundation Level Qualification may continue to have a range of provision to choose from, for example in terms of format and location of delivery.

Examination Agencies are encouraged to refer to both sections of this handbook, and note the indicative timeline for the process to ensure that accreditation and re-accreditation is undertaken in a timely manner.

IPReg is grateful to all those who have contributed to the development of this handbook. It will be subject to periodic review, normally after five years.

IPReg may issue further portions of this Handbook relating to the Advanced Level Qualification.

**First edition**  
**November 2016**

## IPReg Accreditation Standards

### Accreditation of qualifying examinations – Principles and Procedures

#### IPReg as an Accreditation Body

IPReg has the statutory<sup>1</sup> power to accredit courses and examination pathways which lead to qualifications in intellectual property law and practice offered by academic bodies or other course providers. Such qualifications are required of candidates for entry onto the Registers of UK Patent and Trade Mark Attorneys, which are held by IPReg.

Any accreditation process must take proper account of the regulatory objectives established in the Legal Services Act 2007, in particular, *“to encourage an independent, strong, diverse and effective legal profession”* and *“protecting and promoting the public interest”* in having a reliable Register of properly qualified and competent professional patent and trade mark attorneys.

These Accreditation Standards set out the requirements of qualification pathways seeking accreditation, or re-accreditation, by IPReg. These Standards also provide the assessment tool for the independent assessors appointed to undertake, on behalf of IPReg, the accreditation or re-accreditation assessment.

#### IPReg Accreditation Principles

Accreditation plays a valuable role in maintaining and developing the relationship between the profession and higher education and in ensuring appropriate standards. Accreditation should be viewed as a developmental process, to be accompanied by a continuing dialogue. This approach helps to establish an understanding of the opportunities that accreditation brings and the value of the process, as well as encouraging the development of innovative provision. It should also assist institutions interested in developing new pathways.

Our main focus is on the content of the course (hereafter, taken to cover both courses and other pathway provision) and the outcomes it delivers to students.

We do not seek to duplicate other external quality assurance mechanisms already in place. It is expected that the provider is subject to external oversight by an appropriate UK body, normally the Quality Assurance Agency (QAA) and adherence to its [UK Quality Code for Higher Education](#). Should an Examination Agency submitting a programme for accreditation not be subject to external oversight by the QAA, it is at IPReg’s discretion whether to accept a report by an alternative external assurance agency.

Assessors will consult and, where appropriate, take account of the general guidance for

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<sup>1</sup> Pursuant to the at the legislation cited at the outset of the [Patent Attorney and Trade Mark Attorney Qualification and Registration Regulations \[2009\]](#)

assessment and oversight of educational qualifications set out in the QAA Framework for Higher Education Qualifications (FHEQ) - see the QAA website [www.qaa.ac.uk](http://www.qaa.ac.uk) for details. The level should be at a minimum of level 6 (as defined by the [Framework for Higher Education Qualifications](#)).

## Quality

Students need to be able to acquire the knowledge required to operate as a competent lawyer in the field of intellectual property. Although the IPReg Competency Frameworks are primarily intended to support supervision of the practice experience element of qualification, they are likely to prove useful reference tools to Examination Agencies.

### [Competency Framework - Patents](#)

### [Competency Framework - Trade Marks](#).

The following features will be required:

#### Required Features – Quality

- For a Foundation Level Qualification, the course provides the Foundation Level Qualification Core Subjects and Learning Outcomes (General Transferable Skills) as specified by IPReg
- For an Advanced Level Qualification, the course provides the Advanced Level Qualification Core Subjects and Learning Outcomes *[when in place]*
- The course syllabus defines appropriate outcomes for each unit or module offered
- Regular review is undertaken to ensure continuing relevance

#### Evidence sources must include:

- Programme Specification
- Programme learning outcomes
- How Professional Ethics is dealt with in the programme
- Quality assurance arrangements including the most recent internal and external reports
- Evidence that the programme is at the required level
- External Examiners Report and related action plans
- How previous accreditation recommendations and requirements have been dealt with

## Student choice, access and teaching arrangements

IPReg's policy is to ensure that the choice of qualification routes is as flexible as possible. Therefore the range of learning opportunities and types of provision offered by different examination agencies may vary.

Provision should be focused upon the learner and cater to a range of learning styles. Access needs to be equitable. While post-graduate entry to accredited courses is the norm, an examination agency may consider prospective students who do not have a first degree but who hold equivalent qualifications or experience. The examination offer must be transparent to enable students to make informed choices.

For the award of accredited pathway status, the following features will be required:

**Required Features – Student choice, access and teaching arrangements**

- Students are informed, in a clear and timely manner, when a module/exam is not an IPReg Core Subject and is not mandatory to qualification as an attorney
- Students have appropriate and timely access to support, resources and teaching staff
- Cohort extremes, such as vulnerable or non-traditional route students, are supported

Evidence sources must include:

- Programme Admissions Policy
- Programme Specification
- Modes of teaching provision
- The assessment strategies employed
- Staff/student ratios
- How the extremes of cohort entry will be supported

**Assessment and appeal procedures**

Assessment methods must be fair, transparent, and subject to appeal. Appeals procedures should be fair, timely, and transparent, meeting the QAA's principles and guidance.

For the award of accredited pathway status, the following features will be required:

**Required Features – Assessment and appeals procedures**

- The assessment methods applied are fair
- Assessment methods allow for proper testing of the student's knowledge and competence against the syllabus topics
- Students with special educational needs or disabilities are not disadvantaged
- Students have clear information about the types of assessment, their dates and indications as to what constitute pass or fail marks, well in advance
- Assessment results are issued within a reasonable time frame, allowing students sufficient time to apply for re-sits or to enrol for new courses
- Students are provided with a written outline of appeal procedures governing examinations and course assessments
- There is at least one re-sit opportunity within a reasonable timeframe after results are available
- All final results are moderated in accordance with the QAA requirements

Evidence sources must include:

- Methods of assessment (how much by assignment, project, examination etc.)
- Sample examination papers/essay titles/tests
- Sample answers/scripts
- Pass and fail rates
- Resits Policy

**External assurance**

Assessors will consider the most recent Quality Assurance Agency report (or equivalent which IPReg has confirmed will be acceptable) on the prospective course provider, its findings and recommendations, and how these have been acted on. Student feedback is an important barometer. Should there be no student satisfaction survey available, the examination agency will be asked to contact students to obtain their permission to provide feedback to the assessors on the course/syllabus.

For the award of accredited pathway status, the following features will be required:

**Required Features – External Assurance**

- The programme is subject to external review by the QAA, or an equivalent external assurance agency, that is acceptable to IPReg
- Student feedback is sought and acted upon as appropriate
- Mechanisms are in place to ensure that the course/assessment content is up-to-date

Evidence sources must include:

- Information on teaching staff/membership of professional bodies/practitioner input
- Most recent QAA Institution Audit Review (or equivalent) and any associated action plans
- The most recent (within the past two years) student satisfaction survey and any changes made as a result of feedback
- Staff & Student Liaison Committee information & minutes of meetings for the past two years
- Progression, awards and destination data

**Other**

The examination agency will be required to identify any planned major changes to the provision for which accreditation is sought.

Examination agencies are encouraged to provide examples of innovative course/assessment pathway features which benefit students.

## IPReg Accreditation Procedures

The accreditation team will require sight of the evidence outlined in this document in advance of the visit with the provider. As standard, the accreditation team will consist of 2 appropriately qualified and experienced assessors. Reaccreditation is undertaken on a five year cycle, or earlier if a need is identified. Examination agencies must re-apply for accreditation well in advance of the expiry of any current accreditation status, at least six months in advance.

The following stages will normally apply after receipt by IPReg of an initial application for (re)-accreditation:

- IPReg acknowledges receipt of initial application and confirms eligibility
- Examination agency submits full (re-)application using templates provided
- IPReg acknowledges receipt of full (re-)accreditation application
- IPReg appoint assessors and agrees the dates of the visit with the examination agency
- Assessment carried out, typically within 12 weeks of receipt of the full (re-) accreditation application
- Assessors prepare report
- The draft report will be shared with the examination agency for factual correction, typically two weeks after the visit has taken place
- Report received and considered by the IPReg Board at its next quarterly meeting
- Outcome communicated to examination agency course provider; the examination agency may be required to provide an action plan to address any requirements before accreditation can be awarded.

## Report Findings

- An Executive Summary inc. good practice/innovative features will be published by IPReg
- The draft Executive Summary will be shared with the examination agency for factual correction prior to publication on the IPReg website
- The full report will not be published.

The examination agency must ensure that courses are not publicised as holding IPReg accredited status until this has been confirmed.

## Evidence sources checklist

Standard	Evidence Source
<b>Quality</b>	<ul style="list-style-type: none"> <li>• Programme Specification</li> <li>• Programme learning outcomes</li> <li>• How Professional Ethics is dealt with</li> <li>• Quality assurance arrangements inc. the most recent internal and external reports</li> <li>• Evidence that the programme is at the right level</li> <li>• External Examiners Report and related action plans</li> <li>• How previous accreditation recommendation and requirements have been dealt with</li> </ul>
<b>Student choice, access and teaching arrangements</b>	<ul style="list-style-type: none"> <li>• Programme Admissions Policy</li> <li>• Programme Specification</li> <li>• Modes of teaching provision</li> <li>• Assessment strategies employed</li> <li>• Staff/student ratios</li> <li>• How the extremes of cohort entry will be supported</li> </ul>
<b>Assessment and appeals procedure</b>	<ul style="list-style-type: none"> <li>• Methods of assessment (how much by assignment, project, examination etc.)</li> <li>• Sample examination papers/essays/test</li> <li>• Sample answers/scripts</li> <li>• Pass and fail rates</li> <li>• Resits Policy</li> </ul>
<b>External assurance</b>	<ul style="list-style-type: none"> <li>• Teaching staff information/ membership of professional bodies/practitioner input</li> <li>• Most recent QAA Institution Audit Review (or equivalent) and any associated action plans</li> <li>• Student satisfaction surveys and any changes made as a result</li> <li>• Staff &amp; Student Liaison Committee information &amp; minutes of meetings</li> <li>• Progression, awards and destination data</li> </ul>

## IPReg Accreditation Standards

### Core Subjects and Learning Outcomes – Foundation Level Qualification

#### Accreditation of foundation level qualifications

1. IPReg will accredit courses of study and examination pathways offered by academic bodies or other course providers (hereafter, Examination Agencies) as satisfying the requirements of the initial academic stage of training for patent attorneys and/or trade mark attorneys (the Foundation Level Qualification or FLQ) if:
  - a) The course of study for either the patent attorney FLQ or the trade mark attorney FLQ comprises 60 QAA credits<sup>2</sup> of study of the Intellectual Property (IP) Law and Professional Ethics subjects set out in Schedule A below at minimum level 6 of the framework for higher education qualifications in England, Wales and Northern Ireland (FHEQ) and the course fulfills the minimum course requirements set out below;
  - b) The course of study for a dual patent attorney and trade mark attorney FLQ comprises 80 QAA credits of study of the Intellectual Property Law subjects at a minimum level 6;
  - c) The course of study is one which enables students on that course of study to acquire knowledge of all the Intellectual Property Law and Professional Ethics Subjects set out in Schedule A and the General Transferable Skills set out in Schedule B; and
  - d) The course provider satisfies IPReg that adequate learning resources are provided to support the course of study.
2. IPReg may accredit a patent attorney FLQ provided by an Examination Agency involving examinations only (i.e. leading to an award of the FLQ in the absence of a taught course). Such an Examination Agency shall be referred to here as an examination-only agency. The examination level must be commensurate with the requirements set out in this document; both the syllabus and assessment of it must be equivalent in depth and scope to 60 credits of learning whether or not self-taught. In general terms, unless otherwise indicated, clauses of this policy relating to the content and assessment of taught courses for the patent attorney FLQ shall be deemed to apply to the greatest extent possible to the syllabus and assessment provided by an examination-only agency leading to the patent attorney FLQ, and the expression “course” shall, in that context, be interpreted accordingly.
3. IPReg’s accreditation process is defined in the separate Accreditation Standards Principles and Procedures document. This document concerns the content and learning outcomes of the FLQ. Together the documents set out the requirements of an FLQ seeking IPReg accreditation.

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<sup>2</sup> One QAA credit is generally taken to be equivalent to ten hours of learning

## Core Subjects and Learning Outcomes

4. Any course approved for the patent attorney FLQ shall comprise at least:
  - 20 credits of study of Patent law;
  - 10 credits of study of Trade mark law;
  - 10 credits of study of Design and Copyright law;
  - 10 credits of study of the Fundamentals of the English legal system; and
  - 1 credit of study of Professional Ethics.
5. Any course approved for the trade mark attorney FLQ shall comprise at least:
  - 30 credits of study of Trade mark law; and
  - 10 credits of study of Design and Copyright law;
  - 10 credits of study of the Fundamentals of the English legal system; and
  - 1 credit of study of Professional Ethics.
6. Any course approved for the dual patent attorney and trade mark attorney FLQ shall comprise at least:
  - 20 credits of study of Patent law;
  - 30 credits of study of Trade mark law;
  - 10 credits of study of Design and Copyright law;
  - 10 credits of study of the Fundamentals of the English legal system; and
  - 1 credit of study of Professional Ethics.
7. The subjects referred to in clauses 4-6 are each further specified in Schedule A. The credits relating to a subject shall provide a balanced reflection of the breadth of that subject as set out in Schedule A. Unless IPReg agrees otherwise, it is expected that each subject area shall be assessed in accordance with clause 9.
8. The substantive content relating to Professional Ethics may be provided by a stand-alone module, delivered by the Examination Agency or by a third party approved by IPReg, or may be incorporated into other modules.
9. Assessment of each subject shall be by written examination or by other methodology which is: (a) appropriate to the required level and scope of the FLQ and (b) approved by IPReg through its accreditation process.
10. The remaining credits (of the 60 or 80 credit requirement, as applicable) shall be a balanced reflection of the Intellectual Property Law subjects of Schedule A.
11. For the avoidance of doubt, Competition Law is not a core Intellectual Property Law subject for the FLQ.
12. If a course is provided in modular form, the minimum credits relating to a subject may be provided across more than one module. More than one subject may be provided by a single module.

13. The course shall demonstrate in its design and delivery that it provides for the student to acquire and/or develop the Skills defined by Schedule B.
14. The course shall be designed with, and shall demonstrate in its mode of delivery to students, a substantial level of practitioner input to ensure its relevance to the practice of patent attorneys and/or trade mark attorneys undertaking professional work in the UK.

### **Entry and Exemptions**

15. IPReg shall publish rules specifying academic or other requirements for entry to an approved course, and the extent to which exemptions from those requirements may be allowed by the Examination Agency. The rules shall apply equally to all students of the FLQ.
16. IPReg shall publish Exemption Policies defining credit and exemptions which may be given by an Examination Agency in respect of prior experience or learning deemed to be equivalent to any individual module or modules of the FLQ. The Exemption Policies shall apply equally to all students of the FLQ.

### **Courses of wider scope**

17. An Examination Agency may additionally provide a course of wider scope (such as a Masters' degree course or a course including other topics or modules) which incorporates the teaching and assessment relating to the patent attorney, trade mark attorney or dual FLQ. This is subject to:
  - a) the Examination Agency allowing a student to obtain the FLQ by successfully completing only those parts of the wider scope course relating to the FLQ as defined by this document, even if the student does not successfully complete one or more other parts of the wider scope course; and
  - b) the Examination Agency providing a standalone course relating only to the FLQ.

## Schedule A

### Intellectual property law subjects

- a) **Fundamentals of the English legal system** that provide a foundation and context for intellectual property law and practice, differences between common and civil law, fundamentals of contract law and the law of tort, sources of law, fundamentals of the judicial system including the Intellectual Property Enterprise Court and other courts, corporate structures.
- b) **Patent law:** laws and procedures relating to the protection of patents (domestic, international and comparative), rationale and purpose of the patent system, requirements for patentability, nature of an invention, novelty, inventive step, subject matter, priority, inventorship, ownership and employee rights, direct and indirect infringement, remedies, evidence, defences, strategic creation and management of patent portfolios, obtaining a patent in the UK, European Patent procedure, Patent Cooperation Treaty procedure, obtaining a patent in other key jurisdictions, the Unitary Patent and Unified Patent Court, the legal protection of trade secrets and confidential information, intellectual property transfer, commercialisation and licensing\* (including negotiation, international perspectives, jurisdiction, arbitration), differences between novelty and freedom-to-operate searching.
- c) **Design and Copyright law:** laws and procedures (UK and European Union Intellectual Property Office (EUIPO)) relating to the protection of industrial design through registered and unregistered design laws - qualifying for protection, ownership, infringement, defences, invalidity and overlap with copyright and trade marks, strategic creation and management of industrial design portfolios, registering and maintaining a design in the UK and internationally, copyright law (UK and international) - rationale and subsistence, subject matter (literary, artistic, musical and dramatic works), ownership, licensing, moral rights, economic rights, infringement, permitted acts.
- d) **Trade mark law:** laws and procedures relating to the protection of trade marks (domestic, international and comparative), registration, absolute grounds for refusal of registration, infringement and relative grounds for refusal of registration, role of searching and other evidence, defences, invalidity, revocation, use, strategic creation and management of trade mark portfolios, registering and maintaining a trade mark in the UK, EUIPO or via the Madrid Protocol, international and trans-national options for trade mark protection, registration and maintenance in other key jurisdictions and on the internet, the law of passing off and the legal protection for unregistered trade marks in the UK and in other key jurisdictions, intellectual property transfer, commercialisation and licensing\*, (negotiation, international perspectives – jurisdiction clauses, arbitration requirements).

### Professional Ethics

- e) **Professional ethics applicable to IP practitioners:** the IPReg Code of Conduct; standards of care and duties to clients, conflicts of interest, client confidentiality, financial activity, professional integrity.

*\* The presence of this topic in both (b) and (d) does not imply that the patent attorney FLQ (which includes patent trade mark content) should repeat identical content.*

## Schedule B

### General Transferable Skills

Students should be able, having completed the course:

- a) To apply the knowledge and understanding they have gained through the course to complex situations;
- b) To recognise potential alternative conclusions for particular legal situations, and provide supporting reasons for them;
- c) To select key relevant issues for legal research and/or discussion and to formulate them with clarity;
- d) To use standard paper and electronic resources to obtain up-to-date legal information, including researching and analysing intellectual property law from primary resources on specific matters and applying the findings of such work to the solution of legal problems;
- e) To make a personal and reasoned judgement based on an informed understanding of standard arguments in the area of law in question;
- f) To use legal terminology with care and accuracy;
- g) To communicate legal information, whether orally or in writing, appropriately to the needs of a variety of audiences.