

## IPReg Performance Management Dataset 1 March 2018- 31 March 2019

IPReg Performance Management Dataset: Period of 1st March 2018- 31 <sup>st</sup> March 2019 <sup>1</sup>			
		Numbers	Notes
<b>1. Authorisation – LSB Standardised KPIs Information Requirement</b>			
<b>1.1 Applications</b>	<b>a) Number of authorisations processed for:</b>		Numbers given are calendar days
	i) authorised persons <sup>2</sup>	229	176 Patent Attorneys and 53 Trade Mark Attorneys
	ii) non-ABS <sup>3</sup>	8	
	iii) ABS <sup>4</sup>	11	
	<b>b) The outcomes of the applications for:</b>		
	i) authorised persons	219 approved, 10 withdrawn or outstanding	Of the 10 withdrawn or outstanding during the period, 5 were applications under EC Directive 2005/36. Two applications under the EC Directive are deemed to have been withdrawn following lack of communication from Applicants. Three remain in process.
	ii) non-ABS	7 approved, 1 withdrawn	
	iii) ABS	11 approved	
	<b>c) The types of application (initial and renewal) for:</b>		

<sup>1</sup>NB – these figures cover a 13-month period. Future years will cover 12 months.

<sup>2</sup> In each instance of usage in the dataset, “authorised person” relates to registered trade mark attorney, patent attorney, or dual qualified attorney.

<sup>3</sup> In each instance of usage in the dataset, “non-ABS” relates to recognised bodies/entities owned by regulated lawyers.

<sup>4</sup> In each instance of usage in the dataset, “ABS” relates to Alternative Business Structures/licensed bodies, which have an element of ownership by non-lawyers.

	i) authorised persons	217 initial, 2 restoration	The two restoration applications relate to attorneys returning to the regulated profession [REDACTED]
	ii) non-ABS	8 initial	
	iii) ABS	11 initial	8 applications from existing registered bodies, 3 applications from new entrants
1.2 Appeals	<b>a) Number of appeals received and concluded:</b>		
	i) authorised persons	0	
	ii) non-ABS	0	
	iii) ABS	0	
	<b>b) Number of appeals where a decision has been made to overturn the original decision and new information has been presented:</b>		
	i) authorised persons	0	
	ii) non-ABS	0	
	iii) ABS	0	
	<b>c) Number of appeals where a decision has been made to overturn the initial decision where no new information has been presented:</b>		
	i) authorised persons	0	
ii) non-ABS	0		
iii) ABS	0		
1.3 Timeliness	<b>a) From date of completed application:</b>		Figures provided are for authorised persons. Data for firms has been separated as this is a separate authorisation process. Data for firms is as follows: Median time taken 48 days/shortest time taken 9 days/ longest time taken 294 days (in which case, the application received at the outset of the process was lacking in some areas and some of the required supporting documents had not been supplied; IPReg worked with the applicant to provide the requisite information [REDACTED] [REDACTED]; once IPReg received all outstanding documentation and information the application was processed in under one month).
	i) median time taken	3	

	ii) longest time taken	27	The application for admission was received on Friday 21 December 2018 and was deficient in respect of [REDACTED] information which required confirmation from a third party. As a result of bank holidays, annual leave and delays in communication from the applicant and third party, the application was not finalised until 17 January 2019.
	iii) shortest time taken	0	
	<b>b) From the date of completed appeal lodged:</b>		
	i) median time taken	N/A	
	ii) longest time taken	N/A	
	iii) shortest time taken	N/A	

<b>2. Supervision – Information Requirement KPIs agreed between LSB and IPReg</b>			
<b>2.1 Supervisory tools</b>	<b>a) Number of regulatory enquiries</b>	250	The top three most frequent themes of substantive regulatory enquiry are Education and Qualification, the Code of Conduct and Continuing Professional Development. The CPD queries frequently referred to the applicability of (25% cap) limits on those activities that are considered “non-interactive”, such as watching recorded CIPA webinars (an issue already raised by IP Inclusive). As a result, in late 2018, we introduced a policy of discretion for individual applications seeking to remove the 25% limit on these activities where “an attorney can demonstrate that the CPD undertaken was relevant to their practice and likely to provide value to their clients” – see announcement on <a href="#">CPD Regulations page</a> . At its Strategy Day in March 2019 the Board determined that the 25% cap limit would be removed in its entirety given the perverse incentive it creates for attorneys to engage in interactive events regardless of subject matter. This was endorsed by the 25 <sup>th</sup> April meeting of the IPReg Board and this decision will be publicised.
	i) % dealt with within 4-5 working day target	95.6%	A total of 239 enquiries were responded to within the working day target, 11 were not. Where enquiries were not responded to within the target timeframe, typically this was due to the nature of the enquiry, a non-standard enquiry, requiring input

			<p>from another body, and/or the individual best placed to answer it was away from the office.</p> <p>A total of 45.2% of all enquiries (113) were answered on the day of receipt, with a further 20.8% (52) answered the following day.</p>
	<b>b) % of regulatory enquiries relating to Code of Conduct</b>	20.4%	A total of 51 Code of Code of Conduct enquiries were received. Two new sub-categories emerged during the year: i) client information sharing and ii) firm insolvency administration and have been added to the Enquiry spreadsheet themes.
	i) % dealt with within 4-5 working days	96.1%	49 of the Code of Conduct enquiries received were responded to within the target timeframe, 2 were not.
	<b>c) % of regulatory enquiries relating to education and qualification</b>	56.4%	A total of 141 Education and Qualification enquiries were received. Queries on how to qualify came from Australia, Canada, Dubai, Germany, Ireland, Italy, Lebanon, Malaysia, Mauritius, New Zealand, Portugal, Republic of Azerbaijan, Switzerland and of course the United Kingdom. The queries received have reinforced the need for the regulatory arrangements review to include exemptions and entry requirements.
	i) % dealt with within 4-5 working days	96.5%	136 of the Education and Qualification enquiries were responded to within the target timeframe, 5 were not.
<b>2.2 Education and training providers</b>	<b>a) Number of reaccreditations of Examination Agencies</b>	2	The reaccreditation of the Professional Certificate in Trade Mark Practice (PCTMP) and its related Basic Litigation Skills Course (BLSC) Litigation offered by Nottingham University is ongoing. Sheffield University successfully applied for accreditation of its Basic Litigation Skills Course (BLSC) (all attorneys are required to pass this course within 3 years of being admitted to the register).
	<b>b) % of reaccreditations which were completed within a 12-week target of visit</b>	1	Accreditation decision on Sheffield University's BSLC offer was made within 12 weeks receipt of the full application. IPReg agreed with Nottingham to extend the reaccreditation timeframe to encompass a review of the PCTMP litigation module and the related standalone litigation course.
<b>2.3 Assurance</b>	<b>a) % of attorneys PII compliant in first tranche of 2019 re-registration process</b>	Sole traders - 81.4% compliance Firms (ABS and non-ABS) - 80.3% compliance	68 non-compliant renewals (i.e. incorrect PII Certificate number provided), of which 8 were ABS and 36 non-ABS (from a total of 224 firms) and 22 Sole Traders (from a total of 129).

<b>b) % of attorneys CPD compliant</b>	99.2%	<p>24 individuals (0.8% of practising attorneys) were issued letters on 04/03/2019 advising of their suspension from the register due to non-compliance with requirement to submit a CPD Declaration for 2018. 179 letters (6.19% of practising attorneys) had been issued a month earlier (04/03/2019) warning of the possibility of suspension (21 of which related to both non-completion of both the CPD Declaration and Annual Return/practising fee).</p>
<b>c) Number of thematic/benchmarking reviews</b>	0	<p>IPReg work programme focused on development of new database, review of the operation of the register, CMA Transparency recommendations, LSB assessment work, complaints procedures review, annual re-registration and increased analysis of information provided, preparing for the review of regulatory arrangements and 4 significant consultations (see below).</p>
<b>d) Number of consultations</b>	4 <a href="https://ipreg.org.uk/public/about-us/consultations/closed-consultations/">https://ipreg.org.uk/public/about-us/consultations/closed-consultations/</a>	<p><a href="#">Price and Service Transparency Consultation December 2018</a> – guidance which seeks to improve pre-engagement information for individual clients and small businesses (consistent with recommendations by the CMA).</p> <p><a href="#">Length of Suspension and Service of Documents August 2018</a> – tightened up compliance timescales and streamlining the service of documents to allow them to be sent by email only but with the discretion to use physical post if required.</p> <p><a href="#">Voluntary Removal Consultation August 2018</a> – provides a mechanism by which IPReg can keep a registrant on the register even if they have requested removal; an important regulatory safeguard which can prevent a registrant deliberately avoiding disciplinary action by removing themselves from the register.</p> <p><a href="#">Draft Business Plan and Budget August 2018</a> – set out the priorities for 2019 and the impact on budget and practising fees.</p>
<b>e) Number of external events at which Board members have attended to explain IPReg's approach to regulation and its priorities</b>	20	<p>Acting Chair and Chair attended the following events:</p> <ol style="list-style-type: none"> <li>1. March 2018 - CITMA Gala Dinner</li> <li>2. July 2018 - CITMA Summer Social &amp; President's Inauguration</li> <li>3. Sept 2018 - CIPA Congress Dinner (outgoing and incoming Chair [who spoke])</li> </ol>

			<ol style="list-style-type: none"> <li>4. October 2018 - Meeting with CIPA President</li> <li>5. October 2018 - Meeting with CITMA President</li> <li>6. October 2018 - Meeting with CILEx Chair</li> <li>7. November 2018 - IP Inclusive (Spoke)</li> <li>8. November 2018 - Meeting with LSB Chair and CEO</li> <li>9. December 2018 - Meeting with President-Elect of CIPA and President of CITMA</li> <li>10. February 2019 - IP Federation Board meeting (Spoke)</li> <li>11. February 2019 - Meeting with Legal Ombudsman Chair</li> <li>12. March 2019 - Meeting with Legal Services Consumer Panel Chair</li> <li>13. March 2019 - CITMA Conference (Spoke)</li> </ol> <p>Other Board members attended the following events:</p> <ol style="list-style-type: none"> <li>14. April 2018 - IP Inclusive Careers in Ideas Launch event (Keith Howick and Caroline Seddon)</li> <li>15. May 2018 - CIPA Students Induction Day (Keith Howick)</li> <li>16. May 2018 - Promoting the UK IP Professions Abroad meeting/event (Keith Howick)</li> <li>17. July 2018 - Pride in London Parade (Emma Reeve)</li> <li>18. July 2018 - IP Federation President's Reception (Keith Howick and Emma Reeve)</li> <li>19. November 2018 - Promoting the UK IP Professions Abroad meeting/event (Keith Howick)</li> <li>20. November 2018 - CIPA Students Induction Day (Keith Howick)</li> </ol>
2.4 Learning and good practice	a) Number of IPReg website regulatory news items	4	<ul style="list-style-type: none"> <li>• <a href="#">January 2019 - IPReg Response to LSB Internal Governance Rules Consultation</a></li> <li>• <a href="#">December 2018 - Price and Service Transparency Guidance Consultation</a></li> <li>• <a href="#">November 2018 - LSB Practice Fee Decision</a></li> <li>• <a href="#">May 2018 - IPReg Practical Training Protocol Template</a></li> </ul>
	b) Number of 'lessons learned' post-disciplinary case guidance published	0	
<b>3. Enforcement - LSB Standardised KPIs Information Requirement</b>			

<b>3.1 Caseload</b>	<b>a) Number of open cases at 31<sup>st</sup> March 2019</b>	10	IPReg updated its <a href="#">Complaints Handling and Enforcement Policy</a> in May 2018 which has clarified the criteria for opening cases which amount to complaints about regulated persons. This, together with the fact that cases are increasing in complexity, mean that there are more than twice the number of open cases as at March 2019 as there were in the previous reporting period.
<b>3.2 Timeliness</b>	<b>a) From receipt of initial complaint to the interim order decision:</b>		<a href="#">IPReg Disciplinary Procedure Rules</a> do not provide for an interim order stage.
	i) Number of cases considered	0	
	ii) Median time taken	N/A	
	iii) Longest time taken	N/A	
	iv) Shortest time taken	N/A	
	<b>b) From receipt of initial complaint to the final first stage Committee/case Examiner decision (in all case types):</b>	case	
	i) Number of cases considered	1	
	ii) Median time taken	656 days	Complaint received 16.12.16. Two first-stage Complaints Review Committees were convened, the first on 16.5.18 (516 days after complaint received) and the second on 3.10.18 (656 days). [REDACTED] which, in addition to other complexities, has significantly contributed to the length of time taken to investigate the case.
	iii) Longest time taken	656 days	
	iv) Shortest time taken	656 days	
	<b>c) From final first stage Committee/case Examiner decision to final disciplinary hearing decision (in all case types):</b>		
	i) Number of cases considered	0	Currently one case awaiting hearing before the final stage Disciplinary Board, but having not yet reached final hearing decision, this is not included in the figure.
	ii) Median time taken	N/A	
	iii) Longest time taken	N/A	
	iv) Shortest time taken	N/A	

	<b>d) From receipt of initial complaint to the final decision (in all case types):</b>		
	i) Number of cases considered	0	
	ii) Median time taken	N/A	
	iii) Longest time taken	N/A	
	iv) Shortest time taken	N/A	
<b>3.3 Decision Type</b>	<b>a) Number of cases where a decision to conclude the case has been agreed (i.e. consensual disposals or regulatory settlement agreements)</b>	0	<a href="#">IPReg Disciplinary Procedure Rules</a> do not cater for this type of outcome.
	<b>b) From receipt of initial complaint to the final decision for regulatory settlement and consensual disposals:</b>	0	
	i) Median time taken	N/A	
	ii) Longest time taken	N/A	
	iii) Shortest time taken	N/A	
<b>3.4 Appeals</b>	<b>a) Number of appeals (in all case types):</b>	0	
	i) outstanding	N/A	
	ii) where decision was overturned	N/A	
	iii) where decision was upheld	N/A	
	iv) settled by consent.	N/A	
<b>4. Governance and leadership - LSB Standardised KPIs Information Requirement</b>			
<b>4.1 Organisational health</b>	<b>a) Staff turnover for those dedicated to regulatory activity for the financial year compared to the previous year</b>	None	No changes to staff in the reporting period.
<b>4.2 Complaints</b>	<b>a) Number of justified complaints about the regulator</b>	0	
	<b>b) The subject matter of the justified complaint against the regulator</b>	N/A	
	<b>c) The timeframe for conclusion of the complaint resolution</b>	N/A	