

The Patent Regulation Board and the Trade Mark Regulation Board**Minutes****Thursday 13th January 2022 at 12 noon****Attending:**

Rt Hon Lord Smith of Finsbury (Chair)
Justin Bukspan
Samantha Funnell
Alan Kershaw
Victor Olowe
Samantha Peters
Emma Reeve
Nigel Robinson
Caroline Seddon

In attendance: Fran Gillon, Shelley Edwards, Karen Duxbury (item 11 only), Emily Lyn, Victoria Swan

- 1. Apologies** - no apologies were received.
- 2. Notification of any conflicts of interest** – none.

PART A – NON-CONFIDENTIAL ITEMS**3. Minutes of December 2021 meeting and matters arising**

3.1 Minutes agreed as a correct record, subject to minor corrections.

3.2 Matters arising: none.

4. Action Log

4.1 The Board noted the action log.

5. Progress on Review of Regulatory Arrangements

5.1 EL reported that the consultation was launched on 16 December and closes on 17 March. EL and IPReg Executive had met with the Legal Services Board (LSB) and PAMIA (Professional Indemnity Insurance provider) immediately prior to the consultation. The meeting with the LSB had been with Chris Nichols, Director of Regulation and Policy, and Sally Al-Saleem, Head of Statutory Decisions. CN is keen to see evidence of the type of consumers who need advice on intellectual property matters in the rules change application.

5.2 EL commented that the LSB's revised Rules for alterations of regulatory arrangements include consideration of related Guidance, and there is likely – pending consultation feedback - to be guidance on Continuing Professional Development, conflicts of interest, client monies, transparency, and Diversity and Inclusion.

5.3 Both EL and FG reported that the PAMIA meeting was constructive and had discussed the proposal for a PII sandbox.

5.4 EL reported limited success in contacting consumer bodies by email as part of the regulatory arrangements review.

5.5 [REDACTED]

5.6 EL reported that we are not yet in a position to discuss with the LSB a likely date for submission of our rule change application. We have stated that implementation will be no sooner than Spring 2023 and have allowed 6 months for the LSB to determine the application. The LSB would like us to submit a draft application. There is some flexibility programmed into the timeframes for a survey if needed to gather further evidence. FG reported we will look to gain some trade mark data from IPO data, though this may be a more complex exercise. The LSB's own legal needs survey of over 10,000 small businesses found only 25 firms which had identified an IP legal need.

Action: data working group to take forward trade mark market research from IPO data

6. Annual renewal process update

6.1 SE reported that the registration system opened on 6 December and 86% of annual returns have been completed which is very encouraging and better than 2021. Voluntary removal applications are at 11 (10 fewer than last year at this point) with the majority citing retirement. There have been some payment processing failures which we have taken up with the CRM developer. Some changes to the information gathered at during the annual renewal process may be necessary in order to increase our evidence base.

Action: SE to review annual return information categories similar to PAMIA questions

7. Other activities (not covered elsewhere)

7.1 None to report.

PART B – CONFIDENTIAL ITEMS

8. Complaints update

8.1 SE presented the complaints update paper, reporting on the following:

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

9. Education update

9.1 VS reported that the reaccreditation application from Queen Mary University London (QMUL) which was made at the beginning of December 2021 was incomplete. QMUL was asked to provide the missing documents, such as the External Examiners Reports (EERs), internal quality assurance reports, pass and fail rates, destination data, by 3rd January. These requirements have been in place since the IPReg Accreditation Handbook went live at the end of 2016. Some documentation was received on 3rd January but not that which was requested. They had been requested, and have provided, the EERs, by 11 January, otherwise the assessment may not have been able to continue. The application remains incomplete and therefore the 12 weeks target assessment timeframe has not yet been triggered.

9.2 The Board agreed, given the ongoing quality issues with QMUL, that an email be sent to the QMUL regarding the Board's disappointment in the incomplete application, to request these items as soon as possible and to be clear that the 12 week target assessment timeframe is triggered only on receipt of a complete application. This means it looks increasingly likely it will be the May meeting of Board, rather than the March meeting, which discusses accreditation. The Board also agreed that the paper which introduces the assessment report provides policy options e.g. if accreditation is recommended, the periods of time for which it is, how to ensure implementation plan is actioned given QMUL had not delivered on the last.

Action: VS to email QMUL regarding incomplete application and potential impact upon timescale

10. LSB Engagement

10.1 CEOs Meeting 12 January: FG reported she and SE met Matthew Hill and Chris Nichols on 12 January. Scheduled discussion items were the regulatory performance assessment and the regulatory arrangements review. The LSB was advised that IPReg is on target to meet the 31 January deadline for replying to the performance assessment. On transparency, the LSB was advised IPReg had gone beyond the original proposal to publish only the non-confidential part of Board minutes and papers but that some text may have to be redacted in the confidential section of the minutes. MH reported that the LSB redacted less than it had done previously from its papers and minutes; in his view IPReg had demonstrated improved understanding on transparency. It was agreed that a Board to Board meeting should be arranged. CN reiterated how helpful the 16 December regulatory arrangements review presentation had been. FG reported that our panel of external experts was extremely helpful in the Review and encouraged the LSB to use them in its proposed PII work.

10.2 Response to LSB December 2021 regulatory performance assessment: FG presented the response.

10.3 (*Well Led*) *WL1* – The Board agreed to establish a Transparency and Governance Working Group to benchmark our own governance and transparency arrangements against other regulators.

Action: SP, VO and ER to set up the working group and bring action plan to July Board

10.4 [REDACTED]

[SP left the meeting].

10.9 The Board agreed to delegate the final response to FG and the Chair.

Action: Chair and FG to finalise response to LSB on regulatory performance assessment

[KD joined the meeting].

10.10 Letter to LSB Chair: the Board discussed the draft letter and the desirability of a Board to Board meeting.

Action: Chair to finalise letter to LSB

11. Finance Update

11.1 [REDACTED]

[REDACTED]

12. Corporate risk register

12.1 FG presented the corporate risk register which was noted by the Board.

13. Regulatory Statement – for Part A and Part B: Confirmation that, except where expressly stated, all matters are approved by the Patent Regulation Board and the Trade Mark Regulation Board.