

The Patent Regulation Board and the Trade Mark Regulation Board**Minutes****Thursday 18 July 2019 at 12 noon**

The Seminar Room, Hardwicke Building, New Square, Lincoln's Inn, London WC2A 3SB

Attending:

Rt Hon Lord Smith of Finsbury (Chair)
Alicia Chantrey
Jonathan Clegg
Samantha Funnell
Steve Gregory
Keith Howick
Alan Kershaw
Emma Reeve
Nigel Robinson
Caroline Seddon
Nick Whitaker

In attendance: Fran Gillon (except item 16), Karen Duxbury, Victoria Swan, Rachel Greensides, Mark Barnett (from item 15)

1. Apologies

None

2. Notification of any conflicts of interest

Item 16 – FG will leave the meeting for this item because [REDACTED]

PART A – NON-CONFIDENTIAL ITEMS**3. Minutes of May 2019 meeting and matters arising**

The Board agreed the minutes of the May 2019 meeting.

4. Action Log

4.1. The action log was noted. In addition, oral updates were made regarding:

- Complaints Review Committee Meeting 9 April – it was noted that FG had drafted consultation papers on both run-off cover and pro bono and, subject to agreement, these would be published.
- Queen Mary University London progress report – to be discussed at item 8.

- PAMIA meeting 31 January – a meeting is to be set up to take items forward.
- Anti-Money Laundering (AML) – SE reported that Counsel’s opinion would shortly be finalised. CIPA’s comments have been received and Counsel is reviewing them. Once Counsel is satisfied, IPReg will publish and circulate the opinion and the summary of the opinion to the Board for information.
- Reserves – [REDACTED]

5. Update – 2019 removals for non-payment of fees – no paper

5.1. KD reported that:

- there had been 35 registrant suspensions for non-payment of fees - 26 registrants either (i) paid their fees plus a late payment penalty fee; or (ii) applied for Voluntary Removal and were removed via that process and the remaining 9 registrants were subsequently removed from the register;
- by comparison in 2018, 6 registrants were removed for non-payment;
- none of the registrants applying for Voluntary Removal gave the increase in fees as their reason for requesting removal; and
- there were 25 registrants suspended for non-completion of CPD declarations although all have since been brought into compliance and no disciplinary action has been taken.

5.2. FG noted that the new CRM system would allow us to identify persistent late payers to try to get them to pay on time.

6. 2018 Annual Report

6.1. FG presented the Annual Report for 2018 and invited comments from the Board.

6.2. The Board agreed the Annual Report subject to some minor adjustments including:

- the inclusion of a brief explanation of the CRM system and its benefits; and
- further detail on the cost and process involved in the Education and Projects section.

7. Education Group Terms of Reference

- 7.1 CS presented the paper that set out the proposed Terms of Reference for the new Education Group. The purpose of the Group is to determine the way forward for education issues and to make recommendations to the Board. The first (virtual) meeting had taken place and included consideration of ongoing accreditation oversight (Queen Mary and Nottingham) and the proposed Terms of Reference.
- 7.2 The Board endorsed the Terms of Reference.

8. Queen Mary Quality Concerns

- 8.1 CS presented the paper. There had been a second face-to-face meeting between the Education Group and Queen Mary (QM) representatives, correspondence with QM in the intervening period and QM now appears to be taking IPReg's concerns seriously. The main concerns related more to student experience than academic content.
- 8.2 The meeting had covered a broad range of issues including:
- quality assurance processes – the meeting noted that there was an element of reliance by IPReg upon other organisations, such as the the Quality Assurance Agency for Higher Education and Queen Mary Law School's own system reviews. These other organisations varied in their approach to oversight. In addition, IPReg had strongly recommended to QM that it should create a dedicated Programme Management Board;
 - student feedback systems – we await confirmation that these will become electronic in September (they will be using an improved paper system if this is deferred);
 - moving to a semester-based examination system - IPReg had welcomed this but emphasised the need to ensure timely reinstatement of any cancelled lessons; and
 - progress monitoring – IPReg emphasised the need for an open, communicative, working relationship.
- 8.3 VS commented that several of the findings of the IPReg accreditation assessment of two years ago were mirrored in CITMA's feedback of concerns (e.g. formative assessment, student feedback, re-sits policy) indicating that accreditation is successfully identifying issues. IPReg is taking forward lessons learned from the accreditation process to help ensure it is a more continuous process and there is ongoing oversight of implementation of accreditation recommendations by the relevant university or examination board.
- 8.4 The Board agreed that QM has made a lot of progress since first being informed of CITMA's concerns. The Board endorsed the actions of the Education Group and plan of action going forward.

9. Nottingham Reaccreditation Implementation Plan

9.1 VS presented a paper on the accreditation implementation plans provided by Nottingham University for (i) the Professional Certificate in Trade Mark Practice (PCTMP, the advanced level qualification of the registered trade mark attorney qualification pathway); and (ii) the Basic Litigation Skills Course.

9.2 The Education Group had considered the implementation plans and recommended that the Board approved them, with the exception of PCTMP plan items relating to recommendations 11-13. These concern:

- reviewing foundation level qualification admission requirements and topics (recommendation 11);
- monitoring pass rate trends and identifying any gaps in knowledge (recommendation 12);
- clarifying and discussing with IPReg opportunities for engaging directly with consumers in the design of the course (recommendation 13);

Nottingham suggested these responsibilities were IPReg's and not the university's. The Group considered that each of these matters were for Nottingham to take forward in the first instance and that Nottingham would have to make a strong, evidence-based case for any IPReg involvement in them. In any event, the Group considered that Nottingham needed to assess the Employer Mentoring Scheme (which had only been piloted this academic year) and allow the IPReg Accreditation Handbook Core Syllabus Requirements of Foundation Level Qualifications to embed before reassessing any need to IPReg's involvement in these three matters. The group proposed that recommendation 13 (Engagement) should be amended so it relates to Nottingham engaging with firms (rather than consumers), given the professional practice focus of the course.

9.3 Nottingham had been asked to obtain detail of the student feedback obtained by CITMA and to submit a revised response to it. The Education Group was content with the revised response. The Board was advised that student feedback mechanisms are a standard expectation of accreditation and the findings are an element of the accreditation process. This currently operates on a 5-year cycle and one of the areas the Education Group will be looking at is whether to obtain such information on a more regular basis.

9.4 The Board agreed the paper's recommendations to endorse the implementation plans, with the exception of items relating to recommendations 11-13. Additionally, it agreed that recommendation 13 should be interpreted as engagement with firms rather than individual consumers.

10. Progress on new CRM system – no paper

10.1. FG reported that progress on the new CRM system was on track and updated the Board as follows:

- SE continues to have fortnightly data take-on meetings with MillerTech;
- the team has had initial training sessions with MillerTech;
- the functionality we expect is there and the team were able to see the positives of the new system;
- our consultant from Purple is drafting scripts for the user acceptance testing (UAT) to be carried out by the team. It was noted that CIPA had offered to help with UAT and this may be an option subject to having appropriate data protection measures in place. SF also offered assistance with UAT from a practitioner point of view;
- KD has requested quotes from new payment system providers and we should soon be in a position to make a recommendation to the CRM Committee and the Board; and
- our consultant from Purple is still confident for the September 'go live' date.

10.2. The Board noted the update.

11. Chair and CEO activities (not covered elsewhere)

a. Andrea Brewster, IP Inclusive: 24 May (FG)

FG reported that she met Andrea Brewster and discussed:

- The refunds from the incorrect charging for Litigation Certificates (c. £3,000) - [REDACTED]
- Diversity data – IPReg will be collecting this on the CRM system; and
- 5 December diversity event – a Board member would be attending.

b. 3 x CEOs: 29 May (FG)

FG reported she had met the CIPA and CITMA CEOs and discussed matters including:

- 2020 budget – CITMA and CIPA welcomed the consultation period being brought forward;
- IGRs – next steps and timing; and
- IPReg's guidance on transparency.

c. Adam Kingsley, Executive Director, Intellectual Property Institute of Canada: 31 May (FG)

FG reported she met the Chief Executive of the IP Institute of Canada representing Canadian patent and trade mark agents and had discussed matters including:

- Moving regulation away from professional bodies – it was noted Adam Kingsley had also met CIPA and CITMA; and

- Professional Indemnity Insurance – [REDACTED]

d. LSB FoIA request: 31 May (FG)

FG reported that IPReg had been contacted about a Freedom of Information Act request received by the LSB about the number of disputes that had been referred to it under the IGRs. It was noted that the LSB's response to the request referred to IPReg at a high level and had not provided any details about specific issues.

e. Regulatory Forum: 6 June (Chair)

The Chair reported that the meeting had discussed matters including:

- the consultation on practising fees and the use of RPI/CPI;
- progress on education issues arising out of CITMA and CIPA feedback;
- the future structure and membership of the IPReg Board;
- IPReg office move; and
- update on removals from Registers.

f. LSB relationship management: 14 June (FG and VS)

FG reported that the meeting had covered matters including:

- IPReg's regulatory performance progress;
- the IGRs;
- diversity data and the new CRM system;
- IPReg's transparency guidance;
- Legal Choices;
- the review of IPReg's regulatory arrangements; and
- the forthcoming pro-bono and run-off cover consultations.

PART B – CONFIDENTIAL ITEMS

12. 2020 budget, practising fee and business plan

12.1. FG reported that IPReg had received five responses to the consultation on the 2020 practising fee, business plan and budget: two from firms, one from an individual attorney and CIPA and CITMA had also responded.

12.2. FG reported that:

- [REDACTED]

- | [REDACTED]
- | [REDACTED]
- | [REDACTED]
- | [REDACTED]
- | [REDACTED]
- | [REDACTED]
- | [REDACTED]
- | [REDACTED]
- | [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

- | [REDACTED]
- | [REDACTED]
- | [REDACTED]

[REDACTED]

13. IPReg Limited: company accounts and reappointment of auditors

[REDACTED]

[Redacted]

[Redacted]

- [Redacted]
- [Redacted]
- [Redacted]

14. Stakeholder relations – no paper

[Redacted]

15. Complaints update (MB)

[Redacted]

[Redacted]

[Redacted]

[Redacted]

16. [Redacted]

[Redacted]

[Redacted]

17. 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.