

**The Patent Regulation Board and the Trade Mark Regulation Board****Minutes****Thursday 18<sup>th</sup> March 2021 at 12 noon****Attending:**

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

**In attendance:** Fran Gillon, Shelley Edwards, Victoria Swan, Sarah Hall [item 5.2 onwards], Karen Duxbury [items 18 & 19]

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

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

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

**4. Action Log**

4.1 The Chair noted that ongoing items are picked up in later agenda items. The Board noted the action log.

**5. Discussion on Covid-19 – impact on:****IPReg team**

5.1 FG reported that all the team are working from home in accordance with Government guidance. The Team should be able to return to the office at later in the year if everything proceeds as the lockdown road map sets out. When a government guidance is updated the team can discuss how they each feel about returning, with blended working likely to be a way forward for some. OSiT has introduced a compulsory mask wearing policy in communal spaces and the building is open and in use.

## Market

5.2 The Chair noted CIPA and CITMA were generally positive in their reporting of activity in the sector although those areas reliant on aviation or travel had been badly hit with some large companies making redundancies. The Board noted that whilst overall reasonably positive there can be significant variations between sectors.

### 6. Update on 2021 Annual Renewal Process

6.1 SE reported that as of 1<sup>st</sup> March, the numbers suspended for not paying fees was 63 attorneys and 2 firms; 23 attorneys and 1 of the firms have since regularised their regulated positions leaving 40 attorneys and 1 firm currently suspended; they will be removed from register on 1<sup>st</sup> June if fees remain unpaid. The number of attorneys suspended as at 1<sup>st</sup> March 2020 was 73. From 1<sup>st</sup> December, there have been 32 applications for Voluntary Removal from the register, 21 of which related to retirement. This number has increased slightly from last year which may be due to familiarity with the process. There were 4 requests for a fee waiver as a result of hardship, 3 of which were granted.

6.2 FG reported that £940,442 had been collected in practising fees and there has been £3,246 income from licensed body approval. The budget had been £906,936, allowing for a possible 5% reduction in attorney numbers due to Covid and BREXIT, so had been better than expected.

### 7. Other activities (not covered elsewhere)

#### 7.1 3 x CEOs 24 February:

[REDACTED]

7.2 Remedies Programme Implementation Group (CMA Report) 3 March: FG reported on this meeting of regulators, the Consumer Panel and LSB; the LSB having advised it would be likely to accept the CMA recommendations, which its Board will consider at its meeting on 18 March. It has published a Quality Indicators discussion document (a 23<sup>rd</sup> April deadline) in advance of consulting on another Transparency Statement of Policy in the summer. [REDACTED]

#### 7.3 Regulatory Forum 4 March:

[REDACTED]

7.4 CIPA webinar 11 March: FG reported that 80 people attended the lunchtime webinar by FG and SE on regulation and which had provided an interesting insight into what people were concerned about. The event had been well-received talk and the Board agreed that it would be beneficial to undertake such events more regularly.

## 8. Update on regulatory arrangements review

8.1 The Chair commented on the good level and quality of responses to the Call for Evidence. AK presented the paper setting out the brief summary of issues raised by a cross-section of attorneys, firms and other stakeholders. He commented there remains some stakeholder appetite prescription rather than principles in some instances. The first meeting of the committee will be in early May.

8.2 [REDACTED]

**Action:** [REDACTED]

**Action: FG to write formally to LSB with a copy of the Board paper**

8.3 The Board agreed a need to identify a few new contributors to the oversight committee including from new Board members when in place.

## 9. IPReg Annual Report 2020

9.1 The IPReg Annual Report was agreed subject to minor amendments.

**Action: VS to publish Annual Report**

## 10. Education Group Update

10.1 CS presented a paper updating the Board on the activities of the Education Working Group, which she thanked the group for their contributions, good progress on the work programme and thorough consideration of all education items. There remain ongoing discussions with Queen Mary University London and hope to see some improvement in programme administration and organisation in light of their recently commenced review. It is hoped that the next CITMA Student Survey will show some improvement whilst recognising that the student engagement achieved by QMUL is very low and it needs to improve the response rate to this.

10.2 CS commented that the Education Working Group had reviewed the first annual reports of the qualification agencies and given feedback, showing value in the exercise and sending a strong message for ongoing evidence that things are being taken forward as they were set out at accreditation. Other work of the group is covered in this meeting's agenda: the IPReg Accreditation Handbook update (item 11), historic examinations exemptions consultation (item 12) and Higher Courts Advocacy Certificate (item 13).

## 11. IPReg Accreditation Handbook

11.1 CS presented the paper proposing a number of minor amendments to the IPReg Accreditation Handbook so that the document is up-to-date and useful guidance, provides links to reference materials, and makes sure equality, diversity and inclusion is something providers include as part of accreditation process.

11.2 VS reported that Brexit had triggered an update exercise of the Accreditation Handbook syllabus requirements which had broadened to include a glossary, a relevant documents link section, harmonisation of the terminology, contents page and paragraph numbering. The proposed new requirements regarding equality and diversity policies and profiles and examination regulations which cover circumstances of pandemic are being consulted on with the qualification agencies.

11.3 The Board agreed the draft revised Accreditation Handbook for consultation.

**Action: VS and CS to consult on Accreditation Handbook with qualification agencies**

## **12. Historic Examinations Exemptions Consultation**

12.1 VS presented the paper setting out the proposals to introduce a sunset clause to the transitional arrangements relating to historic Joint Examination Board exams and introducing a similar clause to specified historic courses. There had been 4 responses to the consultation; a summary of points made and the Education Working Group's proposed policy position was provided as well as the CIPA and CITMA responses. Several of the points had been fully taken on board including the proposal to introduce a process and guidance for making applications to the Registrar for those who, due to extenuating circumstances, are not able to meet the 18 months sunset clause timeframe.

12.2 VS reported she and SE had met with the LSB earlier (18 March) to discuss whether the corresponding rules change application should take the form of a full Schedule 4 application or an Exemption Direction application and initial thoughts were it could be the latter. SE commented that the LSB had suggested the application should include the case for why 10 years was appropriate a timeframe, rather than the proposed 6 years transitional arrangements.

12.3 It was discussed that the European Qualifying Examinations exemptions may be covered in the pending Mercer Review report and that exemptions may be included in the IPReg regulatory arrangements review.

12.4 The Chair commented on the discussion of the consultation at the Regulatory Forum meeting and there appeared to be acceptance of the need to take the sunset clause forward.

12.5 The Board agreed the proposal to introduce an 18 month sunset clause subject to there being opportunity for this timeframe to be extended in extenuating circumstances.

**Action: VS and SE to take forward rules change application to the LSB**

**Action: AK and EL to consider including exemptions in regulatory arrangements review**

## **13. Higher Courts Advocacy Certificate**

13.1 VS reported that the January Board decision to seek IPReg accreditation for a Higher Courts Advocacy Course had been actioned:- CPD Training UK promptly submitted an application for accreditation (and Nottingham Trent University plans to make an application at the end of this month). [REDACTED]

[REDACTED]

## 14. Diversity

14.1 IP Inclusive Funding: FG presented the paper setting out a request from IP Inclusive for IPReg to sponsor its operating costs (£2,100) for a further year as well as in principle agreement for consider a contribution to the costs of establishing a Community Interest Company (CIC) to take forward its work. FG provided the context of a £23,000 reserve for diversity initiatives with consideration by the Board later in the meeting to increase this and a 2020 diversity spend of £5,000 to the Stemettes and £8,000 to In2Science as well as covering IP Inclusive's 2020 operating costs.

14.2 The Board agreed to fund the IP Inclusive £2,100 operating costs for 2021.

**Action: FG to arrange payment of IP Inclusive £2,100 operating costs**

14.3 Diversity survey results: the Chair commented that the diversity training of 18 March had presented diversity survey findings with a good rate of response and interesting information from the survey.

14.4 The Board agreed the diversity survey figures should be published as soon as possible, together with an introduction from the Chair. There will be further discussion at a workshop in May.

14.5 [REDACTED]

**Action: FG to publish diversity survey figures along with Chair's introduction and provide copy of this to LSB**

14.6 LSB Diversity Workshop 11 March: FG reported that there was a good discussion with clear views that evaluation of diversity projects and initiatives and establishing causality is very difficult given the large part that societal drivers play.

14.7 In2Science: is seeking Career Panels volunteers over the period of 26 July to 20 August and is very keen for a professional Board member to talk about getting into the profession and possibly covid vaccines development.

**Action: AC (or SF or ER) to attend the In2Science Career Panels**

**PART B – CONFIDENTIAL ITEMS**

**15. Complaints Update**

15.1 SE presented the complaints update paper. [REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]

15.2 [REDACTED]  
[REDACTED]

15.3 [REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]

Action: [REDACTED]

**16. Legal Services Board**

16.1 Chairs' meeting with LSB 9 February: [REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]

16.2 [REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]

16.3 Discussion with Sam Younger (CILEx Regulation): [REDACTED]  
[REDACTED]

[REDACTED]

16.4 SRA Chair and CEO 8 March: [REDACTED]  
[REDACTED]  
[REDACTED]

16.5 [REDACTED]  
[REDACTED]  
[REDACTED]

**Action:** [REDACTED]

16.6 Relationship Management Meeting 17 [REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]

16.7 [REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]

**Action:** FG to take forward contacting consumer representatives (e.g. Federation of Small Businesses)

16.8 [REDACTED]  
[REDACTED]  
[REDACTED]

16.9 Update on performance management framework: [REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]

**Action:** [REDACTED]

**17. Red Risks**

17.1 [REDACTED]  
[REDACTED]

[KD joined the meeting]

**18. Mutual Recognition of Qualifications** [REDACTED]

18.1 [REDACTED]

[REDACTED]

18.2 [REDACTED]

**Action:** [REDACTED]

**19. 2020 Actual vs Budget + proposed adjustment to reserves**

19.1 [REDACTED]

[REDACTED] The Board noted the budget figures and agreed the changes to the reserves including allocating £50k from its reserves to a research budget and to increase to £50k its reserve to support diversity initiatives.

19.2 [REDACTED]

**Action:** KD to publish budget figures and updated reserves

[SE, VS, and KD left the meeting]

20. [REDACTED]

20.1 [REDACTED]

**21. Any Other Business:** None.

**22. 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.