

The Patent Regulation Board and the Trade Mark Regulation Board**Minutes****Thursday 17th March 2022 at 12 noon****Attending:**

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

In attendance: Fran Gillon, Shelley Edwards, Emily Lyn, Karen Duxbury, Victoria Swan

- 1. Apologies** - apologies were received from Alan Kershaw.
- 2. Notification of any conflicts of interest** – none.

PART A – NON-CONFIDENTIAL ITEMS**3. Minutes of January 2022 meeting and matters arising**

3.1 The minutes of the January 2022 meeting were agreed.

4. Action Log

4.1 The Board noted the Action Log.

5. Progress on review of regulatory arrangements

5.1 EL reported 12 responses so far received to the consultation. A full summary of the consultation responses will be brought to the 19 May Board meeting. The joint IPReg/CIPA/CITMA webinar was attended by 121 delegates. Several issues were raised which will be fed in to our consideration of the responses including the extent to which the Principles apply to private life. A number of consumer bodies have been approached but IP issues do not appear to be a priority for them.

5.2 The meeting with Chris Nichols and Steve Violet of the LSB had not raised any fundamental concerns and both the sandbox proposal and evidence base building had been welcomed. The LSB said that the application is likely to be considered high risk due to the scale of the changes. This means that LSB Board members will be involved in consideration of the application before it is considered by the full Board. We have advised the LSB that we are planning to submit the application in September.

5.3 On the LSB on the small business survey data, the Board noted that the survey covers firms with 50 or less employees; of 10,000 respondents, only 25 had identified an IP legal need. EL commented that whilst the sample size was small it was considered that it provided a strong insight into firms that encounter an IP issue; they are generally well resourced with in-house expertise and also likely to engage external legal expertise. Respondents were generally satisfied with their legal adviser.

██████████ an external specialist consultant, made recommendations for next steps which the Board considered during its discussion of the analysis.

5.5 EL commented that detailed full market research has not been required by the LSB for extensive changes to regulatory arrangements by any other regulator. The Board agreed that in its judgement such research would not be a proportionate or targeted use of IPReg's resources given that the LSB's survey of small businesses had only identified 25 firms who had an IP legal need out of a survey of 10,000 respondents.

Action: EL to develop research proposals with immediate next steps to be agreed prior to the May Board meeting if necessary

6. Other activities (not covered elsewhere)

6.1 3 x CEOs meeting(s): FG reported on the meetings of 26 January and 23 February, at which the following had been discussed:

- LSB Performance Assessment
- Review of regulatory arrangements webinar and emerging themes
- Returning to the office/hybrid working
- Work on diversity and how to develop the sector's approach to gathering data
- IPReg Board members' terms of office due to end in 2022/23
- Joint Disciplinary Panel recruitment (agenda item 12)

6.2 Office for Legal Complaint Consultation of Scheme Rules: given the very few complaints made regarding attorneys, the Board agreed not to respond to the consultation.

6.3 Legal Choices one year report: the Board noted the report.

6.4 Ukraine – impact on IP sector: FG reported that signposting information has been published on the IPReg website and she was liaising with CIPA and CITMA to ensure consistent messaging. It is clear that firms are very busy dealing with enquiries from clients who have interests in the affected countries. IPReg has contacted our Alternative Business Structure firms to ask them to check their ultimate beneficial owners; no issues have been reported so far. Checks will be undertaken as part of licensing process which will cover owners, Head of Legal Practice and Head of Finance and Administration. The Office of Financial Sanctions Implementation (OFSI) attended a meeting that the LSB had organised for all the legal regulators; a further meeting has been scheduled for 1 April.

7. Encouraging Diversity

7.1 IP Inclusive – 2022 running costs: the Board endorsed the decision that had been made by the Chair to fund IP Inclusive's running costs for 2022.

7.2 In2 Science – update and request funding: FG drew the Board’s attention to the in2Science impact report on the previous £8,000 funding that IPReg had provided for the 2021 scholars’ programme. In2Science had submitted a request for further sponsorship for its 2022 programme. The Board discussed the request and agreed to fund £8,000 and noted that a clear narrative was needed on the benefits of funding this programme. The Board noted that we had not yet received any funding requests from non-STEM organisations.

8. IPReg Annual Report 2021

8.1 VS introduced the Annual Report which included how our activities support the regulatory objectives. CIPA and CITMA will be provided with a copy of the Annual Report prior to publication.

8.2 The Board agreed the IPReg Annual Report for publication.

Action: VS to share the Annual Report with CIPA and CITMA and arrange for online publication

9. Queen Mary University London (QMUL) Accreditation Assessment

9.1 VS reported that based upon the standard 5 year accreditation period, QMUL had applied for reaccreditation in December 2021. The application, although very long (c1700 pages) was incomplete and several essential quality assurance items had only been provided at the end of January 2022. Two specialist independent assessors undertook the accreditation assessment. Their report recommends reaccreditation, but this was subject to QMUL taking forward 19 Mandatory Requirements to meet the standards set out in the [IPReg Accreditation Handbook](#) and 8 Recommendations for consideration. QMUL has accepted all of the recommendations.

9.2 VS reported that given QMUL’s continuing quality issues, which the Education Working Group (EWG) has been working on with them in recent years, and their failure to take forward a number of the 2017 accreditation recommendations, the EWG had a thorough discussion about the way forward. One option discussed was whether to amend the accreditation period to 3 years instead of the standard 5 years. However, the EWG is recommending to the Board that QMUL must provide a detailed, time-framed, implementation plan by July, confirming that what needs to be in place for the September 2022 cohort will be implemented. In a year’s time, the independent assessors will undertake a formal review to provide IPReg with a report on whether the requirements of the IPReg Accreditation Handbook have been met. If the requirements are not met then the accreditation timeframe may be truncated or the Accreditation Withdrawal Procedure could be triggered. The Board noted the impact that this could have on the provision of the course in future years and noted that firms would need sufficient time to put in place alternatives for their trainees.

9.3 VS confirmed that both the assessment report and the implementation plan will be published.

9.4 The Board agreed to:

- accreditation of the:
 - Postgraduate Certificate in Intellectual Property Law
 - Postgraduate Certificate in Trade Mark Law and Practice
 - MSc in Management of Intellectual Property

for 5 years subject to:

- a detailed implementation update from QMUL by 1 July 2022 which provides IPReg with assurance that the Mandatory Requirements (MRs) and Recommendations will be in place for the September 2022 course cohort;
- a formal review by independent assessors 12 months in March 2023 to provide IPReg with confidence that all the MRs and Recommendations have been successfully implemented and if appropriate, reviewed and improved;
- should that formal review identify that the MRs and Recommendations have not been satisfactorily delivered, IPReg reserves the right to truncate the accreditation timeframe or trigger the Accreditation Withdrawal Procedure.

Action: VS to inform QMUL of the accreditation decision and publish assessor report on website

PART B – CONFIDENTIAL ITEMS

10. Complaints Update

10.1 SE presented the complaints update, which the Board noted.

10.2 The Board discussed increase in social media issues and agreed guidance in this area would be useful. This is being considered in the regulatory arrangements review.

KD joined the meeting.

11. LSB Engagement

11.1 Correspondence: FG reported that the LSB has not yet responded on the performance assessment response sent to them following the January meeting of IPReg Board. The Board noted the correspondence and welcomed the meeting of the two Boards planned for 1 June.

11.2 Governance and Transparency Working Group: SP presented the paper which provided an update of the activities and outputs of the Working Group since the last Board meeting. Its work to date includes refining the remit of the group, considering its overall approach to the task, ascertaining relevant codes and guidance on good governance and identifying the information it needs to gather to support its thinking. The Board:

- Noted the contents of the paper and the progress made by the Working Group; and
- Approved the Working Group's Terms of Reference.

11.3 Data group forward plan: the Board considered forward work plan which set out the data gathering that we anticipate doing and the way in which the data links back to key projects including the Review of regulatory arrangements. The Board agreed that it was appropriate to prioritise obtaining the data that would be needed for the Review if sufficient information was not provided in the consultation responses (see item 5). The Board agreed that, in its judgement, the forward work plan was a targeted and proportionate approach to data gathering.

12. Recruitment of Joint Disciplinary Panel members

12.1 SE presented a paper on recruiting new members of the Joint Disciplinary Panel. Four firms had been approached to bid for the work but two had declined. SE outlined the different approaches proposed by the two firms that had responded. The Board agreed that Thewlis Graham should be appointed to undertake this work.

Action: SE to take forward JDP recruitment with Thewlis Graham

13. Finance update

13.1 KD presented a report on the actual v budget 2021 comparison (which would be subject to a full audit in May) and an alternative format for presenting IPReg's budget going forward to enhance our transparency.

13.2 The Board noted that the 2021 figures showed a surplus and that, as a result, the use of reserves was not required. The Board welcomed the new format for the budget.

13.3 The Board agreed:

- to adopt the new layout for the 2022 Budget and future actual v budget comparisons including published information;
- to publish the draft actual v budget comparison for the year ended 31 December 2021;
- not to adjust the reserves until it had received and considered the auditor's report.

KD left the meeting.

14. Risk register – red risks

14.1 The Board noted the red risk.

15. Confidential session – Board and CEO only

15.1 The Board and CEO held a confidential discussion.

16. Regulatory Statement

Confirmation that, except where expressly stated, all matters are approved by the Patent Regulation Board and the Trade Mark Regulation Board.