

The Patent Regulation Board and the Trade Mark Regulation Board

Agenda

Thursday 19 March 2020 at 12 noon

The Orwell Room, 20 Little Britain, London EC1A 7DH

1. **Apologies** – Alan Kershaw
2. **Notification of any conflicts of interest**

PART A – NON-CONFIDENTIAL ITEMS

3. **Minutes of January 2020 meeting and matters arising - PUBLISHED SEPARATELY**
4. **Action Log (FG)**
5. **Update on 2020 renewal process and suspensions from the Registers (SE) – no paper**
6. **Other activities (not covered elsewhere):**
 - a. **Canadian College of Patent and Trade Mark Agents: 8 January (FG)**
 - b. **IP Practice Directors Group: 15 January (FG)**
 - c. **PAMIA: 16 January (FG)**
 - d. **3 x CEOs: 29 January, 26 February (FG)**
 - e. **Regulatory Forum: 5 March (Chair)**
 - f. **LSB: 27 January (Chair), 12 February (FG), 19 February (FG)**
7. **Report from Education Group (CS/VS)**
8. **IGRs – progress on new Delegation Agreement (FG)**
9. **Review of 2019 regulatory enquiries (VS)**
10. **Review of (a) CRC remuneration and process and (b) IPReg Board remuneration and travel and subsistence policy (FG)**
11. **Update on review of regulatory arrangements (FG) – no paper**

PART B –CONFIDENTIAL ITEMS

12. Complaints update (SE)

13. Regulatory Statement

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

IPReg Board Meeting Actions Log - New and Outstanding Actions

Date of Meeting in which action arose	Agenda Item	Action	Responsibility	Status	Notes/Update
January 2020 Board Meeting					
Jan-20	Regulatory arrangements review	Procure quotes for legal support	FG	Ongoing	Update to be provided at meeting
Jan-20		Contact recruitment agencies	FG	Completed	Quadrant recruiting. Contract signed 4 March 2020
Jan-20	Mercer Review	Draft response to Mercer Review	VS and CS	Closed	IPReg response to CFE made on 12 Feb
Jan-20	Response to LSB Business Plan Consultation	Raise LSB proposed timing of IGR consultation at Regulators' Chairs meeting	Chair	Closed	
Jan-20	Complaints Update	Revised investigation and disciplinary processes to be included in the regulatory arrangements review	SE	Closed	
December 2019 Board Meeting					
Dec-19	Action log - Brunel University accreditation	Education Group to take forward Brunel's request to include a trade mark course in the reaccreditation assessment.	Education Group	Ongoing	Application received and assessment visit undertaken
Dec-19	Regulatory Forum 11 December 2019	Liaise with CIPA and CITMA on drafting a new Delegation Agreement. This would be considered by the March 2020 Board Meeting.	FG	Open	Update to be provided at meeting
October 2019 Board Meeting					
Oct-19	LSB CEO Meeting	Invite Matthew Hill to Board meeting	FG	Open	
Oct-19	Responses to IPReg consultations on pro bono and run-off cover	Submit a draft pro bono application to LSB early 2020 following discussions with respondents	FG	Open	FG meeting IP Federation 25 March
Oct-19	Education Group Report	Recruit broader pool of potential qualification accreditation assessors	VS	Ongoing	Contacted other regulators and consultant for signposting to possible interested parties:- 2 possibilities identified
April 2019 Board meeting					
Apr-19	Queen Mary University London - progress report	Continue to monitor and take action as required	Education Sub-Committee	Ongoing	

Board Meeting 19 March 2020

Decision Paper: Education Group Update

Agenda Item: 7

Lead Board Member: Caroline Seddon, Chair of Education Group

Author: Victoria Swan, Director of Policy

1. Summary

1.1 Emerging education concerns informed the decision made by the April 2019 meeting of the IPReg Board to establish a dedicated group to help tackle these issues. The Education Group met for the third time on 9th March 2020.

1.2 This paper seeks to:

- provide an overview of the activities and outputs of the Education Group since those reported to the October 2019 meeting of the Board; and
- any related sectoral developments; and
- set out the proposals of the Education Group as informed by items a) and b).

2. Recommendation(s)

2.1 The Board is asked to approve the suggested direction of travel as recommended by the Education Group, particularly the:

- broad education work plan programme plan proposed at item 4;
- approach to the Brunel University proposal for IPReg accreditation of an Under Graduate Degree in Combined Intellectual Property Law and Science proposed at item 6;
- regulatory arrangements review approach proposed at item 7 (and reflected at item 11); and
- approach proposed to the CPD Training reaccreditation exercise proposed at item 9.

2.2 The Board is asked to note the remainder of the paper.

3. Risks and mitigations

Financial	There will likely be financial implications for Examination Agencies seeking accreditation by IPReg pending the Education Group's consideration of the IPReg office time recording and likely removal of the IPReg subsidisation of accreditation costs.
Legal	There are no specific legal risks.
Reputational	It is important that the examinations and courses linked with attorney qualification pathways are consistent in their delivery of high standards and learning outcomes; where this is found not to be the case IPReg must, and importantly be seen, to seek to address any quality issues.
Resources	The delivery of the Education Group work programme can likely be taken forward predominantly with IPReg office resources, including the new policy person when in

	post, with the exception of the accreditation exercises which will require specialist independent resources (and depending upon availability of previously applied specialists, recruitment of appropriate specialist may take up some office time).
--	--

4. Work plan

4.1 Current status of work plan items:

Quality Assurance Remedy	Education Group Determination	Status	Work being/to be undertaken
a) publication of assessment reports, their findings and recommendations made to qualification pathway accreditation applicant bodies	Agreed for implementation	Complete	Examination Agencies formally informed of new policy
b) requiring regular updates on progress against accreditation implementation plans	Agreed for implementation	Complete	Examination Agencies formally informed of new policy
c) requiring annual reports (to include student feedback, external examiners reports findings, and improvements made as a result)	Agreed for review and development	In progress: - proposal agreed at 9 March meeting	Annual report proposals to be shared with Examination Agencies with a view to agreeing reporting requirements and timeframes appropriate to their academic year schedule
d) developing a process for withdrawing accreditation from providers who do not maintain the accreditation standards	Agreed for preliminary review	In progress:- proposal agreed at 9 March meeting	High-level accreditation withdrawal procedure to be published on IPReg website for a 6 week consultation period, with Examination Agencies to be signposted to this
e) cost reflective charges for accreditation (including some allocation of officer time)	Agreed for preliminary review	In progress	VS recording office time allocation to ongoing Brunel accreditation exercise
f) encouraging more pathway providers – other university/ examination offers	Agreed for preliminary review	In progress	Work underway with Brunel University, as at item 6 of this paper
g) provision of online Frequently Asked Questions	Agreed for (further) development	In progress:- FAQs agreed at 9 March meeting	Published [insert hyperlink] on IPReg website
h) review of the Accreditation Handbook	Agreed for preliminary desktop review	Medium-term aim	[Not yet begun]
i) whether to quality assure the work-based element of attorneys' training	Agreed for preliminary review (in first instance)	Medium-term aim	[Not yet begun]
j) encouraging more pathway providers – consideration given to apprenticeships	Agreed for preliminary review	Longer-term aim	[Not yet begun, though Brunel University Double Major proposal would likely

			offer a year work placement]
k) changing our overall work priorities or automating some of the process	Agreed items a) – i) as good foundation for work programme of Education Group	Longer-term aim	[Not yet begun]

5. Queen Mary University London (QMUL) – Quality Issues

5.1 CITMA has gathered new student feedback which strongly indicates that issues remain regarding the content coverage and quality, lack of organisation and effective administration, a lack of prior and online learning materials and engagement opportunities, and examination errors. There is also indication of a lack of understanding of the particular learning needs and circumstances of a profession based student cohort. The Education Group met with quality assurance and education representatives from QMUL on 23 January 2020 and welcomed the commitments they made which they hope will help address some of the concerns. However, given the sustained concerns, IPReg felt compelled to issue a letter to QMUL on 13 February 2020, alongside a sanitised version of the student feedback, where it was clear IPReg is less assured than at any point previously that its accreditation standards can be met and emphasised that there needs to be significant sustained signs of integral major improvement in the specified areas of concern. Otherwise, IPReg will need to seriously consider the reaccreditation due in 2022 of the QMUL course(s). Please see Annex A for the letter sent to QMUL.

5.2 A formal letter of response from [REDACTED], Director of the Centre for Commercial Law Studies, was received after the 9 March meeting and was discussed by email after receipt. The letter is provided at Annex C. The Education Group found para 1.2 disappointing and will seek for members of the Education Group to meet with [REDACTED] and would ask that his review might include the systemic administration issues identified by the student feedback. In the interim, [REDACTED], Director of Taught Programmes, had kept IPReg informed regarding a full programme review as was suggested in that meeting. Please see Annex B for [REDACTED] most recent email update. The Education Group welcomed the appointment of an external expert to “examine and assess the substantive content” of the programme. We very much hope this helps to address and remove the extraneous subject matter obviously still being covered and thus reduce the learning hours from 1000 down to the required 600 hours.

6. Brunel University – increasing the routes to qualification

6.1 The (re)accreditation application received from Brunel University includes reinstatement of the historically accredited PG Certificate trade mark attorney pathway in addition to the patent attorney pathway which is currently delivered. Additionally, conversations have been ongoing in relation to Brunel seeking to apply (likely September/October 2020) for accreditation of an Under Graduate inter-disciplinary Double Major Degree, which if successful, would be the first of its type endorsed by IPReg. It is proposed it will harness the PG Certificate modules as an element of the degree as well as including offer of a work placement within the provision. Please see Annex D for the summary statement of intention provided by Brunel.

6.2 The Education Group agreed in principle to welcoming an application from Brunel regarding the IP law element of the proposed dual qualification. The structure of the programme will need to take account of tailoring Post Graduate elements to an Under Graduate programme and how to quality assure the work placement year where provided. It is proposed to engage the assessors (should they be available) currently undertaking the accreditation assessment of the Brunel Post Graduate Certificate.

7. Regulatory arrangements review

7.1 It was proposed that the regulatory arrangements review Call For Evidence include:

- exemptions review with an explicit proposal to introduce a sunset clause to the Joint Examination Board “transitional arrangements” so as not to continue to provide exemption for historic examinations, the JEB concluded in 2010-12¹; and
- ongoing competence including Continuing Professional Development.

8. European Qualifying Examinations

8.1 On 04 March, the European Patent Office (EPO) announced it was postponing the European Qualifying Examinations (EQEs) scheduled for March/April. This is due to its response to Covid-19:- cancelling travel duty for EPO staff and staff not to engage in crowds of 50 persons or more. It is not yet known when the EQEs to qualify as a European Patent Attorney will take place.

8.2 In keeping with Schedule 3 of the Rules for Examination and Admission of Individuals, the PEB historically recognised successful completion as a whole of the European Qualifying Examinations for European Patent Attorneys (or passing of papers A and B) as providing exemption to two of the Final Diploma Examinations (FD2 and FD3) and IPReg continue to recognise their equivalence.

8.3 IPReg website is to signpost the [latest CIPA Statement on EQE postponement](#) which includes the following text:

“The EPO has told us that the Supervisory Board, with the support of the EQE Secretariat, will continue to monitor health and safety conditions posed by COVID-19 in order to explore options to hold the exams later this year. We are grateful to the EPO for this clarification and confirmation and we remain committed to work with the EPO Secretariat to ensure that whatever arrangements are put in place are sensible in relation to, for example, the UK exam timetable”.

9. CPD Training Limited – Litigation and Advocacy Courses

9.1 The Basic Litigation Skills Certificate and Higher Advocacy course offers of CPD Training will be subject to a reaccreditation assessment in 2020². It is proposed that the assessors (should they be available) of the Nottingham litigation course re-accreditation application in 2019 will be engaged to undertake the assessment.

¹ The last year to sit the JEB Trade Mark Foundation papers was 2010, the three advanced papers could be taken in 2011 (with the possibility of re-taking two of the advanced papers in 2012; the PEB took on delivery of the patent examinations.

² This is overdue (based upon the standard five year reaccreditation cycle), the initial accreditation having taken place in 2014; other business priorities necessarily took precedence in 2019.

10. Mercer Review

10.1 The Call for Evidence (CfE) for the CIPA/Mercer Review of the patent attorney examinations closed on 14 February 2020. The IPReg response to the CfE, was informed by discussion at January Board and subsequent Board review of the proposed response. Automated notification of receipt was provided. Please see Annex E for the IPReg response to the CfE.

11. LSB Ongoing Competence Review

11.1 The LSB is currently undertaking a Call for Evidence to inform its [Ongoing Competence review](#). IPReg will need to keep an eye on the developments of the review though need not await its outcomes for its own regulatory arrangements review.

11.2 It is proposed that a response is made to the CfE stating that IPReg is about to embark upon a detailed piece of regulatory arrangements review work, which will include ongoing competence, and will bear in mind the findings of their valuable piece of work.

12. Recommendation(s)

12.1 The Board is asked to approve the suggested direction of travel as recommended by the Education Group, particularly the:

- broad education work plan programme plan proposed at item 4;
- approach to the Brunel University proposal for IPReg accreditation of an Under Graduate Degree in Combined Intellectual Property Law and Science proposed at item 6;
- regulatory arrangements review approach proposed at item 7 (and reflected at item 11); and
- approach proposed to the CPD Training reaccreditation exercise proposed at item 9.

12.2 The Board is asked to note the remainder of the paper.

Annex A – [REDACTED]

Annex B – [REDACTED]

Annex C – [REDACTED]

Annex D – Brunel statement of intention re: Under Graduate Combined Degree

Annex E – IPReg Response to Mercer Review Call for Evidence

[Redacted]

| [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

| [REDACTED]

[REDACTED]

[REDACTED]

| [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[Redacted]

Annex B – [Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]



[Redacted text block]

[REDACTED]

Annex D – Brunel statement of intention re: Under Graduate Combined Degree

Brunel University London
Kingston Lane
Uxbridge
UB8 3PH
United Kingdom

www.brunel.ac.uk

Victoria Swan
Director of Policy
IPREG
20 Little Britain,
London EC1A 7DH

6/3/2020

Dear Victoria

Integration of an IPREG FLQ into the Undergraduate Life Sciences Degrees at Brunel University London

Further to our initial conversation we would like to ask IPREG to formally consider the possibility to accredit out Life Sciences Degrees with an IPREG FLQ equivalent of our PgCert in Intellectual Property which would give our Life Sciences graduates a unique entry into the profession of UK Patent and Trade Mark Attorneys.

The Life Sciences Degree at Brunel University is an intrinsically interdisciplinary degree allowing students to combine teaching from a variety of the Life Sciences along with some study from the wider university. This new degree will use the structure of the Life Sciences degree to allow students to develop a strong background in the Life Sciences and to combine this with in later years with an increasing level of teaching in Intellectual Property Law (IPL). In the first year of study, there would be 10 credits of the background of English law and IPL added to a strong theoretical and practical understanding of the Life Sciences. In the second year, there would be 40 credits of IPL added to 60 credits of compulsory Life Sciences teaching, to ensure a wide and thorough education, and 20 credits of optional study from within the Life Sciences, to allow the students to begin to tailor their degree to their particular interest. In the final year, the students would take 40 taught credits of IPL along with 40 credits of Life Sciences that they could choose from a wide and diverse array of research-led

teaching to tailor their degree to their interests within the life sciences. Students would undertake their 40 credits dissertation at the intersection between the Law School and the Department of Life Sciences.

In the second and third years, the 80 credits of taught IPL that the students study will be drawn from but expanded on material taught on the Intellectual Property Law Postgraduate Certificate at Brunel University London. We hope through accreditation of this portion of their undergraduate degree to enable students taking these degrees to acquire IP qualifications equivalent to our current accredited programme upon graduation thus offering unique entry into the IP profession. This programme will thus create a unique entry into the IP profession for our science graduates who would be able to start their traineeship as patent attorneys straight after graduation. Students who graduate from this programme but choose different career paths will have a unique insight into the intersection between IP and scientific research and in a strong position in any professional or research environment.

We would obviously take your lead and much valued perspectives on this and feel that our programmes have the flexibility to be adapted around any specific requirements IPREG may impose on us. We hope that this letter can be seen as an invitation to start a constructive conversation which will then enable us to submit a more formal application should you feel that we need to do so.

Brunel continues its commitment to developing innovative teaching strategies in response to the challenges of the modern world and this unique degree would put Brunel at the forefront of the educational change required to provide society with the graduates it needs.

Yours sincerely



Head of Programmes at Life Sciences



Director PgCert in Intellectual Property

Brunel Law School

Annex E IPReg response to Mercer Review Call for Evidence

Chris Mercer
Chartered Institute of Patent Attorneys
2nd Floor
Halton House
20-23 Holborn
London
EC1N 2JD

By email only to: MercerReview@cipa.org.uk

12 February 2020

Dear Chris

Mercer Review - Call for Evidence

This letter sets out IPReg's response to the Call for Evidence of the "Mercer Review of the Education, Training and Assessment of UK Chartered Patent Attorneys" as issued by CIPA on 6 December 2019.

FD4 Infringement and Validity Examination - jointly commissioned research

We welcome the review in light of the concerns of examination candidates (and an examiner), as well as attorney firms, regarding the Patent Examination Board (PEB) examination process, particularly the awarding process of the FD4 Validity and Infringement Examination in the 2018 cohort.

In relation to that particular exam we would seek to remind stakeholders of the Quality Assurance Agency (QAA)'s 2015 review of the policies, procedures and processes of the PEB. This was a programme of work which IPReg funded and which established a Steering Group, including representatives from the PEB, CIPA and the IP Federation, to commission and manage independent research into this matter.

The outcomes included a recommendation to the PEB to investigate the consistently poor candidate success rate in the FD4 Infringement and Validity examination. The emerging considerations/possible solutions as suggested by the Middlesex University Research Team (Institute for Work Based Learning and the School of Law) related to preparing mentors and trainers; shadowing a real life infringement and validity opinion; the appropriateness of hand-writing for examinations; whether a conventional exam is sufficient to judge the desired learning outcomes; reviewing the FD4 exam marking design scheme for upcoming exams, and aligning learning outcomes to the assessment criteria.

There may be elements of these findings which might still prove beneficial to help answer the ongoing concerns regarding this examination. They might also in fact be considered for broader application across other PEB examinations where appropriate. I enclose a copy of the 2015 report for completeness.

Scope of review

The scope of review appears significantly broader than the particular FD4 concern, and indeed wider than the PEB examinations themselves, including as it does questions regarding regulatory

arrangements such as Continuing Professional Development (CPD). It is inherently legitimate for CIPA to have a view on such regulatory arrangements and we will very much welcome a response from CIPA on the CPD consultation which IPReg will hold in due course (as part of our publicly scheduled regulatory arrangements review). However, we would emphasise that CIPA has delegated the discharge of its regulatory functions to IPReg. Consequently, any CIPA views on these arrangements as a result of the Mercer Review can be made only in the capacity of representative body.

The call for evidence asks for views on the relationship between IPReg, CIPA and the PEB. The framework for the relationship between IPReg and CIPA is set out by the requirements of the Legal Services Board's Internal Governance Rules and the Legal Services Act 2007. The relationship between IPReg and the PEB arises from IPReg's regulatory arrangements including the requirements of our Accreditation Handbook. We do, however, consider that it would be appropriate for the review to consider whether it remains appropriate for the PEB to be a committee of CIPA when all the other examination agencies are independent bodies.

More generally, we suggest that the review should also consider whether any competition concerns are raised by the structure and membership of the PEB and the fact that the PEB is the monopoly provider of the Advanced Level Qualifications for the patent attorney qualification route. We note, for example, that it appears from a recent advert that only CIPA members can [apply](#) for the role of an examiner (the link requires the user to log in to their CIPA account). We recognise that an examiner obviously needs to be an experienced practitioner, but it is not clear to IPReg why the role may be open only to CIPA members. We also note that although the PEB's constitution requires it to be "financially self-supporting" there is limited transparency as to its actual costs. Without transparency as to the true cost of the PEB, alternative providers are unlikely to enter the market, thus limiting choice for prospective patent attorneys as to their route to qualification. Additionally, the Call for Evidence document and website provides little detail on the structure and membership of the PEB, meaning stakeholders may consider more transparency is needed before being able to consider the relationship between CIPA and the PEB in a properly informed way.

IPReg Accreditation Handbook - accreditation standards, subject and learning outcome requirements

For completeness, we would like to bring to your attention that [the IPReg Accreditation Handbook](#) sets out the standards and (Foundation Level Qualification) core subjects requirements of accredited examination and course providers and on which we consulted with all accredited agencies and CIPA and CITMA.

Following a strategic review last year of our accreditation processes, including lessons learned from accreditation exercises, the following provisions were approved by the IPReg Board last year:

- publication on the IPReg website of accreditation assessment reports, their findings and recommendations; and
- requirement, and publication, of regular updates on progress against accreditation recommendations.

These remedies seek to mitigate the risks associated with a lack of transparency of accreditation assessment findings and the risk that accreditation recommendations may not be taken forward within appropriate timeframes.

The IPReg Board is continuing a strategic review of the following:

- whether to require annual reports from providers as part of their maintenance of accreditation status (to include student feedback and improvements made as a result);
- development of a process for withdrawing accreditation from providers which do not continue to meet the accreditation standards;
- encouragement of new qualification pathway providers (likely to include universities, examination bodies and consideration to be given to creation of an apprenticeship scheme);
- whether to apply cost reflective charges for accreditation (to fully account for the substantial administrative costs which presently fall on IPReg); and
- review of the IPReg Accreditation Handbook.

The IPReg Board looks forward to the Mercer Review's recommendations for improving the standards of assessment in patent attorney qualification pathways.

Yours sincerely,

Lord Smith of Finsbury

Chair, Intellectual Property Regulation Board

Enc. Middlesex University FD4 Research Report

Board Meeting 19 March 2020

Update on new Delegation Agreement

Agenda Item: 8

Author: Fran Gillon, CEO [REDACTED]

Summary

1. The new Internal Governance Rules (IGRs) were published by the Legal Services Board (LSB) on 24 July 2019. As a consequence, we need to put in place a new Delegation Agreement with CIPA and CITMA. We have agreed that these will be separate documents.
2. A separate Information Sharing Protocol has been agreed in principle and this is set out at Annex A.
3. The CIPA Council had some queries on the drafting of the Delegation Agreement itself but did not consider that they would hold up their application to the LSB for approval of the agreement. The CIPA Council met on 11 March and at the time of writing [12 March] a marked up version of the CIPA draft was yet to be circulated. Lee indicated that there were a “large number of drafting points and two or three points of principle”.
4. The CITMA Executive Committee had decided to take its own legal advice on the drafting of the agreement. CITMA advised on 11 March that it had made informal enquiries with the LSB about an extension of one month. Keven reported that he is yet to have any official decision but the initial response suggested that a short extension may be possible.
5. The LSB regards the Delegation Agreement as a regulatory arrangement. As such, it needs to be approved by the LSB in order to have effect. The LSB has confirmed that the application for approval must be made by CIPA and CITMA (not IPReg) and that it has to be submitted by 31 March 2020.
6. Further information certifying compliance with the IGRs has to be provided to the LSB by 23 July 2020. A paper will therefore be presented to the 16 July Board meeting covering the additional information that the LSB requires.
7. Further updates will be provided at the Board meeting.

Recommendation(s)

- a. To be decided at the Board meeting.

Risks and mitigations

Financial	The Delegation Agreement was drafted by Kingsley Napley and the fees have been paid from the budget. There are no direct financial implications from entering into the agreement.
Legal	[REDACTED]
Reputational	The Delegation Agreement and Information Sharing Protocol will be a cornerstone of our relationship with CIPA and CITMA going forward.
Resources	Day to day work has been managed within our existing resources.

Annex A

Protocol for the provision of information ["Information Sharing Protocol"] – THIS WILL BE A STANDALONE DOCUMENT - TO BE PUBLISHED IN FULL AT A LATER DATE

[REDACTED]

[Redacted text block]

[REDACTED]

DRAFT

Board Meeting 19 March 2020

Information Paper – IPReg Regulatory Enquiries Review 2019

Agenda Item: 9

Author: Victoria Swan, Director of Policy [REDACTED]

1. Summary

1.1 IPReg receives each year a significant number of contacts.¹ This paper concerns a minority, but vital element of those, namely the 300 substantive regulatory enquiries received in 2019². This paper seeks to review the theme and content of those enquiries, and how promptly they were dealt with. It is for noting by Board. A summary of the enquiries is provided in the IPReg Annual Report.

1.2 Up until the introduction of the new CRM, regulatory enquiries were made via the Info email inbox. The details of the enquiries were manually recorded and categorised by the IPReg office in an Excel spreadsheet. As of late September 2019, the new CRM directs individuals to make their enquiry online, they are asked to self-categorise (choosing from a selection of pre-populated categories informed by enquiry frequency), with the CRM automatically recording (separately) the enquiries and replies. This review is informed by the amalgamation of the spreadsheet information until its closure in autumn 2019 combined with the information collated through the CRM since then. Please note any subsequent enquiries reports to Board will be informed by the CRM reports alone (Info inbox enquiries can be saved to the CRM and inform its reports).

2. Risks and mitigations

a. Financial	None, existing resources are dedicated to oversight and administration of the enquiries received.
b. Legal	[REDACTED]
c. Reputational	Both the Info in-box auto-reply and the new CRM Online Enquiry (COE) facility manage expectations, indicating the 4-5 days target turnaround for a response. In 2019, 92.6 ³ % of the regulatory enquiries made January to end-September (i.e. those captured in the spreadsheet) were answered within this timeframe. Proposed online Qualification FAQs, as informed by regulatory enquiry themes over time, will be taken to the Education Group to review in Q1 2020; it is intended that improved website information will better help answer qualification/registration enquiries before they are actually made.
d. Resources	The allocation of resources to the regulatory enquiries has changed with the advent of the new CRM which now, alongside the Info in-box, provides for two separate routes for enquiries to be raised (it also affords opportunity for registrants to raise queries

¹ In 2019 we received over 9100 contacts – these can take the form of calendar invites, out-of-office notifications, spam warnings, administrative enquires - into the Info email address in-box alone.

² Versus the 231 substantive regulatory enquiries received in 2018.

³ This was 96% in 2018. Two of the six enquiries not answered in the target timeframe related to Brexit ramifications and were delayed pending review by the relevant representative body.

	<p>regarding their online account and registration status). It is envisaged that usage of the Info in-box will reduce as familiarity with the new COE system increases. The COE system allows for individual members of the office to allocate ownership of reply (to themselves, or a colleague) and is not dependent upon the Director of Policy manually designating and recording this (as is the case with the Info in-box). It is intended that administration of the Info in-box will be transferred to the new policy post when recruited.</p>
--	--

3. For noting

3.1 The Board is asked to note the review of the 2019 regulatory enquiries and that it reinforces the known need for both the regulatory arrangements review to include exemptions and entry requirements; and for a review of the Continuing Professional Development arrangements, when resources permit.

4. Enquiries process

4.1 IPReg typically receives c200-250 substantive regulatory enquiries annually; in 2019 there were 216 recorded in the enquiries spreadsheet. The spreadsheet recorded the date of receipt, sender type (e.g. attorney, member of public etc.), broad theme and sub-category (choosing from an in-built thematic list informed by previous years' enquiry types), headline summary of the specific enquiry and who will reply to it. Each (numbered) reply was saved in a dedicated Z drive enquiry folder for future reference. The spreadsheet and its catalogued responses sought to provide an organisational learning resource to help identify any recurrent regulatory themes as well as a library reference of responses.

4.2 The new COE provides a system to enable both attorneys and members of the public to make an online enquiry. The COE system provides versions of the sub-categories which the individual can self-select what their enquiry relates to (and can choose more than one)⁴. The scope of enquiries under this system, and the categories, have been expanded by the Chief Executive to ensure as many contacts as appropriate are caught as enquiries for corporate transparency and accountability purposes. For the purpose of consistency with previous reports to Board, this report relates only to substantive regulatory enquiries (as opposed to account administration such as practising status, moving firm, change of details, CPD Declarations and waiver requests etc). All IPReg officers can view the enquiries and allocate an enquiry to the relevant IPReg officer, it is not dependent upon the oversight of a sole individual (as with the Info in-box where emails are forwarded/flagged for others by the individual overseeing the in-box, typically the Director of Policy). An Outlook plug-in enables any enquiries received into the Info-in-box to be saved in the CRM. Relevant COE regulatory enquiries stand at 88 categorisations across the self-selection options offered to enquirers (see item 5.1) providing for a calendar year total of 300 enquiries across the thematic enquiries applied (see Annex summary).

4.3 The Director of Policy typically answers the qualification/registration (excepting those relating to entities) and CPD enquiries. Draft template responses have been created within CRM which have aided the response time and resources allocated to these replies. Additionally, online Frequently Asked Questions⁵ have been drafted as informed by the qualification enquiries. The Assurance Officer typically answers Rules of Conduct queries, the Authorisations Officer entity registration

⁴ This may not reflect how the IPReg office would have categorised an enquiry but the classification is retained in keeping with the individual's perception; whilst multiple categorisations affords the enquirer choice it might be prudent for reporting purposes that they are able to select one only (and/or that an IPReg officer deallocates all but one of the categorisations or overrides a categorisation each time they deal with such an enquiry).

⁵ Draft FAQs to be taken to Education Group for review in Q1 of 2020.

queries and the Head of Registration reviews policy response of officers where advice is sought, as appropriate to the subject matter.⁶

4.4 The expectations of enquirers are managed through indication of a 4-5 working days response timeframe. The 5 working days target was met in 97.2% (210 enquiries) of the regulatory enquiries of 2019 captured by the spreadsheet. Unfortunately the turnaround timeframe for the those captured by the CRM was not found to be readily reportable⁷ (though we are seeking ways in which this might be addressed going forward).

4.5 Q4 2019 (and Q1 2020 so far) have seen high volumes of contacts being made, not least those relating to new CRM and login details, registration renewal and CPD Declarations. Though there remains traffic into the Info in-box regarding these it is nowhere near as voluminous as previous years due to take up of the COE system. The Head of Registration has dealt with much of this traffic, dealing with a range of CRM requests/issues made via the Info in-box. It is envisaged that as registrants become more familiar with the new CRM (and its CEO system), the traffic into the Info in-box will continue to decline.

5. 2019 Themes

Most Frequently Asked Questions

5.1 In 2019, 300 substantive regulatory enquiries were made; 216 of these were recorded manually through the enquiries spreadsheet, 84 of which were reported through the CRM. Whilst these numbers appear to indicate an exponential 29.9% increase from the 231 regulatory enquiries recorded in 2018 it is worth bearing in mind that enquiries made through the CRM can be allocated by the enquirer to more than one category e.g. classifying their query as both “Registration as a Trade Mark Attorney” and “Registration – overseas, non-EU member state” so there is scope for a single enquiry to be reported more than once. The three most frequent theme of the enquiries remain as they were in 2018:

- Qualification/Registration accounted for over half - 179 - of the enquiries (129 in 2018);
- Rules of Conduct accounted for 57 enquiries (55 in 2018);
- Continuing Professional Development accounted for 26 (20 in 2018).

A more detailed breakdown of these three themes is provided at paragraphs 5.3-5.15 and a summary table is provided as an Annex.

Qualification/Registration

5.2 Of the 179 categorised as qualification/registration⁸ enquiries, the most frequent remain how to become a trade mark attorney (55); and how to become a patent attorney (44). These are followed by the process for becoming a registered entity (27), non-EU cross recognition of qualifications (20) and EU cross-recognition (14).

⁶ The Head of Registration also dealt with a high volume of CRM account/registration status queries during annual renewal as well as Voluntary Removal requests and extended absence queries – not captured in this report.

⁷ This may be attainable by interrogating each of the 176 (88 enquiries and 88 responses) activities in turn – the CRM does not allow for the reply to be made directly to the enquiry, but as a separate email activity – if considered appropriate allocation of office time.

⁸ The CRM categorisations reference “Registration”, historically categorised internally as “Qualification”; amended to be clearer to the enquirer that this relates to all elements of qualifying as an attorney, not just university courses/ examinations.

5.3 A total of 112 queries came from individuals based in and educated in the UK seeking information on entry and experience requirements. Another 34 queries came from those based and educated (and often professionally qualified) abroad, and came from a range of EU and non-EU residents, with queries on how to qualify from countries including Australia, Belgium, Canada, Germany, India, Ireland, New Zealand, Poland, Portugal, Russia, South Africa, and Turkey.

5.4 Although there is a significant amount of information on our website about registration requirements, examinations and exemptions, the frequency and complexity of enquiries about this tells us this needs to be clearer. A draft set of dedicated Frequently Asked Questions have been developed by the IPReg office, directly informed by review of received enquiries. The document was reviewed by the 9 March 2020 meeting of the Education Group.

5.5 Other queries included

Rules of Conduct

5.6 By their very nature, the (57) Rules of Conduct enquiries have an eclectic reach, though as in previous years there is (limited) commonality of themes:

- Entity (Re) Structure – 11 enquiries; including dealing with a fallout between directors, seeking advice on services of a solicitor being offered from within company, mergers; and queries on issues, or interest in, becoming a Licensed Body (Alternative Business Structure);
- Conflict of Interest – 6 enquiries; including whether possible future commercial conflict between two clients (not in relation to trade mark representations), taking equity and possibly directorship in client company; owning equity in a competitor firm;
- Client Monies – 4 enquiries; including concern regarding a money laundering risk and encountering issues setting up a client bank account;
- Difficult Client – 4 enquiries; client ignoring requests for fees payment, ceasing to act for a client who is neither paying fees nor issuing instruction, whether any requirement to provide a detailed breakdown of bill of costs;
- File Transfer – 2 enquiries; including previous firm reluctance to pass on client file as owed monies.

5.7 The remaining Rules of Conduct enquiries fell into a very broad range of other subjects, including the impact of Brexit upon insurance, whether it is permissible to sponsor a competition by providing time in kind (rather than prize money), extent to which the attorney should make efforts to trace a client, enforcement of a liability of limitation, ceasing to act for a client who is neither paying fees nor issuing instruction, query regarding foreign exchange rate fluctuations, disbursements and bank charges, whether services can be provided in exchange for equity.

5.8 Queries made by non-attorneys covered areas such as requesting information on sanctions available for application to attorneys who do not meet their regulatory responsibilities, whether permissible for an IP law firm to be a strategic investor within a company and also advise on IP law, what “legal advice” as a trade mark administrator, who can register a trade mark for financial gain.

Continuing Professional Development

5.9 We received 26 enquiries concerning CPD and the majority (24) came from registered attorneys. Many of these related to whether the removal of the 25% cap relating to non-interactive activities applied across the board (it does) rather than relating only to the watching of a webinar example given in the online article. The removal of the cap in June 2019 was directly informed by intelligence, including regulatory enquiries, of potential for the previous arrangements to lead to

attorneys undertaking professional development in areas irrelevant to them or the service they provide simply because the activity was uncapped.

5.10 Please note that these figures do not include the high frequency of queries relating to an individual's CPD declarations and any pro rata/waiver etc. requests. These are administrative/particular to the attorney rather than thematic issues.

6. For noting

6.1 The Board is asked to note the review of the 2019 regulatory enquiries and that it reinforces the known need for both the regulatory arrangements review to include review of exemptions and entry requirements; and for a review of the Continuing Professional Development arrangements, when resources permit.

Annex – IPReg Enquiries Categories/Frequency

Annex – IPReg Enquiry Categories/Frequency

Category	Number of Enquiries	Notes
Qualification/Registration (total)	178	Remains the most prolific area of enquiry by a significant margin <i>(117 enquiries manually recorded on s/sheet, 61 through CRM)</i>
Qualification/Registration – Dual	1	Registered attorneys seeking information on how to gain dual qualification (both patent and trade mark). <i>(1 recorded in spreadsheet, 0 in CRM)</i>
Qualification/Registration – Entity Registration	27	A range of queries relating to structuring of practices, whether need to be registered with IPReg, a range of mergers including between and IPReg regulated firm and an SRA regulated firm, appointment of lay spouse as a Director/other. <i>(20 recorded in spreadsheet, 7 in CRM)</i>
Qualification/Registration – EU	14	Individuals qualified/practising elsewhere in the European Union (including Belgium, Germany, Ireland, Poland, Portugal) interested in becoming registered with IPReg and other general enquiries regarding any nationality requirements, overseas experience, Brexit implications. <i>(9 recorded in spreadsheet, 5 in CRM)</i>
Qualification/Registration – IP	2	Category applied when enquiry is not explicit as to whether it is the patent or trade mark pathway they are interested in or is a generic question regarding attorney qualification requirements. <i>(2 recorded in spreadsheet, 0 in CRM)</i>
Qualification/Registration – Litigation	5	Exercise rights queries, reasonable adjustment in taking the litigation certificate assessment, believe they do have the qualification (on register as at 31/12/12 so passported in), another who thought they should have the qualification as on register <i>before</i> 31/12/12 passporting, but not on it <i>as at</i> 31/12/12. <i>(3 recorded in spreadsheet, 2 in CRM [25 enquiries self-categorised as this, 23 of which were administrative relating to submitting their newly acquired certificate])</i>
Qualification/Registration – Overseas Non-EU	20	Individuals qualified/practising in non-European Union countries (Australia, Canada, India, New Zealand, Pakistan, Russia, South Africa) enquiring whether they can apply for IPReg registration and if not, any exemptions which might apply in their qualification route (exemptions unlikely to apply). <i>(14 recorded in spreadsheet, 6 in CRM)</i>
Qualification/Registration – Patent Attorney	44	Queries include how to qualify, historic passes, whether a particular STEM qualification is sufficient for entry on to FLQ, any exemptions which might apply due to European Qualifying Examinations and particularly with regard to compensable fails, course details, what constitutes “substantial” work experience. <i>(19 recorded in spreadsheet, 25 in CRM)</i>
Qualification/Registration – Solicitor fast track-intensive course	10	Solicitors seeking information on route to qualification as a Trade Mark Attorney. A couple from trainees not yet qualified as solicitors (fast track applies at 2 years post registration with SRA). <i>(8 recorded in spreadsheet, 2 in CRM)</i>

Qualification/Registration – Trade Mark Attorney	55	Queries include how to qualify, any exemptions which might apply, (historic) Joint Examination Board qualification pathway (including someone asking on behalf of his wife who took examinations in 2002, but did not pass, and no experience since), other IP courses and whether provide exemption, whether a degree is required for entry purposes, paralegals interested in qualifying, what constitutes “substantial” work experience, supervised vs. unsupervised experience and how to demonstrate the latter. <i>(41 recorded in spreadsheet, 14 in CRM)</i>
Rules of Conduct (total)	57	Remains 2 nd most prolific area of enquiry <i>(44 recorded in spreadsheet, 13 in CRM)</i>
Rules of Conduct – Client Monies	4	Queries include concern regarding anti-money laundering risk and encountering issues setting up a client bank account. <i>(3 recorded in spreadsheet, 1 in CRM)</i>
Rules of Conduct – Conflict of Interest	6	Queries include whether possible future commercial conflict (not in relation to trade mark representations) between two clients, taking equity and possibly directorship as well in client company; and owning equity in a competitor firm. <i>(3 recorded in spreadsheet, 3 in CRM)</i>
Rules of Conduct – Difficult Client	4	Queries include client ignoring requests for fees payment, ceasing to act for a client who is neither paying fees nor issuing instruction, whether any requirement to provide a detailed breakdown of bill of costs. <i>(3 recorded in spreadsheet, 1 in CRM)</i>
Rules of Conduct – Entity (Re)Structure	11	Queries include dealing with a fallout between directors, seeking advice on services of a solicitor being offered from within company, mergers, and queries on issues, or interest in, becoming a Licensed Body (Alternative Business Structure). <i>(9 recorded in spreadsheet, 2 in CRM)</i>
Rules of Conduct – File Transfer	2	Queries include previous firm reluctant to pass on client file as owed monies. <i>(1 recorded in spreadsheet, 1 in CRM)</i>
Rules of Conduct – Other	30	Queries include Brexit impact upon insurance, whether can sponsor a competition by providing time in kind (rather than prize money), extent to which the attorney should make efforts to trace a client, enforcement of a liability of limitation, ceasing to act for a client who is neither paying fees nor issuing instruction, implication of foreign exchange rate fluctuations, disbursements and bank charges, whether can provide services in exchange for equity, information on sanctions available for application to attorneys who do not meet their regulatory responsibilities, whether permissible for an IP law firm to be a strategic investor within a company, what “legal advice” as a trade mark administrator, who can register a trade mark for financial gain. <i>(25 recorded in spreadsheet, 5 in CRM [9 self-categorised as this, 4 of which were administrative, more often than not relating to online account/certificate of good standing])</i>
CPD (total)	26	3 rd most prolific area of enquiry

		<i>(22 recorded in spreadsheet, 4 in CRM)</i>
Continuing Professional Development (CPD) – Attorney	24	Queries most frequently ask whether an activity is CPD (in-house training, webinar etc.) and whether the non-interactive 25% cap still applies to some activities (it doesn't). <i>(21 recorded in spreadsheet, 3 in CRM)</i>
Continuing Professional Development (CPD) – Provider	2	Organisations seeking IPReg accreditation of their CPD event (we do not accredit CPD events, the website is much clearer on this and this appears reflected in reduction in these enquiry types). <i>(1 recorded in spreadsheet, 1 in CRM)</i>
Miscellaneous (total)	14	Include Brexit implications, whether transparency guidance is mandatory for attorneys in an SRA regulated firm, query regarding the activities of an unregulated firm, whether a barrister can be a consultant for a firm, setting up a practice queries. <i>(12 recorded in spreadsheet, 2 in CRM [31 self-categorised, 29 of which were administrative])</i>
Possible Complaint (total)	17	Please note these are the possible complaints made through the Info in-box in the first instance (and reported in the Enquiries spreadsheet); complaints are captured as a separate activity on the CRM and will not be covered in future iterations of this report. <i>(17 recorded in spreadsheet, CRM captures complaints separately)</i>
Research (total)	8	Include information requests on admission numbers, dual attorneys, no. of attorneys in a particular country, diversity figures, what is permissible for 3 rd parties, whether US ownership is permissible. <i>(4 recorded in spreadsheet, 4 in CRM)</i>

Board Meeting 19 March 2020

Review of (a) CRC remuneration and process and (b) IPReg Board remuneration and travel and subsistence policy

Agenda Item: 8

Author: Fran Gillon, CEO ([REDACTED])

Introduction

1. Over the past 25 months, we have received an increased number of complaints. We have also convened six Complaints Review Committee (CRC) meetings. These meetings considered four cases (one of which involved two registrants). The CRC considers whether the evidence before them discloses a *prima facie* case and whether progressing the complaint further would be disproportionate. Broadly, the CRC can decide whether to deal with the case through a summary procedure or to refer it to an independent Joint Disciplinary Board.
2. Our increased experience of CRC meetings means that it is now appropriate to review whether that part of our complaints process could be done more effectively and efficiently. This paper sets out recommendations for the Board to consider.
3. Separately, the Board considers annually the Board's remuneration level and IPReg's travel and subsistence allowances. This paper also makes recommendations on those matters.

Recommendation(s)

4. The Board agrees:
 - a. The CRC will no longer be provided with hard copies of papers. Secure links to the papers will be provided instead;
 - b. Paid reading time for CRC members will be capped at 0.5 days (i.e. 3.5 hours) per case being considered;
 - c. All Board members will attend CRC-refresher training;
 - d. The revised remuneration rates at Annex A;
 - e. The revised travel and subsistence policy at Annex B;
 - f. In principle, to publish high-level details about Board members' remuneration and travel and subsistence payments.

Risks and mitigations

Financial	The cost of our investigation process is a significant element of our budget. It is therefore appropriate to consider whether there are any areas where we can make
------------------	---

	<p>immediate savings. Refresher training will be provided by an external trainer; costs TBC.</p> <p>Board members' fees, travel and subsistence for attendance and Board meetings and other events are paid from our budget. Although costs orders can be made by the CRC against a registrant in the event of an adverse finding, transparency and consistency about those costs we incur is essential.</p>
Legal	[REDACTED]
Reputational	<p>Costs awarded against registrants for CRC decisions are open to scrutiny and can be challenged.</p> <p>We do not currently publish Board members' travel and subsistence payments. Going forward, we could increase our transparency by publishing a high-level summary of payments made to Board members and the CEO.</p>
Resources	<p>Now that we have migrated to a cloud-based system, we can operate more efficiently by using secure links to papers rather than sending them as attachments to emails.</p>

Discussion

5. Preparation of CRC papers:

- a. Papers are usually sent to CRC members as email attachments. Due to the size of the bundles, this often requires sending more than one email; this is time-consuming to prepare. Now that we have migrated to a cloud-based system, we are able to provide secure links to these papers and they can be accessed and read online. We therefore propose that we will always provide CRC papers in this way (and, for the avoidance of doubt, hard copies will not be provided). This will save the team time and is a much more secure way of circulating information.
- b. At its January 2019 meeting, the Board agreed that CRC members should be paid for the time taken to read the papers sent to them. [REDACTED] A brief review of other regulators' approach to paying disciplinary panels for reading time indicates that it is unusual to do so. Bearing in mind that the CRC is making a finding of whether there is a "case to answer" rather than the more detailed scrutiny that a Disciplinary Panel would undertake, we propose that paid reading time for CRC members will be capped at 0.5 days (i.e. 3.5 hours) per case being considered. CRC members must, of course, assure themselves that they have prepared adequately for each case regardless of the amount of paid reading time.

- c. [REDACTED]



6. Remuneration, travel and subsistence

- a. Our Board remuneration policy is not clear about whether travel time will be paid when conducting Board business (whether Board meetings, CRC meetings or other activities). For the avoidance of doubt, we will not pay for travel time to or from these meetings if they are held in London. We expect Board/Committee members who have longer journeys to do IPReg business while travelling if they are able to – e.g. to use the time as reading time – so as to reduce costs.
- b. Remuneration for additional work such as the Education Group or the Regulatory Arrangements Review Group will be paid by the hour. Board members must keep records of time spent on these activities.
- c. Board members' contracts state that their remuneration is fixed for the term of their contract unless the Board agrees otherwise. The Board's custom and practice is to increase the remuneration rates by RPI with effect from 1 January each year.
- d. An amended version of the remuneration rates is at Annex A and an amended travel and subsistence policy is at Annex B.
- e. Part of our work on the regulatory performance framework is to be more transparent. To support this we should consider publishing details of Board members' total annual remuneration (i.e. for Board meetings plus other activities; the CEO's salary is already itemised separately in the published budget) and payments for travel and subsistence. An example of how this could be done is on the LSB's [website](#).

Intellectual Property Regulation Board

(from January ~~2019~~2020)

POLICY AND PROCEDURE FOR THE PAYMENT OF TRAVEL AND SUBSISTENCE EXPENSES OF IPREG BOARD MEMBERS AND STAFF

The following are the travel and subsistence rates for board members and staff with effect from 1 January 2020. In most cases they have been increased by 2.2% - RPI for the 12 months to December 2019:

1. POLICY

- 1.1 It is IPReg's policy that all Board Members should be reimbursed appropriately and promptly for expenses incurred on IPReg business.
- 1.2 IPReg will reimburse travel and subsistence costs which allow the Board to attend meetings conveniently and comfortably, within a reasonable scale of costs.
- 1.3 IPReg may publish travel and subsistence payments made to Board members.

2. PAYMENT OF TRAVEL EXPENSES

- 2.1 Payment shall be made in respect of expenses necessarily incurred by those traveling on business approved by IPReg. The sum paid shall not exceed the amount spent by the individual.
- 2.2 All claims for reimbursement of expenses should be made on a quarterly basis at the same time as fees are invoiced. All claims must be accompanied by receipts.

3. PROCEDURE

Travel by Road

- 3.1 Those that use their own transport for IPReg business will be reimbursed at the rate of ~~44p~~ 45p per mile for cars, ~~23p~~ 24p per mile for motorcycles and ~~12p~~ 20p per mile for pedal cycles; for the first 10,000 miles.¹

¹ These are HMRC agreed rates

- 3.2 Distances claimed must be from home to the place at which the IPReg business will be conducted and return.
- 3.3 Mileage claims will be paid only in respect of private vehicles which are both roadworthy and are insured for the claimant's business purposes. Claims must confirm these points.

Travel by Rail

- 3.4 Tickets must be procured as economically as possible. This means always taking advantage of the cheaper fares that are available through advance booking. Board meetings will always be set well in advance for this purpose. Standard class travel must be used rather than first class for all journeys less than 3.5 hours, unless a ~~first class~~ first-class ticket is cheaper. If Board members choose to travel first class, they may claim a standard class fare (with confirmation of the cost of the standard ticket – e.g. by providing a screen shot of ticket options available when making the booking). Board members who need to travel first class because of a disability must request approval from the CEO or Chair in advance of making a booking.
- 3.5 Claims for reimbursement of rail fares must be made with evidence attached of the fare paid.

Travel by Taxi

- 3.6 Travel by taxi in London will only be paid for in cases of urgency, where an adequate public transport service is not available or when necessary because of a disability. In such cases the taxi fare and a reasonable gratuity may be claimed with evidence of payment attached.
- 3.7 Outside London, where public transport may not be as comprehensive, taxi fares for short distances may be claimed (e.g. from train station to place visited). As in 3.6, claims may include a reasonable gratuity and must be accompanied by evidence of payment made.

Travel by air

- 3.8 Air travel may be arranged where it is the most cost-effective arrangement for a particular journey.
- 3.9 Air travel will always be in Economy Class for flights of up to 3.5 hours (unless a disability necessitates the use of Business Class, in which case prior approval must be obtained as for rail travel) and must be arranged to ensure the best value fare available, taking into account that the use of air travel may preclude the need for an overnight stay and the payment of hotel and subsistence costs. As for rail travel, Board members may choose to upgrade, but can only claim the cost of an economy fare.

- 3.10 Air travel may only be used with the prior authorisation of the Chair or the Chief Executive.

Hotel Accommodation

- 3.11 The cost of bed and breakfast will be reimbursed when an overnight stay is unavoidable.

- 3.12 In London, the cost of ~~Bed-bed~~ and ~~Breakfast-breakfast~~ should not exceed ~~£185- £190~~ per night. Elsewhere, the cost should not exceed ~~£155- £160~~ per night.

- 3.13 If accommodation is taken with friends or relatives a flat rate of ~~£41- £42~~ per night may be reimbursed.

Subsistence

- 3.14 Allowances may be paid when Board members are away from their home for over five hours and where refreshments have not otherwise been provided. These allowances, which will be paid only on the production of receipts with claims, are the maximum that will be paid.

- 3.15 The daily allowances are as follows:

a) Breakfast: ~~£10- £11~~ (if staying overnight and not included in the room rate; or if the Board member had to leave home before 7am).

b) Lunch: £9.

c) Dinner (if staying overnight): ~~£26 £27-27~~. A moderate amount of alcohol consumed with dinner may be reimbursed.

Fran Gillon
Chief Executive

Issued ~~February 2019~~[DATE] 2020

Item 8 Annex A

The following are the agreed remuneration rates for board members with effect from 1 January 2020. They have been increased by 2.2% - RPI for the 12 months to December 2019:

Chairman

- The remuneration of the Chairman is ~~£34,970~~ £35,740¹ per annum for a commitment of 50 days.
- A daily rate of ~~£699~~ £714 will be paid for each additional day.

Board

- The remuneration of board members is ~~£3,840~~ £3,920 per annum for a commitment of 7 Board meetings and the associated preparation and occasional correspondence in between those meetings. ~~10 days.~~
- Where any additional attendance is requested, a further daily rate of ~~£384~~ £392 (paid pro rata for part days based on a 7-hour day) will be paid.
- Where any board member is requested by the Chairman to represent the IPReg at events a sum of ~~£192~~ £196 may be claimed.

Complaints Review Committee

- The three board members sitting as a Complaints Review Committee will each be paid ~~£384~~ £392 per day (pro rata for part days based on a 7-hour day).
- A maximum of 0.5 days reading time will be paid for each scheduled case.

General

- Each year, the Board will consider ~~All rates will be adjusted~~ adjusting these rates annually ~~on~~ with effect from 1st January by the then RPI.
- Travel time will not be paid for attendance at meetings in London.

¹ This is the RPI uplift of the previous year's total remuneration but does not equate to 50 x daily rate because in 2019 we rounded down the daily rate but left the uplifted figure as is. If we were to apply the daily rate to 50 days the remuneration figure would be £35,700 (£40 less)

Board Meeting 19 March 2020

Information paper: Complaints update

Agenda Item: 12

Author: Shelley Edwards, Head of Registration [REDACTED] Mark Barnett, Assurance Officer [REDACTED]

Summary

1. This paper stands as an update on complaints received and processed by IPReg.

Risks and mitigations

Financial	None. Existing resources are dedicated to the oversight and administration of complaints received.
Legal	[REDACTED]
Reputational	In common with all regulatory bodies, we can expect that complainants who are disappointed with the outcome of their regulatory complaint may make a corporate complaint about IPReg's decision or processes. This reputational risk will be mitigated by the Corporate Complaint policy and procedure which is currently being developed. This will be published on the website and followed where applicable.
Resources	Whilst the overall number of complaints received about regulated persons is low (an average of around 7 complaints every year since 2010), the complaints that have been investigated and taken forward to CRC (and beyond) have been resource-intensive. The development and refinement of internal procedures, as well as the additional capacity to investigate and process cases in-house should assist. The need for external legal support should also be reduced due to increased internal capacity.

Recommendations

2. The Board is asked to note this paper.

Investigation Stages

Under Investigation

Information has been received which is being investigated under Rule 5 Disciplinary Procedure Rules (“DPR”) to determine whether it amounts to a Complaint. If it does not amount to a Complaint¹, the case will be closed. If it does amount to a Complaint, it moves to the Complaint Initiated stage.

Complaint Initiated

Information has been received which suggests a breach of IPReg’s regulatory arrangements under Rule 5.3 DPR. Further investigation and liaison with parties may be required at this stage, including obtaining brief and concise observations on the complaint from the respondent.

CRC

Case has been referred to or is being dealt with by the Complaints Review Committee under Rule 8 DPR. A case at this stage may be adjourned for further investigation, closed, dealt with summarily or referred to the JDP.

JDP

Case has been referred to or is being dealt with by the Joint Disciplinary Panel / Disciplinary Board. under Rule 9.10 DPR.

Appeal

The Disciplinary Board has made a decision following a disciplinary hearing, and this is under appeal or notice has been given that an appeal will be lodged under Rule 20 DPR.

Cases by numbers

Category	Number	Notes
Complaints received in last month (since last meeting)	2	
Total open cases	11	Under investigation = █ Complaint initiated = █ CRC stage = █ JDP stage = █ Appeal stage = █
Complaints closed in last month (since last meeting)	4	

¹ For example, because information provided does not support an allegation of a breach of any of IPReg’s regulatory arrangements, no evidence has been provided to support any allegations made, allegations have been made prematurely (e.g. the firm’s complaints procedure has not been exhausted), the matter is not within IPReg’s jurisdiction (more appropriate to be dealt with by police, LeO, other regulator or organisation) etc

Open cases

Case ref	Stage and Status
[REDACTED]	[REDACTED] [REDACTED]

Closed cases in last month

[REDACTED]	[REDACTED]

Recommendation

The Board is asked to note this information paper.