

## The Patent Regulation Board and the Trade Mark Regulation Board

### Minutes

Thursday 26 July 2018 at 12 noon

Room 106, 16 High Holborn, WC1V 6BX (Orega)

#### Attending:

Steve Gregory (Acting Chair)  
Alicia Chantrey  
Jonathan Clegg  
Samantha Funnell  
Keith Howick  
Alan Kershaw  
Emma Reeve  
Caroline Seddon  
Nick Whitaker

**In attendance:** Fran Gillon, Shelley Edwards, Karen Duxbury, Rachel Greensides, Victoria Swan

#### 1. Apologies

Nigel Robinson

#### 2. Notification of any conflicts of interest

None

#### 3. Minutes of June 2018 meeting and matters arising

[REDACTED]

[REDACTED]

3.2 The Board agreed the minutes of the June 2018 meeting.

#### 4. Action Log

4.1 In relation to the last item, 'Feb 2017 – IDEA Ethical Training, SE reported that the last Board meeting had agreed to no longer continue to fund this and that the provider had been informed of this decision.

4.2 The action log was noted.

## 5. Chair and CEO activities (not covered elsewhere)

### 5.1 Chair recruitment (SG)

5.1.1 SG reported there had been [REDACTED] candidates interviewed by a panel of six (three IPReg Board members, an independent lay member and the CIPA and CITMA Presidents). The role of Chair had been offered to, and accepted by, Rt. Hon. Lord Smith of Finsbury, who will start on 7 September. The LSB has been notified of the appointment. An embargoed press release has been shared with CIPA and CITMA and the public announcement will be made after the Board meeting.

5.1.2 The Board agreed to:

- note the appointment of the new Chair of IPReg and authorise the signing of his contract on behalf of IPReg Limited;
- appoint the new Chair of IPReg as a director of IPReg Limited;
- agree the appointment of the new Chair of IPReg as Chair of the Board of Directors of IPReg Limited.

**Action: KD to ensure relevant Companies House formalities completed after 7 September**

### 5.2 CEOs meeting 11 July (FG)

5.2.1 FG reported that the following items were discussed at the CIPA, CITMA and IPReg CEO's meeting:

- [REDACTED]
- Internal Governance Rules – LSB response published on 24 July, definitive proposals expected in autumn with new IGRs likely to be in place in Spring 2019.

[REDACTED]

### 5.3 Elizabeth Rimmer, LawCare 11 July (FG)

5.3.1 FG explained that LawCare is an organisation which promotes positive mental health in the legal sector and which is keen for regulator involvement. The LawCare Task Force meets four times a year. SF agreed to attend the Task Force.

**Action: FG to notify LawCare that SF would like to join its Task Force**

### 5.4 Competition and Markets Authority 17 July

5.4.1 FG reported that this had been the last formal meeting of the legal regulators and the CMA regarding the latter's oversight of the progress of their recommendations for the legal services market. The regulators will continue to meet and invite CMA as appropriate.

5.4.2 FG advised that the LSB is expected to publish shortly research into small firms and pricing information. In September, the SRA is scheduled to publish small business research. Both items are likely to be useful reference tools for our own proposed approach in this area. In October the

LSB will publish its update on regulators' performance in relation to the transparency agenda. [REDACTED]

## 5.5 Other

5.5.1 European Patent Institute – FG advised she had met with the EPI which has Professional Indemnity Insurance Policy covering European Patent Attorneys across 38 countries and which they are keen to be able to offer in the UK also. FG to discuss with CIPA, our brokers and other interested parties.

**Action: FG to discuss European Patent Institute PII Policy with CIPA, brokers and other interested parties**

[REDACTED]

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

[REDACTED]

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

[REDACTED]

## 6. 2017 Annual Report and Accounts (FG/VS/KD)

### Annual Report

6.1 FG presented the 2017 annual report. It would be published as a PDF document rather than our previous practice of a long webpage.

6.2 The Board commented on the low number of sole practitioners reporting complaints and that the main four areas of complaint reported by all entities (failure to keep informed/failure to reply, delay/failure to progress, costs information deficient/excessive, failure to advise or wrong advice) support the views of the CMA Legal Services Market Study.

6.3 Subject to minor amendments and clarifications, the Board agreed publication of the proposed IPReg Annual Report.

**Action: SG to provide Acting Chair Report section for Annual Report**

**Action: VS to amend and publish Annual Report**

#### Accounts

6.4 The Board considered the audited Financial Statements. [REDACTED]

**Action: KD to publish financial statements**

6.5 The Board approved the Financial Statements.

## **7. 2019 Business Plan and practising fees (FG/KD)**

7.1 FG presented the draft 2019 Business Plan and related practising fees. [REDACTED]

7.2 The Board noted that the IPReg consultation on the 2018 practising fees stated that “we are proposing from 2019 onwards, any increases in practice fees are expected to be limited to no more than RPI, *in the normal course of events*” (italicised emphasis added), that fees have not been increased for 3 years and to increase them by 8.4% would reflect the rolling RPI figure since then.

7.4 The Board agreed:

- the proposed activities set out in the draft 2019 Business Plan, the implications for the budget and level of fees and agrees to consult on two scenarios regarding increasing practising certificate fees – one at RPI and another at RPI + (up to) 10%;
- that the consultation should state that we will stop our custom and practice of waiving the fees for registration between 1 November and 31 December;

- agree the revised levels of reserves;
- delegate final sign-off of the consultation documents to the CEO and Chair.

7.5 Karen Duxbury left the meeting.

## **8. Rule change consultation – preventing registration lapses (SE)**

8.1 SE presented a paper on a rule change which would enable the Registrar to prevent individual attorneys removing themselves from the register in certain circumstances. The regulations already providing us with the power to prevent registration lapses for entities.

8.2 The Board agreed:

- that IPReg should consult on whether to seek to amend its regulations to provide for:
  - a) a process by which the Registrar can agree that an individual attorney can remove themselves from the register;
  - b) the power to prevent a registered attorney from removing themselves from the register in the event of potential or ongoing disciplinary proceedings;
- that publication of the consultation document would be delegated to the Chief Executive Officer.

**Action: SE to finalise consultation document**

## **9. Rule change consultation – role holder fees, compliance deadlines and service of documents**

9.1 FG presented a paper setting out proposals to consult on increasing the efficiency and effectiveness of the licensing renewal process to enable quicker suspension for non-compliance and, generally, for the service of documents by email only.

9.2 The Board noted that some firms' standard payment terms were non-compliant with the regulatory arrangements and that earlier reminders about payment could help to increase compliance rates, but that it was ultimately a matter for those firms to ensure that they paid practising fees on the date required by the regulatory arrangements.

9.3 The Board agreed:

- to consult on the proposals on compliance deadlines and service of documents at the same time as the consultation on the 2019 practising fee and Business Plan
- to delegate final sign-off of these matters to the CEO and Chair.

**Action: FG to finalise consultation document**

## **10. Diversity initiatives funding requests (FG)**

10.1 FG presented a paper that recommended agreeing to funding requests for (i) Generating Genius, which works with STEM students from disadvantaged backgrounds, and was seeking funding for "proof of concept" work; and (ii) IP Inclusive which was seeking funding to improve its website functionality and production of videos promoting IP careers.

10.2 The Board agreed:

- to give Generating Genius £5,000 and ask it to provide us with a report at the end of the project about how the money was used and any early indications on feedback from teachers and children on the resources developed;
- in principle, to sponsor each of the IP Inclusive projects for £1,000 and to delegate sign-off to the CEO, to be exercised once a final proposal has been received and to ask IP Inclusive to provide a report once the projects have been completed.

## 11. Patent Examination Board – Accreditation Assessor Report

11.1 VS presented a paper explaining that the PEB was an IPReg approved examination body and this was the first time it had been subject to an IPReg accreditation exercise. The independent Assessor Report (which assessed the PEB against the standards in the IPReg Accreditation Handbook) included several recommendations and a required measure. The PEB had raised concerns about some of the recommendations and the timescale for implementing them.

11.2 VS reported that the IPReg Board members who had scrutinised the Assessor Report and the PEB's comments on it agreed that all the recommendations needed to be implemented. However, they understood some of the PEB's concerns about elements of the proposed timetable.

11.3 The Board agreed:

- to endorse the PEB Assessor Report to accredit the PEB's Foundation Certificate Examinations for the standard validation period of 5 years; and
- require all the various matters under recommendations and measure to be dealt with by the time of the next syllabi publication (January 2019) wherever possible/appropriate and ask the PEB to provide a proposed timetable for those items where this is not the case.

## 12. Bournemouth University – Accreditation Implementation Plan

12.1 VS presented a paper which followed on from a previous Board determination requiring Bournemouth University to provide an Implementation Plan in response to the recommendations of the reaccreditation Assessor Report which had been quite fundamental in nature but readily achievable. The Board was advised that the independent assessors were satisfied with Bournemouth's progress, excepting those on transparent workload and General Transferable Skills, with which they were only partially satisfied.

12.2 The Board noted the Bournemouth University Implementation Plan and the assessors' feedback.

**Action: VS to share with Bournemouth University the Assessor Review of Implementation Plan**

## 13. Complaints Update

13.1 SE presented the paper to Board about open complaint cases.

13.2 The Board noted the paper and updates provided.

## 14. Any Other Business

14.1 The Board thanked Steve Gregory for stepping in as Acting Chair and for the work he had undertaken.



**Action: Board members to submit their timesheets.**

## 15. Regulatory Statement

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