

**The Patent Regulation Board and the Trade Mark Regulation Board****Minutes****Thursday 1 November 2018 at 12 noon**

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

**Attending:**

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

**In attendance:** Fran Gillon, Shelley Edwards, Victoria Swan**1 Apologies**

None

**2 Notification of any conflicts of interest**

None

**3 Minutes of September 2018 meeting and matters arising**

3.1 The Board agreed the minutes of the September 2018 meeting.

3.2 No matters arising.

**4 Action Log**

4.1 FG reported instructions have been issued to counsel regarding the anti money laundering regulations with a meeting scheduled towards the end of the month. The Board noted the Action Log.

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

### a) Discussions with CIPA/CITMA (CS)

The Chair reported on his meetings with:

i) Stephen Jones (CIPA) – [REDACTED]  
[REDACTED]

ii) Tania Clark (CITMA) – [REDACTED]  
[REDACTED]  
[REDACTED]

iii) Sam Younger (CILEx Regulation) - [REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]

### b) Submission to LSB on practising fees and report on progress (FG)

FG reported the practising fee application had been submitted on 10 October. [REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]

The Board discussed the importance of identifying the costs and benefits (for IPReg and for registrants) of the new CRM.

**Action: FG to develop measures for success for the CRM**

### c) Progress on CRM transformation (FG)

FG reported that an invitation to quote had been issued for support for the CRM transformation work. FG and SE had independently applied a standardised grid rating to the five proposals and both identified [REDACTED] [REDACTED] from Purple as the preferred option. References sought from two organisations for which Purple had undertaken similar work, both had been very positive. The members of the CRM working committee agreed Purple would be best placed to provide the necessary support.

FG said the aim was that the new CRM should be operational by September- October 2019 but, should that not be the case, the current platform should be able to be used for the 2020 renewal process. [REDACTED]  
[REDACTED]

The Board discussed the CRM support work programme proposed and agreed to engage Purple for this.

**Action: FG to engage Purple for the CRM support work and update CIPA/CITMA**

**d) 3 x CEOs meeting 31 October (FG)**

FG reported the meeting scheduled for 31 October had not taken place as CITMA had been unable to attend and another date could not be found which would work for all. The next meeting is scheduled for 29 November.

**e) HMG Technical Notice 12 October – implications of a ‘no deal’ Brexit (FG)**

FG reported that the Technical Notice had been limited in detail and there is unlikely to be any additional clarity until the Withdrawal Agreement has been finalised. [REDACTED]

The Chair reported last month he had tabled questions in the House of Lords regarding representation in EU countries and whether seeking to be part of EU IPO, the reply advising that the government remains hopeful of a good agreement with the EU.

**6 Rule change applications to the LSB (SE)**

6.1 SE presented a paper setting out the outcome of consultations on rules changes:

- 6.1.1 preventing registration lapses (individual registrants can currently remove themselves from the register without authorisation and thereby potentially escape disciplinary investigation and sanction);
- 6.1.2 reducing the notice period for suspension for non-compliance with annual renewal requirements; and
- 6.1.3 the service of documents not being limited to physical post.

6.2 SE reported that CIPA had agreed with the consultation proposals and that CITMA had not reported any objections. One individual attorney had put forward representations about the renewal process timeframe and the service of documents. SE confirmed that we would continue to tailor communications to an individual’s circumstances.

6.3 The Board discussed the different timetables of the (PAMIA) professional indemnity insurance renewal in June and the IPReg licensing renewal in December and whether there was any scope for sharing of professional indemnity insurance renewal information but recognised that this raised data protection considerations.

**Action: FG and SE to raise information-sharing at scheduled January meeting with PAMIA**

6.4 The Board agreed that the applications should be made to the LSB and noted that the LSB has an initial period of 28 days to consider applications, but may take up to 90 days to do so.

## 7 Bournemouth University reaccreditation implementation plan update (VS)

7.1 VS presented a paper setting out how Bournemouth University had provided evidence to show that it had met the 2 recommendations (transparent workload and general transferable skills mapping) that were outstanding from the independent Assessor Report considered at the Board's July 2018 meeting. The Assessors had considered Bournemouth's progress and were satisfied with it.

7.2 The Board agreed that:

- no further mitigating measures were required;
- the Bournemouth University Implementation Plan should be signed off as achieved; and
- the postgraduate Intellectual Property Certificate course should re-accredited for the standard five years.

## 8 Complaints Update (SE)

8.1 SE presented the complaints update paper to Board regarding open complaint cases. The Board noted the paper.

## 9 Litigation Certificates (SE)

9.1 SE presented a paper seeking to provide clarity on the litigation certificate requirements for all attorneys; the status afforded to individuals who have completed the Legal Practice Course (LPC) or Bar Professional Training Course (BPTC) [REDACTED]

9.2 The Board agreed that, based on the research set out in the paper, its policy had always been that patent attorneys had to undertake and pass the Basic Litigation Skills course and that there was an expectation that it would be done within 3 years of admission to the register. Failure to do so could constitute a breach of the CPD regulations. Guidance on IPReg's website would be clarified accordingly.

9.3 The Board agreed to continue applying exemption from the Basic Litigation Skills Certificate requirement to applicants who offer evidence of passing the LPC or BPTC. These individuals to be issued letters confirming the exemption.

9.4 The Board agreed to stop charging for both the Higher Courts Litigation Certificate and the Higher Courts Advocacy Certificate, [REDACTED]

### Action:

[REDACTED]

**Action: develop guidance for Registrar on how to consider waiver requests for the requirement to pass the Basic Litigation Skills Course**

**10 Any Other Business**

None.

**11 Regulatory Statement**

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