

### IPReg Practice Fee Regulations 2023

These regulations set out *IPReg's* requirements in relation to practice fees payable by *registered persons* on entry to the *register(s)* and on annual renewal of registration to the *register(s)*. They also set out the penalty fees that *IPReg* will apply in the event that a *registered attorney* fails to renew their registration by the *prescribed* date, and the penalty fee that *IPReg* may direct to be payable by an individual applicant seeking restoration to the *register(s)* following removal for failure to renew registration.

These regulations relate to provisions set out at Chapter 3 of *IPReg's* Core Regulatory Framework, and associated requirements set out in *IPReg's* Standard Operating Procedure in respect of admission and authorisation, and Chapter 6 of the Core Regulatory Framework, and associated requirements set out in the Standard Operating Procedure in respect of applications to waive the practice fees set out in these regulations.

Reg. No.	Practice Fee Regulations 2023 ("PFR 23")	Practice Fee Regulations 2022 ("PFR 22")	Changes made and rationale for change
1	<p>The prescribed practice fee for:</p> <p>a. Applicants seeking entry onto the register(s) in accordance with 1.3 of Chapter 3 of the Core Regulatory Framework and paragraph 2 of the part of the IPReg Standard Operating Procedure relating to admission and authorisation requirements; and</p> <p>b. Registered attorneys seeking renewal of their annual registration in accordance with 4.1 of Chapter 3 of the Core Regulatory Framework and paragraph 73 of the part of the IPReg Standard Operating Procedure relating to admission and authorisation requirements, shall be in accordance with Table 1 below.</p>	<p>2. The fees provided for under regulation 12.2 of the Patent Attorney and Trade Mark Attorney Qualification and Registration Regulations 2009, for individuals to be entered onto or to remain on the patent attorney register and/or the trade mark attorney register from 1<sup>st</sup> January 2023, shall be as follows:</p>	<p>Formatting and drafting changes for consistency with Core Regulatory Framework.</p> <p>The PFR 22 reference regulations that are no longer in force since the new Core Regulatory Framework came into force on 1 July.</p> <p>The Qualification and Registration Regulations 2009 referenced in the PFR 22 provided:  <i>12.1 IPReg shall determine in consultation with CIPA and ITMA and with the approval of the Legal Services Board such fees as may be payable in connection with initial and continued registration of individuals and shall publish a list of these at regular intervals.</i></p>

			<p><i>12.2 The fees referred to in Regulation 12.1 shall include those payable by:</i></p> <p><i>(a) Every person for entry into one of the Registers;</i></p> <p><i>(b) Every registered person to remain on one of the Registers as eligible to practice;</i></p> <p><i>(c) A registered patent attorney or registered trade mark attorney requesting an amendment of either of the Registers under Regulation 8.1; and</i></p> <p><i>(d) A person applying to have his name restored to either of the Registers under Regulation 7.5.</i></p> <p>The PFR 23 reference the current arrangements and do so in one set of rules, rather than referring the reader to another set of rules, providing a better user experience. Otherwise, the meaning and the purpose of the rule remains unchanged.</p>
Table 1*	For the purposes of these Regulations, “other professional” shall mean a manager or employee based in the UK who is: (i) not a registered attorney but holds the qualifications necessary for registration; (ii) a qualified European patent and/or trade mark attorney; (iii) a barrister of England	<p>1. “Interpretation”:</p> <p>“other professional” means an individual who is:</p> <p>(a) Not a registered patent attorney or a registered trademark [sic] attorney;</p> <p>(b) Based in the UK; and</p> <p>(c) Qualified as a:</p> <p>i. European patent attorney;</p>	The Core Regulatory Arrangements now include a Glossary of consistent terms and words that cover the new Overarching Principles, Code of Conduct, Admission and Authorisation Requirements, Investigation and Disciplinary Requirements, Appeals Provisions and Miscellaneous Requirements. This Glossary does not include the definition of

	<p>and Wales; or (iv) a solicitor of England and Wales.</p>	<ul style="list-style-type: none"> <li>ii. European trademark [sic] attorney;</li> <li>iii. Barrister;</li> <li>iv. Solicitor; or</li> <li>v. Is qualified to be a registered patent attorney or a registered trademark [sic] attorney but is not registered as such”</li> </ul>	<p>“other professional” as this term is only used in relation to the practising fee regulations. It was therefore considered appropriate that this definition should be cited in the PFR 23.</p> <p>Formatting and drafting changes for consistency with Core Regulatory Framework, otherwise, the meaning and the purpose of the rule remains unchanged.</p>
2	<p>In accordance with 4.1 and 4.2 of Chapter 3 of the Core Regulatory Framework, and paragraphs 73 to 80, inclusive, of the part of the IPReg Standard Operating Procedure relating to admission and authorisation requirements, the penalty fee that will apply to registered attorneys who have not renewed their registration before the prescribed date in each year, shall be equal to 50% of the corresponding practising fee for entry on to or renewal for the register(s) in accordance with Table 1, up to a maximum penalty fee of £250.</p>	<p>3. The late payment fees provided for under regulation 7.5 of the Patent Attorney and Trade Mark Attorney Qualification and Registration Regulations 2009 shall be equal to 50% of the corresponding fee to be entered into or to remain on the patent attorney register or the trade mark attorney register which is being paid late up to a maximum late payment fee of £250.</p>	<p>The PFR 22 reference regulations that are no longer in force since the new Core Regulatory Framework came into force on 1 July. The Qualification and Registration Regulations referenced provided:</p> <p><i>7.5 If a registrant’s name is suspended from the register under Regulation 7.4, the suspension will be lifted upon payment of the unpaid fees and/or provision of satisfactory requested evidence, together with such further late payment fee as may be prescribed in accordance with Regulation 12.</i></p> <p>Regulation 12 of those regulations provided the power to impose any fee in connection with initial and continued registration.</p> <p>PFR 23 refers to the new basis upon which IPReg can impose a penalty fee, and brings the</p>

			operation of the rule within the PFR rather than a different set of regulations. Formatting and drafting changes for consistency with Core Regulatory Framework, but otherwise the meaning and purpose of the rule remains unchanged.
3	In accordance with 5.3.7 of Chapter 3 of the Core Regulatory Framework and paragraph 98 of the part of the IPReg Standard Operating Procedure relating to admission and authorisation requirements, the penalty fee that IPReg may direct an individual applicant who is seeking restoration to the register following removal for failure to renew registration to pay, shall be equal to 50% of the corresponding practising fee for entry on to or renewal for the register(s) in accordance with Table 1, up to a maximum penalty fee of £250.	No equivalent provision	<p>The Qualification and Registration Regulations provided at regulation 7.6:  Restoration of the name of a person removed from one or both of the Registers under <i>Regulation 7.4, 7.5 or 7.5(a) after a period of six months from the Renewal Date shall be at the discretion of IPReg which may impose such further requirements as it considers appropriate which may include providing evidence of compliance with some or all of the initial registration requirements of Regulation 4.2 or 4.3.</i></p> <p>It was IPReg’s practice that, unless the circumstances required a different approach for reasons of fairness, proportionality etc, the former attorney would be required to pay the penalty fee as if they had been suspended rather than removed.</p> <p>PFR 23 now codifies that practice in the interests of transparency, consistency and to</p>

			<p>ensure equivalency (so that an attorney who was merely suspended was not subject to a penalty fee where an attorney who had been removed from the register for continued non-payment, was not) and brings the operation of the rule within the PFR.</p>
4	<p>In accordance with 2 of Chapter 6 of the Core Regulatory Framework and associated requirements set out in the part of the <i>IPReg</i> Standard Operating Procedure relating to waivers, a <i>registered attorney</i> may apply to <i>IPReg</i> for all or part of their relevant practice fees as set out in Table 1 to be waived.</p>	<p>6. This Regulation 6 shall apply from the date these regulations come in to force until further amended or substituted by further regulation.</p> <p>The IPReg Chief Executive may, at her discretion, and subject to appropriate evidence being provided, waive all or part of the individual fees set out in Regulation 2. Such waiver will only apply to cases of individual hardship.</p> <p>A registrant whose fee is waived under this regulation will remain on the register(s) and will be subject to the regulatory requirements that apply to their practice category. In addition, sole trader individuals or firms who have suspended their practice must maintain PII in accordance with Rule 17 of the Rules of Conduct.</p> <p>Attorneys who have had their fee waived under this Regulation 6 must notify IPReg within 14 days of a change in their circumstances such as an increase in income, becoming employed or</p>	<p>The new Core Regulatory Framework provides for a general waiver power in respect of those of IPReg’s regulatory arrangements that do not fall within the categories of those set out at Paragraph 1 of the Waiver Standard Operating Procedure (“Waiver SOP”). It is therefore considered appropriate that the power to waive practising fees comes within that broad power, rather than being seen as an additional waiver power.</p> <p>The Waiver SOP provides for the mechanism by which attorneys can make an application, and the general factors IPReg will take into account.</p> <p>The guidance contained in PFR 22 (including the evidence that needs to be provided in support of an application) will be published separately on IPReg’s website to allow potential applicants to understand the obligations they will have should their application be successful. Providing this information in separate guidance</p>

		<p>resuming trading. If an attorney whose fee is waived under this regulation is subsequently employed or resumes trading, the full fee(s) for their new category may become payable within 28 days of notification to IPReg for becoming employed or resuming trading. If the income of an attorney whose fee is waived under this regulation increases, IPReg will consider whether the full fee should be paid. No late payment fee will be payable in these circumstances.</p> <p><u>Guidance to Regulation 6 – waivers</u> Attorneys will need to provide evidence of hardship. Acceptable documents include:</p> <ul style="list-style-type: none"> <li>• A letter of redundancy from their former employer;</li> <li>• Proof of payment to them of Universal Credit or other means-tested benefits;</li> <li>• Evidence of hardship;</li> <li>• In the case of a sole trader or a sole practitioner firm: <ul style="list-style-type: none"> <li>○ Evidence that they have either suspended trading or closed their business or a significant drop in income;</li> <li>○ If they have suspended trading, they have maintained appropriate PII;</li> <li>○ If they have ceased trading, they have put run-off cover in place or transferred</li> </ul> </li> </ul>	<p>also ensures consistency with IPReg’s new approach to its regulatory arrangements, to separate rules, process and guidance, improving clarity.</p> <p>The various elements of Regulation 6 of PFR 22 have been separated into separate rules (See PFR 23 5, 6 and 7 below) to avoid a long single regulation containing more than one component. Content is as per Regulation 6 of the PFR 22.</p>
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5	Waivers in respect of practice fees will only be granted where the <i>registered attorney</i> provides evidence of hardship.	See Regulation 6 of the PFR 22 above	As above, formatting change only. Elements of PFR 22 Regulation 6 have been set out in separate rules to avoid a long single regulation containing more than one component. Content is as per Regulation 6 of the PFR 22.
6	A <i>registered attorney</i> whose practice fee is waived under this regulation will remain on the <i>register(s)</i> and must continue to comply with <i>IPReg's regulatory arrangements</i> , including, but not limited to, the requirement set out in 3.10 and 3.11 of the Code of Conduct in Chapter 2 of the Core Regulatory Framework, to take out and maintain a policy of Professional Indemnity Insurance and, where necessary, run-off cover insurance.	See Regulation 6 of the PFR 22 above	As above, formatting change only. Elements of PFR 22 Regulation 6 have been set out in separate rules to avoid a long single regulation containing more than one component. Content is as per Regulation 6 of the PFR 22.

7	<p>A <i>registered attorney</i> who has had their practice fee waived under this regulation must notify <i>IPReg</i> within 14 days of a change in their circumstances, such as an increase in income, becoming employed or resuming trading. In such event, their full practising fee will become payable to <i>IPReg</i> within 28 days of their notification to <i>IPReg</i> of their change in circumstances.</p>	<p>See Regulation 6 of the PFR 22 above</p>	<p>As above, formatting change only. Elements of PFR 22 Regulation 6 have been set out in separate rules to avoid a long single regulation containing more than one component. Content is as per Regulation 6 of the PFR 22.</p>
8	<p>Subject to Regulation 5, the <i>prescribed</i> practice fee for:</p> <ul style="list-style-type: none"> <li>a. Applicants seeking entry onto the <i>register(s)</i> in accordance with 2.1 of Chapter 3 of the Core Regulatory Framework and paragraph 33 of the part of the <i>IPReg</i> Standard Operating Procedure relating to admission and authorisation requirements; and</li> <li>b. <i>Registered and licensed bodies</i> seeking to renew their annual registration in accordance with 4.1 of Chapter 3 of the Core Regulatory Framework and paragraph 73 of the part of the <i>IPReg</i> Standard Operating Procedure</li> </ul>	<p>4. The fee provided for under regulations 2 and 7 of the IPReg Registered Bodies Regulations 2015 for corporate or unincorporated bodies to be registered* or to remain on the Patent Attorney Register or the Trade Mark Attorney Register shall be as follows [...]</p> <p>*Please note that this excludes the fee for the first approval of licensed bodies which shall be equal to the practice fee payable upon approval for licensing.</p>	<p>Formatting and drafting changes only to PFR 22 Regulation 4, for consistency with Core Regulatory Framework.</p> <p>The asterisked note to the regulation is removed (see PFR 23, Rule 10 below)</p>

	relating to admission and authorisation requirements, shall be in accordance with Table 2 below.		
Table 2*	For the purposes of these Regulations, “other professional” shall mean a manager or employee based in the UK who is: (i) not a registered attorney but holds the qualifications necessary for registration; (ii) a qualified European patent and/or trade mark attorney; (iii) a barrister of England and Wales; or (iv) a solicitor of England and Wales.	Contained in Regulation 1 “Interpretation”	<p>The Core Regulatory Arrangements now include a Glossary of consistent terms and words that cover the new Overarching Principles, Code of Conduct, Admission and Authorisation Requirements, Investigation and Disciplinary Requirements, Appeals Provisions and Miscellaneous Requirements.</p> <p>This Glossary does not include the definition of “other professional” as this term is only used in relation to the practising fee regulations. It was therefore considered appropriate that this definition should be cited in the PFR 23. Otherwise, the meaning and the purpose of the rule remains unchanged.</p>
9	<i>Registered bodies and licensed bodies</i> will be subject to an additional fee for their first approval, which shall be equal to the practice fee payable upon their entry onto a single or both <i>register(s)</i> .	No equivalent provision (but see asterisked note to PFR 22 Rule 4 above)	Under the PFR 22, entities applying to be registered bodies had to pay a fee amounting to that year’s registration fee. Entities applying to be licensed bodies had to pay an application fee equivalent to the first year’s registration, together with that year’s registration fee. PFR 23 amends this rule so that all entities applying for registration must pay an application fee,

			equivalent to a year's registration, together with that year's registration fee.
10	The fees set out in these regulations shall apply from 1 <sup>st</sup> January 2024 until further amended or substituted by further regulation	5. The fees set out in these regulations shall apply from 1 <sup>st</sup> January 2023 until further amended or substituted by further regulation	No change other than to commencement date.
Suppl. notes	These Regulations are made under section 275A of the Copyright Designs and Patents Act 1988 and section 83A of the Trade Marks Act 1994, respectively (pursuant to sections 185 and 184 of the Legal Services Act 2007) and section 21 of the Legal Services Act 2007.	Introduction: The Patent Regulation Board of the Chartered Institute of Patent Attorneys and the Trade Mark Regulation Board of the Chartered Institute of Trade Mark Attorneys working jointly together as the Intellectual Property Regulation Board (IPReg) now make the following provisions under section 275A of the Copyright Designs and Patents Act 1988 and section 83A of the Trade Marks Act 1994, respectively (pursuant to sections 185 and 184 of the Legal Services Act 2007) and section 21 of the Legal Services Act 2007.	Formatting and drafting changes only for consistency with Core Regulatory Framework.
		1 Interpretation	As above, the Core Regulatory Arrangements now include a Glossary of consistent terms and words that cover the new Overarching Principles, Code of Conduct, Admission and Authorisation Requirements, Investigation and Disciplinary Requirements, Appeals Provisions and Miscellaneous Requirements.  It is intended that this Glossary will also apply to terms italicised in the PFR 23, ensuring

			consistency across the regulatory arrangements and removing the need for individual glossaries in discrete sets of rules
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