

## IPREG PRACTICE FEE REGULATIONS 2020

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.

### Regulation 1 - Interpretation

In these regulations, unless context otherwise requires:

“2007 Act” means the Legal Services Act 2007;

“ABS” means a licensable body as defined in section 72 of the 2007 Act;

“Patent Attorney Register” means (together) in respect of Registered persons other than ABS, the Register kept under section 275 of the Copyright Designs and Patents Act 1988 as amended and in respect of ABS, is part of IPReg’s Register of licensed bodies for the purpose of section 87 of the 2007 Act;

“Trade Mark Attorney Register” means (together) in respect of Registered persons other than ABS, means the register kept under section 83 of the Trade Marks Act 1994 as amended and in respect of ABS, is part of IPReg’s Register of licensed bodies for the purpose of section 87 of the 2007 Act;

“attorney” means registered patent attorney or registered trade mark attorney;

“practising via a body” means providing services to clients via the body or being employed by or being a manager of the body;

“manager”, in relation to a body, has the same meaning as in section 207 of the 2007 Act;

“patent and/or trade mark work” means work undertaken in the course of business as an attorney;

“corporate work” means patent and/or trade mark work undertaken by an employed attorney acting solely as an agent on behalf of —

- a) their employer;
- b) a company or organisation controlled by their employer or in which their employer has a substantial measure of control;
- c) a company in the same group as their employer;
- d) a company which controls their employer;
- e) an employee (including a director or a company secretary) of a company or organisation under (a) – (d) above, where the matter relates or arises out of the work of that company or organisation; or
- f) another person with whom a person under (a) to (e) above has a common interest;

“in private practice” means undertaking patent and/or trade mark work which is not solely corporate work;

“inactive attorney” means an attorney who is not available to conduct any patent and/or trade mark work for a client or employer

“registered body” means a body (corporate or unincorporated) entered (or where clear in the context, applying to be entered) in the Patent Attorney Register or the Trade Mark Attorney Register, and:

- (a) a body which is an ABS and is entered in the Register, becomes upon entry a licensed body under the 2007 Act;
- (b) “Registration” and “Registered” shall be construed accordingly and shall mean, in respect of ABS, “licensing” and “being licensed” for the purpose of the 2007 Act; and
- (c) for the avoidance of doubt references to “Registration” and “Register” in these regulations are to initial registration and any renewal of registration;

“sole trader attorney” means an attorney in private practice based in the UK who is practising other than via a registered body or a body regulated by another legal services regulator;

“other professional” means an individual who is:

- (a) not a registered patent attorney or a registered trademark attorney;
- (b) based in the UK; and
- (c) qualified as a:
  - i) European patent attorney;
  - ii) European trademark attorney;
  - iii) barrister;
  - iv) solicitor; or

- v) is qualified to be a registered patent attorney or a registered trademark attorney but is not registered as such.

## Regulation 2 – Individual fees

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 1st January 2021, shall be as follows:

	For entry on or to remain on a single register	For entry on or to remain on both registers
<b>i) Attorney solely undertaking corporate work</b>	£177	£283
<b>ii) Attorney in private practice</b>	£215	£353
<b>iii) Attorney not in active practice</b>	£161	£258
<b>v) Sole trader attorney not employing other attorneys or other professionals</b>	£353	£504
<b>v) Sole trader attorney employing other attorneys or other professionals</b>	£353 + £71 for each attorney employed by the sole trader attorney + £283 for each other professional employed by the sole trader attorney	£504 + £71 for each attorney employed by the sole trader attorney + £283 for each other professional employed by the sole trader attorney

## Regulation 3 – Late payment fees

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 £200.

## Regulation 4 – Registered body fees

The fees 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:

	<b>For entry on or to remain on a single register or both registers</b>
<b>i) Registered body through which only a single attorney and no other attorneys or other professionals provide services</b>	£138
<b>ii) Any other registered body</b>	£353 + £71 for each attorney practising via the registered body + £283 for each other professional practising via the registered body

\* 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.

## Regulation 5 – Commencement

The fees set out in these regulations shall apply from 1st January 2021 until further amended or substituted by further regulation.

## Regulation 6 – waivers – Covid-19

This Regulation 6 shall apply from the date these regulations come in to force until 31 December 2021.

A registrant may apply to IPReg for their practising fee to be waived if they have suffered hardship resulting directly from the Covid-19 pandemic.

IPReg may ask for such evidence as it considers necessary to assess an application for a practising fee to be waived.

The IPReg Chief Executive may, subject to appropriate evidence being provided, waive all or part of a registrant's practising fee. Such waiver will only apply to cases of individual hardship resulting directly from the Covid-19 pandemic.

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 attorneys who are not in active practice. 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.

Attorneys who have had their fee waived under this Regulation 6 must notify IPReg within 14 days of becoming employed or resuming trading.

If an attorney whose fee is waived under this regulation is subsequently employed or resumes trading during 2020 or 2021, the full fee(s) for their new category will become payable within 3 months of notification to IPReg of becoming employed or resuming trading. No late payment fee will be payable in these circumstances.

### **Guidance to Regulation 6 – waivers – Covid-19**

Attorneys will need to provide evidence of hardship. Acceptable documents include:

- a letter of redundancy from their former employer; and
- proof of payment to them of Universal Credit or other means-tested benefits;
- in the case of a sole trader or a sole practitioner firm:
  - evidence that they have either suspended trading or closed their business as a result of the pandemic;
  - if they have suspended trading, they have maintained appropriate PII ;
  - if they have ceased trading, they have put run-off cover in place or transferred all their clients to another firm which has included them in its own PII; and
  - if not in receipt of any benefits, their savings are below the threshold for any State benefits.

The Chief Executive may require additional information from the attorney or their former employer.

Fee waivers are not appropriate for attorneys who are working/employed. They must continue to comply with all the relevant regulatory arrangements including having compliant PII.