

**The Patent Regulation Board and the Trade Mark Regulation Board****Minutes****Thursday 2<sup>nd</sup> September 2021 at 12 noon****Attending:**

Rt Hon Lord Smith of Finsbury (Chair)  
Justin Bukspan  
Samantha Funnell  
Alan Kershaw  
Victor Olowe  
Samantha Peters  
Emma Reeve  
Nigel Robinson  
Caroline Seddon

**In attendance:** Fran Gillon, Shelley Edwards, Karen Duxbury, Emily Lyn, Victoria Swan

1. **Apologies** - no apologies were received.
2. **Notification of any conflicts of interest** – none.

**PART A – NON-CONFIDENTIAL ITEMS****3. Minutes of July 2021 meeting and matters arising**

- 3.1 Minutes agreed as a correct record
- 3.2 No matters arising.

**4. Action Log**

4.1 The Board noted the action log. Updates were provided on the following items:

BSB investigation report – FG reported that all regulators received a letter from the LSB asking them to consider whether they could learn any lessons from the report. We had also been told at the recent Relationship Management meeting that the report's governance recommendations will be added to the forthcoming performance assessment review; a paper will be brought to November Board to consider whether IPReg needs to take any action;

Consumer bodies engagement – FG reported that we have contacted a range of trade bodies as part of the regulatory arrangements review;

Diversity initiatives – FG suggested that we might want to consider signing the IP Inclusive Senior Leaders' Pledge;

Auditor re-tender – [REDACTED]

**Action: KD to seek other tenders for audit**

Silent Cyber and Professional Indemnity Insurance (PII) – [REDACTED]

JEB Historic Examinations – VS reported the LSB has approved the rule change which has now gone live, implementing an 18-month sunset clause to historic examinations and courses continuing to afford exemption from the qualifying pathways.

Mutual Recognition – [REDACTED]

Covid impact upon IPReg team – FG reported a general preference for hybrid working; she considers that the risk assessment means that a maximum of 3 members of the team in the office at any one time; the current OSIT contract ends 31 March 2022.

**Action: FG to liaise with OSIT regarding IPReg office options**

## 5. Other activities (not covered elsewhere)

5.1 3 x CEOs meetings 28 July and 1 September: FG reported the meetings had covered the

5.2 Regulatory Forum 2 September: the Chair reported that both CIPA and CITMA [REDACTED]

## 6. Progress on Review of Regulatory Arrangements

6.1 AK reported a significant number of discussions with stakeholders over the course of the summer and that feedback from these is that there has been a positive response to the approach we are taking.

6.2 EL reported that the Review is now at the end of stage 2. Working closely with Kingsley Napley, it has been determined that a more iterative process would be beneficial at this point and an updated version of the regulatory arrangements framework has been circulated. A sub-group meeting is being scheduled for mid-October with members to report on this to the November Board meeting. It is proposed that an impact assessment and full set of arrangements is brought to the December Board. The go live date remains as “no sooner than Spring 2023”.

**Action: FG to update LSB on the regulatory arrangements review progress**

## 7. Update on Compensation Arrangements

7.1 FG reported receipt of a number of responses (in advance of the closing date of 2 September), many of which had indicated a general unawareness of the existing approach. The full actuarial report has been shared with the LSB. Guidance will be drafted [REDACTED]

[REDACTED] Board approval for the rule change application will be sought by email in mid-September with a view to making application to the LSB around 20 September. A new bank account has been opened and a reconfiguration of reserves has been carried out to set up a compensation fund. An actuarial review is scheduled for two years' time.

**Action: FG to circulate the Compensation Arrangements rule change application to the Board**

## 8. 2022 Practising Fees, Budget and Business Plan

8.1 FG reported that the priorities for the Business Plan are the regulatory arrangements review and business as usual work, and asked Board to note that we are not proposing to repeat the diversity survey. Additional costs arising from the change to compensation arrangements have been included.

8.2 KD reported more attorney admissions this year as a result of the European Qualifying Examinations not taking place due to the pandemic; the estimate is moderate, using projected end of year figures and 100 attorney admissions for next year (160 admissions, 60 removals).

8.3 The Board had an extensive discussion regarding the budget and practice fees in the context of:

- Over the next 2-3 years, there are a number of policy work areas that may require additional resources. For example:
  - Elements of the Review of Regulatory Arrangements such as supporting the implementation of new continuing competence requirements;
  - Recruitment of a new Panel to consider complaints;
- The Education Working Group programme plan;
- The anticipated number of LSB consultations and other activities;
- The need to alter the allocation of its reserves as a result of establishing a compensation fund;
- Its approach to financing its operating deficit from reserves;
- The fact that the LSB has previously commented on the size of our reserves. However the Board considered that the recent Compensation Fund issue clearly demonstrated the case for significant reserves being maintained.

Action: FG to revise and issue consultation document

[KD left the meeting.]

**PART B – CONFIDENTIAL ITEMS**

**9. Complaints Update**

9.1 SE presented the complaints update identifying good progress, [REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]

10. [REDACTED]

10.1 [REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]

10.2 [REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]

10.3 [REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]

10.4 [REDACTED]  
[REDACTED]  
[REDACTED]

10.5 [Redacted]  
[Redacted]  
[Redacted]  
[Redacted]  
[Redacted]

Action: [Redacted]

Action: [Redacted]

**11. LSB issues**

11.1 Relationship Management meeting 12 August: [Redacted]  
[Redacted]  
[Redacted]  
[Redacted]  
[Redacted]  
[Redacted]  
[Redacted]  
[Redacted]  
[Redacted]  
[Redacted]  
[Redacted]

**12. Update on Recruitment**

12.1 [Redacted]  
[Redacted]  
[Redacted]  
[Redacted]  
[Redacted]  
[Redacted]

**13. Update on Solicitors Qualifying Examinations (SQE)/ [Redacted]**

13.1 [Redacted]  
[Redacted]  
[Redacted]  
[Redacted]  
[Redacted]  
[Redacted]  
[Redacted]  
[Redacted]  
[Redacted]

13.2 [Redacted]  
[Redacted]  
[Redacted]  
[Redacted]

13.3 [REDACTED]

13.4 The Board noted the update.

**14. Regulatory Statement – for Part A and Part B:** Confirmation that, except where expressly stated, all matters are approved by the Patent Regulation Board and the Trade Mark Regulation Board.