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From: Richard Halstead [mailto:richard@richardrhalstead.co.uk]
Sent: 03 January 2018 18:23
To: Karen Duxbury <Karen.Duxbury@ipreg.org.uk>
Subject: Richard Halstead: IPReg Practice Fees - Sole Practitioners

Dear Karen,
First and foremost, Happy New Year to you and the rest of the team!

I have reviewed the proposed changes and agree with them as regards payment of fees and insurance, and as regards CPD this also seems proportionate given that IPREG can, and has in my case, be flexible where it comes to CPD non-compliance due to illness.

[Redacted]

[Redacted]

Kind regards,
Richard.

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IPReg Info

From: John Gray <john@johngrayip.com>
Sent: 02 January 2018 14:31
To: IPReg Info
Subject: Response to consultation on Suspension of individuals

Happy New Year.

Please find below my brief response.

- Question 1 Do you agree that an amendment to IPReg's regulations to allow for suspension of individual registrants is a proportionate measure to encourage regulatory compliance?
 - YES
- Question 2 Do you agree that the power to suspend a registrant should be exercisable in the following circumstances: i. Upon non-payment of practice fees; ii. Where the registrant has been non-compliant with or fails to provide evidence of compliance with CPD requirements; iii. Where the registrant does not have, or fails to provide evidence of compliant Professional Indemnity Insurance arrangements.
 - YES
- Question 3 Do you have any comments on the proposed draft regulations?
 - NO COMMENTS. Equal treatment of individuals is crucial.

Regards,

John Gray
Director, Patent Attorney



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9th January, 2018

Fran Gillon
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Consultation on implementing a change in regulations to allow for the power to suspend individual registrants from the Register.

Dear Fran,

Having raised concerns about the management of the Register of Patent Attorneys, in particular the annual renewal of registration and the risk presented to the public through attorneys and firms not paying the practice fee in a timely fashion, CIPA welcomes the move by IPReg to tighten up its regulations and its processes and procedures.

When CIPA took legal advice on the management of the Register, leading Counsel identified the absence of the power to suspend individuals in the event of non-payment of the practice fee as a significant weakness in IPReg's regulations. Counsel observed that registrants should not be able to remove themselves from the Register through non-payment of the practice fee and that there should be a process in place to protect the public in the event of non-payment.

Whilst CIPA acknowledges IPReg's statement that removal from the register for failure to comply with renewal requirements can be a disproportionate measure, which should only be exercised in the most serious cases of non-compliant conduct, in introducing the power to suspend individual registrants IPReg must ensure that the regulatory status of registrants is properly understood. A registrant must not be able to cease registration through non-compliance in the event of an active or pending complaint.

CIPA observes that the proposal by IPReg provides a period of up to three months for a registrant to pay the practice fee, followed by a period of up to three months of suspension to allow the registrant to work 'towards compliance and return to safe and professional practice'. CIPA asks IPReg to consider if this is stringent enough, given the concerns raised by CIPA over the management of the Register, which related to an attorney remaining on the Register for eight months without paying the practice fee, during which time a number of complaints about professional practice were made.

CIPA agrees that the ability to suspend an individual registrant is an important feature of management of the Register in the event of non-payment of practice fees, or where the registrant fails to comply with IPReg's CPD requirements, or where the registrant fails to provide evidence of Professional Indemnity Insurance (PII). CIPA supports the amendment of IPReg's regulations to introduce the power to suspend individual registrants and agrees that the proposal is a proportionate measure to encourage regulatory compliance.

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Noting that thirty-one individuals failed to pay the practice fee by the due date in 2016 and that this figure rose to fifty-seven in 2017, CIPA asks that IPReg ensures that it has appropriate monitoring mechanisms in place and that these are communicated to registrants. CIPA will look for the continuing assurance that its concerns over the management of the Register are being addressed through this change in the regulations and IPReg's processes and procedures for the annual renewal of registration.

Yours sincerely



Lee Davies
Chief Executive

CITMA

IPReg Consultation – Implementing a change in regulations to allow for the power to suspend individual registrants from the register

The Chartered Institute of Trade Mark Attorneys (CITMA) is responding to the consultation by IPReg in its capacity as an Approved Regulator, as defined in the Legal Services Act 2007 (the Act) and as the representative body for Registered Trade Mark Attorneys and the wider trade mark and design profession. We are grateful to IPReg for the opportunity to comment.

We are supportive of the proposal by IPReg to make a rule change application to the Legal Services Board to amend the relevant regulations which would implement a power to suspend an individual registrant from the register.

We agree that this provision will provide IPReg with greater flexibility in determining the proportionate and appropriate action to take when an individual has not been compliant with the requirements as set out in the proposed amended regulations, requirements which we also support.

We would encourage IPReg to consider the way in which this power is implemented and in particular if a three month period in all cases is appropriate. There is a risk that an individual could be listed on the register for a period of up to six months without being fully compliant. An example of this would be where an individual has not paid the annual renewal of their practice fee within the three-month period allowed and a subsequent three month suspension period is imposed. It is important to ensure that a balanced position is found between protecting the public interest and working with any individual towards achieving compliance. Whilst many cases would reach compliance within the three-month suspension period and therefore the suspension would be withdrawn, it may be more appropriate to have an initial shorter suspension period (of one or two months) which could be extended to three months if required.

We would also encourage IPReg to think about the circumstances and mechanisms which result in non-compliance, particularly when considering non-payment of the practice fee. There are a variety of financial processes and procedures adopted by firms who often pay the practice fee for individuals and these variations and sometimes complexities should be factored in to any suspension period imposed.

We would be happy to discuss any of these points further with representatives from IPReg if it would be of assistance.

For and on behalf of the Chartered Institute of Trade Mark Attorneys



Keven Bader
Chief Executive

10th January 2018