

Annex 1° - RULES OF CONDUCT FOR PATENT ATTORNEYS, TRADE MARK ATTORNEYS AND OTHER REGULATED PERSONS

The Patent Regulation Board of the Chartered Institute of Patent Attorneys and the Trade Mark Regulation Board of the Institute of Trade Mark Attorneys working jointly together as the IP Regulation Board (IPReg) now make the following provisions under Section 275A of the Copyright Designs and Patents Act 1988 and under Section 83A of the Trade Marks Act 1994, respectively (as amended by Sections 185 and 184 of the Legal Services Act 2007) and Part 5 and Schedule 11 of the Legal Services Act 2007).

Rule 1 – Interpretation

In these Rules, unless context otherwise requires:

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

“patent attorney register” means the register kept under Section 275 of the Copyright Designs and Patents Act 1988 as amended;

“trade mark attorney register” means the register kept under Section 83 of the Trade Marks Act 1994 as amended;

“registered person” means:

a registered patent attorney;

a registered trade mark attorney; or

a body (corporate or unincorporated) registered in the patent attorney register or the trade mark attorney register whether or not an ABS;

“regulated person” means a registered person, an employee of a registered person, or a manager of a body which is a registered person;

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

“professional work” means any services provided by a regulated person in the course of business providing legal services and/or ancillary services (whether or not legal services);

“corporate work” means professional work undertaken by an employed regulated person acting solely as an agent on behalf of :

their employer;

a company or organisation controlled by their employer or in which their employer has a substantial measure of control;

a company in the same group as their employer;

a company which controls their employer;

an employee (including a director or a company secretary) of a company or organisation under (a) to (d) above, where the matter relates or arises out of the work of that company or organisation; or

another person with whom a person under (a) to (e) above has a common interest;

“in private practice” means undertaking professional work which is not solely corporate work;

“client” means principal on whose behalf a regulated person acts as agent and includes any person for whom the regulated person is address for service for any right regardless of the nature of any current relationship. In the case of foreign originating work, for the purposes of these Rules the “client” remains the principal for whom the work is ultimately being done, although the instructions may come from an intermediary foreign patent or trade mark attorney, to whom the regulated person will also owe a duty of professional care. Where a regulated person is instructed via such an intermediary any obligation to provide information to a client under these rules may be discharged by providing such information to that intermediary.

Rule 2 – Scope

These Rules set out the standards of professional conduct and practice expected of regulated persons undertaking professional work. Registered persons are responsible under these Rules not only for their own acts and omissions, but also for those sanctioned, expressly or otherwise, by them.

Not every shortcoming on the part of a regulated person, nor failure to comply with these Rules, will necessarily give rise to disciplinary proceedings. The guidance shown in *italics* accompanying these Rules is not mandatory and does not form part of the Rules. Nevertheless, any alleged breach of the Rules will be considered with reference to the guidance.

General and (if any) Special Conditions attaching to the registration (or licensing) of firms, companies and other bodies are deemed to be incorporated into these Rules in relation to that body.

[Text moved from Guidance to have the status of a rule but unchanged] Rules 12 (Complaints handling) and 17 (Professional Indemnity Insurance) are only applicable to registered persons “in private practice” and attorneys employed within industrial departments are not required to comply with these Rules provided that such attorneys limit their professional activities to “corporate work”. In general, this means only undertaking work on behalf of their employer and individuals or companies associated with their employer.

[Text moved from Guidance to have the status of a Rule and reference to s15 added] Attorneys undertaking “corporate work” may, however, but subject always to the overarching obligations of section 15 of the Legal Services Act 2007 act on behalf of third parties unrelated to their employer where their employer or an associated individual or

company has a “common interest” in such work. Typical examples of permitted actions on behalf of third parties would include: maintaining or enforcing patents on behalf of third parties where the patents are licensed to an employer; prosecuting patent applications owned jointly by an employer and a third party; the appointment of an attorney as a joint representative on behalf of an employer and others in revocation or opposition proceedings; and time limited activities arising due to the transfer of assets to or from an employer such as the on-going maintenance of a portfolio of rights whilst a formal transfer was being finalised.

Guidance

Rules 1 and 2 define the scope of the Code of Conduct. Individuals, firms and companies (whether or not ABS) registered in the patent attorney register or trade mark attorney register, their managers and employees are subject to the code if they act in the course of a business which undertakes relevant professional work.

Rule 3 – Service of Documents

Any notice or other document required by or for the purposes of these Rules to be given or sent to a regulated person may be given to them personally or sent by mail to their last known address with proof of such postage.

Rule 4 – Competence

Regulated persons shall carry out their professional work with due skill, care and diligence and with proper regard for the technical standards expected of them.

A regulated person should only undertake work within his expertise or competence.

Guidance

4.1 *A regulated person should always consider whether, having regard to:*

- a) the circumstances (including in particular the gravity, complexity and likely cost) of the work;*
- b) the nature of the regulated person’s practice;*
- c) the regulated person’s ability, experience and seniority; and*
- d) the regulated person’s relationship with the client,*

in the interests of the client would be served by the regulated person or some other person providing professional services in fulfilment of the client’s instructions.

4.2 *This should be considered as soon as practicable after receiving instructions and from time-to-time thereafter, particularly when circumstances change. If the regulated person*

considers that the interests of the client would be served by some other person acting, he must advise his client accordingly.

4.3 Particular care should be taken when undertaking advocacy and litigation work before the Courts. A regulated person must only undertake advocacy and litigation work which is within their expertise and competence. Normally, this will mean that registered persons only undertake litigation and advocacy in matters where the primary issues at stake relate to intellectual property rights. It will be appreciated that some cases raise a mix of issues. Where a case raises issues which are not within a registered person's competence (e.g. complex issues of employment law in an IP entitlement case), if a registered person is to continue to act they must supplement their team with other legal advisers who have relevant specialist knowledge of such matters. Undertaking advocacy or litigation in cases unrelated to intellectual property rights will be considered prima facie a breach of Rule 4.

4.4 The conduct of litigation may only be undertaken either by a person authorised to undertake it or under their supervision. If a firm is acting in respect of a matter and the only person entitled to act in respect of that matter provides notice of their intention to leave the firm or leaves the firm unexpectedly, the firm must immediately take steps to appoint another authorized person to act. The firm must transfer the matter and cease to act if no suitable person can be appointed within a month of the authorised person's departure. Continuing to act after that date would place the firm in breach of the criminal provisions of the Legal Services Act.

4.5 In appropriate exercise of litigation and/or advocacy rights is a matter which is taken very seriously by IPReg. If a registered person is found to have used rights inappropriately this can result in sever disciplinary sanctions including removal of rights to conduct litigation and/or advocacy and removal of a registered person's name from the register of patent attorneys and/or trade mark attorneys.

Rule 5 – Integrity

Regulated persons shall at all times act with integrity putting their clients' interest foremost subject to the law and any overriding duty to any Court or Tribunal.

Guidance

5.1 A regulated person should in all professional activities:

- a) practise competently, promptly, conscientiously, courteously, honestly and objectively, avoiding unnecessary expense to the client;*
- b) act so as to promote confidence in the intellectual property system;*
- c) subject to the law and the regulated person's duty to any Court or Tribunal, put clients' interests foremost and keep clients' affairs confidential.*

5.2 A regulated person should not do anything that might compromise:

- a) his independence;*

- b) *the dignity and good standing of the regulated person, or of the patent or trade mark professions;*
- c) *the freedom of clients to instruct any person or firm to carry out their work or to change their representation.*

Rule 6 – Client Care and Service

Regulated persons shall carry out their professional work in a timely manner and with proper regard for standards of professional service and client care.

Guidance

6.1 *Written terms of business should be given to clients at the outset of a relationship and as often as necessary thereafter. Any variations should be communicated to clients as soon as they apply to the client. Regulated persons should ensure that clients receive as often as necessary an explanation, appropriate to the client's reasonably apparent or expected level of understanding, as to the issues in a matter, the progress of the matter and the likely timescale and an update periodically on expenditure incurred or to be incurred. The level of reporting depends on the client relationship and the experience of the client or the person responsible within the client's organisation. For example, lay clients may require 3.2more care than in-house counsel. Extra care should be taken when dealing with potentially vulnerable clients such as private individuals and in particular where there may be risk factors related to a person's circumstances (e.g. bereavement, illness or disability, etc.) which increase the likelihood of the client being at a disadvantage or suffering detriment.*

6.2 *When instructions are received orally, it is sensible practice, for the avoidance of future disputes as to the precise instructions given, for a regulated person to provide to the client a written note confirming the instructions received.*

6.3 *When unwilling or unable to provide services to an existing client, or withdrawing from giving services, a regulated person should make reasonable efforts to enable the client to make other arrangements and bear in mind their obligations to put clients' interests foremost. A regulated person should co-operate with a client and any new representative of the client to ensure the client's interests are protected on any change of responsibility.*

6.4 *Even where there is no on-going client relationship, absent a formal termination including clear and reasonable notice to the former client that communications will not be forwarded, regulated persons should take timely steps to draw a former client's attention to correspondence or communications received relating to the former client and their rights. A regulated person may seek a fees undertaking where the client relationship has been terminated for the costs involved in forwarding correspondence.*

6.5 *Every regulated person should have a written file retention/destruction policy which should be made available to the client on request.*

6.6 *If a regulated person gives an indication (such as an estimate) of the likely cost of work and that indication is not intended to be fixed, the regulated person is responsible for making it clear that the indication is not fixed, and for ensuring that the client is informed in*

advance whenever reasonably possible if it appears the indication will be materially exceeded.

6.7 Unless otherwise agreed with the client a regulated person should not require as a condition precedent from a sender of correspondence or a communication intended for or relevant to the client, an undertaking to meet the regulated person's fees for forwarding the sender's correspondence or communication to the client or for giving the client advice on the matter.

6.8 This applies typically to requests for consent, licence and so on. There have been instances where regulated persons have refused even to pass on correspondence without comment until their fees are met. Absent the client's agreement, this is a breach of Rules 5, 6 & 7 since the regulated person is putting his own interest in fees before the interest of the client which is in being informed promptly. This does not prevent the regulated person asking the sender for an agreement to meet reasonable costs, but the forwarding of the communication must not be dependent on it. It is up to the regulated person, having regard to his relationship with the client, to determine how matters of this kind should be drawn to the attention of the client and in the absence of any other arrangement, if the regulated person is unwilling to forward the communication "on risk as to costs" the communication should either be returned to the sender (provided that the client is not prejudiced by the resulting delay) or be forwarded without comment or offering assistance on appropriate terms.

6.9 Note that the sender is not liable for any costs until agreement is reached but that any agreement will impose liability regardless of whether the sender receives the benefit or co-operation sought.

Rule 7 – Conflicts

A regulated person must not act where his interests conflict with those of a client or of a former client, or where he knows or has reasonable grounds for suspecting that the interests of any partner or regulated person or staff of his firm, conflict with those of a client or of a former client.

Provided in all the circumstances it is reasonable to do so, a regulated person may act for two or more clients, or for a client as against a former client, in relation to the same or a related matter in a situation of conflict, or possible conflict but only if all of the parties have given their informed consent in writing. Regardless of consent a regulated person must, however, refuse to act on behalf of conflicting or potentially conflicting parties in contentious matters, in circumstances where the regulated person's actions would not be seen to be neutral or where accepting instructions from both parties would risk a breach of Rule 5 or if Rule 8 cannot be observed.

Guidance

7.1 If a regulated person acquires or has acquired relevant knowledge concerning a current or a former client in the course of acting for that client in any capacity, the regulated person should not accept instructions to act against that client or should henceforth cease to act against that client. The term "relevant knowledge" should mean knowledge of the client

or the client's affairs that is not widely disseminated to the public and that is, or is likely to become, relevant to the action concerned against the client.

7.2 A regulated person must not allow any person to perform work under his supervision when the regulated person knows or has reasonable grounds for suspecting that such a person has a conflict of interest in respect of the work.

7.3 A conflict may not arise simply because the regulated person acts for two or more parties in the same general field of business or technology although on the facts it may do so. More typically a conflict arises by reference to the specific subject matter of a case. However, acting for two or more parties in the same general field of business or technology may give rise to issues of confidentiality under Rule 8.

7.4 Confidentiality safeguards within firms or between branches may be sufficient to "cure" conflict, provided informed written consent is obtained from all parties and suitable arrangements to ensure the confidentiality of information applying to each client are in place. Safeguards – within firms or between branches – cannot, however, "cure" conflicts to enable the same regulated person to act on behalf of opposing parties in a contentious matter.

7.5 All regulated persons should undertake a "conflict check" before taking on a new client. This may take whatever form is considered appropriate in all of the circumstances. The minimum expected is a check with all other relevant persons that acceptance of a named client is not likely to compromise the interests of a client already on the books.

7.6 Unless otherwise agreed, informed consent requires that the parties whose interests do or may conflict are notified in writing of the name(s) of the other party(ies).

7.7 Where there is conflict between the interests of a regulated person, and those of a client, neither informed consent, nor any other arrangement, will enable him to act for that client.

7.8 Nothing in these Rules prevents a regulated person from acting as a mediator between parties to a dispute provided the appropriate codes of practice which deal with conflict when acting as a mediator are observed.

Rule 8 – Confidentiality and Disclosure

Regulated persons must keep the affairs of clients and former clients confidential except where disclosure is required and permitted by law or by the client or former client.

Subject to this duty of client confidentiality and any circumstance where disclosure of information is prohibited by law, unless a client expressly agrees that no duty to disclose arises or a different standard of disclosure applies, a regulated person should disclose all relevant information of which he is aware to a client.

Regulated persons must not put any clients' confidential information at risk by acting, or continuing to act for another client where that information may be material, unless both clients provide informed consent and in all of the circumstances it is reasonable to do so.

Guidance

8.1 *Confidentiality of clients' information is paramount and central to, though distinct from, the issue of conflict of interests.*

8.2 *A regulated person's duty of confidentiality arises irrespective of the source of information and continues until the client permits disclosure, waives the confidentiality or the information in question is made public and ceases to be confidential.*

8.3 *Where a regulated person takes on a client where there is already a client on the books in the same area of business or technology, but where the matters for which they have been engaged are not related, they should still ensure that the confidential information associated with one is not allowed to be made available to the other or to any regulated person acting for the other client.*

8.4 *Regulated persons have a duty to disclose all relevant information, of which they are aware, to their client in respect of the matter in hand. Information of which they are not aware, but is known to others in the same firm, for example, would be exempted, as would information disclosure of which would breach the duty of confidentiality to another client.*

8.5 *If information is obtained in relation to a prospective client, a regulated person may still be bound by a duty of confidentiality, even if that prospective client does not subsequently instruct that person or their firm. There may be circumstances, however, where a regulated person receives information where there is no real or genuine interest in instructing that person or their firm and that information is unlikely to be confidential.*

Rule 9 – Relationships with Other Professionals

Regulated persons should not communicate directly with any other party who to his knowledge has retained a registered person or other legally qualified person as a professional advisor to act in a matter except :

to request the name and address of the other party's professional advisor;

where it would be reasonable to conclude that the other party's professional advisor has refused or failed for no adequate reason either to pass on messages to their client or to reply to correspondence, and has been warned of your intention to contact their client direct;

with that professional advisor's consent; or

in exceptional circumstances.

A regulated person should co-operate with a client and any new representative of the client to ensure the client's interests are protected on any change of responsibility.

Guidance

9.1 When a regulated person has been given explicit notice that another party has engaged a patent attorney, trade mark attorney or other legally qualified person in relation to a specific matter, the regulated person should normally direct all communications about that matter to the appointed advisor rather than directly to the party. The mere recording of an address for service in relation to a relevant or potentially relevant right does not necessarily on its own constitute explicit notice that an advisor has been appointed in relation to a matter. Rather, it is only where a regulated person has been informed that a party has appointed a professional advisor, or the regulated person receives a response from such an advisor, or it is otherwise objectively clear from the facts or circumstances that the recorded address for service is the appointed advisor in the specific matter in question, that the regulated person should avoid direct, or further direct, communication under this Rule.

9.2 General communications and publicity undertaken by regulated persons (i.e. communications not in relation to a specific matter where another party has retained a professional advisor in relation to that matter) are governed by Rule 18.

9.3 Nothing in this Rule shall be taken to prevent a regulated person from exercising a lien over client papers or other materials to the extent permitted by Rule 13.

Rule 10 – Fees

Regulated persons' fees must be justifiable.

Guidance

10.1 Fees charged should be based upon the information provided in any letter of engagement or on the basis of any amendment thereto.

Rule 11 – Financial Matters

Regulated persons shall ensure that their professional finances are managed appropriately.

Every regulated person must ensure that they have in place appropriate controls, procedure and records and also sufficient and appropriately qualified staff and/or other resources to ensure that clients always receive a high standard of service in relation to the management of client money.

[Text moved from Guidance (to have the status of a Rule and amended)] In the event that a regulated person receives money from a client, other than by way of payment of fees or disbursements incurred but including money on account for fees or disbursements paid up front, they should ensure that such money is held on trust for the client in an account which is entirely separate from the regulated person's or the firm's professional business accounts

In the event that money is held on trust for a client the registered person's terms of business should deal with the issue of the ownership of the interest earned on the money held on behalf of a client.

Every regulated person must ensure they comply with all legislation pertaining to “money laundering” and “proceeds of crime”

Guidance

11.1 It is expected that client money held at any time would not exceed £250,000 in aggregate or such higher figure for which fidelity insurance in accordance with Rule 17 has been obtained and confirmed by IPReg as being satisfactory.

11.2 If client monies in excess of £250,000 in aggregate are intended to be held then additional fidelity insurance cover will be required or other arrangements would need to be put in place for clients to be held by a body regulated by the Solicitors Regulation Authority of the Council of Licensed Conveyancers”.

11.3 Use of “pro forma” invoices will not satisfy Rule 11

Rule 12 – Complaints Handling

Regulated persons in private practice must have an established procedure for dealing with complaints. Written details of the procedure must be available whenever a client requests them and a client should be informed in writing, when first engaging the registered person, that such a procedure for the resolution of a complaint exists.

Regulated persons in private practice must notify all clients of the right to complain to the Legal Ombudsman at the conclusion of the complaint process, the timeframe for doing so and full details of how to contact the Legal Ombudsman. Such notification must be in writing and be provided at the time of engagement or in the case of existing clients at the next appropriate opportunity. A similar notification must be provided to all such clients at the conclusion of any complaint process.

Regulated persons in private practice must keep records of all complaints received and the outcomes of their complaints procedures in respect of such complaints. In this context a complaint means an oral or written expression of dissatisfaction which alleges that the complainant has suffered (or may suffer) financial loss, distress, inconvenience or other detriment.

Guidance

12.1 The Rules of the Legal Ombudsman provide a right of complaint to all individuals who engage the services of authorised persons such as Patent Attorneys and Trade Mark Attorneys. The Legal Ombudsman has also applied to have the jurisdiction to review complaints made by micro enterprises as defined in European Recommendation 2003/361/EC (broadly enterprises with fewer than 10 staff and a turnover or balance sheet value not exceeding €2 million); charities, clubs, associations and societies with annual incomes of less than £1 million, trusts with net asset value less than £1 million and personal representatives or residual beneficiaries of an estate where a person with a complaint died before referring it to the ombudsman scheme.

12.2 *Sufficient information must be given to all clients to enable them to identify whether they do have a right to take their complaint to the Legal Ombudsman and to contact the Legal Ombudsman to clarify whether they can.*

Rule 13 – Liens

Regulated persons may exercise a lien over client papers and other materials belonging to a client only when and to the extent that the lien is available in law or the lien is an express term of business to which the client has agreed.

Guidance

13.1 *The issue of lien comes up reasonably frequently in complaints. Regulated persons do not benefit from the statutory lien of solicitors and the extent of any lien – if any – at common law has never been clarified. It is best to ensure this is dealt with in written terms.*

13.2 *Any charges or contractual liens applicable to a transfer of files should be set out in the regulated person's terms of business or should be otherwise agreed, but the absence of agreement should not unreasonably delay effecting the transfer. Regulated persons should note that if they have not dealt with this issue adequately in their terms of business, they may be in no position contractually to recover costs associated with the transfer if no other agreement can be reached.*

13.3 *Save in exercise of any lien, it is not acceptable to obstruct or unreasonably delay a transfer of responsibility to a new representative when asked to do so by a client.*

Rule 14 – Duty to Act in the Interests of Justice

Regulated persons exercising any right to appear before a court or tribunal or to conduct litigation must comply with their duties to the court or tribunal and act with independence in the interests of justice. Regulated persons exercising any right to appear before a court or to conduct litigation shall observe the Special Rules of Professional Conduct applicable to Litigation Practitioners.

Guidance

14.1 *A regulated person must not submit orally or in any documents or pleading:*

- a) *statements of fact or contentions that are not supported by the evidence or instruction of the client;*
- b) *contentions that he cannot justify as prima facie arguable;*
- c) *allegations of fraud unless clearly instructed to make such an allegation and it is prima facie supported by credible material; note, however, that this does not preclude the making of claims of "bad faith" per se (for example, a lack of intention to use a trade mark), unless that claim is specifically directed to substantive fraud.*

14.2 *A regulated person must not:*

- a) *rehearse practice or coach a witness in relation to his evidence;*
- b) *encourage a witness to give evidence which is untruthful or which is not the whole truth;*
- c) *except with the consent of the representative for the opposing side or of the Court, communicate directly or indirectly about a case with any witness, whether or not the witness is his lay client, once that witness has begun to give evidence until the evidence of that witness has been concluded.*

14.3 *A regulated person when conducting proceedings in Court:*

- a) *is personally responsible for the conduct and presentation of his case and must exercise personal judgement upon the substance and purpose of statements made and questions asked;*
- b) *must not unless invited to do so by the Court or when appearing before a tribunal where it is his duty to do so assert a personal opinion of the facts or the law;*
- c) *must ensure that the Court is informed of all relevant decisions and legislative provisions of which he is aware whether the effect is favourable or unfavourable towards the contention for which he argues;*
- d) *must bring any procedural irregularity to the attention of the Court during the hearing and not reserve such matter to be raised on appeal;*
- e) *must not adduce evidence obtained otherwise than from or through the client or devise facts which will assist in advancing the lay client's case;*
- f) *must not make a submission which he does not consider to be properly arguable;*
- g) *must not make statements or ask questions which are merely scandalous or intended or calculated only to vilify, insult or annoy either a witness or some other person;*
- h) *must if possible avoid the naming in open Court of third parties whose character would thereby be impugned;*
- i) *must not by assertion in a speech impugn a witness whom he has had an opportunity to cross-examine unless in cross-examination he has given the witness an opportunity to answer the allegation;*
- j) *must not suggest that a witness or other person is guilty of crime, fraud or misconduct or make any defamatory aspersion on the conduct of any other person or attribute to another person the conduct of which his lay client is accused unless such allegations go to a matter in issue (including the credibility of the witness) which is material to the lay client's case and appear to him to be supported by reasonable grounds.*

14.4 In addition to observing the Special Rules of Professional Conduct applicable to Litigation Practitioners, advocates should also be aware of and give consideration to the professional rules of the SRA and BSB as they impact on the conduct of the advocate.

Rule 15 – Anti-Discrimination

Regulated persons must not, in the conduct of their practice, unfairly or unlawfully discriminate against any person on grounds of race, religious belief, gender, sexual orientation, age or disability.

Rule 16 – Continuing Professional Development

Registered patent attorneys and registered trade mark attorneys shall undertake appropriate continuing professional development and, on request, provide details thereof to the appropriate Regulation Board.

Rule 17 – Professional Indemnity and Fidelity Insurance

Without prejudice to any obligation contained in the Special Rules of Professional Conduct applicable to Litigation Practitioners, each registered person or his firm in private practice must take out and maintain professional indemnity insurance cover, for each and every claim brought in the United Kingdom or elsewhere in the EU, commensurate with the risks at large arising from the extent and size of their practice, with due regard to Rule 4 (Competence). Any limitation of liability for negligence must be clearly drawn to the attention of a client and be understood and accepted by him.

Every registered person in private practice must ensure that all monies held by them for or on behalf of their clients and other persons are at all times protected by insurance or other compensation arrangements to compensate for losses or hardship suffered by such persons in consequence of fraud dishonesty or failure to account.

Guidance

17.1 It would be expected that Professional Indemnity Insurance of at least £1 million would be required for all registered persons and their firms, unless demonstrably, their practice does not warrant a sum that high.

Rule 18 – Publicity

Publicity and promotional activity of any kind by regulated persons is permitted if it is fair, honest, accurate and is not misleading and is not otherwise in breach of these Rules.

The letterhead, website and e-mails of firms and sole practitioner registered persons in private practice must show the words “regulated by the Intellectual Property Regulation Board” or “regulated by IPReg”.

Guidance

18.1 *What is acceptable promotional activity will inevitably change over time and will be a matter of subjective assessment in each case. For example, whilst creativity is an essential part of promotion, good taste in content and execution is important.*

18.2 *Cold calling (by any means) of private individuals or to domestic premises unless a business is being conducted from there would generally be unacceptable, and would certainly be so if directed repeatedly to specific individuals or groups.*

18.3 *Letterheads must comply with the Business Names Act 1985 concerning lists of partners and an address for service on stationery etc. and the Companies (Trading Disclosures) Regulations:*

'2008 (SI 2008/495) regarding the appearance of the company name and other particulars on stationery, etc. If non-partners are named on a partnership's letterhead, their status should be made clear. A printed line is not sufficient in itself to distinguish partners from non-partners in a list. A similar standard applies to a company or an LLP's letterhead'.

18.4 *The website and e-mails of any individual or firm providing services to the public in the EU must comply with the provisions of the E-Commerce Directive 2000/31/EC. This requires that the following information is included in electronic communications including e-mails and websites involved in cross-border e-commerce within the EU:*

- a) *details of the professional body with which a firm is registered, which in the case of patent attorneys and trade mark attorneys would be IPReg;*
- b) *the professional title and the member state where it was granted – it is recommended to state that the partners/members/directors of the firm are UK registered patent and/or trade mark attorneys; and*
- c) *a reference to the professional rules applicable to the firm in the member state where the firm is established and the means to access them. This could be achieved by providing a link to the Code of Conduct on the IPReg website.*

18.5 *Registered persons should only describe themselves or permit themselves to be described as "patent attorney litigators" or "trade mark attorney litigators" or the like if they hold a Higher Courts Litigation Certificate. Similarly, only registered persons who hold a Higher Courts Advocacy Certificate should describe themselves or permit themselves to be described as "patent attorney advocates" or "trade mark attorney advocates" or the like.*

Rule 19 – Information to Regulation Boards

Regulated persons shall submit in a timely manner such information as the Regulation Boards may reasonably require.

IPReg Registered Bodies Regulations 201*

(Regulations of the Patent Regulation Board of the Chartered Institute of Patent Attorneys and the Trade Mark Regulation Board of the Institute of Trade Mark Attorneys (working jointly as the Intellectual Property Regulation Board) regarding the Registration of partnerships and bodies corporate)

Subject to approval of the Legal Services Board

The Patent Regulation Board of the Chartered Institute of Patent Attorneys and the Trade Mark Regulation Board of the Institute of Trade Mark Attorneys working jointly as the Intellectual Property Regulation Board (IPReg) now make the following provisions under:

- (i) section 275A of the Copyright, Designs and Patents Act 1988;
- (ii) section 83A of the Trade Marks Act 1994; and
- (iii) Part 5 and Schedule 11 of the Legal Services Act 2007.

These Regulations make provision as to:

- *the procedures for, and the circumstances in which, bodies may be registered, i.e. entered into the Patent Attorney Register and/or the Trade Mark Attorney Register, and where they are alternative business structures, licensed under the Legal Services Act 2007;*
- *the duration of registration and the circumstances in which registration will expire or may be revoked or suspended;*
- *the circumstances in which IPReg will need to approve persons to be managers or owners of a body registered by it, and the procedure for the grant of such approvals as well as the circumstances in which such approvals may be withdrawn;*
- *the procedure for IPReg's approval of individuals to fill the role of Head of Legal Practice ("HoLP") or Head of Finance and Administration ("HoFA") of a Registered Body and for the withdrawal of such approvals in certain circumstances;*
- *the form and manner of applications relating to the Registration of a body, the approval of managers, owners, HoLP and HoFA, and other rules applying to registered bodies, their owners, managers and employees;*
- *the general terms and conditions subject to which every registration is granted and the circumstances in which a body's registration may be made subject to further conditions;*
- *appeals relating to the registration of a body, conditions on registration or approvals; and*
- *the names and designations to be used by registered bodies and the information to be published on IPReg's register.*

PART 1 – GENERAL PROVISIONS

Regulation 1 – Interpretation

In these regulations:

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

"Authorised Person(s)" means a person within section 111(2) of the 2007 Act and "Non-Authorised Person(s)" and "Authorised" should be construed accordingly;

"the Commencement Date" means [_____] [201*];

“HoFA” means a Head of Finance and Administration within the meaning of Paragraph 13(2) of Schedule 11 to the 2007 Act;

“HoLP” means a Head of Legal Practice within the meaning of Paragraph 11(2) of Schedule 11 to the 2007 Act;

“IPReg” means the Patent Regulation Board of the Chartered Institute of Patent Attorneys and the Trade Mark Regulation Board of the Institute of Trade Mark Attorneys working jointly as the Intellectual Property Regulation Board;

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

“Micro, small and medium-sized enterprises” has the same meaning as in Article 2 of the Annex to Commission Recommendation 2003/361/EC;

“Owner” means a person who has a material interest in a body, phrases “person” and “material interest” having the same meaning as in Schedule 13 of the 2007 Act, save that, in relation to a partnership, a person has a material interest in the partnership if he is a partner;

“Patent Attorney Register” in respect of Registered persons other than ABS, means 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;

“the Register” means the combined register kept by IPReg comprising, as sub-registers, the Patent Attorney Register and the Trade Mark Attorney Register, and in respect of ABS, is IPReg’s Register of licensed bodies for the purpose of section 87 of the 2007 Act;

“Registered European Lawyer” means a lawyer regulated by the Solicitors Regulation Authority or the Bar Standards Board under that title;

“Registered Foreign Lawyer” and “exempt European lawyer” mean lawyers regulated by the Solicitors Regulation Authority under those titles;

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

- (a) a body which is an ABS and is entered in the Register, becomes upon that 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;

“Regulatory Arrangements” has the meaning given to it by section 21 of the 2007 Act;

“the Regulatory Objectives” are those set out in section 1 of the 2007 Act;

“Reserved Legal Activity” has the same meaning as in section 12 of the 2007 Act;

“the Rules of Conduct” means IPReg’s Rules of Conduct for Patent Attorneys, Trade Mark Attorneys and Other Regulated Persons and the Special Rules of Professional Conduct applicable to Regulated Persons conducting litigation or exercising a right of audience before the Courts;

“Trade Mark Attorney Register” in respect of Registered persons other than ABS, means the Register kept under section 83 of the Trade Marks Act 1995 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;

“the 2007 Act” means the Legal Services Act 2007.

Regulation 2 – Form, Timing and Fees of Applications

- 2.1 All applications made to IPReg, under these regulations or otherwise, in respect of a Registered Body, a body applying to be Registered, or a body’s Managers, Owners or employees, including its HoLP or HoFA, must comprise:
- (a) the prescribed form, correctly completed;
 - (b) the correct fee or fees for the application, as determined from time to time by IPReg;
 - (c) such additional information, documents and references as may be specified by IPReg; and
 - (d) any additional information or documentation which IPReg may reasonably require.
- 2.2 It is not necessary to submit all documents, information and payments simultaneously, but an application will only have been made once IPReg has received all of the documentation, information and payments comprising that application.

PART 2 – REGISTRATION AND CONDITIONS

Regulation 3 – Registration by IPReg

- 3.1 IPReg will not Register a body if IPReg is not satisfied that IPReg has suitable Regulatory Arrangements in place to regulate that body in accordance with IPReg’s statutory duties and the Regulatory Objectives. For the avoidance of doubt, and without limiting the generality of the foregoing sentence, IPReg will not Register a body which undertakes (to whatever extent) any of the following activities:
- (a) criminal law;
 - (b) family or matrimonial law;
 - (c) conveyancing other than conveyancing of intellectual property rights;
 - (d) real estate related legal services;
 - (e) probate and the drafting of wills;
 - (f) immigration law; or
- any related services.

- 3.2** A body may, before making an application for Registration, request the opinion of IPReg on whether IPReg has suitable Regulatory Arrangements to Register that body. An opinion provided under this regulation does not amount to a refusal or grant of an application for Registration and shall not in any way prejudice IPReg's determination of any such application.
- 3.3 For the purpose of regulation 3.1, "suitable Regulatory Arrangements" has the same meaning as in Paragraph 7 of Schedule 12 to the 2007 Act save that the term "licensable body" in that Paragraph shall be read as including non-ABS.

Regulation 4 – Determination

- 4.1 Subject to regulations 4.2 and 4.3, IPReg may only grant an application for Registration if it is satisfied that the applicant body is a partnership, LLP or company which meets the eligibility criteria set out in Annex A.
- 4.2 IPReg may refuse an application for Registration if:
- (a) it is not satisfied under regulation 3 that it has suitable Regulatory Arrangements to Register the body;
 - (b) it is not satisfied that the body's Managers or Owners are suitable, as a group, to operate or control a business providing regulated legal services;
 - (c) it is not satisfied that, if Registered, the body will conduct its activities in a way that is consistent with the Regulatory Objectives;
 - (d) the body has provided inadequate or misleading information; or
 - (e) for any other reason, IPReg reasonably considers that it would be against the public interest to grant Registration.
- 4.3 In reaching a decision under this regulation, IPReg may take into account:
- (a) any conduct on the part of a Manager or Owner of the applicant body which calls into question their honesty, integrity or respect for the processes of law;
 - (b) any failure or refusal to disclose, or attempt to conceal, a matter in relation to the application;
 - (c) the extent to which the Managers and Owners of the applicant body, taken together, have sufficient skills and knowledge to run and manage a business which provides the legal and ancillary services which are the subject of the application; and
 - (d) any other information which IPReg reasonably considers appropriate to take into account.
- 4.4 In reaching a decision under this regulation, IPReg will take into account, so far as is reasonably practicable, the Regulatory Objectives, including the objective of improving access to justice, and will determine applications in a way which is most appropriate for the purpose of meeting those objectives.

Regulation 5 – Decision Period and Notification

- 5.1 Subject to regulation 5.2, before the end of the period of 6 months beginning with the day on which any application for Registration is received (the “decision period”), IPReg must:
- (a) decide the application;
 - (b) notify the applicant body of its decision; and
 - (c) if it decides to refuse the application, set out in the notice the reasons for the refusal.
- 5.2 IPReg may, on one or more occasions, give the applicant body a notice extending the decision period (an “extension notice”), but:
- (a) an extension notice may only be given before the time when the decision period would end but for the extension notice;
 - (b) the total decision period must not exceed 9 months; and
 - (c) an extension notice must set out the reasons for the extension.

Regulation 6 – Form and Effect of Registration

- 6.1 A body which is eligible for Registration in the Patent Attorney Register and in the Trade Mark Attorney Register shall be Registered in both Registers unless IPReg receives an express request from the body that Registration should be limited to only one of the Registers.
- 6.2 The entry of an ABS in the Patent Attorney Register and/or the Trade Mark Attorney Register constitutes the grant of a licence under the 2007 Act.
- 6.3 A Registration under these regulations, including for the avoidance of doubt a licence under the 2007 Act, will be granted in the terms set out in the specimen Registration certificate at Annex C subject to any amendments made and any further conditions imposed by IPReg.

Regulation 7 – Terms and Conditions of Registration

- 7.1 Every Registration granted under these regulations is subject to:
- (a) the payment, on the date of the grant of Registration, of such contribution to the compensation scheme maintained under regulation 19 as required by IPReg;
 - (b) the obligations in regulation 7.2;
 - (c) the general terms and conditions set out in the specimen Registration certificate at Annex C, subject to any amendments made by IPReg; and
 - (d) any further conditions imposed by IPReg under regulation 7.3.
- 7.2 Every Registered Body must:
- (a) by the prescribed date each year:
 - (i) submit a self-assessment return in the prescribed form;

- (ii) pay the Registration fee set by IPReg for that body;
 - (iii) pay such contribution to the compensation scheme maintained under regulation 19 as required by IPReg;
 - (b) submit any additional information or self-assessment returns required by IPReg; and
 - (c) as soon as reasonably practicable, inform IPReg of any change in its circumstances which renders or may render the body non-compliant with the eligibility criteria in Annex A, or which does or may give rise to a material breach by the body, its Managers, Owners or employees (including its HoLP and HoFA), of these regulations, a term or condition of the body's Registration or any other obligations imposed by IPReg's Regulatory Arrangements, including the Rules of Conduct.
- 7.3 IPReg may impose one or more further conditions on a Registered Body's Registration:
- (a) when granting Registration;
 - (b) when granting approval of an Owner, Manager, HoLP or HoFA under Part 4 of these regulations, including the temporary approval of a HoLP or HoFA under regulation 15.7;
 - (c) when deciding whether to withdraw an approval under regulation 15.9;
 - (d) when granting temporary emergency Registration under regulation 21; or
 - (e) at any other time.
- 7.4 IPReg may impose a condition under regulation 7.3 where it considers:
- (a) that:
 - (i) the condition would limit, restrict, halt or prevent an activity on the part of the body, or of a Manager, an employee (including, for the avoidance of doubt, the HoLP or HoFA) or an Owner of the body, which is putting or is likely to put at risk the interests of clients, third parties or the public;
 - (ii) the condition would limit the activities of a Manager or an employee of the body who is considered unsuitable to undertake a particular activity, either at all or save as specified in the condition;
 - (iii) the condition would limit, halt or prevent a risk to clients, third parties or the public arising from a business agreement or association which the body has or is likely to enter into, or a business practice which the body has or is likely to adopt;
 - (iv) the condition is necessary where, in relation to a Registered Body, a relevant insolvency event as defined in Paragraph 1(3) of Schedule 14 to the 2007 Act has occurred but the event has not triggered the expiry of Registration under regulation 9.2;

- (v) the condition is necessary to facilitate closer monitoring by IPReg of compliance by a Registered Body, its Managers, Owners, HoLP or HoFA, with IPReg's Regulatory Arrangements, including these regulations and the terms and conditions of the body's Registration;
 - (vi) imposing the condition will require the body concerned to take specified steps conducive to the carrying on of an efficient practice by that body; or
 - (vii) the condition is necessary in any other case, having regard to IPReg's statutory duties and the Regulatory Objectives;
- and
- (b) that it is in the public interest to impose the condition.
- 7.5 A condition imposed under this regulation takes effect from the date on which it is imposed unless a later date is specified by IPReg.

Regulation 8 – Modification of Terms and Conditions

- 8.1 Subject to the provisions of the 2007 Act, IPReg may, at any time and by giving written notice to the Registered Body, modify any terms or conditions of a Registration:
- (a) on the application of the Registered Body; or
 - (b) without such an application being made.
- 8.2 IPReg shall have regard to:
- (a) the criteria in regulation 7.4, when deciding whether to modify a condition of Registration; and
 - (b) the Regulatory Objectives, when deciding whether to modify a term of Registration.
- 8.3 Any modification will have effect from the date of the notice given under regulation 8.1 or such later time as may be specified in the notice.

PART 3 – DURATION OF REGISTRATION, RENEWAL, SUSPENSION AND REVOCATION

Regulation 9 – Duration, Expiry and Renewal of Registration

- 9.1 A body's Registration takes effect from the date of the Registration certificate, and continues in force until it expires or ceases to have effect in accordance with regulation 9.2 or 9.3, or it is revoked or suspended under regulation 10.
- 9.2 A body's Registration will automatically expire:
- (a) in accordance with the conditions of the Registration if they provide for expiry; or
 - (b) if the body is wound up or for any other reason ceases to exist;
- whichever is the earliest.

9.3 A licence granted by IPReg to an ABS ceases to have effect upon the issuing of a licence to that ABS by another licensing authority.

Regulation 10 – Suspension or Revocation of Registration

10.1 IPReg may suspend or revoke a body's Registration, if:

- (a) Registration was granted as a result of error or fraud;
- (b) the body's application for Registration would be refused under regulation 4 if it were at that time applying for Registration;
- (c) the body has breached one or more terms or conditions of its Registration including any of the obligations imposed by regulation 7.2 above;
- (d) the body has a temporary emergency Registration but has not, within the initial 28 day period or any extension of that period, commenced a substantive application for Registration;
- (e) a Non-Authorised Person is an Owner of the Registered Body in breach of these regulations and/or Schedule 13 of the 2007 Act;
- (f) a Non-Authorised Person who is subject to the duty in section 90 of the 2007 Act fails to comply with that duty;
- (g) the body, or a Manager, an Owner or an employee of the body (including, for the avoidance of doubt, the HoLP or HoFA), fails to comply with the duties imposed by IPReg or under any enactment including section 176 of the 2007 Act;
- (h) the body has ceased to practise;
- (i) an approved regulator (as defined in the 2007 Act) other than IPReg has authorised the body;
- (j) IPReg has received an application by the body to revoke its Registration and is satisfied that revocation would not present a risk to clients, to the protection of client money, or to any investigative process; or
- (k) for any other reason, it would be against the Regulatory Objectives for the body's Registration to continue.

10.2 (a) Subject to regulation 22, IPReg may suspend or revoke the licence of a Registered Body which is an ABS, if that body ceases to be an ABS.

- (b) Unless its Registration has expired or is suspended or revoked by IPReg, a body whose licence is suspended or revoked under regulation 10.2(a) will remain on the Register, and will, from the date of the suspension or revocation, be Registered under the Copyright, Designs and Patents Act 1988 and/or the Trade Marks Act 1994 as applicable.

- 10.3 (a) Subject to (b) below, suspension or revocation takes effect on expiry of the notice period under regulation 18.2(a) or on such later date as may be stated in the notice;
- (b) If an appeal, either under regulation 17 of these regulations or under rules 19 and 20 of the Disciplinary Procedure Rules, is made before the revocation takes effect, the revocation is suspended pending determination or discontinuance of the appeal, unless in the opinion of IPReg the proceedings on that appeal have been unduly protracted by the appellant or are unlikely to be successful.
- (c) A suspension remains in force until the matter giving rise to the suspension has been rectified or otherwise resolved to the satisfaction of IPReg.

PART 4 – OWNERS, MANAGERS, HOLP AND HOFA

Regulation 11 – Managers

- 11.1 No person may be a Manager of a Registered Body unless that person has been approved by IPReg under these regulations.
- 11.2 Any person appearing on the Patent Attorney Register and/or the Trade Mark Attorney Register shall be deemed approved as a Manager.

Regulation 12 – Non-authorised Owners

- 12.1 A Non-Authorised Person may not be an Owner of a Registered Body unless that person has been approved by IPReg to be an Owner in accordance with these regulations and Schedule 13 of the 2007 Act.

Regulation 13 – HoLP and HoFA

- 13.1 The HoLP of a Registered Body must be an individual who:
- (a) is a Manager of the body;
- (b) is a Registered patent attorney, a Registered trade mark attorney, a lawyer of England and Wales, a Registered European Lawyer, a Registered Foreign Lawyer or an exempt European lawyer; and
- (c) has been designated by the Registered Body to be its HoLP and that designation has been approved by IPReg under these regulations.
- 13.2 For the purpose of regulation 13.1(c), a designation of an individual as HoLP has effect only while the individual:
- (a) consents to the designation;
- (b) is an Authorised Person in relation to one or more of the Reserved Legal Activities for which the Registered Body is authorised; and
- (b) is not disqualified under the 2007 Act from acting as HoLP.

13.3 The HoLP of a Registered Body must:

- (a) take all reasonable steps to ensure compliance with the terms and conditions of the body's Registration (except any obligations relating to accounts and money-handling), and with the duties imposed by sections 90 and 176 of the 2007 Act; and
- (b) as soon as reasonably practicable, report to IPReg any failure so to comply.

13.4 The HoFA of a Registered Body must be an individual who:

- (a) is a Manager or an employee of the Registered Body;
- (b) is suitably qualified to fulfil the role of HoFA; and
- (c) has been designated by the Registered Body to be its HoFA and that designation has been approved by IPReg under these regulations.

13.5 For the purpose of regulation 13.4(c), a designation of an individual as HoFA has effect only while the individual:

- (a) consents to the designation; and
- (b) is not disqualified under the 2007 Act from acting as HoFA.

13.6 The HoFA of a Registered Body must:

- (c) take all reasonable steps to ensure compliance with any obligations relating to accounts and money-handling imposed by IPReg in the Rules of Conduct or under the terms and conditions of the body's Registration ; and
- (d) as soon as reasonably practicable, report to IPReg any failure so to comply.

13.7 Provided that the approval criteria and other requirements are met, nothing in these regulations shall prevent an individual from concurrently acting as the HoLP and HoFA of a Registered Body.

Regulation 14 – Approval of Owners, Managers, HoLP and HoFA

14.1 IPReg may not approve a person to be a Manager, an Owner, HoLP or HoFA of a Registered Body, if IPReg is not satisfied that the person concerned is suitable to be involved in the provision of legal services, and to exercise influence over the conduct of the Registered Body because:

- (a) the person or any Registered Body or other entity of which that person has previously been a Manager, an Owner or an employee, has been:
 - (i) notified in writing by IPReg that it does not regard as satisfactory an explanation given at IPReg's request; or
 - (ii) made the subject of disciplinary sanction by, or refused Registration with, or authorisation by, another approved regulator, professional or regulatory tribunal, or regulatory authority, whether in England and Wales or elsewhere,

- in respect of a matter involving the person concerned;
- (b) the person concerned:
- (i) has been disqualified from being a company director;
 - (ii) has been disqualified from being a Manager, an Owner, HoLP or HoFA under the 2007 Act;
 - (iii) has been removed from the office of trustee for a charity by an order within the terms of section 72(1)(d) of the Charities Act 1993;
 - (iv) is an undischarged bankrupt;
 - (v) has been adjudged bankrupt and discharged;
 - (vi) has entered into a voluntary arrangement or a partnership voluntary arrangement under the Insolvency Act 1986;
 - (vii) has been a Manager of a company, LLP or other body which has been the subject of a winding up order, an administration order or administrative receivership or which has entered into a voluntary arrangement under the Insolvency Act 1986 or has otherwise been wound up or put into administration in circumstances of insolvency;
 - (viii) lacks capacity (within the meaning of the Mental Capacity Act 2005) and powers under sections 15 to 20 or section 48 of that Act are exercisable in relation to that person;
 - (ix) is the subject of outstanding judgments involving the payment of money;
 - (x) has been committed to prison in criminal proceedings;
 - (xi) is currently charged with an indictable offence, or has been convicted of an indictable offence or any offence under the 2007 Act, the Solicitors Act 1974, the Financial Services and Markets Act 2000, the Immigration and Asylum Act 1999 or the Compensation Act 2006;
 - (xii) has been the subject of an order under section 43 of the Solicitors Act 1974;
 - (xiii) has been the subject of an equivalent circumstance in another jurisdiction to those listed in (i) to (xii); or
 - (xiv) has been involved in other conduct which calls into question their honesty, integrity or respect for the processes of law;
 - (xv) has committed an offence under the Companies Act 2006;
 - (xvi) in the case of an application for approval as a manager, HOLF or HOF of an ABS, the person has a previous conviction which is now spent for a criminal offence relating to bankruptcy, IVAs or other circumstances of insolvency;

- (xvii) where the person is a corporate person/entity, it:
- (a) has been has been the subject of a winding up order, an administration order or administrative receivership or which has entered into a voluntary arrangement under the Insolvency Act 1986 or has otherwise been wound up or put into administration in circumstances of insolvency; or
 - (b) other matters that call its fitness and propriety into question are disclosed or come to light;
 - (c) the Registered Body or the person concerned fails to disclose, refuses to disclose or seeks to conceal any matter within (a) or (b) above in relation to the approval application.
- 14.2 IPReg may not approve a person to be an Owner of a Registered Body unless it is satisfied that in addition to the criteria in regulation 14.1, the requirements in Paragraph 6 of Schedule 13 to the 2007 Act are met.
- 14.3 IPReg may not approve an individual's designation as HoLP or HoFA of a Registered Body unless IPReg is satisfied that the individual meets the requirements set out in regulation 13 and is in a position of sufficient responsibility to fulfil the duties of HoLP or HoFA (as applicable) in relation to the Registered Body.

Regulation 15 – Approval process

- 15.1 The approval process for Owners is that set out in Schedule 13 of the 2007 Act and not governed by regulation 15.
- 15.2 An application for the approval of a Manager, HoLP or HoFA must be made by the Registered Body concerned and may be made:
- (a) in advance of an application for Registration;
 - (b) when applying for Registration; or
 - (c) at any time after Registration has been granted.
- 15.3 Where the Registered Body applies for approval following the grant of Registration, it must not allow the person concerned to become a Manager, HoLP or HoFA (as applicable) until it has received written notice that the person has been approved.
- 15.4 (a) It is for the Registered Body to demonstrate that the person concerned meets the criteria for approval.
- (b) The Registered Body must co-operate, and secure the co-operation of the person concerned, to assist IPReg to obtain all information and documentation necessary to determine the application.
- (c) The person concerned must confirm in writing on the face of the application that the information supplied about them is correct and complete.
- 15.5 IPReg's decision to approve or refuse approval must be notified in writing to the Registered Body and, separately, to the person concerned.

- 15.6 Approval takes effect from the date of the decision unless otherwise stated, and continues until:
- (a) the approved person is disqualified from being a Manager, HoLP or HoFA (as applicable) of a Registered or licensed body;
 - (b) the approval is withdrawn; or
 - (c) the person ceases to hold the approved position in the Registered Body who applied for the approval.
- 15.7 (a) IPReg may grant a temporary approval of a designation as HoLP or HoFA where due to an unforeseen event, a Registered Body ceases to have a designated and approved HoLP or HoFA and within seven days:
- (i) informs IPReg of that fact;
 - (ii) designates a suitable person to replace the previous HoLP or HoFA; and
 - (iii) makes an application for the temporary approval of that person.
- (b) Subject to regulation 15.9 below, a temporary approval shall be valid for 28 days or such other period as specified by IPReg.
- 15.8 IPReg may at any time request an approved person or the Registered Body concerned to provide it with such information or documentation as it considers necessary to satisfy IPReg that the approved person continues to meet the criteria for approval.
- 15.9 (a) IPReg may withdraw an approval, including a temporary approval, if:
- (i) it is not satisfied that an approved person continues to meet the criteria for approval;
 - (ii) information or documentation is not promptly supplied in response to a request made under regulation 15.8;
 - (iii) IPReg is satisfied that the approved person has breached a duty imposed on them under IPReg's Regulatory Arrangements or any enactments;
- (b) Subject to (c) below, withdrawal of approval takes effect on expiry of the notice period under regulation 18.2 or such later date as may be stated in the notice.
- (c) If an appeal is made before the withdrawal of approval takes effect, the withdrawal is suspended pending the determination or discontinuance of the appeal, unless in the opinion of IPReg the proceedings on that appeal have been unduly protracted by the appellant or are unlikely to be successful.
- (d) Where withdrawal of approval relates to a director of a company, IPReg may set separate dates for that person ceasing to be a director and disposing of any shares that they hold.

PART 5 – RECONSIDERATION AND APPEALS

Regulation 16 – Reconsideration

16.1 IPReg may reconsider or rescind a decision made under these regulations when it appears that IPReg:

- (a) was materially misled;
- (b) failed to take proper account of material facts or evidence;
- (c) took into account immaterial facts or evidence;
- (d) made a material error of law;
- (e) made a decision which was otherwise irrational or procedurally unfair;
- (f) made a decision which was otherwise ultra vires; or
- (g) failed to give sufficient reasons.

Regulation 17 – Appeals

17.1 A person who is the subject of a decision by IPReg under these regulations may appeal the decision by invoking the appeal procedure set out in the IPReg Appeals Rules, within the time limits specified therein.

PART 6 – MISCELLANEOUS PROVISIONS

Regulation 18 – Notification of decisions by IPREG

18.1 IPReg shall notify its reasons in writing when it:

- (a) refuses any application under these regulations;
- (b) grants the application subject to one or more conditions; or
- (c) refuses a permission required under a condition on a body's Registration.

18.2 IPReg will give 28 days' written notice, with reasons:

- (a) to the Registered Body concerned, when IPReg decides to impose a condition on the body's Registration or to suspend or revoke the body's Registration;
- (b) to the body and the person concerned, when IPReg decides to withdraw its approval of a Manager, HoLP or HoFA, under regulation 15.9.

18.3 Except in respect of a suspension or revocation, IPReg may shorten or dispense with the 28 day period under 18.2 if it considers it appropriate to do so.

Regulation 19 – IPReg's compensation arrangements

- (a) IPReg will maintain such compensation arrangements as it, from time to time, considers appropriate, having regard to its statutory duties and the public interest.

- (b) Subject to (a) and any variations or further rules or arrangements made by IPReg, the principal terms of its current compensation scheme are set out in Annex B.

Regulation 20 – Waivers

- 20.1 Subject to any legal restrictions on its ability to do so, IPReg may, in respect of a body or type of bodies, waive any provision in these regulations and any terms or conditions of Registration, and may revoke such a waiver at any time.

Regulation 21 – Temporary Emergency Registration following a Partnership split

- 21.1 If a partnership split brings into being a new partnership which is not a Registered Body:
- (a) the partners of the new partnership must notify IPReg of that fact within 7 days; and
 - (b) temporary emergency Registration may be granted, subject to regulations 21.2 to 21.4 below, so as to enable the new partnership to lawfully practise for a limited period.
- 21.2 An application for temporary emergency Registration may be made by telephone, provided that details given by telephone are confirmed in writing on the same day, and must be made (or confirmed) at the earliest possible opportunity on the prescribed form and accompanied by all information and documentation that IPReg may reasonably require.
- 21.3 IPReg may grant an application for temporary emergency Registration if it is satisfied that:
- (a) the partners could not reasonably have commenced an application for Registration in advance of the change; and
 - (b) the partnership appears to comply with the eligibility criteria set out in Annex A.
- 21.4 Temporary emergency Registration:
- (a) will be granted for 28 days unless a different period is specified by IPReg;
 - (b) may be extended in response to a reasonable request by the applicant body;
 - (c) will be extended pending determination of a substantive application for Registration commenced during the currency of the temporary emergency Registration;
 - (d) cannot prejudice IPReg's discretion to refuse a substantive application for the Registration of the body under regulation 4; and
 - (e) in exceptional circumstances and for reasonable cause, may be revoked with immediate effect.

Regulation 22 – Unforeseen temporary breaches

If due to an unforeseen event:

- (a) a Registered Body which is an ABS ceases to be an ABS;
- (b) a Registered Body no longer complies with the eligibility criteria set out in Paragraphs 1 and 2 of Annex A; or

- (c) a Registered Body which is a partnership ceases to be a body because it has fewer than two members;

but IPReg is informed of that fact within seven days of the event first occurring, and within 28 days of the event first occurring or such other period as may be specified by IPReg, the Registered Body returns to being an ABS, compliant with the eligibility criteria, or a body (as applicable), then the body will be deemed to have remained so during the said period and to that extent, will not be liable to have its licence or Registration revoked or suspended.

Regulation 23 – Special bodies

- 23.1 IPReg does not accept applications for any order to be made by it under section 106 of the 2007 Act.

Regulation 24 – Transitional provisions

- 24.1 Except where it is an ABS, a body which was Registered by IPReg before the Commencement Date will be deemed to be Registered under these regulations and is not required to:
 - (a) re-apply for Registration whilst its existing Registration remains effective; or
 - (b) comply with any requirements in these regulations relating to HoLP and HoFA until after the expiry of a 6 month notice, which notice shall be given no earlier than 1st January 2015.
- 24.2 Any Manager of a Registered Body who was approved by IPReg before the Commencement Date shall be deemed to have been approved under these regulations and the approval shall remain effective subject to any terms and conditions of the approval and these regulations.
- 24.3 Applications for Registration, approval of a person to be a Manager, or temporary emergency Registration, made before the Commencement Date but not decided by then, will be determined under these regulations.

Regulation 25 – Name and designation of a Registered Body

- 25.1 A body corporate will be Registered under its corporate name.
- 25.2 An unincorporated body must elect to have a name under which it is to be Registered.

Regulation 26 – The Register

- 26.1 IPReg shall keep a Register comprising of two sub-Registers, being the Patent Attorney Register and the Trade Mark Attorney Register.
- 26.2 The Register shall contain, for each Registered Body (as relevant), the following information:
 - (a) the name, and trading name if different, under which the body is Registered;
 - (b) the body's Registered address and practising address(es);

- (c) the date on which Registration was granted;
 - (d) in the case of an ABS, that the body is licensed under the 2007 Act;
 - (e) whether the body's Registration has been suspended or revoked and the date on which suspension or revocation took place;
 - (f) any enforcement action taken against the body or any of its Owners or employees (except administrative fines);
 - (g) any previous names of the body;
 - (h) all company Registration numbers, charity numbers or equivalent as relevant;
 - (i) the names of the body's HoLP and HoFA;
 - (j) the authorising regulatory body of the HoLP;
 - (k) the Reserved Legal Activities that the body is authorised to undertake; and
 - (l) any other information that IPReg considers appropriate to include.
- 26.3 (a) The Register may be kept in electronic form and made available on IPReg's website.
- (b) Entries in the Register shall be available for inspection by any member of the public.

Regulation 27– Commencement

- 27.1 These regulations apply from the Commencement Date. They replace the Patent Attorney and Trade Mark Attorney Registered Bodies Regulations which from the Commencement Date cease to have effect.

ANNEX A – ELIGIBILITY CRITERIA FOR REGISTRATION

A partnership, LLP or company (“body”) may be entered in the Patent Attorney Register and/or the Trade Mark Attorney Register if it meets all of the criteria in (1) to (6) below.

- (1) (a) In the case of a body applying to be entered in the Patent Attorney Register, the body undertakes as its primary activity legal services relating to any of the development and protection, and management and exploitation of patents and registered designs (alone or in combination with the legal services described in 1(b) below), including but not limited to the business of acting as agent for others for the purpose of:
 - (i) applying for or obtaining patents and registered designs, in the United Kingdom or elsewhere; and/or
 - (ii) conducting proceedings before the Comptroller General of Patents, Designs and Trade Marks relating to applications for, or otherwise in connection with, patents and registered designs;

together with the provision of any other legal services ancillary to the legal services described above;
- (b) In the case of a body applying to be entered in the Trade Mark Attorney Register, the body undertakes as its primary activity legal services relating to any of the development and protection, and management and exploitation of trade marks (alone or in combination with the legal services described in 1(a) above), including but not limited to the business of acting as agent for others for the purpose of:
 - (i) applying for or obtaining the registration of trade marks and registered designs, in the United Kingdom or elsewhere; and/or
 - (ii) conducting proceedings before the Comptroller General of Patents, Designs and Trade Marks relating to applications for, or otherwise in connection with, the registration of trade marks and registered designs;

together with the provision of any other legal services ancillary to the legal services described above.
- (2) The body carries on non-legal activities and provides non-legal services that are ancillary to 1(a) and/or (b) above and only concern or relate to the creation, development, maintenance, exploitation or otherwise of intellectual property and activities ancillary thereto.
- (3) (a) In the case of a partnership:
 - (i) which applies to be entered in the Patent Attorney Register, at least one of the partners is a person (ABS or other) who is on the Patent Attorney Register.

- (ii) which applies to be entered in the Trade Mark Attorney Register, at least one of the partners is a person (ABS or other) who is on the Trade Mark Attorney Register.
- (b) In the case of an LLP or company:
 - (i) which applies to be entered in the Patent Attorney Register, at least one of the Managers is a person (ABS or other) who is on the Patent Attorney Register.
 - (ii) which applies to be entered in the Trade Mark Attorney Register, at least one of the Managers is a person (ABS or other) who is on the Trade Mark Attorney Register.
- (4) The body:
 - (i) In the case of an ABS, has a practising address (as defined in Para 15, Schedule 11 of the 2007 Act) in England and Wales and, in all other cases, the United Kingdom; and
 - (ii) In the case of an ABS, is domiciled, or has a real and effective industrial or commercial establishment, in England and Wales and, in all other cases, the United Kingdom.
- (5) All non-authorised Managers of the body have been approved under Part 4 of these regulations.
- (6) In the case of an ABS, all non-authorised Owners of the body have been approved under Part 4 of these regulations and Schedule 13 of the 2007 Act.
- (7) The body confirms that it will abide by IPReg's Regulatory Arrangements, including the Rules of Conduct, and with the terms and conditions of its Registration.
- (8) IPReg is satisfied that if Registered, the body will be in compliance with the terms and conditions of its Registration.

ANNEX B – COMPENSATION ARRANGEMENTS

Subject to regulation 19, the principal terms of IPReg’s compensation scheme are as follows:

- (1) IPReg will maintain an insurance policy or operate a compensation fund under which grants may be made to compensate for losses or hardship suffered by persons in consequence of fraud or other dishonesty, or a failure to account for money by a Registered Body or its employees and Managers, to the extent that such losses are not covered by professional indemnity insurance.
- (2) Registered bodies shall contribute to the costs of the scheme, through annual contributions required under regulations 7.1(a) and 7.2(a)(iii).
- (3) Only:
 - (a) current and former individual clients, and
 - (b) micro, small and medium-sized enterprises who are or were clientsof the Registered Body will be entitled to benefit from the arrangements.
- (4) All grants will be made within the terms of the insurance policy referred to in paragraph (1).
- (5) All grants will be made at the sole discretion of IPReg and subject to a cap of £25,000 per claimant.
- (6) All applications for grants must be made in the form and within the time period prescribed by IPReg.

**The Patent Regulation Board
and
The Trade Mark Regulation Board
Disciplinary Procedure Rules**

The Patent Regulation Board of the Chartered Institute of Patent Attorneys and the Trade Mark Regulation Board of the Institute of Trade Mark Attorneys working jointly as the Intellectual Property Regulation Board (IPReg) now make the following provisions under:

- (i) section 275A of the Copyright Designs and Patents Act 1988;
- (ii) section 83A of the Trade Marks Act 1994; and
- (iii) Part 5 and Schedule 11 of the Legal Services Act 2007.

Rule 1 – Interpretation

In these Rules:

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

“Administrator” means a person appointed in accordance with Rule 7.1;

“Appellant” means a person bringing an appeal under Rule 20;

“Case Manager” means a person appointed in accordance with Rule 9.10(e) or where Rule 9.10(f) applies, the Complainant;

“CIPA” means the Chartered Institute of Patent Attorneys;

“Complainant” means a person (natural or legal) making a Complaint, including:

- a) a person making a complaint under an ombudsman scheme which is the subject of a report made by an ombudsman under section 143 (2) of the 2007 Act; and
- b) the Registrar, where IPReg submits a matter to the CRC under Rule 5.

“Complaint” means:

- a) a complaint under the ombudsman scheme established by the 2007 Act which is the subject of a report made by an ombudsman in accordance with section 143 (2) of the same Act;
- b) a complaint, including by IPReg under Rule 5.3, alleging a breach by a Regulated Person of IPReg’s Regulatory Arrangements, including but not limited to a

- breach of the Rules of Conduct or a term or condition of a Registered Person's registration; or
- c) a complaint involving any combination of a) and b) above.
- "Complaint Review Committee" or "CRC" means the body appointed pursuant to Rule 6;
- "Disciplinary Board" means a board of the JDP appointed in accordance with these Rules for the hearing of a Complaint or any matter connected with a Complaint;
- "Disqualification Review Committee" or "DRC" means the body appointed pursuant to Rule 17.3;
- "EPO" means the European Patent Office;
- "General Complaint" means a Complaint that the Disciplinary Panel determines is not a Trade Mark Complaint or a Patent Complaint;
- "HoFA" means a Head of Finance and Administration within the meaning of Paragraph 13(2) of Schedule 11 to the 2007 Act;
- "HoLP" means a Head of Legal Practice within the meaning of Paragraph 11(2) of Schedule 11 to the 2007 Act;
- "The Institutes" means ITMA and CIPA, and "Institute" should be construed accordingly;
- "IPReg" means the Patent Regulation Board of CIPA and the Trade Mark Regulation Board of ITMA working jointly as the Intellectual Property Regulation Board;
- "ITMA" means the Institute of Trade Mark Attorneys;
- "Joint Disciplinary Panel" or "JDP" means the body appointed pursuant to Rule 4;
- "Manager" in relation to a body has the same meaning as in section 207 of the 2007 Act;
- "OHIM" means the Office for Harmonization in the Internal Market;
- "Parties", in relation to a Complaint or any proceedings under these Rules relating to a Complaint, means the Respondent and the Case Manager in respect of the Complaint, and "Party" means the Respondent or the Case Manager;
- "Patent Attorney Litigator" means a registered patent attorney authorised by IPReg to conduct litigation and/or exercise rights of audience, "authorised" having the meaning given to it in section 18 of the 2007 Act;
- "Patent Attorney Register" in respect of Registered Persons other than ABS, means 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;

“Patent Complaint” means a Complaint exclusively or substantially concerning the practice or conduct of a Respondent as:

- a) a Registered Person entered in the Patent Attorney Register, including an ABS, entered in the Patent Attorney Register; or
- b) a Regulated Person regulated by IPReg by virtue of that person’s relationship with a Registered Person entered in the Patent Attorney Register;

“the Professional Principles” are those set out in section 1(3) of the 2007 Act;

“the Register” means the combined register kept by IPReg comprising of the Patent Attorney Register and the Trade Mark Attorney Register, and in respect of ABS, is IPReg’s register of licensed bodies for the purpose of section 87 of the 2007 Act;

“Registered Body” means a body (corporate or unincorporated), including an ABS, within the meaning of a Registered Body in the IPReg Registered Bodies Regulations;

“Registered Person” means:

- a) a registered patent attorney;
- b) a registered Trade mark attorney; or
- c) a Registered Body, including an ABS;

and “registration” and “registered” shall be construed accordingly;

“Registrar” means the person who has been appointed by IPReg on behalf of CIPA and ITMA to maintain the Register;

“Regulated Person” means a person who at the time of the act or omission giving rise to a Complaint is a Registered Person, or an employee or a Manager of a Registered Person, and includes HoLP and HoFA of a Registered Person;

“Regulatory Arrangements” has the meaning given to it by section 21 of the 2007 Act;

“the Regulatory Objectives” are those set out in section 1 of the 2007 Act;

“Respondent” means any person against whom a Complaint is made;

“Trade Mark Attorney Register” 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;

“the Rules of Conduct” means IPReg’s Rules of Conduct for patent attorneys, trade mark attorneys and other Regulated Persons and the Special Rules of Professional Conduct applicable to Regulated Persons conducting litigation or exercising a right of audience before the Courts adopted from time to time by the IPReg Board ;

“Trade Mark Complaint” means a Complaint exclusively or substantially concerning the practice or conduct of a Respondent as:

- a) a Registered Person entered in the Trade Mark Attorney Register, including an ABS, entered in the Trade Mark Attorney Register; or
- b) a Regulated Person regulated by IPReg by virtue of that person's relationship with a Registered Person entered in the Trade Mark Attorney Register;

"Trade Mark and Design Litigator" means a registered trade mark attorney authorised by IPReg to conduct litigation and/or exercise rights of audience, "authorised" having the meaning given to it in section 18 of the 2007 Act;

"Statement of Case" means a formal charge detailing particulars of the Complaint including details of the alleged breaches of the Rules of Conduct, any terms or conditions of registration or any other rules or obligations, and the legal and factual reasons which are considered to lead to the conclusion that any alleged breaches have occurred;

"UKIPO" means the United Kingdom Intellectual Property Office;

"the 2007 Act" means the Legal Services Act 2007.

Rule 2 – Jurisdiction

2.1 These Rules apply to Complaints relating to any aspect of the conduct of a Regulated Person except to the extent that any matter is within the exclusive jurisdiction of the Legal Ombudsman.

Rule 3 – Administration

3.1 IPReg shall provide such administrative and other support services to the JDP and the Disciplinary Boards as necessary in a timely and proportionate manner.

3.2 Insofar as the same are not otherwise provided for in these Rules, IPReg, in consultation with the JDP and the Institutes, shall make regulations and/or other arrangements for:

- a) the submission of Complaints and other pleadings, evidence or materials;
- b) the determination of a *prima facie* case;
- c) the giving of directions for the handling, management, hearing and determination of Complaints;
- d) the provision of advice to the JDP and Disciplinary Boards;
- e) the drawing up of decisions and orders and their transmission to the Parties, the Institutes and the Registrar, and any other interested persons;

- f) The assessment and award of costs pursuant to any power granted under these Rules; and
- g) the publication and enforcement of decisions.

Rule 4 – The Joint Disciplinary Panel

- 4.1 IPReg shall set up a Joint Disciplinary Panel consisting of at least three attorney members from each Institute and at least three lay members. None of the JDP members shall be sitting members of the Board of IPReg or the Council of either Institute.
- 4.2 The CIPA attorney members shall all be or have been registered patent attorneys. The ITMA attorney members shall all be or have been registered trade mark attorneys. All attorney members shall be recruited by IPReg on behalf of the Institutes in accordance with open and competitive procedures agreed from time to time.
- 4.3 The lay members shall be individuals none of whom are or have been registered patent attorneys or registered trade mark attorneys nor any other person who holds or has held a legal professional qualification of any description. The lay members shall be recruited by IPReg using the “Nolan” Principles of Public Life.
- 4.4 Appointees to the JDP under these Rules shall retire after they have heard 3 cases or at the end of 3 years whichever is the later. The term of any appointment made before the commencement of these rules shall be determined in accordance with the disciplinary procedure rules in place at the time of the appointment.
- 4.5 The JDP shall appoint one of the lay members to be its chair. The chair shall hold the office for a period of 3 years and shall have an additional casting vote in the event of any tied vote.
- 4.6 A meeting of the JDP shall be quorate provided that at least one lay member, one CIPA attorney member and one ITMA attorney member must be present.
- 4.7 If at any time there is a shortfall in the requisite membership of the JDP, IPReg may, in consultation with CIPA, ITMA and the chair of the JDP, appoint temporary members to fill the vacancy or vacancies, the maximum term of any temporary appointment being the balance of the term of the position lying vacant.
- 4.8 IPReg may, at the request of the JDP or a Disciplinary Board, co-opt members to a Disciplinary Board.
- 4.9 Lay members co-opted in accordance with Rule 4.8 shall be persons whose suitability for public appointment has previously been recognised by another public body.

Rule 5 – IPReg investigations and complaints

- 5.1 IPReg may, at any time and in its complete discretion, carry out an investigation into the practice and conduct of a Regulated Person in order to determine whether that person should be the subject of a Complaint under Rule 5.3.
- 5.2 IPReg may require a Regulated Person to provide it with such information or explanation as IPReg considers appropriate for the purpose of its investigation under Rule 5.1. For the avoidance of doubt, the failure by a Regulated Person to comply, or fully comply, with a request by IPReg under Rule 19 of the Rules of Conduct for the said information or explanation may in itself form the basis of a Complaint under Rule 5.3.
- 5.3 IPReg may initiate a Complaint where it considers that, based on the information available to it, a Regulated Person may have breached any provisions in IPReg's Regulatory Arrangements, including but not limited to any requirements in the Rules of Conduct or any terms or conditions of a registration.

Rule 6 – The Complaint Review Committee

IPReg shall designate two lay members and one attorney member from its Board to be the Complaint Review Committee (CRC) in relation to a Complaint.

Rule 7 – Procedure on receipt of complaints

- 7.1 Upon receipt of a Complaint, or initiation of a complaint under Rule 5, IPReg shall appoint an Administrator to handle that Complaint.
- 7.2 Except where Rule 5 applies, the Administrator shall determine whether the Complaint complies with any formalities or other requirements specified by IPReg pursuant to Rule 3.2(a). If the Complaint does not comply with the applicable formalities or other requirements, the Administrator shall inform the Complainant accordingly and invite the Complainant to remedy the identified deficiencies within a period of 14 days. The Administrator may extend the said time limit if the Complainant provides the Administrator with good reasons for the extension. Save in exceptional circumstances, no more than one extension shall be given. If the deficiencies are not remedied before the expiry of the time limit (including any extension), IPReg shall reject the Complaint without reference to the CRC.
- 7.3 If the Complaint is found to comply with the formalities or other requirements specified in Rule 7.1, or if the Complaint was made under Rule 5, the Administrator shall:

- a) send a copy of the Complaint to the Respondent informing them that the matter is to be reviewed by the CRC and inviting them to file, within a period of 28 days from the date of the communication, brief and concise observations (which may include admissions) in order to assist the CRC to determine the status of the Complaint in accordance with Rules 8 and 9; and
 - b) confirm to the Complainant that the Respondent has been sent a copy of the Complaint and has been invited to file observations and that the matter will be reviewed by the CRC.
- 7.4 A copy of any observations filed by the Respondent shall be sent to the Complainant for information. Unless the Respondent provides the Administrator with good reasons for extending the period for response under Rule 7.3(a) and the Administrator agrees to the extension, any observations filed after the expiry of the 28 day period shall be ignored in the CRC's determination of a case to answer. Save in exceptional circumstances, only a single extension of the said period shall be permitted.

Rule 8 – Initial processing by the Complaint Review Committee

- 8.1 After the end of the period for filing observations referred to in Rules 7.3(a) and 7.4, the CRC shall review the Complaint and any observations received from the Respondent to determine whether the Complaint is admissible.
- 8.2 A Complaint shall be considered admissible if:
- a) it is received in time (see Rule 8.3); and
 - b) the subject matter of the Complaint falls within IPReg's jurisdiction (see Rule 8.5).
- 8.3 A Complaint is to be treated as received in time if:
- a) it was received by IPReg, CIPA, ITMA or an ombudsman within the period of 12 months from the date on which:
 - i. the matters giving rise to the Complaint occurred; or
 - ii. the Complainant first became aware that they had grounds for complaint; or
 - b) it relates to matters not falling within the period set out in 8.3(a) above and the Complainant provides sufficient reasons why the Complaint could not have been brought earlier.
- 8.4 If a Complaint is received outside the period set out in Rule 8.3(a) above, the CRC shall inform the Complainant accordingly and invite the Complainant to provide, within a period of 14 days, reasons why the Complaint could not have been brought earlier. If

no or insufficient reasons are provided before the period of 14 days expires, the CRC shall reject the Complaint as inadmissible.

8.5 The subject matter of a Complaint falls within IPReg's jurisdiction if it raises issues as to the professional conduct or practice of a Regulated Person.

8.6 If the Complaint is not admissible within the meaning of Rule 8.2(b) and 8.5, the CRC shall reject the Complaint and inform the Complainant that the Complaint falls outside the jurisdiction of IPReg and refer the Complainant to the Legal Ombudsman.

8.7 If a Complaint is admissible and concerns the acts or omissions of a Regulated Person who is acting in their capacity as:

- a) a recognised sole practitioner regulated by the Solicitors Regulation Authority;
- b) a self-employed barrister regulated by the Bar Standards Board; or
- c) a manager or employee of a body or other person authorised by another approved regulator to carry on an activity which is a reserved legal activity;

the CRC shall refer the Complaint to the relevant regulator and suspend its investigation of the Complaint.

8.8 If a Complaint is admissible and concerns a Regulated Person who is regulated by another professional regulator and Rule 8.7 does not apply, the CRC may suspend its investigation of the Complaint if the CRC considers that the Complaint would be better dealt with by the other regulator and either:

- a) a corresponding complaint is proceeding in front of the other regulator; or
- b) the other regulator agrees to investigate the Complaint.

8.9 If a Complaint is admissible and concerns a matter in respect of which a complaint is being investigated by the Legal Ombudsman, IPReg may suspend its investigation of the Complaint.

8.10 If a Complaint is admissible and the Complaint either:

- a) Is the subject of pending litigation between the Complainant and the Respondent; or
- b) Concerns the actions of a Respondent conducting litigation in their capacity as an authorised litigator;

the CRC may suspend the investigation of the Complaint but the CRC shall only suspended the investigation of the Complaint under this Rule if the CRC is satisfied neither the client nor the Respondent nor any opposing parties, nor the Court, will suffer any detriment if the client continues to be represented by the Respondent.

- 8.11 A Complaint suspended under one of Rules 8.7 to 8.10 above shall be resumed when the investigation by the other regulator or the Legal Ombudsman or the litigation (as applicable) has concluded.
- 8.12 The CRC shall take into account any determination of the case by any other regulator or the Legal Ombudsman or the outcome of any litigation under Rule 8.10(a) when:
- a) determining whether or not a Complaint discloses a *prima facie* case or whether or not processing a case further would be disproportionate or otherwise not in the public interest under rule 9.2; or
 - b) determining whether or not a case is suitable for determination through the summary procedure under rule 9.5.

If the Complaint is referred to a Disciplinary Board, the result of the determination of the case by the other regulator or the Legal Ombudsman shall be included in the material submitted to the Disciplinary Board.

Rule 9 - Review and assessment of a *prima facie* case and summary proceedings

- 9.1 This Rule applies where a Complaint has been found to be admissible under Rule 8.2 and the investigation of the Complaint:
- a) has not been suspended; or
 - b) has been resumed under Rule 8.11.
- 9.2 If a Complaint is found to be admissible, the CRC shall review the Complaint and any observations received from the Respondent to determine:
- a) whether the Complaint fails to disclose a *prima facie* case; and
 - b) whether progressing the Complaint further would be disproportionate.
- 9.3 In determining whether progressing a Complaint further would be disproportionate the CRC shall:
- a) have regard to the public interest, the Rules of Conduct, the Regulatory Objectives and the Professional Principles; and
 - b) take account of all the circumstances of the case including, without limitation:
 - i) whether any alleged breach is of a purely technical or trivial nature;
 - ii) the extent of any material prejudice or loss caused or likely to be caused to the Complainant or to any other person by reason of the Respondent's acts or omissions;
 - iii) whether the Complaint calls into question the integrity or honesty of the Respondent;

- iv) the Respondent's standard of care and conduct in the matter leading to the alleged breach;
 - v) whether the Respondent's handling of the matter, once drawn to their attention, was reasonable and what, if any, steps they have taken to terminate and prevent any repetition of the alleged breach;
 - vi) whether any material harm has been caused to the standing of the Respondent's profession;
 - vii) the past disciplinary record of the Respondent; and
 - viii) whether it is a case of doubt or difficulty or one which involves a matter of public interest.
- 9.4 If the CRC determines that a Complaint fails to disclose a *prima facie* case or that progressing the Complaint further would be disproportionate, the CRC shall issue a written decision rejecting the Complaint, and the Complainant and the Respondent shall be notified of that decision forthwith.
- 9.5 If the CRC determines that a Complaint discloses a *prima facie* case and that progressing the Complaint further would not be disproportionate, the CRC shall decide whether, in its opinion, the Complaint is suitable to be dealt with through the summary procedure.
- 9.6 A Complaint may be dealt with through the summary procedure where the CRC is of the opinion that, if the Complaint were upheld, the issuance of a notice, warning or reprimand under Rule 9.9 would be sufficient to deal with the matter and further proceedings would be disproportionate and unnecessary. In deciding whether, in its opinion, a Complaint should be dealt with through the summary procedure, the CRC shall consider all the matters set out in Rule 9.3.
- 9.7 If having determined that the Complaint discloses a *prima facie* case and that progressing it further would not be disproportionate, the CRC is of the opinion that the Complaint would best be dealt with through the summary procedure, it shall notify the Respondent of that opinion and invite them to elect, by informing the CRC in writing within 14 days, whether:
- a) they wish the Complaint to be heard by a Disciplinary Board; or
 - b) they accept that the Complaint may be dealt with through the summary procedure, without recourse to appeal;
- and if they elect the summary procedure, to provide the CRC within the said time period with any further information they wish to be taken into account in determining whether to uphold the Complaint and/or in mitigation of any penalty if the Complaint is upheld.

- 9.8 The CRC may extend the period for providing further information under Rule 9.7 if the Respondent provides the CRC with good reasons for an extension. Save in exceptional circumstances, only a single extension of the period for providing information in mitigation shall be permitted. Copies of any communications under this Rule shall be sent to the Complainant for their information.
- 9.9 If the Respondent does not elect for the matter to be referred to a Disciplinary Board, the CRC shall, after considering any additional information submitted by the Respondent, determine whether the Complaint is made out and, if it is:
- a) issue a public notice, warning or reprimand to the Respondent stating the facts of the matter, the nature of the Respondent's breach and if appropriate a recommendation as to any actions to be taken by the Respondent to avoid a repetition of the breach;
 - b) send copies of the issued notice, warning or reprimand to the Respondent and the Complainant;
 - c) inform the Registrar that a notice, warning or reprimand has been issued and require that this be noted against the entry, in the Patent Attorney Register and/or the Trade Mark Attorney Register, of the Respondent and/or of any Registered Person of whom the Respondent is an employee or manager (as applicable), for a period of:
 - i) 6 months in the case of a notice;
 - ii) 1 year in the case of a warning; and
 - iii) 3 years in the case of a reprimand; and
 - d) make such order for payment of the Complainant's and/or IPReg's costs by the Respondent as the CRC considers appropriate and just, subject to such scales and limits as are published by IPReg from time to time. An order for costs under this Rule may require the Respondent to pay all or part of IPReg's costs in investigating a matter under Rule 5.
- 9.10 If the CRC determines that there is a *prima facie* case, but that dealing with the Complaint through the summary procedure would not be appropriate or if a Respondent has elected, under Rule 9.7, for the Complaint to be heard by a Disciplinary Board:
- a) the CRC shall notify the Complainant and the JDP of that fact, and the JDP shall proceed promptly to appoint a Disciplinary Board;
 - b) the CRC shall advise the JDP whether in the CRC's opinion the Complaint should be treated as a Patent Complaint, a Trade Mark Complaint or a General Complaint;

- c) subject to Rule 9.10(d), from the date of the CRC's determination under this Rule, the Registrar will become the Complainant if they are not already the Complainant pursuant to Rule 5;
 - d) within 7 days of the notice given by the CRC under Rule 9.10(a), the original Complainant (other than IPReg) may, by informing the CRC in writing, elect to pursue the Complaint in their own name but if such election is made, the Registrar may require the Complaint to be brought in the joint names of the original Complainant and the Registrar;
 - e) where a Complaint is then brought by the Registrar (either solely or in joint names), the Registrar will appoint a Case Manager to bring the Complaint to the JDP; and
 - f) where Rule 9.10(e) above does not apply, references in the remainder of these Rules to a Case Manager shall mean the Complainant.
- 9.11 If the CRC is unable to reach a unanimous decision under Rule 9, the matter must be referred to a Disciplinary Board.
- 9.12 Any decisions made by the CRC under this Rule shall be final and neither a Complainant nor a Respondent may appeal against such a decision.

Rule 10 – Disciplinary Boards

- 10.1 Disciplinary Boards will be appointed by the Chair of the JDP in accordance with these Rules, and their members will be drawn from those of the JDP.
- 10.2 If the Chair of the JDP rejects the opinion of the CRC as to whether the Complaint is a Trade Mark Complaint, a Patent Complaint or a General Complaint, they shall appoint two lay members of the JDP to make that determination with them.
- 10.3 Each Disciplinary Board shall consist of three persons being two lay members, and one attorney member. If the Complaint is a Trade Mark Complaint, the attorney member will be an ITMA-appointed attorney member. If the Complaint is a Patent Complaint, the attorney member will be a CIPA-appointed attorney member. If the Complaint is a General Complaint, the attorney member of the board may be selected by the Chair of the JDP in the exercise of their discretion or, at their option, by a vote of the JDP.
- 10.4 The members of each Disciplinary Board shall appoint one of their number as Chair. Decisions of a Disciplinary Board shall be taken by simple majority but if any one member is incapacitated or otherwise unable to vote, that member will be deemed to have abstained and the decision of the remaining two members must then be unanimous.

- 10.5 A Disciplinary Board may, if it considers it appropriate, appoint a legal adviser to assist it. The legal adviser shall be a practising barrister or solicitor and shall sit with the Disciplinary Board but shall not have a vote.

Rule 11 – Pre-Hearing steps

- 11.1 Within 28 days of the appointment of a Disciplinary Board, the Case Manager will:
- a) notify the Complainant and the Respondent of the commencement of the Disciplinary Board proceedings;
 - b) serve on the Respondent:
 - i) a Statement of Case; and
 - ii) the evidence (including any witness statements) on which the Case Manager intends to rely; and
 - c) invite the Respondent to file, within 28 days of the giving of the notice in Rule 11.1(a), any further evidence (including any witness statements) on which the Respondent intends to rely in their defence.
- 11.2 Unless Rule 9.10(f) applies, the Case Manager shall provide the original Complainant with a copy of the papers served on the Respondent and shall keep them informed of all subsequent developments.
- 11.3 Following the receipt of any further evidence from the Respondent under Rule 11.1(c), and in any event within 14 days of the expiry of the period referred to in the said Rule, the Case Manager will serve on the Respondent any further evidence strictly in reply.
- 11.4 As soon as possible after the end of the period referred to in Rule 11.3, or of any extension granted under Rule 11.5, IPReg shall appoint a date for the determination of the Complaint, to be held as soon as reasonably practicable.
- 11.5 The Chair of the Disciplinary Board may, at the request of either Party, grant an extension of time both for the filing of further evidence and for the appointment of the date for the determination of the Complaint, if the Party making the request provides a reasonable justification for such an extension.
- 11.6 Notwithstanding the remainder of Rule 11, the Disciplinary Board may grant either Party leave to file further evidence at any time if it considers it fair and appropriate to do so.
- 11.7 The Disciplinary Board may give judgment on any admissions by the Respondent without the need for an oral hearing, if it sees fit and if the Parties agree.
- 11.8 An oral hearing will take place only if a Party so requests in writing by no later than 28 days before the date appointed for the determination of the Complaint. Otherwise,

the Disciplinary Board will convene on the appointed date and determine the Complaint on the basis of the papers and materials before it.

- 11.9 If no oral hearing is requested, IPReg shall invite the Parties to submit written arguments, to be filed no later than 7 days before the Disciplinary Board is to consider the Complaint.
- 11.10 If an oral hearing is requested, it will be held in public unless the Disciplinary Board determines that the press and other members of the public may be excluded from all or part of the hearing for reasons of public order or national security in a democratic society, where the interests of juveniles or the protection of the private life of the Parties so require, or to the extent strictly necessary in the opinion of the Disciplinary Board in special circumstances where publicity would prejudice the interests of justice.

Rule 12 – Miscellaneous procedural matters

- 12.1 Subject to the express provisions of these Rules, the Disciplinary Board shall have full powers to adopt such procedures as it thinks fit for the fair determination of the issues before it, including powers to allow amendment of the Complaint and to adjourn its proceedings.
- 12.2 The Disciplinary Board may give any directions that it considers necessary or appropriate for the determination of a Complaint before it, including directions about documentation, inspections, witness statements, skeleton arguments and the place or time of any hearing. In the interests of procedural economy and if it considers it proportionate to do so, the Disciplinary Board may delegate its power to give directions to one of its members.
- 12.3 The Disciplinary Board may, itself or on the application of any Party, make an order on such terms as it considers just:
- a) allowing the withdrawal of an application or allegation in respect of which a *prima facie* case has been determined;
 - b) adjourning any hearing listed for directions or for the substantive determination of the Complaint;
 - c) allowing the amendment of any application or allegation or the correction of any matter;
 - d) concerning the attendance of any witnesses at an oral hearing; and/or
 - e) making any directions which appear necessary or appropriate to secure the appropriate and timely determination of a matter.
- 12.4 IPReg may:

- a) refer any procedural matter in a particular case to the relevant Disciplinary Board for a decision or directions; and
 - b) in cases of doubt or uncertainty, ask the JDP to issue guidance or a ruling as to any general matter of procedure.
- 12.5 Any hearing under this Rule shall be held in public unless the exceptions in Rule 11.10 apply.
- 12.6 No Complaint which has been referred to the Disciplinary Board under Rule 9.10 may be withdrawn without the approval of the Disciplinary Board.

Rule 13 – Service of documents

- 13.1 Any Complaint or other document required to be served under these Rules shall be served:
- a) personally;
 - b) by sending the same by guaranteed delivery post or other guaranteed and acknowledged delivery to the last known place of business or abode of the person to be served; or
 - c) in such other manner as the Disciplinary Board may direct.
- 13.2 Any document served in accordance with paragraph 13.1 shall be deemed served on the second working day following the day on which it is delivered, posted or transmitted.
- 13.3 A document delivered to the last known place of business or abode of the person to be served may be regarded by the Disciplinary Board as duly served if the Board considers it reasonable to expect that the document has been received by or brought to the attention of the said person.

Rule 14 – Evidence

- 14.1 Unless otherwise ordered, evidence shall be given by witness statement, statutory declaration or affidavit, and shall be filed with IPReg in accordance with these Rules and any directions given hereunder.
- 14.2 A Party wishing to call a witness or to seek a witness's attendance for cross-examination shall seek a direction to that effect. In the event that a person directed to attend an oral hearing to give evidence fails to do so, that person's evidence shall be inadmissible unless the Disciplinary Board otherwise directs.
- 14.3 Decisions of the Disciplinary Board may only be based on evidence which has been put, orally or in writing, to the Respondent and to which the Respondent has been

given an opportunity to respond. If reliance is to be placed on any matter in a document, the relevant section of the document must be brought to the attention of the Respondent and they must be given an opportunity to comment on it. If any opinion as to the actions required of a practitioner acting with reasonable skill is relied upon, appropriate expert evidence must be tendered in support.

Rule 15 – Oral hearings and determination of the complaint

- 15.1 At an oral hearing, the Parties may represent themselves or be represented by representatives of their own choosing. Parties may cross-examine any witnesses giving evidence against them.
- 15.2 Following the conclusion of the proceedings before it, including any hearing which may be held, the Disciplinary Board shall give a reasoned written decision setting out the Complaint, its findings of fact, and its conclusion as to whether the Complaint as set out in the Statement of Case has been proved.
- 15.3 In the event and to the extent that the Complaint as set out in the Statement of Case is proved, the Disciplinary Board shall give the Respondent the opportunity to present to the Board, within such time as it may direct, an explanation of any mitigating circumstances which the Respondent would like to be taken into account by the Board when deciding upon an appropriate sanction.

Rule 16 – Sanctions

- 16.1 After considering any such explanation under rule 15.3, the Disciplinary Board may impose on the Respondent any one or more of the following sanctions as applicable:
 - a) a public notice, warning or reprimand to the Respondent stating the facts of the matter, the nature of the Respondent's breach and if appropriate a recommendation as to any actions to be taken by the Respondent to avoid a repetition of the breach;
 - b) a suspension of the Respondent from acting as a Trade Mark Litigator and/or as a Patent Attorney Litigator, for such term and subject to such conditions as the Disciplinary Board thinks fit;
 - c) an order cancelling the Respondent's certificate to practise as a Trade Mark and Design Litigator and/or as a Patent Attorney Litigator;
 - d) a direction that the Respondent's entry be removed from the Patent Attorney Register and/or the Trade Mark Attorney Register, either permanently or for such period and subject to such conditions (as to restoration or otherwise) as may be specified in the direction;
 - e) an order requiring the Respondent to undertake training or any other action pertinent to any disciplinary breach found proved by the Disciplinary Board;

- f) notification of the decision to the UKIPO, EPO and/or OHIM together with a recommendation that the Respondent's recognition or authorisation be withdrawn;
 - g) a fine of such amount as the Disciplinary Board considers appropriate but not exceeding the maximum amount prescribed by the Legal Services Board under the 2007 Act;
 - h) a recommendation to the Councils of CIPA and/or ITMA that the Respondent be suspended from membership of the Institutes for such term and subject to such conditions as the Disciplinary Board thinks fit;
 - i) a recommendation to the Councils of CIPA and/or ITMA that the Respondent be expelled from either or both Institutes;
 - j) a referral of any matter concerning the conduct of the Respondent to any person who exercises regulatory functions in relation to the carrying on of legal activities by that person or, as appropriate, to the Legal Services Board;
 - k) an order disqualifying the Respondent from being an employee, a manager, HOLP or HOFA of a Registered Person under Rule 17.
- 16.2 In considering whether to impose a fine, and the amount of a fine, under Rule 16.3(h), the Disciplinary Board shall take into account all relevant circumstances including the following factors:
- a) any penalty imposed should be proportionate to the breach or misconduct and the harm caused by it, and to the financial means of the person directed to pay it;
 - b) the penalty should be of an amount that is likely to deter repetition of the misconduct by the person and by others;
 - c) any mitigating factors, including whether the misconduct or breach was identified and reported by the Respondent and the steps taken to rectify the misconduct or breach and to mitigate the harm caused thereby;
 - d) any aggravating circumstances, including the Respondent's disciplinary record or bad faith; and
 - e) relevant guidance issued by IPReg from time to time.
- 16.3 In the event that it issues a notice, warning or reprimand, the Disciplinary Board shall inform the Registrar of that fact and require the notice, warning or reprimand to be noted against the entry, in the Patent Attorney Register and/or Trade Mark Attorney Register, of the Respondent and/or of any Registered Person of whom the Respondent is an employee or manager (as applicable), for the period set out in Rule 9.9(c).

16.4 The Disciplinary Board shall not make any order for redress to the Complainant or any other person.

16.5 If the Respondent does not comply with the sanctions imposed under Rule 16.1, the Disciplinary Board may, of its own motion or on an application by any interested or aggrieved person, make an order:

- a) directing that the Respondent's entry be removed from the Patent Attorney Register and/or the Trade Mark Attorney Register, either permanently or during such period and subject to such conditions (as to restoration or otherwise) as may be specified in the direction;
- b) recommending the suspension or exclusion of the Respondent from the membership (including as a student) of the Institutes; and/or
- c) disqualifying the Respondent from being an employee, a manager, HOLP or HOFA of a Registered Person under Rule 17.

The Disciplinary Board shall give the Respondent 14 days to provide any explanation for the failure to comply, and it shall take account of any such explanation when making its decision.

16.6 With regard to a direction of the Disciplinary Board under Rule 16.1d) or 16.5a) in respect of a Respondent who is a Registered Body:

- a) when making such a direction, the Disciplinary Board must also stipulate that one or more of the criteria in Regulation 11.1 of the IPReg Registered Bodies Regulations apply.
- b) where the Disciplinary Board makes such a direction, IPReg shall give effect to that direction in accordance with Regulation 11 of the IPReg Registered Bodies Regulations.

16.7 Any decision of the Disciplinary Board under Rule 16 shall be forwarded to the Registrar and the relevant Institute (both CIPA and ITMA in the case of a General Complaint), and served upon the Complainant and the Respondent. The decision shall be published on IPReg's website, either in whole or in part, once it has become final, i.e. no appeal has been made within the time laid down by the Rules or any such appeal has been dismissed. The published version of the Board's decision may exclude any matters for reasons of public order or national security in a democratic society, where the interests of juveniles or the protection of the private life of the Parties so require, or to the extent strictly necessary in the opinion of the Disciplinary Board in special circumstances where publicity would prejudice the interests of justice. The notice of publication of the decision will in all cases include the names of the Respondent and the Complainant, save where exceptional circumstances exist.

16.8 Where it considers appropriate, IPReg may request either or both of the Institutes also to publish any decision through their website(s) and/or Journal(s).

Rule 17 – Additional sanctions - disqualifications

17.1 The Disciplinary Board may, under Rule 16.1, in addition make an order disqualifying a Respondent from acting as HoLP or HoFA, or being a manager or an employee of a Registered Person if it is satisfied that the person has:

- a) breached a duty imposed on them under sections 90 and 176 of the 2007 Act;
- b) in the case of a HoLP or HoFA, breached a duty imposed on them in the Rules of Conduct and/or in the conditions of registration of the related Registered Body; or
- c) caused or substantially contributed to a significant breach of the terms or conditions of a Registered Person's registration;

and the Disciplinary Board is satisfied that it is undesirable for that person to be a HoLP, HoFA, manager or an employee (as applicable) of a Registered Person.

17.2 A disqualification order shall remain in force until it is revoked by IPReg following a review under Rule 17.5.

17.3 A person who has been disqualified under this Rule may apply to IPReg for a review of the disqualification after a period of 12 months from the date of the decision to disqualify or the date of the determination of the most recent review of the disqualification order, whichever is the latest. Upon receipt of such an application, the JDP shall designate two of its lay members and one of its attorney members to be the Disqualification Review Committee (DRC) in relation to the application.

17.4 The DRC may require the applicant or any other person to provide it with such other information as it sees fit, and shall, as soon as reasonably practicable following its designation and receipt of any further information, review the material before it and determine the application.

17.5 The DRC may decide to revoke the disqualification order if it is satisfied that:

- a) it is no longer undesirable for the disqualified person to be a HoLP, HoFA, manager or an employee (as applicable) of a Registered Person; and
- b) it is proportionate and in the public interest to revoke the disqualification order.

17.6 Where the DRC decides not to revoke a disqualification order, it must issue a written reasoned decision.

17.7 IPReg will keep and publish lists of all persons who are disqualified under this Rule and will, in respect of disqualifications relating to ABS, notify the Legal Services Board of any decision to impose a disqualification order and the outcome of any reviews and of any appeals against a disqualification order or review decision.

Rule 18 – Costs

- 18.1 The Disciplinary Board may make such order as to costs as it thinks fit including an order:
- a) requiring the Respondent to pay IPReg's costs of undertaking an investigation under Rule 5;
 - b) disallowing costs unnecessarily incurred; or
 - c) that costs be paid by any Party judged to be responsible for wasted or unnecessary costs, whether arising through that Party's unreasonable, unnecessary or disproportionate conduct, non compliance with time limits or otherwise.
- 18.2 The Disciplinary Board may order that any Party bear the whole or a part or proportion of the costs.
- 18.3 The amount of any costs to be paid by a Party shall be determined by the Disciplinary Board subject to any scales or limits published by IPReg from time to time.
- 18.4 The Disciplinary Board may also make an order as to costs under this Rule:
- a) where any application or allegation is withdrawn or amended; or
 - b) where no allegation of misconduct is proved against a Respondent.
- 18.5 An award of costs under this Rule may include costs and expenses incurred by IPReg in respect of the Administrator, Case Manager, CRC and the Disciplinary Board (including the costs of any legal adviser appointed in accordance with Rule 10.5) in connection with or in preparation for the determination of the Complaint.

Rule 19 – Mediation, etc.

- 19.1 Nothing in these Rules shall prevent the Parties from seeking to resolve the matter underlying a Complaint by mediation, conciliation or other means. However, this shall not delay the progress of the Complaint proceedings at any stage, unless the CRC or the Disciplinary Board agrees to suspend any proceedings before it.
- 19.2 No resolution or other disposal of the matter by the Parties shall prevent the continuance of disciplinary proceedings under these Rules where the CRC or the Disciplinary Board is of the opinion that the case concerns a matter of public interest.
- 19.3 Nothing in these Rules shall prevent either Institute from offering a service for the mediation or conciliation of Complaints.

Rule 20 – Internal Appeals

- 20.1 Subject to Rules 20.2 and 20.3, the Complainant (other than IPReg) or the Respondent may appeal against a decision or order of the Disciplinary Board by giving notice in writing to IPReg setting out the decision or order appealed against and the grounds for appeal. Any such appeal must be received by IPReg no later than 21 days after the date on which the decision or order was served upon the Party appealing.
- 20.2 A disqualified person may appeal against a decision of the DRC under Rule 17.6 not to revoke the order disqualifying him, and the provisions of this Rule (including Rule 20.3) shall apply as if references to the Disciplinary Board were to the DRC and references to the Complaint were to the disqualified person’s review application.
- 20.3 The only grounds for an appeal against a decision of a Disciplinary Board are the following:
- a) the decision of the Disciplinary Board was wrong in that the Board gave insufficient weight to or drew incorrect conclusions from any material before it, which was or should have been material to its decision;
 - b) the decision was flawed because of a serious procedural or other irregularity in the proceedings before the Disciplinary Board;
 - c) the Appellant has acquired new evidence that:
 - i) could not previously have been obtained with reasonable diligence; and
 - ii) if it had been before the Disciplinary Board, would have had an important influence upon the determination of the matter;
 - d) the Disciplinary Board did not have the power to make the order appealed against;
 - e) the penalty imposed by the Disciplinary Board, or the order made for costs was excessive in light of the Disciplinary Board’s decision on the facts or the Appellant’s circumstances.
- 20.4 Upon receipt of a notice of appeal, the IPReg Board shall appoint a person (an “Adjudicator”) to determine the appeal. An Adjudicator shall be a solicitor or barrister of at least 10 years’ experience following qualification.
- 20.5 The Adjudicator may admit, or invite, further submissions from any Party to the proceedings. However an appeal shall be by way of review and shall not be by way of a rehearing (unless the Appellant is appealing under Rule 20.3(c)). If the Appellant is appealing under Rule 20.3(c), fresh evidence may not be admitted unless the Adjudicator is satisfied of the matters set out in Rule 20.3(c)(i) and (ii).

- 20.6 In each appeal the Adjudicator will determine the procedure to be followed and may hold a preliminary hearing for determining issues relating to the production of fresh evidence and the conduct of the appeal.
- 20.7 The Adjudicator may affirm or vary the decisions and sanctions of the Disciplinary Board, may (on allowing an appeal under 20.3(c)) remit the matter for determination by the Disciplinary Board which determined the Complaint or a differently constituted Disciplinary Board, and may make such ancillary orders as the Adjudicator sees fit. For the avoidance of doubt, the Adjudicator may impose a more severe sanction than that imposed by the Disciplinary Board.
- 20.8 The Adjudicator may make such order as to costs as they think fit and Rule 18 shall apply as if references to the Disciplinary Board were references to the Adjudicator.
- 20.9 After completion of the procedure determined by the Adjudicator, if the appeal has not been withdrawn by the Appellant, the Adjudicator will issue a reasoned, written decision. The decision shall be pronounced publicly. The published version of the Adjudicator's decision may exclude any matters for reasons of public order or national security in a democratic society, where the interests of juveniles or the protection of the private life of the Parties so require, or to the extent strictly necessary in the opinion of the Adjudicator in special circumstances where publicity would prejudice the interests of justice.

Rule 21 ~~External appeals~~

21.1 A Regulated Person who is the subject of a determination or order under Rule:

- a) 15 and/or 16; or
- b) 17.6;

and whose has appealed that decision under Rule 20, may, within 28 days of the date on which they were notified of the determination of their internal appeal, appeal that determination to the General Regulatory Chamber of the First-tier Tribunal.

21.2 The appeal right in Rule 21.1 is subject to the rules of the First-tier Tribunal, the provisions of the 2007 Act (including such of the provisions of the 2007 Act which stipulate the grounds for appeal) and any other relevant enactments and any rules or orders made ~~thereunderthereunder (- including any provisions in relation to time limits) -and any other relevant enactments, including any time limits prescribed therein.~~

21.3 An appeal, under Rule 21.1, against the imposition of a fine may only be made on one or more of the appeal grounds set out in section 96 of the 2007 Act.

21.4 The further right of appeal conferred by Rule 21.1 shall extend only to appellants who are A managers or employees of ABS until service of written notice by IPReg that the statu

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jurisdiction of the General Regulatory Chamber has been extended to hear appeals from all appellants.

Rule 22 – Delegation

- 22 The IPReg Board may delegate responsibility for implementing any or all aspects of the procedures set out in these rules to another Approved Regulator.

Rule 23 – Commencement

- 23 These Rules shall apply from [] and to any Complaints received on or after that date, whether the subject matter of the Complaint arose or commenced before or after that date.

The Patent Regulation Board

and

The Trade Mark Regulation Board

IPREG Appeals Rules

The Patent Regulation Board of the Chartered Institute of Patent Attorneys and the Trade Mark Regulation Board of the Institute of Trade Mark Attorneys working jointly as the Intellectual Property Regulation Board (IPReg) now make the following provisions under:

- (i) section 275A of the Copyright Designs and Patents Act 1988;
- (ii) section 83A of the Trade Marks Act 1994; and
- (iii) Part 5 and Schedule 11 of the Legal Services Act 2007.

Rule 1 – Interpretation

In these Rules:

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

“Adjudicator” means a person appointed in accordance with Rule 4;

“IPReg” means the PRB and the TRB working jointly together as the Intellectual Property Regulation Board;

“IPReg Board” means the combined boards of the PRB and the TRB;

“Patent Attorney Register” in respect of Registered Persons other than ABS, means 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;

“PRB” means the Patent Regulation Board of the Chartered Institute of Patent Attorneys ;

“Trade Mark Attorney Register” 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;

“TRB” means the Trade Mark Regulation Board of Institute of Trade Mark Attorneys;

“the Register” means the combined register kept by IPReg comprising of the Patent Attorney Register and the Trade Mark Attorney Register, and in respect of ABS, is IPReg’s register of licensed bodies for the purpose of section 87 of the 2007 Act;

“Registrar” means a person appointed by IPReg to maintain the Register; and

“the 2007 Act” means the Legal Services Act 2007.

Rule 2 – Form, timing and fees for appeals

- 2.1 Any person adversely affected by a decision of IPReg, PRB, TRB or the Registrar other than a decision under the IPReg Disciplinary Procedure Rules may invoke the appeal procedure established by these Rules.
- 2.2 Unless provided for otherwise by IPReg, any appeal must be filed with IPReg within 28 days of notification of the decision being appealed. An appeal shall not be deemed to be filed until IPReg has received a notice of appeal and the fee for appeal has been paid.
- 2.3 A notice of appeal under these Rules shall contain:
 - a) the name and address of the appellant;
 - b) an indication of the decision impugned; and
 - c) a statement of grounds indicating the reasons for setting aside the decision impugned, or the extent to which it is to be amended, and the facts and evidence on which the appeal is based.
- 2.4 The fee for an appeal shall be set by IPReg from time to time and when these Rules come into force shall be £1500.

Rule 3 – Review by the IPReg Board

- 3.1 All appeals received by IPReg shall be reviewed by the IPReg Board.
- 3.2 If, having reviewed an appeal, the IPReg Board considers that the appeal is well founded IPReg shall either rectify the decision or instruct the Registrar to rectify the decision and shall reimburse the appeal fee to the appellant.

Rule 4 – Appointment of an Adjudicator

- 4.1 If, having reviewed an appeal, the IPReg Board considers that the appeal is not well founded the IPReg Board shall prepare a reasoned statement identifying the reasons why the decision the subject of the appeal should be upheld and send a copy of the reasoned statement to the appellant at the address identified in the notice of appeal together with a letter stating that the matter will be reviewed by an Adjudicator and setting a deadline for the appellant to provide comments in response.
- 4.2 When the deadline for response has passed, IPReg shall appoint a barrister or solicitor of at least 10 years’ qualification independent of the IPReg Board to act as an

Adjudicator and the notice of appeal, IPReg's reasoned statement and any comments in response shall be forwarded to the Adjudicator who shall review the documents and rule on the appeal.

Rule 5 – Decision in respect of Appeals

- 5.1 A decision of an Adjudicator shall contain:
- a) the date when the decision was taken;
 - b) the name of the Adjudicator;
 - c) the name of the appellant;
 - d) a summary of the facts;
 - e) the reasons; and
 - f) a recommendation as to whether the decision being appealed should be upheld, revoked in part or revoked.
- 5.2 An Adjudicator shall recommend a decision being appealed should be revoked, or revoked in part, to the extent that the Adjudicator determines that:
- a) a decision maker did not have the power to make the decision being appealed or used a power they had for an improper purpose;
 - b) the decision was irrational;
 - c) the procedure followed by the decision maker was unfair or biased or a substantial procedural error occurred;
 - d) the decision contravened an appellant's rights under the Human Rights Act or was in breach of European Community law.
- 5.3 If a decision being appealed is recommended to be revoked, or revoked in part, the decision of the Adjudicator may include an order that some or the entire appeal fee should be reimbursed to the appellant.
- 5.4 Copies of the decision of the Adjudicator shall be sent to IPReg and the appellant.
- 5.5 Where an Adjudicator recommends that a decision should be revoked, or revoked in part, IPReg shall reimburse the appeal fee to the extent ordered by the Adjudicator and shall reconsider the decision being appealed in the light of the Adjudicator's comments and take such steps to revise the decision as are considered appropriate.

6 Appeals to the General Regulatory Chamber

- 6.1 The further right of appeal conferred by this regulation 6 shall extend only to appellants who are ABS or managers or employees of ABS until service of written notice by IPReg that the statutory jurisdiction of the General Regulatory Chamber has been extended to hear appeals from all appellants.

6.2 (Subject to 6.1above) a person who is the subject of a decision in 5.2 above may within 28 days of the date on which he was notified of the determination of the appeal by the Adjudicator appeal that determination to the General Regulatory Chamber of the First-tier Tribunal.

6.3 The appeal right in 6.1 above is otherwise subject to the rules or directions of the First-tier Tribunal and any enactments and in particular such of the provisions in the Legal Services Act 2007 which stipulate the grounds for appeal.

Rule 6 – Commencement.

These Rules shall apply from the [**commencement date**] and the IPReg Administrative Appeals Regulation shall cease to be effective as of that date.

Special Rules of Professional Conduct applicable to Regulated Persons conducting litigation or exercising a right of audience before the Courts

The Patent Regulation Board of the Chartered Institute of Patent Attorneys and the Trade Mark Regulation Board of the Institute of Trade Mark Attorneys working jointly together as the IP Regulation Board (IPREG) now make the following provisions under section 275A of the Copyright Designs and Patents Act 1988 and under section 83A of the Trade Marks Act 1994, respectively, pursuant to Sections 185 and 184 of the Legal Services Act 2007.

Rule 1 – Interpretation

In these Rules, unless context otherwise requires:

“CIPA” means the Chartered Institute of Patent Attorneys;

“ITMA” means the Institute of Trade Mark Attorneys;

“IPREG” means the Patent Regulation Board of CIPA and the Trade Mark Regulation Board of ITMA working jointly together as the Intellectual Property Regulation Board;

“patent attorney register” means the register kept under section 275 of the Copyright Designs and Patents Act 1988 as amended;

“trade mark attorney register” means the register kept under section 83 of the Trade Marks Act 1994 as amended;

“registered person” means —

- a) a registered patent attorney;
- b) a registered trade mark attorney; or
- c) a body (corporate or unincorporate) registered in the patent attorney register or the trade mark attorney register;

“regulated person” means a registered person, an employee of a registered person, or a manager of a body which is a registered person;

“manager”, in relation to a body, has the same meaning as in the Legal Services Act 2007;

“litigation certificate” means a certificate issued by CIPA or ITMA under their authority as authorised bodies under the Legal Services Act 2007 to grant rights of audience or conduct litigation;

“litigation work” shall mean conducting litigation or exercising a right of audience before the UK or community courts including any work undertaken within the scope of a litigation certificate;

“litigation practitioner” shall mean a regulated person undertaking litigation work;

“employed litigation practitioner” shall mean a litigation practitioner who is employed by an employer who is not regulated by IPREG or another legal services regulator under the Legal Services Act 2007.

Rule 2 – Scope of Rules

2.1 Subject to Rule 2.2, these Rules and the Rules of Conduct for Patent Attorneys, Trade Mark Attorneys and other regulated persons shall apply to litigation practitioners and shall prevail over any other rules of conduct to which a litigation practitioner is subject.

2.2 Litigation practitioners undertaking litigation work in their capacity as:

- (a) a recognised sole practitioner regulated by the Solicitors Regulation Authority;
- (b) a self-employed barrister regulated by the Bar Standards Board; or
- (c) a Manager or employee of an entity or person authorised by another approved regulator to carry on an activity which is a reserved legal activity

shall be subject to these Rules only to the extent that these Rules are compatible with the rules of the other legal regulator regulating that work.

2.3 A litigation practitioner shall be responsible for ensuring that all litigation work performed by a person under his or her supervision will be conducted in accordance with these Rules.

Rule 3 – Duties of a litigation practitioner

3.1 A litigation practitioner conducting litigation or exercising a right of audience has a statutory duty

- (a) to the court to act in the interest of justice; and
- (b) to comply with these Rules and the Rules of Conduct for Patent Attorneys, Trade Mark Attorneys and other regulated persons

and those duties override any obligation which the litigation practitioner may have (otherwise than under the criminal law) if it is inconsistent with them.

3.2 A litigation practitioner whilst under a duty to do the best for a client must never deceive or mislead the Court.

3.3 A litigation practitioner must not make or instruct Counsel to make an allegation which is intended only to insult, degrade or annoy the other side, a witness or any other person.

3.4 A litigation practitioner is under a duty to attend or arrange for the attendance of a responsible representative throughout any Court hearing attended by Counsel.

3.5 A litigation practitioner must comply with any order of the Court which the Court can properly make requiring the litigation practitioner and his or her firm to take or refrain from taking some particular course of action.

3.6 A litigation practitioner must comply with the letter and spirit of any undertaking given to the Court or other party whether or not that undertaking is supported by consideration.

Rule 4 – Conflicts of Interests arising in the course of litigation work

4.1 A litigation practitioner must not accept instructions to act for two or more clients where there is a conflict or a significant risk of conflict between the interests of the clients.

4.2 A litigation practitioner must not continue to act for two or more clients where a conflict of interest arises between those clients.

4.3 Subject to Rule 5, an employed litigation practitioner may only undertake litigation work for a person other than his or her employer if;

- (a) he or she declines to act for that person if any conflict arises between the employer and that person; and
- (b) he or she informs that person in writing prior to commencing the or each piece of litigation work that he or she is an employee and that he or she must decline to act further for that person if any conflict arises between the employer and that person.

Rule 5 – Employed litigation practitioners

5.1 An employed litigation practitioner shall not act in the course of his employment with his employer as a litigation practitioner except in accordance with the following provisions of Rule 5.

5.2 In the course of his employment, an employed litigation practitioner may act for the employer and the following related bodies

- (a) the employer's holding, associated or subsidiary company;
- (b) a partnership, syndicate or company by way of joint venture in which the employer and others have an interest;
- (c) a trade association of which the employer is a member;
- (d) a club, association, pension fund or other scheme operating for the benefit of employees of the employer;
- (e) where the employer is a public body, for another public body or statutory officer to which the employer is statutorily empowered to provide legal services; or
- (f) a person with whom the employer has a joint interest in the outcome of any proceedings, including in particular any licensee or licensor of the employer, or any joint owner with the employer of any intellectual property rights the subject of the relevant litigation work, providing that such joint interest is bona fide for the

employer's benefit and is not formed directly or indirectly for securing assistance in legal proceedings.

5.3 Subject to the following provisions, an employed litigation practitioner may also act for the following persons;

- (a) a fellow employee;
- (b) a director, company secretary or board member of the Employed litigation practitioner's employer; or
- (c) an employee, director, company secretary, board member or trustee of the employer or of a related body of the employer within the meaning of Rule 5.2;

Provided that in each case

- (a) the matter related to or arises out of the work of such person for the employer;
- (b) the employed litigation practitioner is satisfied that such person does not wish to instruct some other representative; and
- (c) no charge is made to such person, in relation to the employed litigation practitioner's costs, unless such costs are recoverable from any other source.

5.4 The employed litigation practitioner shall, before accepting instructions to act for the bodies or persons other than the employer in accordance with these Rules, give written notice to the client that the employer is not able, by way of insurance or otherwise, to indemnify the client adequately in the event of a claim against the employed litigation practitioner for which the employer would be vicariously liable, if that be the case.

5.5 The employed litigation practitioner shall before accepting instructions to act for the bodies or persons other than the employer in accordance with these Rules, give written notice to the client that the employed litigation practitioner is not covered by insurance in relation to professional negligence, if that be the case.

5.6 Where an Employed litigation practitioner is acting for a body or person other than the employer in accordance with these Rules, any information disclosed by the Employed litigation practitioner by the client is confidential and cannot be disclosed to the employer except with the express consent of the client.

5.7 Interpretation

1. "holding " and "subsidiary " Company have the meanings assigned to them by the Company's Act 1985 (as amended from time to time) and two companies are "associated " where they are subsidiaries of the same holding company or companies; and
2. any references to a litigation practitioner's employer include the employer's holding, associated or subsidiary company, and any references to an employee include references to an employee of such holding, association or subsidiary company.

Rule 6 – Non-discrimination

A litigation practitioner in any instance in which he is providing advocacy services in the course of litigation work must not withhold those services:

- (a) on the ground that the nature of the case is objectionable to him or to any section of the public;
- (b) on the ground that the conduct, opinions or beliefs of the prospective client are unacceptable to him or to any section of the public; or
- (c) on any ground relating to the source of any financial support which may properly be given to the prospective client for the proceedings in question (for example, on the ground that such support will be available under the Access to Justice Act 1999).

Rule 7 – Fees

7.1 A litigation practitioner must not charge unjustifiable fees having regard to fees generally charged by professions in the conduct of litigation of comparable complexity and difficulty to the litigation work in question.

7.2 A litigation practitioner who is retained in connection with litigation work shall not enter into any arrangement to receive a contingency fee in respect of that work except if permitted to do so by the Lord Chancellor in accordance with any statute or statutory instrument or otherwise in accordance with any rule of law.

7.3 In order to reduce misunderstandings concerning the levels of fees charged for litigation work, the client must also be informed in writing of the basis on which the work is to be charged.

Rule 8 – Community Legal Service Fund

A litigation practitioner is under a duty to consider and advise the client on the availability of funding for litigation services by the Community Legal Service Fund or any funding available from the wider Community Legal Service to which the client might be entitled under the Access to Justice Act 1999 and any Statutory Instruments thereunder or any succeeding Act.

Rule 9 – Professional Indemnity Insurance

9.1 Each litigation practitioner or his or her firm must take out and maintain professional indemnity insurance cover for litigation work. When commencing and renewing such insurance, each litigation practitioner or his firm shall ensure that the insurance provides cover in respect of each and every claim brought in the United Kingdom or elsewhere in the European Union of at least the Minimum Value (as defined in the next sentence) prevailing at the time of commencement or renewal. The Minimum Value shall be determined by IPREG from time to time but shall never be a value less than £1,000,000.

9.2 A litigation practitioner shall not limit liability for professional negligence below the Minimum Value.

9.4 The provisions of this Rule 9 shall not apply to an employed litigation practitioner when he is acting within the meaning of Rule 5.2 or 5.3.

Rule 10 – Client’s Money

10.1 A litigation practitioner must ensure that any money held on behalf of the client in respect of such litigation work is held on trust for the client in an account which is entirely separate from the litigation practitioner’s personal or professional business account.

10.2 Money which would have to be kept in the separate account includes that which is intended or which may be required to be:

- (a) paid or received from a third party on settlement or as the Court might direct; or
- (b) paid into or received from the Court (including without limitation by way of a Part 36 payment or a payment on account of costs following summary or detailed assessment).

10.3 Money in the separate client’s account must be held to the order of the client or the Court and any interest accruing in the account must inure to the client.

10.4 Money which the litigation practitioner is not required to keep in such a separate clients’ account includes:

- (a) any money receiving on account of expected charges for the litigation practitioner’s services;
- (b) costs to be incurred on the client’s behalf; and
- (c) money paid in settlement of a debt owed by the client to the litigation practitioner.

Rule 11 – Commencement Date and Repeal

11.1 These Rules shall apply to all litigation work effective from 15th September 2011.

11.2 The ITMA Rules of Professional Conduct for Trade Mark Agents holding and acting within the scope of Litigator Certificates and the CIPA Rules of Professional Conduct for Patent Attorneys holding and acting within the scope of Litigator Certificates shall cease to be effective as of that date.

Annex 1" – Rules and Destination Table

1 (A) Licensing Rules *(The Licensing Rules as listed below are self-contained documents and are sent separately)*

- **Code of Conduct**
- **IPReg Registered Bodies Regulations (plus specimen registration certificate)**
- **IPReg Disciplinary Procedure Rules**
- **IPReg Appeals Regulations**
- **IPReg Special Rules of Professional Conduct applicable to Regulated Persons conducting litigation or exercising a right of audience before the Courts**

1 (B) Destination table

LSA requirement	Location in rules
Section 83	
5(a) (qualification regulations)	Registered Bodies Regulations
5(b) (taking into consideration the regulatory objectives at the point of application)	Registered Bodies Regulations – Regulation 4.4
5(c) (regulation of conduct)	Rules of Conduct Disciplinary Procedure Rules
5(d) (indemnification arrangements)	Rules of Conduct – Rule 17
5(e) (compensation arrangements)	Registered Bodies Regulations – Regulation 19 and Annex B.
5(f) (resolution of regulatory conflict)	Rules of Conduct for Patent Attorneys, Trade Mark Attorneys and other Regulated Persons - Rule 21 Disciplinary Procedure Rules – Rules 8.7 and 8.8

(g) (complaints handling)	Rules of Conduct – Rule 12
Schedule 11	
Paragraph 1 (form of application)	Registered Bodies Regulations – Regulation 2
Paragraph 2 (determination of applications)	Registered Bodies Regulations -
2(2)	Registered Bodies Regulations 4 , 5 and 18
2(3) – (6)	Registered Bodies Regulation 5
Paragraph 3 (review of determination)	Registered Bodies Regulations 16 and 17
Paragraph 4 (period of licence)	Registered Bodies Regulation 9
Paragraph 5 (continuity of licence)	Registered Bodies Regulations 9 and 10
Paragraph 6 (modification of licence)	Registered Bodies Regulations 8, 16 and 17
Paragraphs 7 and 8 (special bodies)	Registered Bodies Regulation 23
Paragraph 9 (management)	Registered Bodies Regulations - Annex A
Paragraph 10 (management)	Registered Bodies Regulations 11 and 14
Paragraphs 11 and 12 (HoLP)	Registered Bodies Regulations 13 , 14, 16 and 17
Paragraphs 13 and 14 (HoFA)	Registered Bodies Regulations 13 , 14, 16 and 17
Paragraph 21 (fees)	Registered Bodies Regulation 7
Paragraph 22 (financial penalties)	Disciplinary Procedure Rules – Rule 16
Paragraph 23 (disqualifications)	Disciplinary Procedure Rules - Rule 17
Paragraph 24 (suspension or revocation of licence)	Registered Bodies Regulations - Regulation 10