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Legal Services Board
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The Chartered Institute of Patent Attorneys (CIPA) has, for many years, facilitated the education, training and professional examination of patent attorneys. In recent years this has been in partnership with the Institute of Trade Mark Attorneys (ITMA), through the Joint Examination Board (JEB), a joint committee of the two Institutes. With ITMA having made the decision to adopt a higher education only route into the trade mark profession, the Chartered Institute is in the process of setting up the Patent Examination Board (PEB) to oversee patent attorney professional examinations. Whilst formally constituted as a committee of the Chartered Institute to provide it with legal personality, the PEB exists as an independent examining body with separate governance from the Chartered Institute.

The examination and qualification model employed by the patent attorney profession is, by necessity, very different to the custom and practice of other legal services professions such as solicitors, barristers and legal executives. Given the nature of the work undertaken, patent attorneys must have an ability to analyse and interpret complex technical subject matter. The profession looks towards degrees in science, technology, engineering and mathematics (STEM subjects) as these demonstrate such an ability. Nevertheless, the route to qualification does not exclude candidates who can demonstrate a technical background through experience, such as time spent working in industry, or other qualification pathways such as vocational HNDs.

It is pleasing to note that many of the recommendations set out in the consultation '*increasing flexibility in legal education and training*' already feature in the patent attorney examination and qualification model. Patent attorney examinations test the skills and knowledge required of a patent attorney and are designed to examine these skills in practice. They are not an examination of academic learning or legal theory in isolation from practice as a patent attorney. Patent attorney examinations measure the application of existing technical skills and acquired legal skills and knowledge through an accurate simulation of practice.

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There is absolute flexibility in terms of mode of study towards the professional examinations. The profession has a long and successful history of recruiting graduates and others with experience in areas such as science, technology and engineering and supporting them as trainees as they study in-house towards their professional qualifications. There are no limits or barriers to learning, which may be undertaken through mentored workplace practice; self-study; collective learning through the Chartered Institute's '*Informals*' community, a voluntary community of trainees with structured lectures provided by qualified patent attorneys; or university courses. Many firms adopt a mixed economy model, using university courses for learning basic law in the initial foundation stage of learning and then mentored self-study as trainees develop their skills and competences and work towards their final, skills-based examinations.

Recruits to the patent attorney profession will have spent many years developing their STEM expertise in higher education or through work-based education and training. Some move into STEM-based careers in national or global industries in areas such as research and development, then develop an interest in intellectual property law, possibly through working in in-house IP departments. Others will be recruited directly by one of the large patent attorney entities or by the small and medium sized practices that support creativity and innovation in the UK. Given this mixed tapestry of entry routes into the profession, it is important that the framework for qualification is sufficiently flexible to meet the needs of the profession and that it places no unnecessary barriers or burdens on trainees and their employers.

The patent attorney profession is rightly regarded as being low risk in the legal services sector. This is because it is a relatively small profession, with a highly defined sense of professional identity and an operating environment which is largely business to business. Patent attorneys do not ordinarily deal with members of the general public. The education and training framework must be able to adapt rapidly to the needs of business, industry and commerce. The Chartered Institute agrees with the assertion made by the Legal Services Board that regulation of education should be proportionate to risk and that intervention by the regulator should be targeted only in areas where action is needed.

The Chartered Institute acknowledges that the guidance proposed by the Legal Services Board is in response to the Legal Education and Training Review (LETR) undertaken by the Solicitors Regulation Authority (SRA), Bar Standards Board (BSB) and ILEX Professional Standards (IPS). The LETR, whilst examining the routes to qualification for solicitors, barristers and legal executives, did not use as a point of reference the approach which exists in the patent attorney profession. The Chartered Institute urges caution that, in addressing issues which have been identified as being important to the professional formation of solicitors, barristers and legal executives, parallels are not drawn with the patent attorney profession, where there are clear distinctions and differences for very good reasons.

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This is not to say that the patent attorney profession cannot and will not look towards the LETR for evidence of good practice. It is the Chartered Institute's firm commitment to create and maintain high quality education and training provision and all evidence of best practice is welcome. Any review of education, training and examination for the patent attorney profession must recognise its distinctions and the evidence base must be drawn from the landscape in which the profession most commonly operates. The Chartered Institute will work with its regulatory body to ensure that all changes to the education, training and examination of patent attorneys are appropriately evidence-based and soundly focused on the provision of improved services to the profession's clients, improved access to justice and a more independent, strong and diverse patent profession.

For the reasons set out above, the Chartered Institute warmly welcomes the proposed guidance set out by the Legal Services Board in this consultation. Whilst the profession is rightly proud of the standards it sets through its examination model, the Chartered Institute has recognised that so much more can be done to improve the quality of education and training leading to registration as a patent attorney and conferral of Chartered Patent Attorney (CPA) status. Having recently appointed its first Head of Education, the Chartered Institute is embarking on a process of reforming and improving its educational provision and looks forward to working with the Legal Services Board and the Intellectual Property Regulation Board to ensure that education, training and examination in the patent attorney profession keeps pace with the needs of the inventive businesses, industries and individuals served by the profession.

Yours sincerely,



Roger Burt,
CIPA President

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