

DRAFT – March 2011

Rules for the Examination and Admission of Individuals to the Registers of Patent and Trade Mark Attorneys [2011]

Pursuant to Sections 185 and 184 respectively of the Legal Services Act 2007, 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, now make the following rules pursuant to Regulations 4 and 5 of the Patent and Trade Mark Attorney Qualification and Registration Regulations [2009].

1 Commencement

- 1.1 These Rules came into force on [1 Sep 2011] and may be referred to with the short title: “Examination and Admission Rules 2011” (hereafter referred to as the Rules).
- 1.2 These Rules supersede all previous rules relating to the examination and admission of individuals to the Registers of Patent and Trade Mark Attorneys except as provided in Rule 8 below.
- 1.3 Nothing in these Rules is intended to vary, or shall have the effect of varying, the provision for recognition of European professional qualifications in accordance with European Communities (Recognition of Professional Qualifications) Regulations 2007 (SI 2007 No. 2781), as may be amended from time to time, concerning applications for admission to the Registers of Patent and Trade Mark Attorneys.

2 Interpretation

- 2.1 In these Rules, unless the context otherwise requires:
 - “2009 Regulations” means the Patent & Trade Mark Attorney Qualification and Registration Regulations 2009, and references to “2009 Regulation” are construed accordingly;
 - “CIPA” means the Chartered Institute of Patent Attorneys;
 - “ITMA” means the Institute of Trade Mark Attorneys;
 - “PRB” means the Patent Regulation Board of CIPA;
 - “1991 Regulations” means the Regulations for the Examinations of Patent Agents & Trade Mark Agents 1991 as amended and including, but not limited to, the June 2010 Transitional Provisions of the JEB;
 - “TRB” means the Trade Mark Regulation Board of ITMA;
 - “IPREG” means PRB and TRB working jointly together as the IP Regulation Board;
 - “JEB” means the Joint Examination Board representing CIPA and ITMA as constituted in September 2007;

“patent attorney register” means the register kept under section 275 of the Copyright Designs and Patents Act 1988 as amended by Section 185 of the Legal Services Act 2007;

“trade mark attorney register” means the register kept under section 83 of the Trade Marks Act 1994 as amended by Section 184 of the Legal Services Act 2007;

“the Registers” means the “patent attorney register” and the “trade mark attorney register”;

“Registrar” means a person appointed in accordance with the 2009 Regulations to maintain the patent attorney register or the trade mark attorney register.

3 Qualifying Examinations and Examination Agencies

3.1 For the purposes of 2009 Regulation 4.2(b) and 4.3(b) (and subject to Rule 9 below) in relation to the admission of an individual to the patent attorney register or the trade mark attorney register, respectively, Qualifying Examinations consisting of Foundation level and Final level examinations (including any qualifying course which may be required in connection therewith) shall be those which:

(a) are managed and controlled by an Examination Agency; and

(b) have been determined by PRB and TRB (separately or together as IPReg) pursuant to 2009 Regulation 5.2 on the application of the relevant Examination Agency as meeting the requisite overall standard and general content.

3.2 An Examination Agency may be empowered and accredited as such for the management and control of either or both Foundation and Final level examinations pursuant to 2009 Regulation 5.1 and Rule 3.1 above.

3.3 The agencies empowered and accredited as Examination Agencies for the management and control of either or both Foundation and Final level examinations pursuant to 2009 Regulation 5.1 and Rule 3.1 above shall be those set out in Schedule 1 to these Rules subject to any amendment which may be issued from time to time.

3.4 Each Examination Agency shall publish in advance details of its Qualifying Examinations and any required qualifying courses including details of the syllabus, time and place and conduct of, the Qualifying Examinations and shall supply these details to IPREG for publication on the IPREG website.

3.5 A candidate applying to sit a Qualifying Examination (or any part thereof) shall provide the relevant Examination Agency with contact details including his or her full name and address (permanent or for correspondence) and satisfactory proof of his or her academic qualifications and, where applicable, a copy of any confirmation of any deemed pass issued under Rule 7 below, and such other pertinent information as the Examination Agency or the Registrar may require.

3.6 The Registrar may require a copy of any information supplied in connection with an application made under Rule 3.5 above.

3.7 Examination Agencies shall ordinarily hold Qualifying Examinations at least once annually.

4 Requirements for Academic Qualification

4.1 For the purposes of 2009 Regulation 4.2(a) and 4.3(a) (and subject to Rule 9 hereafter) the “necessary academic qualifications” shall be those set out in Schedule 2 to these Rules.

5 Recognition of European Professional Qualifications

5.1 Any application in accordance with 2009 Regulation 4.4 for consideration by the PRB or TRB of recognition of a European professional qualification shall be made in writing to the relevant Registrar giving such detailed information as may be required.

6 Persons with Substantial Experience

6.1 For the purpose of 2009 Regulation 4.2 (c) and 4.3 (c) “substantial experience” shall ordinarily mean the period ending immediately before the application for admission to one or both of the Registers.

6.2 The Registrar may require such evidence in whatever form the Registrar considers appropriate and reasonable of “substantial experience” and before exercising any discretion in determining when the period of “substantial experience” in Rule 6.1 ends.

7 Exemptions and Deemed Passes

7.1 With the agreement of PRB and/or TRB, an Examination Agency may establish a provision under which an individual is exempt from sitting or is deemed to have passed one or more of its Qualifying Examinations or a part thereof as a result of passing another relevant examination as stipulated in Schedule 3 to these Rules.

7.2 Details of any provision made under Rule 7.1 above shall be supplied to IPREG for publication on the IPREG website.

7.3 Any amendments to Schedule 3 which may be made from time to time will be subject to sufficient advance notice so that intending candidates for a Qualifying Examination already on a course affected by such amendment can complete such course or pursue an alternative course.

8 Appeals

8.1 Any appeal against a formal decision of an Examination Agency (other than an appeal relating to marks awarded in an examination carried out by such an Agency which appeal must be made to the Agency in accordance with such Rules as it may determine and IPReg shall approve) may be made to IPREG within one month of the

date of such decision and will be conducted in accordance with the IPREG Administrative Appeal Regulations.

9 Transitional Provisions

- 9.1 In relation to 2009 Regulation 4 PRB, working together with TRB as IPREG, hereby recognises the courses and examinations conducted under the 1991 Regulations and the course and examination approved by CIPA and known as the Advanced Training for Qualifying Examination P6, provided by Queen Mary, University of London.
- 9.2 In relation to 2009 Regulation 4 TRB, working together with PRB as IPREG, hereby recognises the courses and examinations conducted under the 1991 Regulations and the course and examination approved by ITMA and known as the Registered Trade Mark Attorney Intensive Qualification Course, provided by Nottingham Trent University.
- 9.3 Pursuant to Rule 9.1 and 9.2 hereof, the exemptions and deemed passes available under the examinations conducted under the 1991 Regulations shall continue to be available until further notice.
- 9.4 No further amendment or addition to the 1991 Regulations recognised in this Rule 9 will be permitted except with the consent of PRB and/or TRB as appropriate.

10 Schedules and Power to Amend

- 10.1 The Schedules below form part of these Rules and may be amended from time to time as necessary by the Registrar and without the need to seek re-approval of the Rules but the Registrar will notify CIPA and ITMA in advance of enactment of any changes to any Schedule and will publish details of such changes on the IPREG website.

Schedule 1
Examination Agencies

At the date of commencement of these Rules the following are designated as Examination Agencies for the provision of one or both levels of Qualifying Examination in accordance with Rule 3.1 hereof:

Name of Examination Agency	Qualifying Examination(s)
Bournemouth University	Foundation level
Brunel University	Foundation level
the Joint Examination Board (JEB)	Foundation and Final level
Nottingham Law School Limited, Nottingham Trent University	Foundation and Final level (for trade mark attorney qualification only)
Queen Mary, University of London	Foundation level
University of Manchester	Foundation level

subject to any deletions or additions from time to time made pursuant to Rule 10 of these Rules.

Schedule 2
Necessary Academic Qualifications

Necessary academic qualifications are:

- a a degree conferred by a University or Higher Education Institution in the United Kingdom (UK), or by the Open University Validation Service, or a licence awarded by the University College of Buckingham before that College was granted University status;
- b a degree conferred by the Council for National Academic Awards before 1992;
- c a pass in the Final Examination of the Law Society or the Law Society of Scotland or in the Bar Final Examination; or
- d any other qualification, whether obtained in the UK or elsewhere, which the Examination Agency concerned will accept as providing a suitable basis for entry into the patent or trade mark professions; and

subject to any deletions or additions from time to time made pursuant to Rule 10 of these Rules.

Schedule 3

Exemptions and Deemed Passes

Examination Agencies may provide for the following examinations or qualifications to be deemed equivalent to some of the requirements of part of their Qualifying Examinations. As a result individuals with these qualifications or having passed these examinations may be exempt from, or deemed to have passed, some of the Qualifying Examinations as published by the relevant Agency and detailed on the IPREG website.

Qualification/Examination
Law Degree (note 1)
Law Degree with an assessed IP option covering UK Intellectual Property Law (note 2)
Law Society or Law Society of Scotland Final Examination
Bar Final Examination
Queen Mary, University of London Certificate in Intellectual Property
University of Manchester Diploma/LLM in Intellectual Property
Bournemouth University Postgraduate Certificate/Postgraduate Diploma/LLM in Intellectual Property
Brunel University Postgraduate Certificate in Intellectual Property Law
European Qualifying Examination for European Patent Attorneys

Note1. A law degree awarded by a UK Higher Education Institution, or a law qualification recognised by the Law Society or the Law Society of Scotland for the purposes of practising as a solicitor in England and Wales or in Scotland, respectively. Where a test in Common Law is required to secure such recognition, such a test shall have been taken and passed.

Note 2. IPREG reserves the right to review the content of any IP option put forward to satisfy itself that both the breadth and depth of the materials studied and any assessment adequately cover the syllabus and content of the Qualifying Courses.