ANNEX A Track Change version

IPReg

Application by The Patent Regulation Board and The Trade Mark Regulation Board for Approval of alterations to Regulatory Arrangements

March 201:

Application to the Legal Services Board for approval of alterations to Regulatory Arrangements

This is an application for approval to proposed amendments to the Disciplinary Rules applicable to registered patent and registered trade mark attorneys and bodies.

March 2011.

1 Rule 9 (b): Details of the proposed alterations

In June 2009 IPReg issued a draft set of Disciplinary Rules for consultation.

Comments were received from interested parties in the wake of that consultation. The issues raised were noted for action but the pressure of the timetable for the implementation of the Legal Services Act 2007 required IPReg to adopt the draft Disciplinary Rules as pre-existing Regulatory Arrangements and these were approved by the UK Intellectual Property Office in its role as Regulator prior to implementation.

IPReg now wishes to makes changes to these Rules in the light of the comments received from interested parties under the 2009 Consultation and a subsequent, consequential consultation that took place in May 2010.

The Rules have been revised as proposed in the initial consultation. The revised Rules have also been reviewed by external specialist solicitors to ensure compliance with human rights legislation and for the Board's own internal governance.

Substantively the Rules are very similar to those previously published. However a number of amendments have been made and the wording of the Rules has been clarified in the light of the comments previously submitted and the solicitors' review.

The principal changes can be summarised as follows:

Procedural:

- The jurisdiction of IPReg has been clarified (Rule 2)
- The powers of a Disciplinary Panel to recover costs has been expanded (Rule 15)

- The ability of IPReg to deal with complaints arising before 1st January 2010 has been expressly stated (Rule19) and IPReg has been given an express power to delegate (Rule 18)
- Timescales have been adjusted (various Rules)

Substantive

- The initial review procedure has been clarified. An initial review of a complaint will be undertaken by a Complaint Review Committee which will consist of two lay members and a relevant professional member of the main IPReg Board. This committee will have power to determine whether or not a prima facie case is raised, and to determine prima facie cases that are suitable for summary determination (Rules 5-8).
- New Rules 8 (9) (c) and (d) provide that the default Complainant shall be the relevant Registrar, but that the original Complainant can elect to pursue the case in a private capacity.
- The appeal procedure is new (Rule 17). In summary any appeal will be heard by an adjudicator who will be a solicitor or barrister of at least 10 years standing (Rule 17.3). Except as provided the appeal will be a review of process and will not take the form of a fresh hearing(Rule 17.4) The adjudicator may remit the case back to the Disciplinary Board or a further Disciplinary Board (Rule 17.6) The adjudicator may impose more severe sanctions (also Rule 17.6). The decision of the adjudicator may be published (Rule 17.8)

IPReg consulted on the bulk of the proposed changes in a consultation running from 19 April-31 May 2010. A copy of the consultation paper accompanies this application at Annex 1.

The Consultation was sent to all other Authorised Regulators and to CIPA and ITMA. The Consultation was published on the IPReg website.

Comments were received from the BSB and also CIPA and ITMA. Informal guidance was received from the SRA. These were considered at meetings of the above committee in July and in September 2010 and approved at the IPReg Board in September 2010.

One key issue which was highlighted by the consultation was whether it should be the original complainant or IPReg who ought to pursue the case after initial review (with the complainant as a witness). IPReg recognised that a complex case might be better brought by IPReg but the complainant might then question transparency and impartiality.

Rule 8 (9) (d) was, therefore, not the subject of consultation. However it was the subject of extensive discussion and was recommended to the IPReg Board by the IPReg Conduct & Disciplinary Committee following a meeting of that committee with the LSB who provided informal guidance. The amendment takes account of those comments.

2 <u>Rule 9 (c)</u>: Details of the Applicant's Regulatory Arrangements as are relevant to the Application (material changes only)

Existing Rule	Tracked revisions and Comment	New Rule]	
Introduction:	Introduction	Introduction		
The Chartered Institute of Patent attorneys (CIPA) is empowered by section 275A of the	The Chartered Institute of Patent attorneys (CIPA) is empowered by section 275A of the	The Patent Regulation Board of the Chartered Institute of Patent Attorneys and the Trade		Formatted: Font: Calibri, 11 pt, English (U.S.)
Copyright Designs and Patents Act 1988 to	Copyright Designs and Patents Act 1988 to	Mark Regulation Board of the Institute of		Formatted: Font: Calibri, 11 pt,
regulate persons entered in the Register of Patent Attorneys;	regulate persons entered in the Register of Patent Attorneys;	Trade Mark Attorneys working jointly together as the IP Regulation Board (IPReg)		Formatted: Font: Calibri, 11 pt, English (U.S.)
		now make the following provisions under		Formatted: Font: Calibri, 11 pt,
The Institute of Trade Mark Attorneys (ITMA) is empowered by section 83A of the Trade Marks	The Institute of Trade Mark Attorneys (ITMA) is empowered by section 83A of the Trade	section 275A of the Copyright Designs and Patents Act 1988 and under section 83A of		Formatted: Font: Calibri, 11 pt, English (U.S.)
Act 1994 to regulate persons entered in the	Marks Act 1994 to regulate persons entered	the Trade Marks Act 1994, respectively,		Formatted: Font: Calibri, 11 pt,
Register of Trade Mark Attorneys;	in the Register of Trade Mark Attorneys;	pursuant to Sections 185 and 184 of the Legal Services Act 2007.		Formatted: Font: Calibri, 11 pt,
The Patent Regulation Board of the Chartered Institute of Patent Attorneys and the Trade Mark Regulation Board of the Institute of Trade Mark	The Patent Regulation Board of the Chartered Institute of Patent Attorneys and the Trade			Formatted: Font: Calibri, 11 pt, English (U.S.)
Attorneys working jointly together as the IP	Mark Regulation Board of the Institute of			Formatted: Font: Calibri, 11 pt,
Regulation Board (IPReg) now make the following provisions under section 275A of the	Trade Mark Attorneys working jointly together as the IP Regulation Board (IPReg)			Formatted: Font: Calibri, 11 pt, English (U.S.)
Copyright Designs and Patents Act 1988 and	now make the following provisions under			Formatted: Font: Calibri, 11 pt,
under section 83A of the Trade Marks Act 1994, respectively, pursuant to Sections 185 and 184	section 275A of the Copyright Designs and Patents Act 1988 and under section 83A of			Formatted: Font: Calibri, 11 pt, English (U.S.)
of the Legal Services Act 2007.	the Trade Marks Act 1994, respectively,			Formatted: Font: Calibri, 11 pt,
	pursuant to Sections 185 and 184 of the Legal Services Act 2007.			Formatted: Font: Calibri, 11 pt,
	Comment			

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	The deleted sections referred to sources of			
	authority that ceased to apply on 1 January			
	2010.			Formatted: Font: (Default) Calibri, 11
				pt, Font color: Orange,
Rule 1 – Interpretation	Rule 1 – Interpretation	Rule 1 – Interpretation		
In these Rules, unless context otherwise requires:	In these Rules, unless context otherwise requires:	In these Rules, unless context otherwise requires:		
"CIPA" means The Chartered Institute of Patent Attorneys;	"Administrator" means a person appointed in accordance with Rule 6.1;	"Administrator" means a person appointed in accordance with Rule 6.1;		
"ITMA" means the Institute of Trade Mark Attorneys;	"Adjudicator" means a person appointed in accordance with Rule 0;	"Adjudicator" means a person appointed in accordance with Rule 0;		
"the Institutes" means ITMA and CIPA;	"Appellant" means a person bringing an appeal under Rule 0;	"Appellant" means a person bringing an appeal under Rule 0;		
"The IPReg Board" means the Patent Regulation				
Board of CIPA and the Trade Mark Regulation	"Case Manager" means a person appointed	"Case Manager" means a person appointed		
Board of ITMA working jointly together as the	in accordance with Rule 8.9(e) or deemed to	in accordance with Rule 8.9(e) or deemed to		
Intellectual Property Regulation Board	be a case manager pursuant to Rule 8.9(f);	be a case manager pursuant to Rule 8.9(f);		
"IPReg" means The Intellectual Property	"CIPA" means The Chartered Institute of	"CIPA" means The Chartered Institute of		
Regulation Board Limited (Company Number 6624948)	Patent Attorneys;	Patent Attorneys;		
	"Code of Conduct" means the rules of	"Code of Conduct" means the rules of		
"Patent Attorney Register" means the register	conduct for patent attorneys, trade mark	conduct for patent attorneys, trade mark		
kept under section 275 of the Copyright Designs	attorneys and other Regulated Persons	attorneys and other Regulated Persons		
and Patents Act 1988 as amended;	adopted from time to time by the IPReg	adopted from time to time by the IPReg		
	Board and the special rules of professional	Board and the special rules of professional		
"Trade Mark Attorney Register" means the	conduct applicable to regulated persons	conduct applicable to regulated persons		
register kept under section 83 of the Trade	conducting litigation or exercising rights of	conducting litigation or exercising rights of		
Marks Act 1994 as amended;	audience before the courts adopted by CIPA	audience before the courts adopted by CIPA		

	and ITMA in their roles as authorised bodies	and ITMA in their roles as authorised bodies
"registered person" means —	under the Legal Services Act 2007;	under the Legal Services Act 2007;
(a) a registered patent attorney;		
(b) a registered trade mark attorney; or	"Complainant" means a person making a	"Complainant" means a person making a
(c) a body (corporate or unincorporate) entered	Complaint (including a person making a	Complaint (including a person making a
in the patent attorney register or the trade mark	complaint under an ombudsman scheme	complaint under an ombudsman scheme
attorney register;	which is the subject of a report made by an	which is the subject of a report made by an
	ombudsman under section 143 (2) of the	ombudsman under section 143 (2) of the
"regulated person" means a registered person,	Legal Services Act 2007) and includes any	Legal Services Act 2007) and includes any
an employee of a registered person, or a	person natural or legal;	person natural or legal;
manager of a body which is a registered person;		
	"Complaint" means:	"Complaint" means:
"manager" in relation to a body, has the same		
meaning as in the Legal Services Act	a complaint under an ombudsman scheme	a complaint under an ombudsman scheme
2007;	which is the subject of a report made by an	which is the subject of a report made by an
	ombudsman in accordance with section 143	ombudsman in accordance with section 143
"Complainant" means a person making a	(2) of the Legal Services Act 2007;	(2) of the Legal Services Act 2007;
complaint and includes any person natural or	(_) or the logar bet need not loor)	(_) of the legal octrocs / (ct loor)
legal;	a complaint alleging a breach of the Code of	a complaint alleging a breach of the Code of
	Conduct by a Regulated Person;	Conduct by a Regulated Person;
"Complaint" means:		
(a) a report made by an ombudsman in	a complaint made in accordance with the	a complaint made in accordance with the
accordance with Section 143 (2) of the Legal	Charter of CIPA or the Articles of Association	Charter of CIPA or the Articles of Association
Services Act 2007 ;	of ITMA against a member of either Institute	of ITMA against a member of either Institute
Services Act 2007;	alleging conduct in breach of the Charter or	alleging conduct in breach of the Charter or
(b) a complaint alleging a breach of the Common	Articles or any codes, rules, bye-laws or	Articles or any codes, rules, bye-laws or
Code of Conduct and/or the Common Litigation	other standards thereunder as the case may	other standards thereunder as the case may
		•
Code of Conduct by a regulated person;	be; or	be; or
(c) a complaint made in accordance with the	a complaint alleging misconduct in breach of	a complaint alleging misconduct in breach of
Charter of CIPA or the Articles of Association of	any combination of the above;	any combination of the above;
ITMA against a Member of either Institute		
alleging conduct in breach of the Charter or	"Complaint Review Committee" or "CRC"	"Complaint Review Committee" or "CRC"

Articles or any codes, rules, bye-laws or other standards thereunder as the case may be;	means the body appointed pursuant to Rule Error! Reference source not found.;	means the body appointed pursuant to Rule Error! Reference source not found.;
(d) a complaint alleging misconduct in breach of any combination of the above;	"Disciplinary Board" means a board of the JDP appointed in accordance with these Rules for the hearing of a Complaint or any	"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;	matter connected with a Complaint;
"Code of Conduct" and " Litigation Code of Conduct" mean, respectively, the said unified Codes jointly adopted by the Patent Regulation	"EPO" means the European Patent Office;	"EPO" means the European Patent Office;
Board of the Chartered Institute of Patent Attorneys and the Trade Mark Regulation Board of the Institute of Trade Mark Attorneys working together as the IP Regulation Board	"General Complaint" means a Complaint that the Disciplinary Panel determines is not a Trade Mark Complaint or a Patent Complaint;	"General Complaint" means a Complaint that the Disciplinary Panel determines is not a Trade Mark Complaint or a Patent Complaint;
"Joint Disciplinary Panel" or "JDP" means the	"The Institutes" means ITMA and CIPA;	"The Institutes" means ITMA and CIPA;
body appointed pursuant to Rule 4 of these Rules; "Disciplinary Board" means a board of the JDP	"IPReg" means The Intellectual Property Regulation Board Limited (Company Number 6624948);	"IPReg" means The Intellectual Property Regulation Board Limited (Company Number 6624948);
appointed in accordance with these		
Rules for the hearing of a Complaint or any matter connected with a Complaint;	"The IPReg Board" means the Patent Regulation Board of CIPA and the Trade Mark Regulation Board of ITMA working	"The IPReg Board" means the Patent Regulation Board of CIPA and the Trade Mark Regulation Board of ITMA working
"Respondent" means any person against whom a Complaint is made;	jointly together as the Intellectual Property Regulation Board;	jointly together as the Intellectual Property Regulation Board;
"Regulatory Objectives" means the regulatory objectives as defined in Section 1 of the Legal Services Act 2007;	"ITMA" means the Institute of Trade Mark Attorneys;	"ITMA" means the Institute of Trade Mark Attorneys;
"Professional Principles" means the professional principles as defined in Section 1 of the Legal	"Joint Disciplinary Panel" or "JDP" means the body appointed pursuant to Rule 4;	"Joint Disciplinary Panel" or "JDP" means the body appointed pursuant to Rule 4;

Services Act 2007;	"Manager" in relation to a body, has the	"Manager" in relation to a body, has the
	same meaning as in the Legal Services Act	same meaning as in the Legal Services Act
"Member" means any Member of CIPA or ITMA	2007;	2007;
within the jurisdiction of their respective		
disciplinary arrangements;	"OHIM" means the Office of Harmonization	"OHIM" means the Office of Harmonization
	for the Internal Market;	for the Internal Market;
"Trade Mark Complaint" means a Complaint		
exclusively or substantially concerning the	"Parties", in relation to a Complaint or any	"Parties", in relation to a Complaint or any
practice or conduct of the Respondent as:	proceedings under these Rules relating to a	proceedings under these Rules relating to a
	Complaint, means the Case Manager	Complaint, means the Case Manager
(a) a registered person entered in the Trade	appointed in respect of a Complaint and the	appointed in respect of a Complaint and the
Mark Attorney register, including a registered	Respondent, and "Party" means the Case	Respondent, and "Party" means the Case
trade mark attorney working as a Trade Mark &	Manager or the Respondent;	Manager or the Respondent;
Design Litigator,		
	"Patent Attorney Litigator" means a	
(b) a regulated person regulated by virtue of	registered patent attorney holding a	"Patent Attorney Litigator" means a
their relationship with a registered person	certificate issued by CIPA under the Legal	registered patent attorney holding a
entered in the Trade Mark Attorney register, or	Services Act 2007 authorising its holder to	certificate issued by CIPA under the Legal
	conduct litigation;	Services Act 2007 authorising its holder to
(c) as a Member of ITMA;		conduct litigation;
	"Patent Attorney Register" means the	
"Patent Complaint" means a Complaint	register kept under section 275 of the	"Patent Attorney Register" means the
exclusively or substantially concerning the	Copyright Designs and Patents Act 1988 as	register kept under section 275 of the
practice or conduct of the Respondent as	amended;	Copyright Designs and Patents Act 1988 as
		amended;
(a) a registered person entered in the Patent	"Patent Complaint" means a Complaint	
Attorney register, including a registered patent	exclusively or substantially concerning the	"Patent Complaint" means a Complaint
attorney working as a Patent Attorney Litigator,	practice or conduct of a Respondent as:	exclusively or substantially concerning the
		practice or conduct of a Respondent as:
(b) a regulated person regulated by virtue of	a Registered Person entered in the Patent	
their relationship with a registered person	Attorney register, including a registered	a Registered Person entered in the Patent
entered in the Patent Attorney register, or	patent attorney working as a Patent	Attorney register, including a registered
	Attorney Litigator;	patent attorney working as a Patent

(c) as a member of CIPA;		Attorney Litigator;
	a Regulated Person regulated by virtue of	
"General Complaint" means Complaints that the	their relationship with a Registered Person	a Regulated Person regulated by virtue of
Disciplinary Panel determines are not Trade	entered in the Patent Attorney register; or	their relationship with a Registered Person
Mark Complaints or Patent Complaints; and		entered in the Patent Attorney register; or
	as a member of CIPA;	
"Registrar" means a person appointed by the		as a member of CIPA;
relevant Institute to maintain the patent	"Professional Principles" means the	
attorney register or the trade mark attorney	professional principles as defined in section	"Professional Principles" means the
register.	1 of the Legal Services Act 2007;	professional principles as defined in section
		1 of the Legal Services Act 2007;
	"Register(s)" means the Patent Attorney	
	Register and/or the Trade Mark Attorney	"Register(s)" means the Patent Attorney
	Register;	Register and/or the Trade Mark Attorney
		Register;
	"Registered Person" means:	
		"Registered Person" means:
	(a) a registered patent attorney;	-
		(a) a registered patent attorney;
	(b) a registered trade mark attorney; or	
		(b) a registered trade mark attorney; or
	(c) an entity (corporate or	
	unincorporate)	(c) an entity (corporate or
		unincorporate)
	entered in the Patent Attorney Register or	
	the Trade Mark Attorney Register;	entered in the Patent Attorney Register or
		the Trade Mark Attorney Register;
	"Registrar" means a person appointed by	
	the relevant Institute to maintain the Patent	"Registrar" means a person appointed by
	Attorney Register or the Trade Mark	the relevant Institute to maintain the Patent
	Attorney Register;	Attorney Register or the Trade Mark
		Attorney Register;
	"Regulated Person" means a Registered	, -0,

whom a Complaint is made;	"Respondent" means any person against whom a Complaint is made;
"Trade Mark Attorney Register" means the	
register kept under section 83 of the Trade	"Trade Mark Attorney Register" means the
Marks Act 1994 as amended;	register kept under section 83 of the Trade Marks Act 1994 as amended;
"Trade Mark Complaint" means a Complaint	
exclusively or substantially concerning the	"Trade Mark Complaint" means a Complaint
practice or conduct of a Respondent as:	exclusively or substantially concerning the practice or conduct of a Respondent as:
(a) a Registered Person entered in the	P
Trade Mark Attorney register, including a	(a) a Registered Person entered in the
registered trade mark attorney working as a Trade Mark & Design Litigator,	Trade Mark Attorney register, including a registered trade mark attorney working as a Trade Mark & Design Litigator,
(b) a Regulated Person regulated by	
virtue of their relationship with a Registered	(b) a Regulated Person regulated by
Person entered in the Trade Mark Attorney	virtue of their relationship with a Registered
register, or	Person entered in the Trade Mark Attorney
(c) a member of ITMA;	register, or
	(c) a member of ITMA;
"Trade Mark and Design Litigator" means a	(c) a member of ITMA;
"Trade Mark and Design Litigator" means a	"Trade Mark and Design Litigator" magnee
registered trade mark attorney holding a	"Trade Mark and Design Litigator" means a

	certificate issued by ITMA under section 28	registered trade mark attorney holding a		
	of the Courts and Legal Services Act 1990	certificate issued by ITMA under section 28		
	authorising its holder to conduct litigation;	of the Courts and Legal Services Act 1990		
		authorising its holder to conduct litigation;		
	"Statement of Case" means a formal charge			
	detailing particulars of the breach(es) of the	"Statement of Case" means a formal charge		
	Code of Conduct alleged to have occurred,	detailing particulars of the breach(es) of the		
	the rule(s) allegedly infringed and the legal	Code of Conduct alleged to have occurred,		
	and factual reasons which are considered to	the rule(s) allegedly infringed and the legal		
	lead to the conclusion that the Code of	and factual reasons which are considered to		
	Conduct has been beached;	lead to the conclusion that the Code of		
		Conduct has been beached;		Formatted: Font: (Default) Calibri, 11
	"UKIPO" means the United Kingdom			pt, Underline, English (U.S.)
	Intellectual Property Office.	"UKIPO" means the United Kingdom		Formatted: Adjust space between Latin and Asian text, Adjust space
		Intellectual Property Office.		between Asian text, and numbers
	Comment			Formatted: Font: (Default) Calibri, 11
	The changes are principally consequential to	Comment		pt, Not Bold, Underline, English (U.S.)
	reflect new terms used in the Rules. The	The changes are principally consequential to		Formatted: Font: (Default) Calibri, 11
	opportunity has also been taken to place the	reflect new terms used in the Rules. The		pt, English (U.S.)
	Definitions in alphabetical order and to make	opportunity has also been taken to place the		Formatted: Font: (Default) Calibri, 11
	some minor non-substantive amendments to	Definitions in alphabetical order and to make	/ /	pt, English (U.S.)
	the terminology/wording.	some minor non-substantive amendments to	//	Formatted: Font: (Default) Calibri, 11
		the terminology/wording.		pt, English (U.S.)
Rule 2 – Jurisdiction	Rule 2 – Jurisdiction	Rule 2 – Jurisdiction	•	Formatted: Font: (Default) Calibri, 11 pt, English (U.S.)
				Formatted: Font: (Default) Calibri, 11
2.1 These Rules shall apply to Complaints	2.1These Rules shall apply to Complaints	2.1 These Rules apply to Complaints	/	pt, English (U.S.)
relating to members of CIPA and/or ITMA	relating to members of CIPA and/or ITMA	relating to a Regulated Person and any aspect		Formatted: Font: (Default) Calibri, 11
and any aspect of a Regulated Person's conduct	a Regulated Person and any aspect of the	of the conduct of a Regulated Person except	/ / /	pt, English (U.S.)
except matters within the	conduct of a Regulated Person's conduct	for matters within the exclusive jurisdiction	/ /_	Formatted: Font: (Default) Calibri, 11
exclusive jurisdiction of the Office for Legal	Person except for matters within the	of the Legal Ombudsman.		pt, English (U.S.)
Complaints	exclusive jurisdiction of the Office for Legal	2.2. At the request of CIDA and ITAA		Formatted: Font: (Default) Calibri, 11 pt, English (U.S.)
	ComplaintsOmbudsman.	2.2 At the request of CIPA and ITMA		
IL		these Rules also apply to members of CIPA]	Formatted: Font: (Default) Calibri, 11 pt, English (U.S.)

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	2.2 At the request of CIPA and ITMA these Rules also apply to members of CIPA	and/or ITMA.		Formatted: Font: (Default) Calibri, 11 pt, Underline, English (U.S.)
1	and/or ITMA.			Formatted: Font: (Default) Calibri, 11 pt, Underline, English (U.S.)
	<u>Comment</u>			Formatted: Font: (Default) Calibri, 11 pt, Underline, English (U.S.)
	In Rule 2.1 the reference to the OLC has been changed to refer to LeO.			Formatted: Adjust space between Latin and Asian text, Adjust space between Asian text and numbers
	In Rule 2.2 the jurisdiction of IReg over			Formatted: Font: (Default) Calibri, 11 pt, English (U.S.)
	Institute Members (which is an independent of the Regulatory regime) is clarified to be			Formatted: Font: (Default) Calibri, 11 pt, English (U.S.)
Rule 3 – Administration	permissive. <u>Rule 3 — Administration</u>	Rule 3 – Administration	-	Formatted: Font: (Default) Calibri, 11 pt, English (U.S.)
3.1 IPReg shall provide administrative and any	3.1 IPReg shall provide administrative and	3.1 IPReg shall provide administrative and		Formatted: Font: (Default) Calibri, 11 pt, English (U.S.)
other necessary support services to the JDP and	any other necessary support services to the	any other necessary support services to the	/	Formatted: Font: (Default) Calibri, 11
Disciplinary Boards, including by administering	JDP and Disciplinary Boards, including by	JDP and Disciplinary Boards, including		pt, English (U.S.)
the handling of	administering the handling of Complaints and	administering the handling of Complaints and		Formatted: Font: (Default) Calibri, 11
Complaints and all related materials, making	all related materials, making arrangements	all related materials, making arrangements	/	pt, English (U.S.)
arrangements for the conduct of hearings, the	for the conduct of -hearings, the attendance	for the conduct of hearings, the attendance		Formatted: Font: (Default) Calibri, 11 pt, English (U.S.)
attendance of parties, representatives and	of parties, Parties, representatives and	of Parties, representatives and witnesses, the		Formatted: Font: (Default) Calibri, 11
witnesses, the presentation of evidence and	witnesses, the -presentation of evidence and	presentation of evidence and liaising (in	/	pt, English (U.S.)
liaising (in particular in the receipt and transmission	liaising (in particular in the receipt and transmission of correspondence) between	particular in the receipt and transmission of correspondence) between the JDP, the	/	Formatted: Font: (Default) Calibri, 11 pt, English (U.S.)
of correspondence) between the JDP, the Disciplinary Boards, the Institutes, the Registrars,	the JDP, the Disciplinary Boards, the Institutes, the	Disciplinary Boards, the Institutes, the Registrars, Parties and any other interested		Formatted: Font: (Default) Calibri, 11 pt, English (U.S.)
Complainants and Respondents and any other	Registrars, Complainants and	persons in a timely and proportionate		Formatted: Font: (Default) Calibri, 11
interested parties in a timely and proportionate	Respondents Parties, and any other interested	manner in accordance with the Regulatory		pt, English (U.S.)
manner in accordance with the Regulatory	partiespersons in a timely and proportionate	Objectives.		Formatted: Font: (Default) Calibri, 11
Objectives.	manner in accordance with the Regulatory			pt, English (U.S.)
	Objectives.	3.2 Insofar as the same are not otherwise		Formatted: Font: (Default) Calibri, 11
		provided for in these Rules the IPReg Board,	•	pt, English (U.S.)
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3.2 Insofar as the same are not otherwise	3.2 Insofar as the same are not otherwise	in consultation with the JDP and the			Formatted: Font: (Default) Calibri, 11
provided for in these Rules the IPReg Board, in	provided for in these Rules the IPREG IPReg	Institutes, shall make regulations or other			pt, English (U.S.)
consultation with the JDP and the Institutes,	Board, in consultation with the JDP and the	arrangements for:		_	Formatted: Font: (Default) Calibri, 11 pt, English (U.S.)
shall make regulations or other arrangements	Institutes, shall make regulations or other				
for:	arrangements for:	f) assessing and awarding costs pursuant			Formatted: Font: (Default) Calibri, 11 pt, English (U.S.)
		to any power granted under these Rules			Formatted: Font: (Default) Calibri, 11
(vi) assessing and awarding costs; and	 assessing and awarding costs 	or under the Bye-laws of the Institutes;	•	$\langle \rangle$	pt, English (U.S.)
	pursuant to any power granted under	and		\sim	Formatted: Indent: Left: 0.63 cm,
	these Rules or under the Bye-laws of the				Hanging: 0.13 cm, Numbered + Level:
	Institutes; and				1 + Numbering Style: a, b, c, +
					Start at: 6 + Alignment: Left + Aligned at: 0.63 cm + Tab after: 1.27 cm +
				$\langle $	Indent at: 1.27 cm, Adjust space
	Comment				between Latin and Asian text, Adjust
	Some minor changes have been made to Rule				space between Asian text and numbers, Tab stops: Not at 1.27 cm
	3.1 to reflect changes in Rule 1				Formatted: Font: (Default) Calibri, 11
	(interpretation). Not shown here are minor				pt, English (U.S.)
	changes such as re-identifying sub			Y	Formatted: Font: (Default) Calibri, 11
	paragraphs alphabetically instead of				pt, English (U.S.)
	numerically.)	Formatted
					Formatted
	The only substantive change is to clarify the			- //)	Formatted
	source of authority for regulating costs				Formatted
	awards (now Rule 3.2 (f)			/)	Formatted
					Formatted
Rule 4 - The Joint Disciplinary Panel	Rule 4 - The Joint Disciplinary Panel	Rule 4 – The Joint Disciplinary Panel			
4.1 The IPReg Board shall through IPReg set up a	4.1 The IPREGIPReg Board shall through	4.1The IPReg Board shall through IPReg set	/	//	
Joint Disciplinary Panel consisting of at least	IPREGIPReg set up a Joint Disciplinary Panel	up a Joint Disciplinary Panel consisting of at	/		Formatted
three Attorney Members from each Institute, as	consisting of at least three attorney members	least three attorney members from each)	Formatted
well as at three lay Members. None of the	from each Institute, as well as at three lay	Institute, as well as at three lay members.	/	1/ 1	Formatted
Members shall be sitting Members of the IPReg	members, None of the <u>JDP members</u> shall be	None of the JDP members shall be sitting		1	Formatted
Board or the Councils of either Institute.	sitting members of the IPREGIPReg Board or	members of the IPReg Board or the Councils	/		Formatted
	the Councils of either Institute.	of either Institute.		\leq	
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4.2 The CIPA Attorney Members shall all be				Formatted: Adjust space between
Registered Patent Attorneys. The ITMA Attorney	4.2 The CIPA Attorney Members shall all be	4.2The CIPA attorney members shall all be or		Latin and Asian text, Adjust space
Members shall all be Registered Trade Mark	Registered Patent Attorneys. The CIPA	have been registered patent attorneys. The		between Asian text and numbers
Attorneys. All Attorney members shall be	attorney members shall all be or have been	ITMA attorney members shall all be or have		Formatted: Font: (Default) Calibri, 11 pt, English (U.S.)
recruited by the Institutes in accordance with	registered patent attorneys. The ITMA	been registered trade mark attorneys. All		Formatted: Font: (Default) Calibri, 11
their own procedures.	Attorney Members attorney members shall	attorney members shall be recruited by the		pt, English (U.S.)
	all be Registered Trade Mark Attorneys.or	Institutes in accordance with open and		Formatted: Font: (Default) Calibri, 11
4.3 The lay Members shall be individuals none of	have been registered trade mark attorneys.	competitive procedures which shall be		pt, English (U.S.)
whom are or have been Registered Patent	All attorney members shall be recruited by	agreed by IPReg from time to time.		Formatted: Font: (Default) Calibri, 11
Attorneys or Registered Trade Mark Attorneys.	the Institutes in accordance with their own			pt, English (U.S.)
The lay members shall be recruited by the IPReg	open and competitive procedures which	4.3The lay members shall be individuals none		Formatted: Font: (Default) Calibri, 11
Board using "Nolan" principles.	shall be agreed by IPReg from time to time.	of whom are or have been registered patent		pt, English (U.S.)
		attorneys or registered trade mark attorneys		Formatted: Font: (Default) Calibri, 11
4.4 All appointments shall be for a term of 3	4.3 The lay members shall be individuals	nor any other person who holds or has held a		pt, English (U.S.)
years.	none of whom are or have been registered	legal professional qualification of any		Formatted: Font: (Default) Calibri, 11 pt, English (U.S.)
	patent attorneys or registered trade mark	description. The lay members shall be		Formatted: Font: (Default) Calibri, 11
4.5 Decisions of the JDP shall be taken by a	attorneys nor any other person who holds or	recruited by the IPReg Board using "Nolan"		pt, English (U.S.)
simple majority.	has held a legal professional qualification of	Principles of Public Life.		Formatted: Font: (Default) Calibri, 11
	any description. The lay members shall be		/ /	pt, English (U.S.)
4.6 The JDP shall appoint one of the Attorney	recruited by the IPREGIPReg Board using	4.4The initial appointments to the JDP when		Formatted: Font: (Default) Calibri, 11
Members to be its Chair to hold office for a	"Nolan" principles Principles of Public Life.	these Rules come into force shall be for 2, 3,		pt, English (U.S.)
period of 3 years. The Chair shall have an	_	or 4 years with each of the three CIPA	•	Formatted: Font: (Default) Calibri, 11
additional casting vote in the event of	4.4 The initial appointments to the JDP when	attorney members, ITMA attorney members		pt, English (U.S.)
any tied vote.	these Rules come into force shall be for 2, 3,	and the lay members being appointed for a		Formatted: Font: (Default) Calibri, 11
	or 4.6- years with each of the three CIPA	different term. All subsequent appointments		pt, English (U.S.)
4.7 If at any time there is a shortfall of Members	attorney members, ITMA attorney members	shall be for a term of 3 years.		Formatted
the IPReg Board may, in consultation with the	and the lay members being appointed for a			Formatted
Chair of the JDP, and CIPA and ITMA, appoint	different term. All subsequent appointments	4.5The JDP shall appoint one of the lay	· · · · · · · · · · · · · · · · · · ·	Formatted
temporary Members to fill such vacancies as	shall be for a term of 3 years.	members to be its chair to hold office for a		Formatted
necessary, the maximum term of any temporary		period of 3 years. The chair shall have an		Formatted
appointment being the balance of the term lying	4.5 The JDP shall appoint one of the Attorney	additional casting vote in the event of any	•	Formatted
vacant.	Memberslay members to be its chair to hold	tied vote.		Formatted
	office for a period of 3 years. The chair shall			
				Formatted

			1	
4.8 The IPReg Board may at the request of the	have an additional casting vote in the event	4.6If at any time there is a shortfall of		
JDP or a Disciplinary Board co-opt Members to	of any tied vote.	members of the JDP the IPReg Board may, in		Formatted: Font: (Default) Calibri, 11
the JDP or a Board.		consultation with the chair of the JDP, and		pt, English (U.S.)
	4.6 If at any time there is a shortfall of	CIPA and ITMA, appoint temporary members		Formatted: Font: (Default) Calibri, 11
	Members the IPREG members of the JDP the	to fill such vacancies as necessary, the		pt, English (U.S.)
	IPReg Board may, in consultation with the	maximum term of any temporary		Formatted: Font: (Default) Calibri, 11
	chair of the JDP, and CIPA and ITMA, appoint	appointment being the balance of the term		pt, English (U.S.)
	temporary members to fill such vacancies as	lying vacant.		Formatted: Font: (Default) Calibri, 11
	necessary, the maximum term of any			pt, English (U.S.)
	temporary appointment being the balance of	4.7The IPReg Board may at the request of the		Formatted: Font: (Default) Calibri, 11
	the term lying vacant.	JDP or a Disciplinary Board co-opt members		pt, English (U.S.)
		to a Disciplinary Board.		
	4.7 The IPREGIPReg Board may at the request			Formatted: Font: (Default) Calibri, 11
	of the JDP or a Disciplinary Board co-	4.8Lay members appointed or co-opted in		pt, English (U.S.)
	opt Members to the JDP or a members to a	accordance with Rules 4.6 or 4.7 shall be		Formatted: Font: (Default) Calibri, 11
	Disciplinary Board.	persons whose suitability for public		pt, English (U.S.)
	Disciplinary bound.	appointment has previously been recognised		Formatted: Font: (Default) Calibri, 11
	4.8 Lay members appointed or co-opted in	by another public body.		pt, English (U.S.)
1	accordance with Rules 4.6 or 4.7 shall be	by another public body.		Formatted: Adjust space between
				Latin and Asian text, Adjust space between Asian text and numbers
	persons whose suitability for public			between Asian text and numbers
	appointment has previously been recognised			
	by another public body.			
	Comment			
	4.2: The process for appointing Attorney			
	Members of the JDP has been clarified to be			
	"open and competitive".			
	4.3 The definition of "lay" member has been			
	amended to exclude those with legal			
	professional gualification, in line with LSB			
	guidelines.			
L	5	1	1	

	4.4 The initial terms of JDP Members are arranged so that subsequent fixed terms of 3 years will overlap, ensuring staggered fixed- term appointments in the future.				
	4.5 This now provides that a lay member will chair the JDP				
	4.8 provides for passporting suitably –				Formatted: Font: (Default) Calibri, 11 pt, English (U.S.)
	referenced lay members into office if they are co-opted or appointed to remedy a shortfall,				Formatted: Font: (Default) Calibri, 11 pt, Underline, English (U.S.)
	this being a proportionate solution to a short- term situation.				Formatted: Font: (Default) Calibri, 11 pt, Underline, English (U.S.)
	All other changes are of a minor		,	/	Formatted: Font: (Default) Calibri, 11 pt, Underline, English (U.S.)
1	style/formatting nature.		/		Formatted: Adjust space between Latin and Asian text, Adjust space
				\vee	between Asian text and numbers
Rule 6 - Procedure on receipt of Complaints	<u>Rule 6 - Procedure on receipt of Complaints</u>	<u>Rule 6 – Procedure on receipt of Complaints</u>	• /		Formatted: Font: (Default) Calibri, 11 pt, English (U.S.)
6.1 Upon receipt of a Complaint it shall be	6.1 Upon receipt of a Complaint it shall be	6.1Upon receipt of a Complaint, IPReg shall	/		Formatted: Font: (Default) Calibri, 11
reviewed by IPReg to establish whether it	reviewed by IPREG, IPReg shall appoint an	appoint an Administrator to review the			pt, English (U.S.)
complies with any formalities or other	Administrator to review the Complaint to	Complaint to establish whether the	/		Formatted: Font: (Default) Calibri, 11
requirements stipulated in accordance with	establish whether itthe Complaint complies	Complaint complies with any formalities or			pt, English (U.S.)
Rule 3.3. If the Complaint does not comply,	with any formalities or other requirements	other requirements stipulated in accordance			Formatted: Font: (Default) Calibri, 11 pt, English (U.S.)
IPReg shall inform the Complainant accordingly	stipulated in accordance with regulations or	with regulations or other arrangements made			
and invite him to remedy the deficiencies noted	other arrangements made under Rule 3. 3.	under Rule 3.2(a).			Formatted: Font: (Default) Calibri, 11 pt, English (U.S.)
within a period of two months. If the deficiencies	<u>2(a).</u>				Formatted: Adjust space between
are not remedied before the time limit expires,		6.2If a Complaint does not comply with the			Latin and Asian text, Adjust space
IPReg shall reject the Complaint as inadmissible.	6.2 If thea Complaint does not comply, IPREG	formalities or other requirements stipulated	•		between Asian text and numbers
	with the formalities or other requirements	in accordance with regulations or other			Formatted: Font: (Default) Calibri, 11
6.2 If the Complaint is found admissible, IPReg	stipulated in accordance with regulations or	arrangements made under Rule 3.2(a), the			pt, English (U.S.)
shall:	other arrangements made under Rule 3.2(a),	Administrator shall inform the Complainant			Formatted: Font: (Default) Calibri, 11 pt, English (U.S.)

Respondent informing him that the matter is to be reviewed by the SCRC and inviting him to file, within a period of a mendth, from the date of the communication brief and concise observations (which may include admissions); of the Complainant that the Respondent bases near a copy of the Complainant to remedy the deficiencies neared the deficiencies on boservations (which may include admissions); of the Complainant that the Respondent the SCRC's determination on in thigtation shall be permitted. period for providing information under this Rule 0 of the Respondent provides the Administrator with good reasons for extending the period Save in exceptional circumstances only a single extension of the period for providing information in mitigation shall be permitted. Period the Respondent has been sent a copy of the Complaint, that its observations have been requested and that the matter will be reviewed by the SCRC. Period for providing information in mitigation shall be permitted. Period for providing information in mitigation period for providing inf		_	-			
http://internation.internationernation.internatinerinternation.internation.internation.internat	atted: Font: (Default) Calibri, 1					(a) Send a copy of the Complaint to the
within a period of one month, from the date of the communication brief and concise observations (which may include admissions) in order to assist the SCRC to determine the status of the Complaint; and Inte Administrator may extend the period for providing information under this Rule 0 if the Respondent provides the Administrator with good reasons for extending the period. Save in exceptional circumstances only a single extension of the period for providing information in mitigation shall be permitted. In exceptional circumstances only a single extension of the period for providing information in mitigation shall be permitted. If the deficiencies are not remedied before the time limit (including any extension) expires, IPREGIPReg shall reject the Complaint as inadmissible without reference to the CCR. Formatter period for providing information in mitigation shall be permitted. If the deficiencies are not remedied before the time limit (including any extension) expires, IPREGIPReg shall reject the Complaint as inadmissible without reference to the CRC. 6.31 the Complaint is found to comply with the formatities or other requirements the identification or the arrangements made under Rule 3.2(a), the Administrator shall: the requirements stipulated in accordance with regulations or cother arrangements made under Rule 3.2(a), the Administrator shall: to be reviewed by the CRC and inviting limit to file, within a period of 28 days from the date in order to assist the CRC to determine the staus of the CRC and inviting limit to file, within a period of 28 days from the date in order to assist the CRC to determine the staus of the CRC and inviting limit to file, within a period of 28 days from the date price and concise publication, brief and concise publication, brief and concise publication, brief and concise publication, brief and concise publication, brief and concise publicatin accordance with Rules 7 and 8; in order to assist the SCRC to de	,					
Within a period of womenting and on the date of the communication bief and concise observations (which may include admissions) in order to assist the SCRC to determine the status of the Complaint, that the SCRC is determination of the period for providing information under this Rule 0 if the Mainistrator with geod reasons for extending the period. Save in exceptional circumstances only a single extension of the period for providing information in mitigation in mitigation is marked with the deficiencies are not information in mitigation is marked with the deficiencies are not information in mitigation is marked with the deficiencies are not information in mitigation is marked with the interference to the CRC. Formattie Period for providing information in mitigation is marked with the information in mitigation is marked with the deficiencies are not information in mitigation is marked without reference to the CRC. Formattie Period for providing information in mitigation is marked without reference to the CRC. 6.3 Any observations filed shall be copied to the complaint si found and missible; information and with a period of the complaint is found admissible; within a period of the complaint is found and missible; information or other arrangements made under Rule 3.2(a), the Administrator shall: Formatties or the requirements studies or the administrator shall: 6.3 if the Complaint is found admissible; information in formation in formation in formation in the screece or the requirements studies or the requirements. Formatties or the requirements studies or the requirements studies or the romangement made under Rule 3.2(a), the Administrator shall: 6.3 if the Complaint is found admissible; within a period of 28 days from the date of the communication, hories and concise Formatties or the reriod of 28 days from t	atted: Font: (Default) Calibri, 1			period of 14 days. The Administrator may	Complainant to remedy the deficiencies	be reviewed by the SCRC and inviting him to file,
Inter Communication for and contrast Inter Antimutation for providing information under this Rule 0.1 the Administrator with good reasons for account of the complaint; and Inter Administrator with good reasons for account of the period. Save in exceptional circumstances only a single extension of the period for providing information in mitigation shall be permitted. If the deficiencies are not remedied before the lime limit (including any extension) Formattee (b) Confirm to the Complainant that the Respondent has been sent a copy of the Complaint, that his observations have been requested and that the matter will be reviewed by the SCRC. If the deficiencies are not remedied before the time limit (including any extension) Pormattee (b) Confirm to the Complainant that the Respondent has been sent a copy of the complaint, that his observations filed shall be copied to the CRC. If the deficiencies are not remedied before the time limit (including any extension) Pormattee (b) Confirm to the CSRC's determination on the period for providing information and the sequence of the second the second account of the second account of the second account of the second account of the complaint is found admissible; of the communication, brief and concise of the respoure of the second account on the complaint is				extend the period for providing information	noted within a period of twomonths. <u>14 days.</u>	within a period of one month, from the date of
observations (which may include admissions) in order to assist the SCRC to determine the status of the Complaint; and the Administrator with good reasons for execution the Scheet the Administrator with good reasons for extending the period. Save in exceptional circumstances only a single extension of the period for providing information in mitigation shall be permitted. If the deficiencies are not remedied before the time limit (including any extension) expires, IPReg shall reject the Complaint, that his observations filed shall be copied to the Complaint at the imit (including any extension) py the SCRC. Formattee extension expires, IPReg shall reject the Complaint as inadmissible-without reference to the CRC. Formattee extension expires, IPReg shall reject the Complaint as inadmissible-without references to the CRC. Formattee extension expires, IPReg shall reject the Complaint as inadmissible-without references to the CRC. Formattee extension expires, IPReg shall reject the Complaint as inadmissible-without references to the CRC. Formattee extension expires, IPReg shall reject the Complaint is found admissible; the CRC. Formattee extension expires, IPReg shall reject the Complaint as inadmissible-without references to the CRC. Formattee extension expires, IPReg shall reject the Complaint as inadmissible without references to the CRC. Formattee extension expires, IPReg shall reject the Complaint as inadmissible, without references to the CRC. Formattee extension expires, IPReg shall reject the Complaint as inadmissible, within aperiod of 28 days from the date expires, IPREG shall to complaint to the Respondent informing him that the matter is to the requirements stigulated in accordance with the administrator shall: Formattee extension expires to the reviewed by the CRC and inviting him to the administrator shall: <td>atted: Font: (Default) Calibri, 1</td> <th></th> <td></td> <td>under this Rule 0 if the Respondent provides</td> <td>The Administrator may extend the period for</td> <td>the communication brief and concise</td>	atted: Font: (Default) Calibri, 1			under this Rule 0 if the Respondent provides	The Administrator may extend the period for	the communication brief and concise
of the Complaint; and good reasons for extending the period. Save in exceptional circumstances only a single extension of the period for providing information in mitigation shall be perimited. If the deficiencies are not requested and that the matter will be reviewed by the SCRC. P.J. English 6.3 Any observations filed shall be copied to the Complaint that his observations filed shall be copied to the Complaint of information. Any observations filed after the expiry of the one month period shall be generities or other requirements shall be generities or other requirements shall be complaint to the requested and swere. 6.3 if the Complaint is found admissible; other requirements shoulated in accordance with regulations or other requirements shoulated in accordance with regulations or other arrangements made under Rule 3.2(a), the Administrator shall: a send a copy of the Complaint to the Respondent informing him that the matter is to be reviewed by the SCRC and inviting him to file, within a period of 20 adys from the date days from the date of the communication, brief and concise observations (which may include admission) in order to assist the CRC to determine the status of the complaint in accordance with pt. English to file, within a period of 20 adys from the date days from the date of the communication, brief and concise observations (which may include admission) in order to assist the CRC to determine the status of the Complaint to the Respondent informing him that the status of the Complaint the the status of the Complaint in accordance with pt. English to file, within a period of 20 adys from the date formattee complaint; in accordance with Rules Z and &; in clude admissions) in order to assist the CRC to determine the status of the Complaint that the Complaint; in accordance with Rules Z and &; in clude admissions) in order to assist the CRC to determine the status of the Complaint that the com	glish (0.3.)	(pt		the Administrator with good reasons for	providing information under this Rule 0 if the	observations (which may include admissions) in
b) the complaint, and exceptional (recumstances only a single extension of the period for providing information in mitigation in exceptional (recumstances only a single extension) in mitigation in exceptional (recumstances only a single extension of the period for providing information in mitigation shall be permitted. If the deficiencies are not remedied before the formatities remedied before the formation remedied before the formatities remedied before the formatitie remedied before the formatities remedied before the formatities remedied before the formatities remedied before remedied before remedied remedied remedied remedied remedied	atted: Font: (Default) Calibri, 1			extending the period. Save in exceptional	Respondent provides the Administrator with	order to assist the SCRC to determine the status
(b) Confirm to the Complainant that the Respondent has been sent a copy of the Complaint, that his observations have been by the SCRC. In Checkenberg of the period for point and the permitted. If the deficiencies are not remedied before the time limit (including any extension) expires, IPReg shall reject the Complaint as inadmissible without reference to the CRC. In Checkenberg of the period for point as indemissible. If the deficiencies are not remedied before the time limit (including any extension) expires, IPREGIPReg shall reject the Complaint as inadmissible. The Complaint is found to comply with the formalities or other requirements Formattee Complaint without reference to the CRC. 6.3 Any observations filed shall be copied to the Complaint as inadmissible. shall be ignored in the SCRC's determination of a shall be ignored in the SCRC's determination of a set to answer. 6.3 if the Complaint is found admissible, the Complaint is found admissible, the Administrator shall: Formattee complaint is found admissible, the Administrator shall: (a) send a copy of the Complaint to the Respondent informing him that the matter is to be reviewed by the SCRC and inviting him to file, within a period of one month, of 28 days from the date of the communication, brief and concise to be reviewed by the SCRC and inviting him to file, within a period of one month, of 28 days from the date of the communication, brief and concise to be reviewed by the SCRC to determine the status of the Complaint to the Respondent informing him that the matter is to be reviewed by the SCRC to determine the status of the Complaint in accordance with price and concise observations, which may include admissions) in order to assist the SCRC to determine the status of the Complaint, that his observations have been Formattee Formattee <td>glish (U.S.)</td> <th>/ pt</th> <td></td> <td>circumstances only a single extension of the</td> <td>good reasons for extending the period. Save</td> <td>of the Complaint; and</td>	glish (U.S.)	/ pt		circumstances only a single extension of the	good reasons for extending the period. Save	of the Complaint; and
(b) Confirm to the Complainant that the Respondent has been sent a copy of the Complaint, that his observations have been requested and that the matter will be reviewed by the SCRC. extension of the period for providing information in mitigation shall be permitted. If the deficiencies are not remedied before the time limit (including any extension) expires, IPREGIPRE, Ball reject the Complaint at headmissible, without reference to the CRC. shall be permitted. If the deficiencies are not remedied before the time limit (including any extension) expires, IPREGIPRE, Ball reject the Complaint at headmissible, without reference to the CRC. 6.3 if the Complaint is found to comply with the formatites or other requirements 6.3 Any observations filed after the expiry of the one month period shall be ignored in the SCRC's determination of case to answer. 6.3 if the Complaint is found admissible, the Administrator shall: (a) send a copy of the Complaint to the Respondent informing him that the matter is to be reviewed by the CRC and inviting him to file, within a period of 28 days from the date of the communication, brief and concise to be reviewed by the SCRC to determine the status of the Complaint in accordance with Status of the Complaint in accordance with expire and concise observations (which may include admissions) to be reviewed by the SCR to determine the status of the Complaint to the Respondent informing him that the matter is to be reviewed by the SCR to determine the status of the Complaint in accordance with Status of the Complaint in accordance with Status of the Complaint that the Complaint, that his observations have been Formatter Formatter Formatter	atted: Font: (Default) Calibri, 1			period for providing information in mitigation	in exceptional circumstances only a single	
Respondent has been sent a copy of the complaint, that his observations have been requested and that the matter will be reviewed by the SCRC. Internation infinite grant and missible, without reference the time (including any extension) expires, IPRE giall reject the Complaint as inadmissible, without reference to the CRC. Internation infinite grant and the complaint is found to comply with the time limit (including any extension) expires, IPRE giall reject the Complaint as inadmissible, without reference to the CRC. Internation infinite grant and the complaint is found to comply with the formattee or the complaint is found to comply with the formattee or the complaint is found admissible, without reference to the cRC. Internation infinite grant and the complaint is found to comply with the formattee or the cRC. 6.3 if the Complaint for information or information of and present is given as the expiry of the one month period shall be ignored in the SCRC's determination of a case to answer. 6.3 if the Complaint is found admissible, without reference or the requirements stipulated in accordance with regulations or other arrangements made under Rule 3.2(a), the Administrator shall: Internation and Letter or the complaint to the Respondent informing him that the matter is of the complaint to the Respondent informing him that the matter is of the complaint in accordance with file, within a period of 28 days from the date of the complaint in accordance with a copy of the Complaint that the SCRC to determine the status of the Complaint that the SCRC to determine the status of the Complaint that the SCRC to determine the status of the Complaint that the SCR to determine the SCRC to determine the status of the Complaint that be been sent a copy of the Complaint that the SCRC to determine the status of the Complaint, that his observations have been Formatt	,	$// \succ$			extension of the period for providing	(b) Confirm to the Complainant that the
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		good reasons for extending the period for		
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	Comment			
	Although substantial the non-consequential			
	amendments essentially add clarity and			
	greater rigour to the Complaint reception			
	process			
Rule 7 Review and assessment of a case to	Comment	Rule 7 – Initial processing by the Complaints		
answer		Review Committee		
	A tracked change is pointless as the bulk of			
7.1 The SCRC shall review the Complaint and any	the wording, along with the scope of the	7.1The CRC shall review the Complaint and		
Observations received from the Respondent	Rule, have been changed.	any observations received from the		
within one month after the end of the period		Respondent after the end of the period for		
referred to in Rule 6.2 to determine whether or	Whereas the original rule covered the CRC's	filing observations referred to in Rule 0 to	J	

not the Complaint discloses a <i>prima facie</i> case. If the SCRC determines that there is no case to answer, the Complaint shall be rejected and the Complainant and the Respondent shall be notified forthwith of the SCRC's decision.	powers to sift and process Complaints, the new rule deals solely with the procedures for determining admissibility/formal compliance. The role of the CRC is now covered by new Rule 8	determine whether the Complaint is an admissible Complaint. 7.2A Complaint shall be considered an admissible Complaint if:
(See below for Rule 7.2 <i>et seq.</i>	Note in particular that Rule 7.3 introduces a limitation period for Complaints	 a)it is received in time (see Rule 0); and b)the subject matter of the Complaint falls within IPReg's jurisdiction (see Rule 0). 7.3A Complaint is to be treated as received in
		time if a)either, 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 he had grounds for complaint;
		b) or, it relates to matters not falling within the period set out in 7.3(a) above and the Complainant provides sufficient reasons why the Complaint could not have been brought earlier.
		7.4If a Complaint is received outside the period set out in Rule 7.3(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.
7.5The subject matter of the Complaint falls within IPReg's jurisdiction if it raises issues as to the professional conduct of a Regulated Person and is not purely a complaint about the level of service provided by such a person.
7.6If the Complaint is not admissible within the meaning of Rule 7.2(b) and 0, 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.
7.7If a Complaint is admissible, and the Complaint concerns the actions of any 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 an entity or

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 investigation of the Complaint until the investigation by the other regulator is concluded.
7.8If a Complaint is admissible, and the Complaint concerns a Regulated Person who is subject to regulation by a professional regulator other than one to which Rule 0 applies, the CRC may suspend investigation of a 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.
7.9A Complaint suspended by virtue of Rule 0 or 0 shall be resumed when the investigation by the other professional regulator has been concluded. The CRC shall take into account the determination of the case by any other regulator when:
(a)determining whether or not a Complaint discloses a <i>prima facie</i> case or whether or

		not processing a case further would be disproportionate or otherwise not in the public interest under rule 8.2; and (b)determining whether or not a case is suitable for determination by a summary procedure under rule 8.5. The result of the determination of the case by the other regulator shall also be included in the material submitted to a Disciplinary Board if the Complaint is referred to a Disciplinary Board.
Summary Procedure – Rule 7.2 et seq, 2009	Comment	Rule 8 Review and assessment of a prima
Rules	Again a "tracked" comparison is of no value	facie case and summary proceedings
7.2 If the SCRC determines that a Complaint discloses a <i>prima facie</i> case, the SCRC shall, having regard to the public interest, the Common Code of Conduct, the Regulatory Objectives and the Professional Principles, determine whether in the opinion of the SCRC the matter would best be dealt through a summary procedure because::	Again, a "tracked" comparison is of no value as Rule 7.2 has been wholly replaced by new Rule 8 . The new rule retains the basic structure and content of the original review/sift procedure and the summary determination provisions, whilst clarifying time periods and process detail/steps.	 8.1This Rule applies where a Complaint has been found to be admissible under Rule 0 and the investigation of the Complaint: a)has not been suspended by virtue of Rule 0 or 0; or b)has been resumed under Rule 0.
7.2.1 further proceedings would be disproportionate and unnecessary taking account of all the circumstances including without limitation:		8.2If 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 matter is of a purely technical or trivial nature;		a) whether the Complaint fails to disclose a <i>prima facie</i> case; and

(b) the extent of any material prejudice or loss	b) whether progressing the Complaint further	
caused or likely to be caused to the Complainant or to any other person by reason of the	would be disproportionate.	
Respondent's acts;	8.3In determining whether, progressing a	
(c) whether a matter involves the integrity or	Complaint further would be disproportionate the CRC shall:	
honesty of the Respondent;		
(d) the Respondent's standard of care and	a)have regard to the public interest, the Code of Conduct, the Regulatory Objectives and	
conduct in the matter leading to the alleged breach;	the Professional Principles; and	
	b)take account of all the circumstances of the	
(e) whether the Respondent's handling of the matter, once drawn to his attention, was	case including, without limitation:	
reasonable and what, if any, steps he has taken	i)whether any alleged breach is of a purely	 Formatted: Left, Indent: Left: 0 cm, First line: 0 cm
to terminate and prevent any repetition of the alleged breach;	technical or trivial nature;	
	ii) the extent of any material prejudice or loss	Formatted: Left, Indent: Left: 0 cm,
(f) whether any material harm has been caused	caused or likely to be caused to the	First line: 0 cm
to the standing of the Respondent's Profession;	Complainant or to any other person by reason of the Respondent's acts;	
(g) the past disciplinary record of the		
Respondent;	iii)whether the Complaint involves the integrity or honesty of the Respondent;	 Formatted: Left, Indent: Left: 0 cm, First line: 0 cm
(h) whether the Complaint is frivolous or	integrity of nonesty of the respondent,	
vexatious;	iv)the Respondent's standard of care and	 Formatted: Left, Indent: Left: 0 cm, First line: 0 cm
(i) whether it is a case of doubt or difficulty or	conduct in the matter leading to the alleged breach;	
which involves a matter of public interest):		
	v)whether the Respondent's handling of the	 Formatted: Left, Indent: Left: 0 cm, First line: 0 cm
And	matter, once drawn to his attention, was reasonable and what, if any, steps he has	

7.2.2 In the opinion of the SCRC, the issuance of a Notice under Rule 7.3 is sufficient to deal with the matter.

7.3 If the SCRC determines under Rule 7.2 that there is a *prima facie* case but that the matter would best be dealt with through a summary procedure it shall propose to the Respondent, copied to the Complainant, that it shall issue a Notice to the Respondent stating that in the opinion of the SCRC a prima facie case has been made out and if appropriate making a recommendation as to actions to be taken by the Respondent to avoid any repetition of the breach. The Respondent shall have one month from the service of that information to elect, by informing the SCRC in writing, that instead he wishes the matter to be heard by a Disciplinary Board.

7.4 If no such election is made by the Respondent the SCRC shall

a) issue the said Notice and inform the Registrars of the Registers in which the Respondent is registered that a Notice has been issued and require that this be noted against the Respondent's entry in the Register for a period of three years from the date of the Notice;

(b) send a copy of the Notice to the Complainant; and 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.

8.4If the CRC determines that a Complaint discloses 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 Complaint and the Respondent shall be notified forthwith of the CRC's decision.

8.5If the CRC determines that a Complaint discloses a *prima facie* case and that progressing the Complaint further would not be disproportionate, the CRC shall determine whether, in its opinion, the matter is suitable to be dealt with through a summary procedure.

8.6 A matter may be dealt with through a summary procedure where the CRC is of the

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7.5 Where a Respondent elects under Rule 7.3 for the matter to be heard by a Disciplinary Board, then the Disciplinary Board shall, when considering an award of costs, consider in particular (but without limitation) whether and if so to what

extent the Respondent acted unreasonably, unnecessarily or disproportionately in making that election, and if the Respondent has so acted this may be reflected in any award of costs for or against the Respondent.

7.6 If where the SCRC considers that there is a prima facie case for the Respondent to answer, but that dealing with the matter through a summary procedure would not be appropriate, or if a Respondent has made an election under Rule 7.3 the SCRC shall inform the JDP which will proceed forthwith to appoint a Disciplinary Board to determine the matter. When informing the JDP. the SCRC shall also inform the JDP whether in the opinion of the SCRC the Complaint should be treated as a Trade Mark Complaint, a Patent Complaint or a General Complaint. The Complainant and the Respondent shall be notified of the SCRC's decision to refer the matter to a Disciplinary Board.

opinion that, if the Complaint were upheld, the issuance of a notice, warning or reprimand under Rule 8.8 would be sufficient to deal with the matter and further proceedings would be disproportionate and unnecessary. In determining whether, in its opinion, a Complaint should be dealt with through summary procedure the CRC shall consider all the matters set out in Rule 8.3.

8.7If the CRC determines that there is a *prima facie* case and that in its opinion, the matter would best be dealt with through a summary procedure, the CRC shall notify the Respondent of its opinion and invite the Respondent, within a period of 14 days, to:

a)elect, by informing the CRC in writing, that he wishes the matter to be heard by a Disciplinary Board; or;

b)accept that the Complaint may be dealt with through a summary procedure and provide the CRC with any further information the Respondent wishes to be taken into account in determining whether to uphold the Complaint and/or in mitigation of any penalty if the Complaint is upheld.

The CRC may extend the period for providing information under Rule 8.6(b) if the Respondent provides the CRC with good reasons for extending the period. Save in

exceptional circumstances only a single extension of the period for providing information in mitigation shall be permitted.
Any communications under this Rule shall be copied to the Complainant for information.
8.8If 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 notice, warning or reprimand and send copies of the issued notice, warning or reprimand to the Respondent and Complainant ;
b)inform the Registrar(s) of the Register(s) in which the Respondent is registered that a notice, warning or reprimand has been issued and require that this be noted against the Respondent's entry in the Register(s) 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
a) make such an order for payment of the

Complainant's costs by the Respondent subject to such scales and limits as are published by IPReg from time to time as the CRC considers appropriate and just.
8.9If the CRC considers that there is a <i>prima facie</i> case, but that dealing with the matter through a summary procedure would not be appropriate or if a Respondent has made an election under Rule 8.6:
a)the CRC will notify the Complainant and the JDP and the JDP will proceed promptly to appoint a Disciplinary Panel;
b)the CRC will 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 8.9(d)) from the date of the determination of the CRC the Complainant will be Registrar of the relevant Register or Registers;
d)within 7 days of notice of the determination of the CRC the original Complainant may elect to pursue the Complaint in their own name but if such election is made the Registrar of the relevant Register may require the complaint then to be brought in 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) it will appoint a Case Manager to bring the Complaint to the JDP; and f)where the provisions of (e) above do not apply references in the remaining provisions of these Rules to a Case Manager shall mean the Complainant.
Rule 10 - Pre-Hearing steps	
10.1 Within 1428 days of the constitution of a	
Disciplinary Board, the Case Manager	
appointed by IPReg will notify the	
Complainant and the Respondent of the	
, ,	
on the Respondent:	
a) a Statement of Case, and	
a) a statement of case; and	
b) notice of the commencement of such	
,	
Witness Statements witness statements of	
any person-to be called at the Hearing) or	
other matter on which it) on which the Case	
Manager intends to rely-; and	
9.2 As soon as possible after the expire of	
	Disciplinary Board, the Case Manager appointed by IPReg will notify the Complainant and the Respondent of the commencement of the Disciplinary Board stage of the proceedings and will invite the Complainant to file within one monthserve on the Respondent:a)a Statement of Case; andb)notice of the commencement of such stage any further facts, evidence (including Witness Statements witness statements of any person-to be called at the Hearing) or other matter on which it) on which the Case

the Respondent to the Complainant and shall invite the Complainant to file within one month any further facts, evidence or other matter, strictly in reply.

9.4 The Complainant or the Respondent may, on request, obtain an extension of up to three months both for the filing of further facts, evidence or other matter and for the appointment of the Hearing if he provides a reasonable justification for such an extension.

9.5 Either party may file further facts, evidence or other matter with the leave of the Disciplinary Board.

9.6 The Disciplinary Board may give judgment on any admissions by the Respondent, without the need for a Hearing, if it sees fit and if the parties agree.

9.7 As soon as possible after the end of the period referred to in Rule 9.4 IPReg shall appoint a hearing date, the hearing to be held as soon as is reasonably practicable but in any event no later than six months hence. An Oral Hearing will take place only if a Party so requests by a date no later than one month before the date appointed for the Hearing. Otherwise the Disciplinary Board will be convened on the date appointed for the Hearing and the Complaint will be decided on the basis of the papers and materials before it.

filed by the Complainant to the Respondent and invite the Respondent to file within one month28 days of the giving of such notice any further facts, evidence (including witness statements of any person) or other matter on which it-the Respondent intends to rely in its defence.

9.3 As soon as possible after the expiry of that period IPREG will forward any matter so filed by the Respondent to the Complainant and shall invite the Complainant to file within one month any further facts, evidence or other matter, strictly in reply.

10.2<u>The Case Manager shall provide the</u> <u>Complainant with a copy the papers served</u> <u>on the Respondent and shall keep the</u> <u>Complainant informed of all subsequent</u> <u>developments.</u>

10.3Following receipt of notice of any further evidence or other matter the Respondent intends to rely upon, and in any event within 14 days of the expiry of the period referred to in Rule 10.1, the Case Manager will serve on the Respondent any further evidence or other matter, strictly in reply.

<u>10.4</u> The Chair of the Disciplinary Board may, on-at the request, obtain of either Party, grant an extension of up to three monthstime both for the filing of further facts, evidence

		or other matter and for the appointment of
	Hearing is requested IPReg shall invite	the Hearing date for the determination of the
	es to file written arguments no later	<u>Complaint</u> if hethe Party making the request
	ear working days before the Disciplinary	provides a reasonable justification for such
Board is	to consider the complaint.	an extension.
	learing is requested, it will be heard in	10.5 Either partyParty may file further
	nless the Disciplinary Board determines	facts, evidence or other matter with the leave
	ould be held in private in the public	of the Disciplinary Board.
interest,	for reasons of public order or national	
security	in a democratic society, where the	10.6 The Disciplinary Board may give
interests	of juveniles or the protection of the	judgment on any admissions by the
private li	fe of the parties so require, or to the	Respondent, without the need for a
extent st	rictly necessary in the opinion of the	Hearingan oral hearing, if it sees fit and if the
Disciplin	ary Board in special circumstances	parties <u>Parties</u> agree.
where p	ublicity would prejudice the interests of	
justice. I	f held in public the press and other	10.7 As soon as possible after the end of the
member	s of the public may be excluded from all	period referred to in Rule 9.4 IPREG 0, or of
or part o	f the Hearing.	any extension granted under Rule 0, IPReg
	C C	shall appoint a hearing date, the hearing date
		for the determination of the Complaint, to be
		held as soon as is reasonably practicable but
		in any event no later than six months hence.
		An Oral Hearing oral hearing will take place
1		only if a Party so requests by a date no later
Î		than one month 28 days before the date
		appointed for the Hearing-determination of
		the Complaint. Otherwise the Disciplinary
"		Board will be convened on the date
		appointed for the Hearingdetermination of
		the Complaint and the Complaint will be
1		decided on the basis of the papers and
		materials before it.
		חומנכוומוס שבוטוב ונ.

	1	
10.8If no Hearingoral hearing is requested IPREGIPReg shall invite the Parties to filesubmit written arguments, to be filed no later than 5 clear working7 days before the Disciplinary Board is to consider the complaintComplaint.		
10.9If a Hearingan oral hearing is requested, it will be heardheld in public unless the Disciplinary Board determines that it should be held in private in the public interest, 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 partiesParties 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. If held in public the press and other members of the public may be excluded from all or part of the Hearing.		
Although the changes are substantial, most relate solely to procedure. The principal material changes are: a)In R 10.2 (a), that a formal statement of case/charge must be served on the		

	Respondent so that he may understand the case against him (CIPA having received legal advice that this is necessary under the Human rights Act) b) In R 10 (7), the removal of the absolute requirement to hold a hearing within 6			
	months.		/	Formatted: Font: (Default) Calibri, 11 pt, English (U.S.)
Rule 10 – Miscellaneous Procedural Matters	Rule 11 – Miscellaneous Procedural Matters	Rule 11 – Miscellaneous procedural matters		Formatted: Adjust space between Latin and Asian text, Adjust space between Asian text and numbers
10.1 Subject to the express provisions of these	11.1Subject to the express provisions of	11.1Subject to the express provisions of	•	Formatted: Font: (Default) Calibri, 11
Rules, a Disciplinary Board shall have full powers	these Rules, a Disciplinary Board shall have	these Rules, a Disciplinary Board shall have		pt, English (U.S.) Formatted: Font: (Default) Calibri, 11
to adopt such procedures as it thinks fit for the	full powers to adopt such procedures as it	full powers to adopt such procedures as it		pt, English (U.S.)
fair determination of the issues before it	thinks fit for the fair determination of the	thinks fit for the fair determination of the		Formatted: Font: (Default) Calibri, 11
including powers to allow amendment of the	issues before it, including powers to allow amendment of the Complaint and to adjourn	issues before it, including powers to allow amendment of the Complaint and to adjourn	/ / /	pt, English (U.S.)
Complaint and to adjourn its proceedings.	its proceedings.	its proceedings.	/ /	Formatted: Font: (Default) Calibri, 11
10.2 The Disciplinary Board may give any	its proceedings.	its proceedings.		pt, English (U.S.)
directions deemed necessary or appropriate for	11.2 The Disciplinary Board may give any	11.2The Disciplinary Board may give any		Formatted: Font: (Default) Calibri, 11 pt, English (U.S.)
the hearing of a Complaint before it. In the	directions deemed necessary or appropriate	directions deemed necessary or appropriate	/ /	Formatted: Adjust space between
interests of procedural economy and if it is	for the hearingdetermination of a Complaint	for the determination of a Complaint before	/ /,	Latin and Asian text, Adjust space between Asian text and numbers
proportionate to do so, the Disciplinary Board	before it. In the interests of procedural	it. In the interests of procedural economy and	//	
may delegate its power to give directions to one	economy and if it is proportionate to do so,	if it is proportionate to do so, the Disciplinary		Formatted: Font: (Default) Calibri, 11 pt, English (U.S.)
of its number	the Disciplinary Board may delegate its power	Board may delegate its power to give		Formatted: Font: (Default) Calibri, 11
	to give directions to one of its number	directions to one of its number.	/ / /	pt, English (U.S.)
10.3 Without prejudice to paragraph 10.1,	11 2) Without projudice to personal 10 1 Pule	11 2W/ithout projudice to Dule O. directions	•//	Formatted: Font: (Default) Calibri, 11
directions may be made about documentation, inspection, Statements, skeleton arguments and	11.3 Without prejudice to paragraph 10.1 Rule 0, directions may be made about	11.3Without prejudice to Rule 0, directions may be made about documentation,	/ / /	pt, English (U.S.)
the place or time of any Hearing.	documentation, inspection,	inspection, statements, skeleton arguments	/ / /	Formatted: Font: (Default) Calibri, 11
	Statements statements, skeleton arguments	and the place or time of any hearing.		pt, English (U.S.)
10.4 IPReg may refer to the Disciplinary Board	and the place or time of any Hearinghearing.	and the place of time of any nearing.		Formatted: Font: (Default) Calibri, 11 pt, English (U.S.)
responsible any procedural matter in a particular	and the place of an open any rearrighted may	11.4IPReg may refer to the relevant		Formatted: Font: (Default) Calibri, 11
. , , , , ,	1			pt, English (U.S.)

case for a decision or directions and the	11.4 <u>IPReg</u> may refer to the <u>relevant</u>	Disciplinary Board any procedural matter in a		Formatted: Font: (Default) Calibri, 11
Disciplinary Board may itself or on the	Disciplinary Board responsible any procedural	particular case for a decision or directions;		pt, English (U.S.)
application of any party make an order on such	matter in a particular case for a decision or	and the Disciplinary Board may itself or on		Formatted: Font: (Default) Calibri, 11
terms as to the Disciplinary Board shall appear	directions; and the Disciplinary Board may	the application of any Party make an order on		pt, English (U.S.)
just:	itself oron the application of any partyParty	such terms as it considers just:		Formatted: Font: (Default) Calibri, 11 pt, English (U.S.)
(a) to give consent to the withdrawal of an	make an order on such terms as to the			Formatted: Font: (Default) Calibri, 11
application or allegation in respect of which a	Disciplinary oard shall appearit considers just:	a)to give consent to the withdrawal of an		pt, English (U.S.)
prima facie case has been determined;		application or allegation in respect of which a		Formatted
(b) to adjourn any hearing listed for directions or	a) to give consent to the withdrawal of an	prima facie case has been determined;		Formatted
for a substantive hearing;	application or allegation in respect of which a			Formatted
(c) to agree to the amendment of any	prima facie case has been determined;	b)to adjourn any hearing listed for directions		<u></u>
application or allegation or the correction of any		or for a substantive determination of the	•	Formatted
matter;	b) to adjourn any hearing listed for directions	Complaint;		Formatted
(d) to provide for the attendance of witnesses at	or for a substantive hearingdetermination of			Formatted
the Hearing;	the Complaint;	c)to agree to the amendment of any		Formatted
(e) to make any directions which shall appear		application or allegation or the correction of		Formatted
necessary or appropriate to secure the timely	c) to agree to the amendment of any	any matter;	+	<u>(</u>
hearing of the matter.	application or allegation or the correction of			Formatted
	any matter;	d)to provide for the attendance of witnesses		Formatted
10.5 In cases of doubt or uncertainty IPReg may		at any oral hearing;		Formatted
ask the JDP to issue guidance or a ruling as to	d)to provide for the attendance of witnesses			Formatted
any general matter of procedure.	at the Hearingany oral hearing;	e)to make any directions which shall appear		Formatted
		necessary or appropriate to secure the timely		Earmattad
10.6 Any hearing under this rule shall be held in	(e) to make any directions which shall appear	determination of the matter.		
public unless rule 9.10 applies.	necessary or appropriate to secure the timely			Formatted
	hearingdetermination of the matter.	11.5In cases of doubt or uncertainty IPReg		Formatted
10.7 No application or allegation in respect of		may ask the JDP to issue guidance or a ruling		Formatted
which a case to answer has been certified may	11.5-In cases of doubt or uncertainty	as to any general matter of procedure.		Formatted
be withdrawn without the consent of the	IPREGIPReg may ask the JDP to issue			Formatted
Disciplinary Board	guidance or a ruling as to any general matter	11.6Any hearing under this Rule shall be held		Formatted
	of procedure.	in public unless Rule 0 applies.		Formatted
	11.6Any hearing under this ruleRule shall be	11.7No Complaint which has been referred to		Formatted
	TT. Or in the ing under this rarenale shall be			Formatted

	held in public unless Rule 10.9 applies. 11.7No application or allegation in respect of <u>Complaint</u> which a case to answer has been certified referred to the Disciplinary Board <u>under Rule 8.8</u> may be withdrawn without the consent of the Disciplinary Board	the Disciplinary Board under Rule 8.8 may be withdrawn without the consent of the Disciplinary Board		Formatted: Font: (Default) Calibri, 11 pt, English (U.S.) Formatted: Font: (Default) Calibri, 11 pt, English (U.S.) Formatted: Font: (Default) Calibri, 11 pt, English (U.S.) Formatted: Font: (Default) Calibri, 11
	<u>Comment</u> The changes are clarificatory only.			pt, English (U.S.) Formatted: Font: (Default) Calibri, 11 pt, English (U.S.)
Rule 12 – evidence 12.1 Unless otherwise ordered, evidence shall be given by witness statement, statutory	Rule 13 – Evidence 13.3Decisions of the Disciplinary Board may only be based on the evidence which has	Rule 13 – Evidence 13.1Unless otherwise ordered, evidence shall be given by witness statement, statutory		
declaration or affidavit, such evidence to have been filed with IPReg in accordance with these Rules and any directions given thereunder.	been put orally or in writing to the Respondent and on which the Respondent has been given an opportunity to answer. If reliance is to be place on any matter in a	declaration or affidavit, such evidence to have been filed with IPReg in accordance with these Rules and any directions given thereunder.		
12.2 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 a person directed to attend to give evidence fails to attend the Hearing the person's evidence	document, the relevant portion of the document must be brought to the attention of the Respondent and the Respondent must be given an opportunity to comment. If any opinion as to the actions required of a	13.2A 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		
shall be inadmissible unless the Disciplinary Board otherwise directs	practitioner acting with reasonable skill is relied upon appropriate evidence must be tendered <u>Comment</u>	attend to give evidence fails to attend an oral hearing the person's evidence shall be inadmissible unless the Disciplinary Board otherwise directs. 13.3Decisions of the Disciplinary Board may		

	R13.3 is a new Rule with no equivalent on the '09 Rules. It introduces rigour to the submission of evidence and its use in the determination of Complaints.	only be based on the evidence which has been put orally or in writing to the Respondent and on which the Respondent has been given an opportunity to answer. If reliance is to be place on any matter in a document, the relevant portion of the document must be brought to the attention of the Respondent and the Respondent must be given an opportunity to comment. If any opinion as to the actions required of a practitioner acting with reasonable skill is relied upon appropriate evidence must be tendered.		
Rule 13 - Hearings and determination of the	Rule 14 – Oral hearings and determination	Rule 14 – Oral hearings and determination		
Complaint	of the Complaint	of the Complaint		
13.1 At a Hearing the Parties may represent themselves or be represented through	14.1At a Hearingan oral hearing the Parties may represent themselves or be represented	14.1At an oral hearing the Parties may represent themselves or be represented	 <	Formatted: Font: (Default) Calibri, 11 pt
representatives of their own choosing. Parties	through representatives of their own	through representatives of their own		Formatted: Font: (Default) Calibri, 11
may examine or have examined witnesses against them. In cases where the Disciplinary	choosing. Parties may examine or have examined witnesses against them.	choosing. Parties may examine or have examined witnesses against them.		pt Formatted: Font: (Default) Calibri, 11
Board finds a Complaint proved it shall not			 	pt
determine a penalty without having given the Respondent an opportunity of putting forward	<u>14.2After completion of the matter, including</u> any hearing which may be held, the	14.2After completion of the matter, including any hearing which may be held, the		Formatted: Font: (Default) Calibri, 11 pt
mitigation.	Disciplinary Board findsshall give a reasoned	Disciplinary Board shall give a reasoned		Formatted: Font: (Default) Calibri, 11
	written decision setting out the Complaint, its	written decision setting out the Complaint, its		pt
13.2. After completion of the matter, including	findings of fact, and its conclusion as to	findings of fact, and its conclusion as to	$\langle \rangle$	Formatted: Font: (Default) Calibri, 11
any Hearing which may be held, the Disciplinary	whether the Complaint as set out in the	whether the Complaint as set out in the		pt
Board shall give a reasoned written decision	Statement of Case has been proved.	Statement of Case has been proved.		Formatted: Font: (Default) Calibri, 11 pt
setting out the Complaint, the facts, and its			\searrow	<u>, </u>
conclusion as to what should follow, the decision	14.3In the event and to the extent that the	14.3n the event and to the extent that the		Formatted: Font: (Default) Calibri, 11 pt
being forwarded to IPReg, the appropriate	Complaint as set out in the Statement of Case	Complaint as set out in the Statement of Case		(• •)

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Registrar and Institute Board (for both CIPA and	is proved, the Disciplinary Board shall give the	is proved, the Disciplinary Board shall give the		Formatted: Font: (Default) Calibri, 11
ITMA in the case of a General Complaint), the	Respondent an	Respondent the opportunity to present to		pt
Complainant and the Respondent. The decision	the opportunity of putting forward	the Disciplinary Board, within such time as it		Formatted: Font: (Default) Calibri, 11
shall be pronounced publicly on the Institute's	mitigation. to present to the Disciplinary	may direct, an explanation of any mitigating		pt
website and in its journal, either in whole or in	Board, within such time as it may direct, an	circumstances which the Respondent would		Formatted: Font: (Default) Calibri, 11
part, once it has become final, i.e. no Appeal has	explanation of any mitigating circumstances	like to be taken in to account by the	/	pt
been made, save where all or part of the Hearing	which the Respondent would like to be taken	Disciplinary Board when deciding upon an		Formatted: Adjust space between
was held in private and such publication would	in to account by the Disciplinary Board when	appropriate sanction. After considering any		Latin and Asian text, Adjust space between Asian text and numbers
frustrate the legitimate reasons for which it was	deciding upon an appropriate sanction. After	such explanation, the Disciplinary Board may	/ /	Formatted: Font: (Default) Calibri, 11
so held. The notice of publication of the decision	considering any such explanation, the	impose on the Respondent any one or more		pt
will in all cases include the names of the	Disciplinary Board may impose on the	of the following sanctions:		Formatted: Font: (Default) Calibri, 11
Respondent and the Complainant, save where	Respondent any one or more of the following			pt
exceptional circumstances exist.	sanctions:	a)a public notice, warning or reprimand to		Formatted: Font: (Default) Calibri, 11
		the Respondent stating the facts of the		pt
13.3. In the event and to the extent that the	(a) <u>a public notice, warning or reprimand</u> to	matter, the nature of the Respondent's		Formatted: Font: (Default) Calibri, 11
Complaint is proved, the Disciplinary Board may	the Respondent stating the facts of the	breach and if appropriate a recommendation		pt
impose on the Respondent any one or more of	matter, the nature of the Respondent's	as to actions to be taken by the Respondent	/ / /	Formatted: Font: (Default) Calibri, 11
the following sanctions	breach and if appropriate a recommendation	to avoid any repetition of the breach;		pt
(i) a public Notice to the Respondent stating the	as to actions to be taken by the Respondent		/ / _	Formatted: Font: (Default) Calibri, 11
facts of the matter, the nature of the	to avoid any repetition of the breach;	b)a suspension of the Respondent for such	/ /	
Respondent's breach and if appropriate a		term and subject to such conditions as the		Formatted: Font: (Default) Calibri, 11
recommendation as to actions to be taken by	(b) a suspension of the Respondent for such	Disciplinary Board thinks fit from practice as a		Formatted: Font: (Default) Calibri, 11
the Respondent to avoid any repetition of the	term and subject to such conditions as the	Regulated Person;		pt
breach;	Disciplinary Board thinks fit of the			Formatted: Font: (Default) Calibri, 11
(ii) a public reprimand;	Respondent from practice as a Regulated	c)a suspension of the Respondent for such		pt
(iii) a suspension for such term and subject to	Person;	term and subject to such conditions as the		Formatted: Font: (Default) Calibri, 11
such conditions as the Board		Disciplinary Board thinks fit from acting as a		pt
thinks fit of the Respondent from practice as a	(c) a suspension of the Respondent for such	Trade Mark and Design Litigator and/or as a	•	Formatted
Regulated Person;	term and subject to such conditions as the	Patent Attorney Litigator;		Formatted
(iv) a suspension for such term and subject to	Disciplinary Board thinks fit of the			Formatted
such conditions as the Disciplinary Board thinks	Respondent from acting as a Trade Mark and	d)if the Respondent is a Registered Person a		
fit of the Respondent from acting as a Trade	Design Litigator and/or as a Patent Attorney	direction that the Respondent's entry be		<u> </u>
Mark and Design Litigator and/or as a Patent	Litigator;	removed from the relevant Register, either		Formatted
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Attorney Litigator;		permanently or during such period and	1		
(iv) A suspension for such term and subject to	(d)-if the Respondent is a Registered Person a	subject to such conditions (as to restoration			Formatted: Font: (Default) Calibri, 11
such conditions as the Disciplinary Board thinks	direction that the Respondent's entry be	or otherwise) as may be specified in the		/	pt
fit of the Respondent from membership of the	removed from the relevant Register, either	direction;			Formatted: Font: (Default) Calibri, 11
Institutes;	permanently or during such period and				pt
(v) The expulsion of the Respondent from either	subject to such conditions as the Disciplinary	e)an order cancelling the Respondent's			Formatted: Font: (Default) Calibri, 11
Institute:	Board thinks fit of the Respondent from	certificate to practise as a Trade Mark and		/	pt
(vi) Striking the Respondent from the Register of	membership of the Institutes; (as to	Design Litigator and/or as a Patent Attorney		/	Formatted: Adjust space between
Trade Mark Attorneys, and/or the Register of	restoration or otherwise) as may be specified	Litigator;		- []	Latin and Asian text, Adjust space
	in the direction	Litigator,			between Asian text and numbers
Patent Attorneys;		f)an order requiring the Respondent to		/ /	Formatted: Font: (Default) Calibri, 11
(vii) Cancelling the Respondent's certificate to	(a) an order annealling the Deeren deet/a	f)an order requiring the Respondent to		[]	pt
practice as a Trade Mark and Design Litigator	(e) an order cancelling the Respondent's	undertake training or other activities	•/	/ /	Formatted: Font: (Default) Calibri, 11 pt
and/or as a Patent Attorney Litigator;	certificate to practice practise as a Trade Mark	pertinent to any disciplinary breach or	/		<u></u>
(viii) an order requiring the Respondent to	and Design Litigator and/or as a Patent	breaches found to have been proven by the	/	/ /	Formatted: Font: (Default) Calibri, 11 pt
undertake training or other activities pertinent	Attorney Litigator;	Disciplinary Board;			
to any disciplinary breach or breaches found to				/	Formatted: Adjust space between Latin and Asian text, Adjust space
have been proven by the Disciplinary Board;	(f)an order requiring the Respondent to	g) notification of the decision to the UKIPO,			between Asian text and numbers
(ix) A recommendation to the UKIPO, EPO	undertake training or other activities	EPO and/or OHIM together with a			Formatted: Font: (Default) Calibri, 11
and/or OHIM that the Respondent's recognition	pertinent to any disciplinary breach or	recommendation that the Respondent's			pt
or authorisation should be withdrawn:	breaches found to have been proven by the	recognition or authorisation should be			Formatted: Font: (Default) Calibri, 11
(x) an order to pay a fine up to Level 5 of the	Disciplinary Board;	withdrawn;		$\overline{}$	pt
standard scale of fines for summary offences as				$\langle \rangle$	Formatted: Font: (Default) Calibri, 11
set out in section 37 of the Criminal Justice Act	(g) notification of the decision to the UKIPO,	h)an order to pay a fine up to Level 5 of the	•	\sim	pt
1982 as amended from time to time;	EPO and/or OHIM together with a	standard scale of fines for summary offences		$\langle \rangle$	Formatted: Font: (Default) Calibri, 11
(xi) an order to pay a proportion of or the full	recommendation that the Respondent's	as set out in section 37 of the Criminal Justice			pt
costs of the disciplinary procedure, including the	recognition or authorisation should be	Act 1982 as amended from time to time;		$\langle \rangle$	Formatted
Complainant's costs.	withdrawn :			\langle / \rangle	Formatted
	-	i)a recommendation to the Councils of CIPA		$\langle \rangle \rangle$	Formatted
13.4 The Disciplinary Board shall not make any	(h) an order to pay a fine up to Level 5 of the	and/or ITMA that the Respondent be		$\langle \rangle$	Formatted
order for redress to the Complainant or any	standard scale of fines for summary offences	suspended from membership of the			
other person.	as set out in section 37 of the Criminal Justice	Institutes for such term and subject to such			(
	Act 1982 as amended from time to time;	conditions as the Disciplinary Board thinks fit;			Formatted
13.5 If the Respondent does not comply with the		· · · · · · · · · · · · · · · · · · ·			Formatted
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any of sanctions imposed the Disciplinary Board	(i) a recommendation to the Councils of CIPA	j)a recommendation to the Councils of CIPA			
can, on an application by any interested or	and/or ITMA that the Respondent be	and/or ITMA the Respondent be expelled			
aggrieved person make an order suspending or	suspended from membership of the	from either or both Institutes;			
striking the Respondent from the	Institutes for such term and subject to such				
Registers or suspending or excluding the	conditions as the Disciplinary Board thinks fit;	k)In the event that the Disciplinary Board			
Respondent from membership (including as a		issues a notice, warning or reprimand, the			
student) of the Institutes without further	(j) a recommendation to the Councils of CIPA	Disciplinary Board shall inform the			
reference to the Respondent.	and/or ITMA the Respondent be expelled	Registrar(s) of the Register(s) in which the			
	from either or both Institutes;	Respondent is registered that a notice,			
		warning or reprimand has been issued and			
	14.4 In the event that the Disciplinary Board	require that this be noted against the			
	issues a notice, warning or reprimand, the	Respondent's entry in the Register(s) for such		Formatt	ed: Font: (Default) Calibri, 11
	Disciplinary Board shall inform the	a period as is set out in Rule 8.7(b).		pt	
	Registrar(s) of the Register(s) in which the			Formatt	ed: Font: (Default) Calibri, 11
	Respondent is registered that a notice,	14.5The Disciplinary Board shall not make			
	warning or reprimand has been issued and	any order for redress to the Complainant or		pt	ed: Font: (Default) Calibri, 11
	require that this be noted against the	any other person.			ed: Adjust space between
	Respondent's entry in the Register(s) for such			Latin and	Asian text, Adjust space
	a period as is set out in Rule 8.7(b).	14.6If the Respondent does not comply with			Asian text and numbers
		the any of sanctions imposed the Disciplinary		Formatt	ed: Font: (Default) Calibri, 11
	14.5 The Disciplinary Board shall not make	Board may, of its own motion or on an	//	pt	
	any order for redress to the Complainant or	application by any interested or aggrieved			ed: Font: (Default) Calibri, 11
	any other person.	person, make an order suspending or striking		pt	
		the Respondent from the Register(s) or	•	Formatt	ed: Font: (Default) Calibri, 11
	14.6 If the Respondent does not comply with	recommending suspending or excluding the	/		
	the any of sanctions imposed the -Disciplinary	Respondent from membership (including as a	/	Formatt	ed: Font: (Default) Calibri, 11
	Board can, may, of its own motion or, on an	student) of the Institutes. The Disciplinary			- d. Fault (Default) Calibria 11
	application by any interested or aggrieved	Board shall give the Respondent 14 days to		pt	ed: Font: (Default) Calibri, 11
	person, make an order suspending or striking	provide any explanation for the failure to	l l	Formatt	ed: Font: (Default) Calibri, 11
	the Respondent from the Registers or	comply, and it shall take account of any such		pt	
	Register(s) or recommending suspending or	explanation when making its decision.		Formatt	ed: Font: (Default) Calibri, 11
	excluding the Respondent from membership		/	pt	
	(including as a student) of the Institutes	14.7Any decision of the Disciplinary Board		Formatt	ed: Font: (Default) Calibri, 11
	• -	• • • • • • • • • • • • • • • • • • • •		pt	· · ·

without further reference to the T	he under Rule 14 shall be forwarded to IPReg,	
Disciplinary Board shall give the Re	spondent the appropriate Registrar and the relevant	Formatted: Font: (Default) Calibri, 11
14 days to provide any explanation	for the Institute (both CIPA and ITMA in the case of a	pt
failure to comply, and it shall take a	account of General Complaint), and served upon the	
any such explanation when making	tis Complainant and the Respondent. The	
decision.	decision shall be published on the IPReg's	Formatted: Font: (Default) Calibri, 11
	website and in its journal, either in whole or	pt
14.7Any decision of the Disciplinary	y Board in part, once it has become final, i.e. no	
under Rule 14 shall be forwarded to	o IPReg, appeal has been made within the time laid	
the appropriate Registrar and the r	relevant down by the Rules or any such appeal has	
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in part, once it has become final, i.e	e. no of the Parties so require, or to the extent	
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(b) where no allegation of misconduct is proved		a)where any application or allegation is		Formatted: Font: (Default) Calibri, 11 pt, English (U.S.)
against a Respondent.	a) where any application or allegation is	withdrawn or amended;		Formatted: Adjust space between
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	proved against a Respondent.			pt, English (U.S.)
		15.5An award of costs under this Rule may		Formatted: Font: (Default) Calibri, 11
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	include costs and expenses incurred by IPReg	in respect of the Administrator, Case		
	in respect of the Administrator, Case	Manager, CRC and Disciplinary Board		
	Manager, CRC and Disciplinary Board	(including the costs of any legal adviser		
	(including the costs of any legal adviser	appointed in accordance with Rule Error!		
	appointed in accordance with Rule in	Reference source not found.) in connection		
	connection with or preparatory to the	with or preparatory to the determination of		
	determination of the Complaint.	the Complaint.		
	Comment			
	The principal change is the inclusion of the			
	power to recover IPReg's costs. In a			
	departure from the 09 Rules, this can now be			
	made against any Party.			
Rule 16 – Appeals	Rule 17 – Appeals	Rule 17 – Appeals		Formatted: Font: (Default) Calibri, 11 pt, English (U.S.)
16.1 Either the Complainant or the Respondent	17.1 <u>The Complainant or the Respondent may</u>	17.1The Complainant or the Respondent may	/ /	Formatted: Font: (Default) Calibri, 11 pt, English (U.S.)
may appeal to an independent person or body of	appeal against a decision or order of the	appeal against a decision or order of the		Formatted: Font: (Default) Calibri, 11
persons (none of whom shall at any time be or	Disciplinary Board by giving notice in writing	Disciplinary Board by giving notice in writing		pt, English (U.S.)
have been registered or regulated persons or	to IPReg setting out the decision or -order	to IPReg setting out the decision or order		Formatted: Font: (Default) Calibri, 11

Members of the IPReg Board) appointed	appealed against and the grounds for appeal.	appealed against and the grounds for appeal.		Formatted: Font: (Default) Calibri, 11
by the IPReg Board (the Appeal Board) .	Any such appeal must be received by IPReg	Any such appeal must be received by IPReg		pt, English (U.S.)
	no later than 21 days after the date on which	no later than 21 days after the date on which		
16.2 The Appeal Board may admit, or invite,	the decision or order was served upon the	the decision or order was served upon the		
further submissions from any party tothe	Party appealing.	Party appealing.		
proceedings and from the Complainant.				
However an appeal shall be by way of review	17.2The only grounds for an appeal against a	17.2The only grounds for an appeal against a	,	Formatted: Adjust space between Latin and Asian text, Adjust space
and not by way of a full rehearing and fresh	decision of a Disciplinary Board are one or	decision of a Disciplinary Board are one or		between Asian text, Adjust space
evidence may only by considered if the Appeal	more of the following:	more of the following:		Formatted: Font: (Default) Calibri, 11
Board is satisfied that:				pt, English (U.S.)
	a) <u>the decision of the Disciplinary</u> Board) The	a)the decision of the Disciplinary Board was		Formatted: Font: (Default) Calibri, 11
(i) it could not previously have been obtained	Appeal was wrong in that the Disciplinary	wrong in that the Disciplinary Board gave		pt, English (U.S.)
with reasonable diligence; and	Board gave insufficient weight to or drew	insufficient weight to or drew incorrect		Formatted: Font: (Default) Calibri, 11
	incorrect conclusions from any material	conclusions from any material before it,		pt, English (U.S.)
(ii) if it had been before the Disciplinary Board it	before it, which was or should have been	which was or should have been material to its	/	Formatted: Font: (Default) Calibri, 11
would have had an important influence upon the	material to its determination;	determination;		pt, English (U.S.)
determination of the matter.				Formatted: Font: (Default) Calibri, 11 pt, English (U.S.)
	b) the decision was flawed because of a	b)the decision was flawed because of a		Formatted: Font: (Default) Calibri, 11
16.3 In each appeal the Appeal Board will	serious procedural or other irregularity in the	serious procedural or other irregularity in the	/ /	pt, English (U.S.)
determine the procedure to be followed and	proceedingsbefore the Disciplinary Board	proceedings before the Disciplinary Board;		Formatted: Font: (Default) Calibri, 11
may hold a preliminary hearing for determining			/	pt, English (U.S.)
issues relating to the production of fresh	c) the Appellant has acquired new evidence	c)the Appellant has acquired new evidence		Formatted: Adjust space between
evidence and the conduct of the appeal.	<u>that:</u>	that:		Latin and Asian text, Adjust space
				between Asian text and numbers
16.4 The Appeal Board may impose any of the	i) could not previously have been obtained	i)could not previously have been obtained		Formatted: Font: (Default) Calibri, 11
sanctions set out in 13.3 above and may vary or	with reasonable diligence; and	with reasonable diligence; and		pt, English (U.S.)
set aside any such sanctions imposed at the			/	Formatted: Font: (Default) Calibri, 11 pt, English (U.S.)
Disciplinary Board Stage.	ii)if it had been before the Disciplinary Board	ii)if it had been before the Disciplinary Board,		
	it, would have had an important influence	would have had an important influence upon		Formatted: Font: (Default) Calibri, 11 pt, English (U.S.)
16.5 At the end of the Appeal Stage, if the	upon the determination of the matter.	the determination of the matter.		Formatted: Adjust space between
appeal has not been withdrawn by the				Latin and Asian text, Adjust space
Appellant, the Appeal Board will issue a	d)the Disciplinary Board did not have power	d)the Disciplinary Board did not have power	•	between Asian text and numbers
reasoned, written decision. The decision shall be	to make the order appealed against;	to make the order appealed against;		Formatted: Font: (Default) Calibri, 11

pronounced publicly, either in whole or in part,			
save where	e)the penalty imposed by the Disciplinary	e)the penalty imposed by the Disciplinary	
all or part of any Hearing of the appeal was held	Board under Rule 14.3, or an order for costs	Board under Rule 0, or an order for costs	
in private and such publication would frustrate	under Rule 15 was excessive in light of the	under Rule 15 was excessive in light of the	
the legitimate reasons for which it was so held	Disciplinary Board's decision on the facts or	Disciplinary Board's decision on the facts or	
the regitimate reasons for which it was so held	the Appellant's circumstances.	the Appellant's circumstances.	
	the Appellant's circumstances.	the Appenant's circumstances.	
	17.3Upon receipt of an appeal, the IPReg	17.3Upon receipt of an appeal, the IPReg	
	Board shall appoint a person (an	Board shall appoint a person (an	
	"Adjudicator") to determine the appeal. An	"Adjudicator") to determine the appeal. An	
	Adjudicator shall be a solicitor or barrister of	Adjudicator shall be a solicitor or barrister of	
	at least 10 years' gualification.	at least 10 years' qualification.	
	17.4 The Adjudicator may admit, or invite,	17.4The Adjudicator may admit, or invite,	
	further submissions from any Party to the	further submissions from any Party to the	
	proceedings. However an appeal shall be by	proceedings. However an appeal shall be by	
	way of review and, shall not by way of a	way of review and, shall not by way of a	
	rehearing (unless the Appellant is appealing	rehearing (unless the Appellant is appealing	
	under Rule 17.2(c)). If the Appellant is	under Rule 17.2(c)). If the Appellant is	
	appealing under Rule 17.2 (c), fresh evidence	appealing under Rule 17.3(c), fresh evidence	
	may be not be admitted unless the	may be not be admitted unless the	
	Adjudicator is satisfied of the matters set out	Adjudicator is satisfied of the matters set out	
	in Rule17.2(c)(i)and 17.2(c)(ii).	in Rule17.2(c)(i)and 17.2(c)(ii).	
	17.5In each appeal the Adjudicator will	17.5In each appeal the Adjudicator will	
	determine the procedure to be followed and	determine the procedure to be followed and	
	may hold a preliminary hearing for	may hold a preliminary hearing for	
	determining issues relating to the production	determining issues relating to the production	
	of fresh evidence and the conduct of the	of fresh evidence and the conduct of the	
	appeal.	appeal.	
	17.6The Adjudicator may affirm or vary the	17.6The Adjudicator may affirm or vary the	
	decisions and sanctions of the Disciplinary	decisions and sanctions of the Disciplinary	
	decisions and sanctions of the Disciplinary	decisions and sanctions of the Disciplinary	

Board, may (on allowing an appeal under Rule 17.2(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.Board, may (on allowing an appeal under Rule 17.2(c)) remit the matter for determination by the Disciplinary Board, and may make such ancillary orders as the Adjudicator may impose a more severe sanction than that imposed by the Disciplinary Board.Board, may (on allowing an appeal under Rule 17.2(c)) remit the matter for determination by the Disciplinary Board and may make such ancillary orders as the Adjudicator may impose a more severe sanction than that imposed by the Disciplinary Board.12.7The Adjudicator may make such order as to costs as he thinks fit and Rule 15 shall apply as if references to the Disciplinary Board were references to the Adjudicator.17.7The Adjudicator may make such order as to costs as he thinks fit and Rule 15 shall apply as if references to the Adjudicator.17.8After completion of the procedure determined by 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 iuxeniles 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.			
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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 	Rule 17.2(c)) remit the matter for	Rule 17.2(c)) remit the matter for	
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	The Appeal provisions in the original Rules were minimal, especially as to the choice of a person to hear the appeal, the basis for appeals, the powers of the tribunal and the procedure to be followed. These changes address those issues.	
Not applicable	Rule 18 – DelegationCommentThe new Rule gives IPReg express permission to delegate its Disciplinary process to an external provider if it is expedient or appropriate to do so. This ties in with tentative proposals for a single administrative process common to all (or more likely the smaller) ARs.	Rule 18 – Delegation 18 The IPReg Board may delegate to an external body nominated by it responsibility for implementing this procedure or parts of this procedure to be undertaken by IPReg.
Not applicable	Rule 19 – Commencement Comment This is self-explanatory.	Rule 19 – Commencement 19 These Rules shall apply to all Complaints received on or after [date of publication] whether the subject matter of the Complaint arose or commenced before or after that date.

3 Rule 9 (d): Statement in respect of each alteration explaining how and why the alteration will help to promote, be neutral to wards or be detrimental to each of the Regulatory Objectives.

A statement for each individual alteration would be unnecessarily repetitive. For the most part the alterations should be neutral towards the Regulatory Objectives, as they clarify the disciplinary process rather than introduce new or controversial matter. Such new substantive Rules as are introduced, such as a detailed appeal structure, improve the Arrangements to the benefit of Consumers and Professionals alike.

4 Rule 9 (e): Statement explaining how and why the Applicant feels that the alterations requested fulfil the applicant's obligations to comply with its obligations under section 28 of the Act to have regard to the Better Regulation Principles

The Applicant submits that the more detailed procedures in the new Rules comply with the Better Regulation Principles of transparency, consistency and proportionality.

5 Rule 9 (f): A statement explaining the desired outcome of the alteration and how the applicant intends to assess whether the desired outcome has been achieved.

The desired outcome is improvement and clarification of the Rules so that they may serve all stakeholders more effectively.. No separate assessment of the outcome, beyond its enactment, is necessary.

6 <u>Rule 9(g): A statement explaining whether the proposed alteration is one that affects areas regulated by other Approved Regulators.</u>

Although the changes have been widely consulted on and was open to input from other Approved Regulators, as the changes do not represent any extension or reduction of the totality of the relevant arrangements as at the coming into force of the Act, they do not affect areas regulated by other Regulators [CHECK – Anne, did we get any specific inputs from other ARs?]

7 Rule 9 (h): Details of when the Applicant hopes to implement the alteration

The Applicant wishes to implement the changes as soon as possible.

8 Rule 9 (i): Full details of all consultation processes undertaken and responses received by the Applicant in relation to the alteration, which should include consultations of Approved Regulators and other appropriate regulators when applicable;

A copy of the consultation is attached as Annex 1.

9 Rule 9 (j): Such other explanatory material as the Applicant considers is likely to be needed for the purposes of Part 3 of Schedule 4 to the Act.

The Applicant has no other material to submit. It does not consider an Impact Assessment is required or proportionate for the alterations requested. It has not identified any risks that require monitoring or evaluation.

A copy of the existing disciplinary Rules is annexed (Annexure 2).

A copy of the proposed new Disciplinary Rules is annexed (Annexure 3)