



## **Response to Call for Evidence from IPReg Education Review**

### ***Introduction***

The IP Federation<sup>1</sup> welcomes the opportunity to respond to the IPReg Education Review to set out the views of our members and in-house IP Departments.

### ***IP Federation comments***

IP Federation members have in-house departments which vary widely. They are of different sizes in UK, and some form part of much larger global departments. And they vary in terms of who they employ. Some are multinational with a head office outside UK, and some are primarily UK focussed. They often include a variety of IP related professionals - not just patent and trade mark attorneys, but solicitors, patent engineers, paralegals and patent liaison officers.

### **Theme A**

#### **Commercial Awareness**

The wide remit of an in-house department is to protect the interests of their employer by protecting their investment in development (in terms of product, process and marketing) while managing risk in relation to IP owned by others. The role of a patent attorney can generally be divided into 4 areas - (1) invention capture; (2) portfolio management; (3) the use of patents and related IP for commercial gain; and (4) identification and mitigation of risk presented by IP owned by others. The training and examination of patent attorneys is focussed upon all aspects of area 2 - obtaining the best protection for an invention and managing its global protection, together with the legal aspects of area (4). There is little or no training or examination in, for example, working with a research team to mine for inventions and making commercial decisions on which inventions should best be protected and how and where to protect them. Area 3 is of vital importance to an in-house team - where portfolio management can be outsourced to firms of patent attorneys, the commercial exploitation of intellectual property has to be the remit of an in-house department with a knowledge of their employers wider commercial plan. And area 4 does not just require legal expertise - this has to be applied taking into account the larger commercial aims of the business. While each company has its own commercial strategy and aims which will shape the

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<sup>1</sup> The IP Federation aims to improve the IP framework to meet the needs of innovative industry by representing, nationally and internationally, the views of UK-based businesses. Its membership of influential IP-intensive companies has wide experience of how IP works in practice to support the growth of technology-driven industry and generate economic benefit. As a cross-sectoral industry organisation covering all technologies, the IP Federation is able to offer a viewpoint which is authoritative and balanced. Details of the IP Federation membership are given at the end of this paper.

commercial views of its IP attorneys, there are basic techniques and principles of which day-one attorneys should be conversant.

The situation is similar for trade mark attorneys. However, their training does include some commercial aspects, especially relating to choice of trade marks in the light of a range of search results. But the need for some commercial training would be very useful.

A number of in-house departments are noticing that there is a demand for patent attorneys with a commercial outlook for contract advice or in relation to SEPs. This is where training of patent attorneys in commercial use of IP would be very useful.

Day-one professional capability requirements are therefore changing to need a thorough grounding in the commercial aspects of IP, and the current competency frameworks should be expanded to include the basic principles and techniques. However, the specifics of how these techniques and principles can apply to an employer or client need to be developed after registration in the context of the employers business needs.

There is currently no shortage of qualified patent attorneys of a general nature available to work in-house but there is a shortage of (and therefore demand for) patent attorneys with a high level of commercial contract knowledge.

## AI

AI presents a wide range of risks, challenges and opportunities for an IP department which is fast developing and unpredictable. All day-one patent and trade mark attorneys will need to be AI literate - they need to know what AI tools are available, and their strengths and weaknesses; and the limitations and dangers of use of AI. The law and ethics of use of AI is developing, and they will need to have current knowledge and also have the ability to keep up to date. The dangers of use of AI will go hand in hand with the ability to use AI correctly. It is impossible to set out in detail now the aspects of AI which should be taught to students, since by the time this review is published, AI is likely to have moved significantly and the recommendations may well change. Indeed, AI is just one example of what could, in the medium to long term, be a multitude of disruptive technologies. IPReg recommendations need to be robust to deal with a range of future scenarios and capabilities of such systems, and their potential impact on the provision of patent and trade mark services.

Therefore, day-one professional capability requirements need to include literacy in AI - especially the dangers of inappropriate use of AI. There also needs to be a requirement for continuous professional development to include continuous awareness of developments in this area. The specifics of the depth of AI knowledge will depend on the nature of the employers activities in this area and should be developed after registration.

There is a current demand for patent attorneys with a high level of knowledge in AI.

AI developments are impacting some of the support services provided to patent attorneys - at the moment this is not resulting in less work. One example cited was the use of AI tools to carry out searching - this may result in less work for a search company, but can result in more work for the instructing attorney ensuring that the correct data and instructions are provided to the AI tool. Similarly, AI tools are being used in the selection of brands which can result in less work in this area for in-house trade mark attorneys who are typically involved in brand generation workshops.

As the impact of AI grows there is likely to be a change in demand for patent attorneys focussing on the classic drafting and filing of patent applications. There will be a higher expectation to focus on the more commercial/soft skills such as, for example, identifying the right set of inventions to protect, rather than crafting claims to a predefined invention. This will increase the need for the development of commercial awareness in day-one attorneys.

#### Other Skills

All day-one patent and trade mark attorneys should have a grounding in data protection and cybersecurity. Given the level of hacking into large and small organisations, each attorney should have an awareness of how to protect their employer's interests in this area. An employee of an in-house department will be likely to have some training on a company-wide basis, but they will be working with patent and trade mark attorney firms who need to have the appropriate technology and processes in place to protect their clients. The in-house attorney should have to have enough knowledge to manage this.

Global developments are resulting in a number of countries being the subject of sanctions. Given the global nature of the practice of an in-house IP department, this is increasingly relevant. An awareness of the types of sanctions which may apply and where to find up-to-date information on such regulations should be required of a day-one trainee. However, detailed knowledge of how to deal with such sanctions will be developed post registration

Day-one professional capability requirements should include a grounding in cybersecurity, data protection and sanctions regulations.

#### Professional capabilities no longer required

The current competency framework for patent and trade mark attorneys is still relevant, However, the need for attorneys to have memorised large sections of law is no longer as relevant, since so much is available at the touch of a button. So it is more important that a day-one attorney has a thorough overview of the law and its implications with a facility to find the details as and when required.

### Robust, Proportionate, Cost effective and Sustainable qualification routes

It is important that a range of providers of training is available with different cost and time commitment options. It is important for in-house departments that university based courses are retained, since they often do not have the in-house resource for in-house intensive training.

For trainees, flexibility in the form of training is available. Some trainees cannot devote blocks of time to training especially away from home. So training split into shorter sessions with some on line training availability would be very helpful.

### Apprenticeships

Most of our employers employ apprentices throughout their businesses and so are enthusiastic about the development of a suitable apprenticeship scheme. The scheme proposed by CIPA provides a pathway to patent scientist/patent engineer Level 6. Thereafter, the apprentice may choose to undertake further training and sit the FD examinations to become a qualified UK patent attorney. However, that is simply an option to consider, as an apprentice may be happy with the patent scientist/patent engineer role and not wish to sit any further examinations.

This provides flexibility for the apprentice and for the department. Via such an apprenticeship scheme, the patent apprentice will gain valuable skills and knowledge in the commercial, technical and legal IP sphere working on real-world business projects and programmes. The patent scientist/patent engineer with this occupation will be enabled to support and advise on the optimum approach to the development and exploitation of patents to obtain the best outcome for their clients and stakeholders. They will understand extremely technical and specialised innovations. They can guide stakeholders from early development of an idea to patenting.

It is a full time apprenticeship - continuous learning on and off the job. The apprentice is employed by an IP firm or in-house IP department. The apprentice spends part of their time (typically ~20%) studying for a university degree, and part of their time (typically ~80%) working under the supervision of a European patent attorney.

The course will contain sufficient IP law and practice, to provide an exemption from CIPA's foundation level examinations subject to approval of the IP Regulation Board/Patent Examination Board.

By way of progression, persons with this occupation can potentially undertake further training and become a patent attorney (Level 7 occupation) by passing the final diploma examinations of the Patent Examination Board of the Chartered Institute of Patent Attorneys (CIPA). The aim is for the apprenticeship being up and running by autumn 2027, and currently focusing on computer science/digital technology as subject of the STEM degree portion to meet industry demand, but planning to extend to engineering and chemistry/life sciences in the future.

We fully support the proposals from CIPA and have a number of members who have expressed an interest in using the scheme. The scheme will also provide candidates to become the AI expert patent attorneys of the future

Care must be taken to ensure that the requirements for qualification as a UK patent attorney do not become too onerous - there is a danger that trainees will decide only to qualify as European patent attorneys. However, if the skills and competencies developed keep in line with the requirements of an In-house department, those with a UK qualification will continue to be sought after.

## **Theme B**

Each in-house department has experience in those areas of intellectual property relevant to the technologies of their employer. For example, there are some technologies which are only protected in a limited number of countries, and some technologies where it is rare to encounter oppositions. It can therefore be challenging to ensure that a trainee can obtain necessary wide experience in all areas of IP. Moreover, some in-house departments are large and split the departments responsibilities into regional or subject matter sections. In this case, flexibility in training is required, allowing trainees to work in different parts of the department to widen their experience.

The Informals training tutorials take place in small groups attending IP offices of other companies or firms to answer past exam questions. There is a sharing of knowledge from an attorney from a different company or firm with different perspectives and between trainees from different employers. This is very well regarded by trainees and their employers, since it provides a wider experience. It also benefits the trainees since they can develop their networks - on a professional and social basis. These training tutorials are held for patent and trade mark attorneys and are felt to be particularly beneficial.

In the same way as solicitor trainees are required to have experience of different areas of practice, usually by moving between different departments of a law firm, this should become standard practice in large IP firms and in-house departments. Some law firms do provide secondments of their trainees to industry to gain wider experience, particularly in commercial matters. This should be explored for patent and trade mark trainees, although the secondment may be more appropriate from an in-house department to an IP firm. This can be particularly beneficial if there is a case or project upon which the IP firm and the in-house department are collaborating.

The competency framework for patent attorneys and trade mark attorneys could be made more formal, with a requirement for a qualified attorney to sign off on skills and competencies. Alternatively, the mentor scheme could be expanded to include discussions of gaps in the trainees experience.

As mentioned in Theme A, an in-house department requires a lot of the theory training to be provided by university based training. If such were not

available, it is likely that more in-house departments would not employ trainees but only take on newly qualified attorneys.

With the increase in flexible and hybrid working, face-to-face training time with experienced attorneys is often reduced. Attorneys with trainees for whom they are responsible will need to develop techniques to effectively support their trainees and foster a sense of belonging.

### **Theme C**

The responses to Theme B are relevant here.

Enhanced 'train the trainer' courses could be provided to all patent and trade mark attorneys taking on trainees with specific guidance on the required amount of experience and the capability levels required of day-one trainees. It has to be noted that there are some areas of practice which cannot be tested in an exam - and that responsibility for signing off on a candidate's practical abilities has to be taken seriously by their lead attorney. It is suggested that, in large IP firms and in-house departments, more than one qualified attorney should work with each trainee to monitor their progress. Here, In-house departments could have a role in commenting upon the soft skills and competencies of trainees in outside consulting IP firms.

In-house departments tend to utilise a number of different roles, not being limited to employing UK and European qualified patent and trade mark attorneys and the usual support staff for portfolio management. They often utilise patent engineers and patent liaison engineers who are their contacts in specific research or development departments and become the point of contact with the IP department. Similarly, they are likely to employ trade mark assistants and paralegals who become the point of contact for specific brand and marketing teams. This provides a further route into the professions although their roles are valuable if they do not decide to qualify as patent or trade mark attorneys.

It is important that there is recognition of these later entry trainees into the profession. They will often have more financial and family obligations than a younger trainee fresh from university. This means that flexibility in training is required - with a potential for on line training and modular external courses.

The only way to monitor current trends in trainee progression would be to track trainees routes to qualification. Given that most in-house departments and many IP firms are not large enough for a survey to be anonymous - this could only be achieved through expanding the IPReg survey in relation to trainees.

### **Theme D**

The monitoring of barriers to recruitment is currently carried out looking at those who overcame the barriers. It would be interesting to carry out a survey of graduates (STEM for patent attorneys) to work out why they have not joined the profession. The IPReg survey does look at diversity characteristics and the

data held by IPReg in relation to trainees could be expanded to be useful in monitoring progression. For most individual IP firms and in-house departments the population is not large enough for significant analysis.

IP Inclusive is working with all IP professions to increase diversity and inclusion at all levels. Factors such as blind CVs and mandatory subconscious bias training for all undertaking interviewing have been successful with some of our members. However, we fail to see how the increase of diversity and inclusion could have any impact on high education and professional standards. Perhaps the question should have been asked as to whether there might be any perception that there could be an impact. Spreading the stories of some of our new trainees as their careers progress should help to overcome such perception.

Recruitment of patent attorneys has traditionally been from STEM graduates - and therefore the factors which impact those entering STEM courses are relevant to patent attorney recruitment. However, since In-house departments have a number of other recruitment routes often via their research and development teams, they represent a different point of entry in terms of age than graduates. As such they may come of a different socio-economic background and educational background increasing social equality in the profession.

As set out in relation to Theme A, we support the apprenticeship proposals under development by CIPA. This represents an exciting prospect for in-house departments whose employers are familiar with and enthusiastic about the use of apprentices generally. A number of IP Federation members are currently intending to utilise the scheme when it becomes available. This pathway will: (a) advance opportunity and social mobility by broadening access to the patent profession, (b) encourage diversity, equity, and inclusion amongst patent practitioners, (c) cater for those who are unable to attend a conventional university course for financial, health, religious or other reasons, and (d) meet business demand

Given that the initial emphasis is on training in AI and data driven technologies, these apprentices would be well placed to fill the gaps identified in Theme A.

The IP Federation has links to a number of outreach organisations aiming to encourage those from underrepresented backgrounds and has presented talks and workshops in the IP Inclusive Summer of IP programmes. It is proposed to work with these outreach organisations to hold a workshop aimed at their target audience to expand awareness of IP professions. Such initiatives will widen awareness to those of do not fit the usual candidates in terms of diversity characteristics.

Trainees with diverse needs require flexibility - in all aspects of their training. Cost and time commitment should be a factor in the development of training provision with a variety on offer. Training venues should be provided across the country so that trainees do not have to travel far every time they attend

a course. This is particularly relevant to in-house departments which are often outside London. This will enable those with diverse needs to be accommodated. Some on-line training should be available. Also, it would be useful if examinations were held on more than one occasion in the year. There may be reasons why a particular month may always be inconvenient for some candidates - some flexibility would allow them to take the exam on a convenient date thus not delaying their career progression. By expanding flexibility into training and development this will promote a sense of belonging and also support trainee well-being.

The IP Inclusive initiatives although focussed primarily on increasing diversity and inclusion events, are creating communities which support a sense of belonging and trainee well-being.

IP Federation  
30 April 2026



## **IP Federation members 2026**

The IP Federation membership comprises the companies listed below. The UK Confederation of British Industry (CBI), although not a member, is represented on the IP Federation Council, and the Council is supported by a number of leading law firms which attend its meetings as observers. The IP Federation is listed on the joint Transparency Register of the European Parliament and the Commission with identity No. 83549331760-12.

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