



“The Great Reformation”

The 2022 IPReg consultation on proposals for changes to regulatory arrangements

The Intellectual Property Advisory Board (IPReg) was set up in 2010 by the Chartered Institute of Patent Attorneys (CIPA) and the Chartered Institute of Trade Mark Attorneys (CITMA) to be the independent regulatory body for both patent attorney and trade mark attorney professionals in the UK. In early 2022, IPReg opened a consultation on significant and wide-ranging proposals to change the regulatory framework for regulated attorneys.

The IP Federation submitted a response on 17 March, and the consultation closed on 31 March 2022. IPReg later reported that they received a further 35 written responses from individual attorneys, firms, representative bodies such as CIPA and CITMA, as well as the Legal Services Consumer Panel. IPReg also published a [response to the consultation](#) and an updated version of their [impact assessment](#) on their website.

In our submission, we congratulated IPReg on the very large task they had undertaken to try to improve the profession in all aspects and we felt there was much merit in many of the proposals that had been made. However, it was also felt that many changes proposed by IPReg were very much focused on private practice, as opposed to in-house attorneys. Further, that we had major concerns about the *far-reaching* nature of some of the changes, specifically the effects of the application of the principles (Chapter A) “*to all regulated persons ... in all aspects of their life, be this within professional practice or private life*”. Other changes included changes to the way continuous professional development (CPD) was earned and recorded, training, billing, as well as applicable insurance frameworks.

Following their review of all proposals submitted, the Federation was invited to a roundtable event hosted by IPReg to communicate with their major stakeholders. The event occurred virtually on 27 July 2022, and attendees included Suzanne Oliver (Policy Advisor, IP Federation), Alan Kershaw, Fran Gillon, Shelley Edwards, Emma Reeve and Emily Lyn (all IPReg), Keith Loven, Alasdair Poore (both CIPA), Michelle Ward, Kate O’Rourke, Keven Bader (all CITMA), Andrea Brewster (IP Inclusive) and Zoe Bailey (Withers & Rogers). A second, follow-on, call between our current President, Matthew Hitching, and IPReg representatives closely followed, and a summary of the main topics discussed across both calls follows:

1. The Overarching Principles – after wide ranging and strong feedback to the “Overarching Principles” section, IPReg have fundamentally changed from their original approach. Due to the depth and strength of feedback they had received, IPReg have seen the need to clarify that the section only applies “if there is a *causal nexus* between the behaviour and the person’s ability to carry out their professional conduct”. New wording is thus proposed.

2. Changes to CPD rules – there will now be a transitional period of 18–24 months to the new system, and help and advice will be given to people who need it.
3. Ability for in-house attorneys to do *pro bono* work, such as CIPA clinics – this topic is still in discussion between the IP Federation and IPReg.
4. Definition of client – in our consultation response and on subsequent calls, we impressed the need for a flexible and open definition of ‘client’, as well as an understanding of the difference in many aspects between in-house attorneys and private practice. In the UK, there are far more attorneys regulated by IPReg in private practice than in-house. On both occasions, IPReg has stressed the point that whilst these differences are not explicitly called out in the regulations, the specific needs of the in-house attorney are never far from mind.

Many of the proposed changes will come in 2023 (given the Legal Services Board (LSB) approve the proposals). However, in some areas, such as with the changes to private practice categories, the proposed changes won’t come into effect until 2025. Due to the minority position of the in-house attorney, the IP Federation has an important voice in this regard, and so we will continue to ensure that in-house attorneys continue to be represented through a fair and balanced regulation process.

Suzanne Oliver, Policy Advisor