

IPReg: 2024/25 Business Plan, 2024 Budget and Practising Fees consultation

1. The Chartered Institute of Trade Mark Attorneys (CITMA) is responding to the consultation by IPReg on their 2024/25 Business Plan, Budget and Practising Fees in its capacity as an Approved Regulator, as defined in the Legal Services Act 2007 (the Act) and as the representative body for Chartered Trade Mark Attorneys and the wider trade mark and design profession. We are grateful to IPReg for the opportunity to comment.

2. Our response answers the specific questions asked in the consultation.

Question 1. What are your views on the proposal business plan?

3. We generally support the proposed business plan.

4. We note the new strategic priorities the IPReg Board has set and would support these as the focus for IPReg, but we would also point out that there appears to be little in the business plan for 2024 in the way of activities to deliver against the third priority area:-
“To increase the public profile of IPReg to the regulated community and users of IP legal services.”

5. There may be some indirect benefits from some of the activities in the business plan, but it would be helpful to see a clearer indication of what work IPReg is proposing to do to directly deliver against this strategic priority.

6. We understand there is a need to focus on aspects related to the route to qualification for Patent Attorneys (PA). We are keen that thought is given throughout this piece of work to the qualification route for Registered Trade Mark Attorneys (RTMA) to ensure that any findings, advancements or beneficial changes are recognised and potentially realised in respect of the RTMA qualification route (where applicable). It is important to ensure that there are no unintended consequences of changes to the PA qualification system on the RTMA qualification route or to RTMAs.

7. With regards to paragraph 8 (accredited attorney qualification providers) we would urge IPReg to ensure that they also engaging with key stakeholders as part of this work. In particular in relation to the areas set out in point 8(a), 8(b) and 8(d).

8. We support the proposal to review the competency framework for RTMAs at the same time as the competency framework for PA. We would welcome engagement from IPReg with CITMA and the profession in this piece of work. We would be happy to be involved to help IPReg with the resource and expertise needed. We will be undertaking a review of the [Advanced Competency Framework for Chartered Trade Mark Attorneys](#), therefore it would make sense to work closely with IPReg to ensure appropriate alignment.

9. A key aspect of IPReg’s work next year will be the bedding in of the new regulatory arrangements, therefore we support the proposed thematic reviews to ensure the new arrangements are effective and achieving the intended aims. Whilst there will be some information and evidence to draw on in 2024, we would envisage the reviews continuing into 2025 to understand the full effectiveness.

10. We would be keen to understand if the work around building the evidence base (paragraphs 15-17) will include unregulated individuals / entities operating in the IP legal sector?

11. We are pleased to see, once again, a ring-fence of reserves for diversity initiatives. It is important for IPReg to support and align with the broader work of the IP profession in this area.
12. We would encourage IPReg to provide greater detail and clarity about what they are trying to achieve and how they think this can be achieved. It would be useful to understand the priority areas and why these are the focus of attention. This is especially important now that “*increasing the diversity of the trade mark and patent attorney professions*” features within the strategic priorities.
13. We support IPReg’s ambition to develop its approach to data gathering as this continues to be an area where firms can struggle to gather data internally due to some small data subsets being exposed to the risk of de-anonymisation. Data collected by IPReg could help to avoid that problem and provide better quality data from which strategies and work can be planned and effective policies implemented.
14. We note the extensive amount of work expected to take place in responding to LSB consultations and related work and the restructuring which has taken place to resource this. The amount of work appears to have increased in recent years and we would be keen to learn if this is likely to continue, what the overall cost implications are as a result of this level of work, as well as the proportion of overall time and annual expenditure to IPReg.
15. We have identified two areas of work absent from the business plan.
16. Artificial Intelligence (AI) and future technology. Whilst AI has been in the pipeline for some time, it has burst on to the scene recently and is an area where there are many risks as well as opportunities. Regulation of AI in its broadest sense is under consideration by the UK Government, but there is no doubt that IPReg will need to consider the regulatory risks AI poses and how this is managed. There are several angles to look at and we hope that this is in IPReg’s purview, and the appropriate work will be undertaken accordingly.
17. Net zero. One area of work we would be keen to see IPReg consider and progress, is action to respond to the UK Government’s target to achieve net zero. The UK Government said in its [2021 ‘Net Zero Strategy’](#) that “The science could not be clearer: by the middle of this century the world has to reduce emissions to as close to zero as possible, with the small amount of remaining emissions absorbed through natural carbon sinks like forests, and new technologies like carbon capture. If we can achieve this, global emissions of greenhouse gases will be ‘net zero’.”
18. We believe that all organisations, including IPReg, need to be moving towards and achieving net zero in the near future.
19. We would like to see IPReg commit to putting in place a robust plan to measure and reduce its greenhouse gas emissions. In addition to this, IPReg has an important role to play in influencing and encouraging its registrants, both individuals and entities, to take positive steps to reduce greenhouse gas emissions.
20. We believe this should feature in IPReg’s 2024 business plan or there should be a commitment for work to commence in 2025.

Question 2. Do you have any evidence of the impact that each of these proposals will have on different categories of individuals or firms? In particular, do you have any evidence of the potential impact on the diversity of the profession? Do you have any comments on the EIA at Annex B?

21. We do not have any evidence of the impact that each of the proposals will have on different categories of individuals or firms or any particular comments on the EIA.

Question 3. What are your views on whether we should introduce an application fee for registered bodies?

22. We support the proposal to introduce an application fee for registered bodies and the proposed fee structure appears sensible and proportionate.

Question 4. What are your views on whether we should abolish the waiver period?

23. We do not have a strong view on whether the waiver period should be abolished or not. We would consider this to predominantly be an administrative consideration and would assume IPReg have looked at the practicalities of administering the fee payments / impact on any subsequent renewal, as well as the costs and fee income benefits.

Question 5. What are your views on the proposal to increase practising fees by 8%?

24. In previous responses to practising fee consultations we made it clear that we hoped for a reduction in practising fees, all things being equal, in future years. This was something the LSB supported through an expectation that the cost of regulation would reduce over time. This remains our overall position, but we appreciate the current economic climate and inflationary cost increases cannot simply be absorbed or ignored. We therefore consider the proposal by IPReg to increase fees by 8% to be a reasonable approach.
25. We would hope that for future years IPReg would be able to lower fees or freeze fees to reduce the cost of regulation.


Question 6. What are your views on the proposed 2024 budget at Annex C?

26. We have no substantive comments to make on the proposed budget. The budget sets out clearly the income and expenditure forecast which aligns with the Business Plan.

Question 6. Do you have any comments on the draft Practising Fee Regulations at Annex F?

27. We have no comments on the draft regulations.
28. We would be happy to discuss any of these points further with representatives from IPReg if it would be of assistance.

For and on behalf of the Chartered Institute of Trade Mark Attorneys



Keven Bader
Chief Executive

21st August 2023