

IPReg: 2023/24 Business Plan, Budget and Practising Fees consultation

1. The Chartered Institute of Trade Mark Attorneys (CITMA) is responding to the consultation by IPReg on their 2023/24 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 which largely sees a continuation of work already underway alongside time-led activities.
4. We are keen to work closely with IPReg as the outcomes from the review of regulatory arrangements are implemented and this will be a key focus for IPReg over the next year.
5. We welcome the focus on education policy and the various areas within this section. We have been keen to see a greater level of monitoring of course providers who provide the route to qualification as a Registered Trade Mark Attorney. The establishment of a new post to cover education and diversity portfolio should provide IPReg with sufficient resource to deliver this and in the other areas highlighted in the business plan.
6. In respect of the compensation fund review we assume that part of the work will be to look again at the insurance market to see if an appropriate insurance policy could be obtained. It is of concern that in order to fulfil the requirements of the Decision Notice from the Legal Services Board (LSB), IPReg will need to spend in the region of £30,000. This seems disproportionate to the regulatory risk and level of consumer protection required.
7. 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.

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?

8. We do not have any particular evidence of the impact that each of the proposals will have on different categories.

Question 3. What are your views on the proposal to increase practising fees by 6%?

9. 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 uncertain times we are in. We therefore consider the proposal by IPReg to increase fees by 6% to be a sensible and reasonable approach.

10. We would hope that for future years when there is greater economic stability IPReg would be able to lower fees or freeze fees to reduce the cost of regulation.

Question 4. What are your views on the proposed 2023 budget at Annex C?

11. 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.

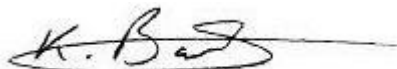
Question 5. What are your views to continue the process for waiving fees for individual attorneys who are facing hardship?

12. We would support the proposal to continue the process for waiving fees for individual attorneys who are facing financial hardship, removing the specific requirement for the hardship to be linked to the pandemic as the cause. Although there were no applications for waivers in 2022, there seems to be little reason for IPReg not to have the ability to apply a waiver if there is a genuine need for support. This may be even more prudent given the cost of living crisis and general economic instability which the UK is currently in.
13. As noted last year we would like to take the opportunity to remind IPReg that as most Registered Trade Mark Attorneys are likely to be members of CITMA, and that should IPReg come into contact with someone who may be experiencing financial hardship, it might be helpful to signpost them to the [‘support’](#) services CITMA has available, for example, the CITMA Benevolent Fund.

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

14. We have no comments on the draft regulations.
15. 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

24th August 2022