

IPReg consultation: proposing a sunset clause to end recognition of historic JEB examinations and IPReg approved courses

The Chartered Institute of Trade Mark Attorneys (CITMA) is responding to the consultation by IPReg in its capacity as an Approved Regulator, as defined in the Legal Services Act 2007 (the Act) and as the representative body for Registered Trade Mark Attorneys and the wider trade mark and design profession. The review of the consultation and preparation of this response has been conducted by the Executive committee and the Education, Qualification & Standards committee of CITMA on behalf of the CITMA Council.

We are grateful to IPReg for the opportunity to comment and would be happy to discuss our response further.

We agree that it is an appropriate time to end the transitional arrangement of providing exemptions because of Join Examination Board (JEB) examination qualifications. We support the reasoning provided by IPReg in the consultation but wish to express one point which we would ask IPReg to consider.

There may be legitimate, but exceptional circumstances, where it is not possible for an individual to seek and obtain qualification before the end of the proposed 18-month notice period. Whilst we agree that 18 months will be, in normal circumstances, a sufficient timeframe we would ask IPReg to consider if flexibility and/or discretion can be applied, to enable individuals to seek an extension beyond this time frame, if the reasons are justifiable.

As one example, an individual could be unemployed during the 18-month period and not have the income required to be able to complete qualification. In this scenario, we would like the individual to be able to apply to IPReg to preserve their exemption(s) and/or agree a longer timeframe.

We would suggest any extension beyond the 18-month period is entirely at the discretion of IPReg rather than an automatic right, there may be further information required by IPReg. Any extension could be time limited and final.

Whilst the above is an example of an exceptional circumstance and probably unlikely to occur, some flexibility in the system would ensure that those who may not be able to legitimately qualify can still potentially rely on qualifications obtained and exemptions.

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



Keven Bader
Chief Executive

20th January 2021