

IPReg Consultation – Implementing a change in regulations to allow for the power to suspend individual registrants from the register

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. We are grateful to IPReg for the opportunity to comment.

We are supportive of the proposal by IPReg to make a rule change application to the Legal Services Board to amend the relevant regulations which would implement a power to suspend an individual registrant from the register.

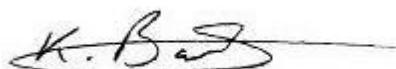
We agree that this provision will provide IPReg with greater flexibility in determining the proportionate and appropriate action to take when an individual has not been compliant with the requirements as set out in the proposed amended regulations, requirements which we also support.

We would encourage IPReg to consider the way in which this power is implemented and in particular if a three month period in all cases is appropriate. There is a risk that an individual could be listed on the register for a period of up to six months without being fully compliant. An example of this would be where an individual has not paid the annual renewal of their practice fee within the three-month period allowed and a subsequent three month suspension period is imposed. It is important to ensure that a balanced position is found between protecting the public interest and working with any individual towards achieving compliance. Whilst many cases would reach compliance within the three-month suspension period and therefore the suspension would be withdrawn, it may be more appropriate to have an initial shorter suspension period (of one or two months) which could be extended to three months if required.

We would also encourage IPReg to think about the circumstances and mechanisms which result in non-compliance, particularly when considering non-payment of the practice fee. There are a variety of financial processes and procedures adopted by firms who often pay the practice fee for individuals and these variations and sometimes complexities should be factored in to any suspension period imposed.

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

10th January 2018