

## **IPReg Consultation – response to the recommendations of the CMA Legal Services Market Study Report**

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 broadly supportive of the proposed plans by IPReg to consider and implement provisions to address issues highlighted in the Legal Services Market Study Report published by the Competition and Markets Authority (CMA).

We welcome the recognition that the consumer of legal services in relation to intellectual property is often business and that more limited action is acceptable compared to other legal regulators. We would also observe that the IPO report published in 2017 focussed on the UK patent system and the issues related to trade marks and designs are not necessarily identical.

In response to the specific questions posed by IPReg in the consultation we would make the following comments.

### **Question 1(a)**

We are comfortable with the proposal to issue guidance rather than prescriptive rules/regulations.

### **Question 1(b)**

We don't agree that IPReg should develop criteria to determine which attorneys might be covered by such guidance. It would be more appropriate to encourage all regulated individuals and entities to read the guidance and take what action they determine to be appropriate.

### **Question 2**

Many firms will already provide this type of information, but setting out 'best practice' in the guidance will help to encourage standardisation and transparency. We do not think there are any other types of information which would be beneficial to publish.

### **Question 3**

We would support the publication of pre-engagement information on attorneys' websites, but guidance should not be too prescriptive about what should be published or the basis on which it should be published.

### **Question 4**

No.

### **Question 5**

We agree that it would not be suitable for firms to publish information on their website about the complaints they had received as this would, for the reasons outlined in the consultation, not necessarily prove to be a reliable indicator of quality. A recommendation in guidance that firms provide website links which point to relevant sources of complaints data and decisions, such as to IPReg / the Legal Ombudsman, could be a simple but effective mechanism for those consumers who wish to look at this level of information.

## **Question 6**

Whilst we can understand how this might deliver greater transparency, we would suggest careful consideration be given to the criteria for publishing and what information is actually published. We would urge IPReg to look at this in more detail and maybe consult further on any proposed plans so that important factors can be considered. For example, would information clearly distinguish whether a complaint was upheld or dismissed? Would information only be displayed for a certain period of time?

## **Question 7**

We support the approach to quality marks and regulatory badges proposed by IPReg. This would be potentially an important and effective way for consumers to recognise a regulated provider of intellectual property services from an unregulated provider. Providing there was suitable education of consumers to recognise a badge of quality or regulation, this would provide a more competitive and level playing field for our members and the IP regulated community.

## **Question 8**

We support the approach taken by IPReg.

## **Question 9**

IPReg must ensure that any proposals do not result in unnecessary additional burdens on regulated IP companies and individuals.

**[Is there anything more we can say in answer to question 9?]**

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**

16<sup>th</sup> January 2018