

CITMA Paralegal Continuing Professional Development – Guidance Notes

All CITMA Paralegal members need to ensure that they maintain their skills and knowledge at the necessary level to be able to provide a professional service. The principle of Continuing Professional Development (CPD) is well established for Chartered Trade Mark Attorneys and other legal professionals.

As part of recognising the professional work of CITMA Paralegals, CITMA requires that in order to maintain CITMA Paralegal membership and use the title '[CITMA Paralegal](#)', qualifying CITMA Paralegal members must keep up to date and be aware of recent changes in law and practice in their area by completing a minimum number of relevant CPD hours each year.

These guidance notes are intended to help all qualifying CITMA Paralegal members comply with the CPD requirements and should be read in conjunction with the CPD regulations.

What is CPD?

CPD is work undertaken over and above the normal work and professional commitments with a view to such work developing their skills, knowledge and professional standards in areas relevant to their area of practice as a CITMA Paralegal, and to keep up to date and maintain high standards. Examples of activities which will normally qualify as CPD are given below.

What are 'qualifying CITMA Paralegal' members?

Qualifying CITMA Paralegals are those CITMA Paralegal members who have not opted out of the regime or are automatically enrolled.

The CPD provision for CITMA Paralegal members has been brought in as part of the transition of members in the Administrator membership category to a new CITMA Paralegal membership category. Under the transitional arrangements any current CITMA Paralegal member who passed the CITMA Paralegal Course (formerly Trade Mark Administrators' Course) in or before 2017 is able to opt-out of the new CPD regime. Any person who passes the CITMA Paralegal Course in 2018 or in any subsequent year and becomes a CITMA Paralegal member will have to complete CPD each year and cannot opt-out.

Do I have to undertake CPD?

Not all CITMA Paralegals have to undertake CPD (see qualifying CITMA Paralegals above), however, CITMA would hope that all CITMA Paralegal members consider CPD to be a natural part of their professional activities and an aid to ongoing development. The self-certification nature of the CPD regime is designed to make it straightforward and not overly bureaucratic to comply with the requirements.

What are the main requirements for CPD compliance?

All qualifying CITMA Paralegals are required to achieve the minimum of eight (8) hours CPD in order to remain a member of CITMA and will have to self-certify that they have met this requirement when renewing their membership.

Compliance may be monitored by requiring detailed support (such as individual CPD records) from a random sample of CITMA Paralegal members each year to substantiate the 8 hours figure.

CPD must be relevant to the work of CITMA Paralegals, there is no requirement for specific numbers of hours to be devoted to particular subjects. Instead, CITMA Paralegals should determine for themselves, bearing in mind their existing skills and the nature of their work, the most appropriate subjects where they should undertake CPD, taking account of their responsibilities and the expectations placed upon them.

To count towards the overall requirements, the CPD activity should be at an appropriate level and contribute to a CITMA Paralegal's general professional skill and knowledge. Individuals are encouraged to plan their annual programme of CPD activities based on an objective assessment of their training and development needs in relation to the nature of their work.

Can I carry over excess CPD completed in any year?

No, it will not be possible to carry over time spent in CPD from one calendar year to the next.

What activities count as CPD?

This is not an exhaustive list but illustrates IP related activities which will **normally** qualify as CPD:-

1. Attending or speaking at a CPD event (such as a seminar, lecture or study course) organised by CITMA, or an event organised by IP Inclusive, or by another relevant IP body such as CIPA, INTA, WIPO, EUIPO
2. Participating in a formally organised "in-house", educational meeting or discussion++
3. Participating at a CPD event referred to in 1 or 2 by indirect means such as a teleconference, videoconference, webinar or the like
4. Preparing a lecture, seminar, book, article or law report where legal research is involved of the standard and extent required for publication in an established legal publication
5. Speaking and preparing for a client seminar*
6. Providing a tutorial for CITMA Paralegal trainees and examination candidates*
7. Activities that relate to relevant European and/or foreign law*
8. Personal study of books, articles, law reports, conference papers, recordings (e.g. webinars that are not interactive) and the like*
9. Serving on a committee or working group of CITMA, or another relevant IP body, expressly concerned with IP law and practice*

Notes:

++ *in-house educational seminars and discussions on developing IP law and practice which meet certain requirements (see below) will automatically be considered as suitable for CPD purposes and do not need to be approved in advance.*

***** *IP related activities such as those set out in 5-9 above may not normally comprise more than 50% of annual CPD hours when taken alone or together and may need to be substantiated in more detail than other CPD activities e.g. with written aims, objectives and outcomes.*

Are there any activities which will not count as CPD?

This is not an exhaustive list but illustrates activities which will **not normally** qualify as CPD:-

1. Giving and preparing for lectures and seminars for clients of the individual or firm, on basic IP matters where the primary purpose is to obtain or retain client business for the individual or firm
2. Day to day training of assistants and trainees
3. Personal study of cases and other material in the ordinary course of business where the purpose is to service clients generally
4. Membership of CITMA Council, or committees of CITMA not primarily concerned with developing IP law and practice

Do I need to formally log all of my CPD?

There is no formal requirement to log all CPD activities undertaken, however, it is highly recommended that you keep relevant information for your own benefit. Keeping a record will also be helpful if you are selected at random by CITMA, as part of compliance monitoring, to provide further details of your CPD activity.

Are there any special requirements for part-time workers?

CITMA Paralegals working on a part-time basis are required to complete the same minimum number of CPD hours as those in full-time.

What if I am not working for a significant period of time?

For CITMA Paralegals who can substantiate that they have not been working for a significant period during a year (for example as a result of illness, maternity, paternity, sabbatical leave or career break) a pro rata approach to CPD hours is possible to claim. If the inactive period has been prolonged (i.e. longer than a year), then CITMA may require that a programme of CPD activities is started immediately on return to work.

Are there any special requirements if I am based overseas?

CITMA Paralegals who are based abroad are still subject to the CPD requirements but may include relevant activities carried out abroad or to satisfy local CPD requirements.

Continuing Professional Development Regulations for CITMA Paralegals 2019

Regulation 1 - Interpretation

In these Regulations, unless the context otherwise requires:-

“The regulations” means the Continuing Professional Development Regulations for CITMA Paralegals [2019];

“Calendar year” means a period of one year commencing on 1 January in the year in question;

“CITMA” means the Chartered Institute of Trade Mark Attorneys;

“CITMA Paralegal” means an individual whose name is entered as an active CITMA Paralegal member of the Chartered Institute of Trade Mark Attorneys;

“CITMA Paralegal Course” means the official course set by CITMA annually and incorporates previous titles for the course, such as, Trade Mark Administrators’ Course, Formalities Course;

“CPD” means continuing professional development;

“Qualifying CITMA Paralegal” means any CITMA Paralegal who has passed the CITMA Paralegal Course in or before 2017 and has not opted out of the CPD regime, or who is automatically enrolled onto the CPD regime having passed the CITMA Paralegal Course in 2018 and thereafter;

Regulation 2 - Requirements

- 2.1 A qualifying CITMA Paralegal is required to complete a minimum total of eight hours in CPD during each calendar year of membership.
- 2.2 Up to 50% of the CPD can be completed by way of personal study.
- 2.3 Time spent in CPD activities in excess of the minimum required in Regulation 2.1 cannot be carried forward into another calendar year.
- 2.4 A qualifying CITMA Paralegal must include an annual declaration of compliance with the CPD requirement of Regulation 2.1 at the time of renewing membership for the following calendar year using the method for declaration as prescribed by CITMA.
- 2.5 CITMA may specify the amount, nature, content and format of courses and other activities which may be undertaken by CITMA Paralegals in order to satisfy the requirements of Regulation 2.1 and may issue periodic guidance to that effect.
- 2.6 CITMA may vary the minimum number of hours of CPD that must be completed in order to satisfy the requirements of Regulation 2.1, giving reasonable and appropriate notice to current members of any change.
- 2.7 CPD activities which predominantly involve personal study and which may make up part of the overall CPD requirements of Regulation 2.1 must be adequately supported by detailed records which can be provided on request.

Regulation 3 - Waivers

- 3.1 CITMA may waive for due cause any or all of the requirements of Regulation 2 hereof in whole or in part or to extend the time within which requirements must be completed.
- 3.2 Any application by a CITMA Paralegal under Regulation 3.1 to CITMA for a waiver of any of the requirements or to extend the time within which to complete any of the requirements must be made in writing, setting out all mitigating circumstances relied on and supported by all relevant documentary evidence.

Regulation 4 - Compliance

- 4.1 CITMA will monitor compliance with these Regulations as it determines appropriate including requiring details of the CPD activities undertaken in the previous calendar year to be supplied by a random sample of qualifying CITMA Paralegal members.
- 4.2 Any non-compliance with these Regulations which is not satisfactorily addressed under Regulation 4 will be considered by CITMA and who may suspend the membership of the CITMA Paralegal.
- 4.3 If a CITMA Paralegal is suspended from membership under Regulation 4.2, the suspension will be lifted upon satisfactory completion of the required CPD and/or receipt of requested evidence.
- 4.4 If the non-compliance is not rectified within a reasonable period (normally three months) of the first day of suspension of membership, CITMA shall take action to cease the membership of the individual.

Regulation 5 - Appeals

- 5.1 Appeals against any decision under these regulations shall be made in writing to CITMA, setting out the reason for the appeal and be supported by any relevant evidence.
- 5.2 Any appeal must be received within one calendar month of the date the decision was issued.
- 5.3 Any appeal received will be considered by the Executive Committee of CITMA within two months of the date of receipt.
- 5.4 The decision of the Executive Committee will be final.

Regulation 6 - Commencement

These Regulations shall apply from 1st January 2019.