

From: Keven Bader
Sent: 30 October 2009 16:05
To: Consultations
Cc: Rosaline Sullivan; 'Lauren Boosey'; 'Kate O'Rourke'
Subject: Internal Governance and Practising Fee Rules consultation

I refer to the above consultation that closes today.

On behalf of the Institute of Trade Mark Attorneys I would like to thank you for the opportunity to comment on this consultation. In general we support the proposals and Rules outlined in the document. In particular, we welcome the change to the appointments rule to allow greater flexibility for those who have previously been in a representational role. The previous proposal to impose imposed a 5 year period of non activity from a representational role to a regulatory role was to severe and we welcome and support the new proposal in this area.

We (as I believe CIPA and IPReg have also commented on) have some concerns over the definition of a "lay person". Introducing a requirement that a lay person must not have a legal qualification is limiting and in our view unnecessary. Whilst we fully accept that a lay person should not in any way be linked to, or have had prior links to the sector regulated by the regulatory board they wish to be a part of, we can see no significant issue in a lay person being appointed from another legal sector. This is especially relevant, if a person is no longer reliant or using their legal qualifications. We would question whether the perceived detriment of a legally qualified person as a lay member outweighs the benefits of utilising experience and opening up the market for lay persons.

In relation to our own joint Intellectual Property Regulation Board (IPReg) this could have a significant impact as current appointments would fall under the legally qualified category. If there is to be no amendment to this Rule, may we urge that suitable transitional provisions be applied to enable current appointees who are legally qualified to see out their term (and any agreed extension of that term) to ensure that the continued smooth transfer of regulatory functions remains in operation. If we were required to change the composition of our Board early next year as a result of these Rules, this would have a detrimental effect on the whole set up and functioning of IPReg and could ultimately have an adverse impact on the consumer.

At this point in time we do not have any further substantive comments to make.

Kind regards

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