

The Patent Regulation Board and the Trade Mark Regulation Board

Minutes

IPReg Board Meeting

Thursday 11th November 2010 2pm.

Outer Temple

Attending

Michael Heap (Chairman)

Rosalind Burford

Penny Nicholls

Bruce Alexander

Ian Buchan

Nicholas Fox

Philip Harris

Danny Keenan

Philip Portwood

Steve Smith

Ann Wright (CEO)

1. **Apologies**

None

2. **Approval of September Minutes**

The Minutes were approved subject to one correction. Once corrected the Minutes could be posted onto the website.

Action: AW to correct and post onto the website

3. **LSB – update**

Michael Heap reported to the Committee that he had received an invitation to meet with the Chairman of the LSB, David Edmonds, for a Stakeholders' Meeting.

4 CIPA/ITMA – update

Ann Wright circulated to Board extracts from the October CIPA journal.

The Board welcomed the report that CIPA Council had approved the split of the Regulatory Oversight Committee “in order to distinguish regulatory oversight issues more clearly from the representational rule”

It was agreed that Michael Heap should contact Maggie Ramage and Alasdair Poore to follow up this initiative

Action: MH to contact MR & AP

5. Report from Internal/External Governance Committee

- **Delegation Agreement**

On the assumption that a new “AR’s Regulatory Committee” will be established (see above) Bruce Alexander proposed that the Delegation Agreement be amended to make clear that CIPA and ITMA were undertaking their regulatory functions through the new “ARs’ Regulatory Committee.” This would reduce the number of changes needed to the document and set a more appropriate tone for it.

Bruce Alexander had also proposed that, in relation to the budget, the Delegation Agreement should not contain a fixed timetable, rather a commitment that the timetable would be published.

Ian Buchan and Bruce Alexander had agreed to make the approved changes so that a document could be issued to the full Board for the January Board meeting.

Action: IB and BA to amend the Delegation Agreement

- **Additional Lay member**

Ann Wright had circulated ahead of the Committee meeting a draft advert for the lay member and it had been approved subject to some amendment. It was agreed that the advertisement should be placed.

- on the websites of IPReg/CIPA/ITMA and the journals of the Institutes
- on the CBI website or similar e.g. its journal
- on the website of IOD or similar e.g. its journal
- on the website of the UK IPO or similar e.g. its journal; and
- e mailed to registrants and entities

Action: AW to amend and issue

- **Replacement of Professional Members**

The Committee had noted that, currently, all three trade mark professional members were due to retire in 2012. In order to accelerate the regularisation of their appointments it had been proposed in the LSB Governance Certificate that one trade mark professional member would offer to stand for re-election in 2011. It was hoped that the trade mark professional members would agree amongst themselves who would retire early.

- **IPReg Limited – memo and arts and registration of logo**

Ian Buchan reported that, in the light of new legislation, changing the Memorandum and Articles of Association of IPReg Limited would be more complex than originally anticipated. Ann Wright confirmed that, whilst IPReg Limited was “off the shelf”, it had sufficiently wide powers to undertake its functions and, therefore, there was no issue in terms of governance in not amending the Memorandum and Articles of Association. In any event, the functions of IPReg Limited were subject to the Delegation Agreement. It was agreed, therefore, that Ian Buchan would advise CIPA and ITMA that IPReg proposed that no further action be taken.

Action: IB to advise CIPA and ITMA

However, the description of IPReg in formal documents should be clarified by adding the words “(a company limited by guarantee)”

6. **Report from Conduct and Disciplinary Committee**

There being insufficient business the Committee had not met. Philip Harris is completing the submission to the LSB for formal approval of the Disciplinary Rules

Action: PH to complete the submission

7 **Report from Education & Qualifications Committee and formal approval of the minutes of that Committee by PRB and TRB**

Rosalind Burford reported that the Committee had undertaken “Soundings Meetings” with the JEB, CIPA and ITMA and further meetings were scheduled with Trainees and Newly Qualified Attorneys and also with representatives of the Universities. The Soundings were proving extremely useful in assessing the strength and weaknesses of the education and qualifications regimes.

Steve Smith reported that he had been contacted by Alasdair Poore regarding the new rules [Exam & Admission Rules] currently out for consultation. Steve advised the Boards that he had indicated that CIPA should make their comments through the formal consultation process but an early response would be welcomed.

Rosalind Burford reported that she, with Penny Nicholls and Ann Wright, had attended the presentation given by the LSB on the finding of its survey into barriers into the legal profession and that she had been concerned that the survey was not representative; being based on some 70 self selecting responses. It had originally been proposed that Rosalind would write to David Edmonds expressing this concern especially if the LSB were intending to use the results to drive through any projects in 2011. However in the light of the proposed meeting (see above) between Michael Heap and Mr. Edmonds it was agreed that the issue would be raised at that meeting.

The Minutes of the Education and Qualifications Committee dated 16 September 2010 were approved by the Patent Regulation Board and the Trade Mark Regulation Board

8. Chief Executive's Report

- Finance (management accounts attached)

Concerns were expressed regarding the layout of the accounts. Whilst generally this was inherent in the accounts package that the office had just purchased AW agreed that she would look into this.

- Practice Fees/ Adjustments to the 2011 Budget – LSB Levy and CIPA/ITMA fee proposal

Ann Wright reported that, informally, indications had been received that there would be no increase in the levy for 2011 but that formal notification of that decision would not be issued until early December. The Board recalled that in the Practice Fee Proposal to the LSB it had undertaken to adjust the practice fees to reflect the actual LSB levy.

However, the Board noted that the CIPA/ITMA fee proposal for maintaining the registers was higher than the budget figures, which the Institutes had agreed, by the approximately the same amount as had been allowed for the increase in the levy . Consequently, the practice fees could not be adjusted to take into account the lower LSB levy.

The Board debated whether it was necessary to advise the registrants and agreed that it was not necessary but that it would clarify the need to offset the cost increase and cost saving if raised.

- **Formal approval of the IPReg Practice Fee Regulation 2010 [the approved regulations are now posted onto the website]**

Approved [Post the meeting it was noted that one figure had been mistakenly duplicated and was corrected by AW as Registrar]

9. **2011 Setting Objectives of Board members**

Michael Heap confirmed that this was a requirement of the LSB. It was agreed that the Board should return to this item after the informal “brainstorming session” (see below)

10 **Any other Business**

Ann Wright asked for guidance whether the issue of the practice fee request should be used as an opportunity to collect data. It was agreed that data should be collected in 2012 but that the Boards would ensure that registrants were aware of this plan.

Nicholas Fox reminded the Boards that they must determine and publish the date when the “passporting “of entities under Regulation 2 [Patent Attorney and Trade Mark Attorney Registered Bodies Regulation] should cease and the Boards agreed that the date should be 31st December 2010

11. **Confirmation** that decisions are made by the Patent Regulation Board and the Trade Mark Regulation Board except where these minutes expressly state otherwise.

Next Meeting

Thursday 20th January 2011 at noon

IPReg
Income Expenditure Account
January 2010 to October 2010

	£	£	£
INCOME			
Fees - Registration services			
Patent Register			223,850.00
Trademark Register			67,037.50
Dual Qualified registrations			92,800.00
Entity registration fees			
Entity registrations	98,950.00		
Manager registrations	400.00		
			<u>99,350.00</u>
Total fees - registration services			483,037.50
Bank interest earned			42.03
TOTAL INCOME			<u><u>483,079.53</u></u>
EXPENSE			
Legal & professional fees			
Costs - Registration services			
Patent Register	35,508.50		
Trademark Register	9,300.00		
Dual Qualified registrations	15,593.00		
Entity Register	8,401.25		
			<u>68,802.75</u>
LSB levy	112,989.75		
Chairman's fees	18,600.46		
Board Member's fees	32,331.25		
Legal & professional fees	16,157.58		
Audit & accountancy	-220.00		
Professional indemnity insurance	729.00		
Administrator's costs - LQ	8,517.11		
Website	739.58		
			<u>258,647.48</u>
Staff costs			
CEO salary	41,666.75		
Administrative staff salaries	17,294.50		
Employers NI	5,366.12		
			<u>64,327.37</u>
Financial expenses			
Bank charges		355.28	
General administrative expenses			
Rent, services & running Costs			
Rent	22,660.00		
Services & running costs	8,407.09		
			<u>31,067.09</u>
Travel & accommodation	13,192.55		
Printing, postage & stationery	1,147.41		
Insurance expense	140.00		
Meetings, events & receptions	2,221.68		
Computer expenses	2,286.51		
Depreciation - computer	604.29		
Office & kitchen expense	323.36		
Miscellaneous expense	286.59		
			<u>51,269.48</u>
TOTAL EXPENSE			374,599.61
OPERATING BALANCE			<u><u>£108,479.92</u></u>