

## IPREG PRACTICE FEE REGULATION 2009

The Patent Regulation Board of the Chartered Institute of Patent Attorneys and the Trade Mark Regulation Board of the Institute of Trade Mark Attorneys working jointly together as the IP Regulation Board (IPREG) now make the following provisions under section 275A of the Copyright Designs and Patents Act 1988 and under section 83A of the Trade Marks Act 1994, respectively, pursuant to Sections 185 and 184 of the Legal Services Act 2007.

### Regulation 1 - Interpretation

In these Rules, unless context otherwise requires:

“patent attorney register” means the register kept under section 275 of the Copyright Designs and Patents Act 1988 as amended;

“trade mark attorney register” means the register kept under section 83 of the Trade Marks Act 1994 as amended;

“attorney” means registered patent attorney or registered trade mark attorney;

“registered entity” means a body (corporate or unincorporate) registered in the patent attorney register or the trade mark attorney register;

“practising via an entity” means providing services to clients via the entity or being employed by or being a manager of the entity;

“manager”, in relation to an entity, has the same meaning as in the Legal Services Act 2007;

“patent and/or trade mark work” means work undertaken in the course of business as an attorney;

“corporate work” means patent and/or trade mark work undertaken by an employed attorney acting solely as an agent on behalf of —

- a) their employer;
- b) a company or organisation controlled by their employer or in which their employer has a substantial measure of control;
- c) a company in the same group as their employer;
- d) a company which controls their employer;
- e) an employee (including a director or a company secretary) of a company or organisation under (a) – (d) above, where the matter relates or arises out of the work of that company or organisation; or
- f) another person with whom a person under (a) to (e) above has a common interest;

“in private practice” means undertaking patent and/or trade mark work which is not solely corporate work;

“inactive attorney” means an attorney who is not available to conduct any patent and/or trade mark work for a client or employer;

“sole trader attorney” means an attorney in private practice based in the UK who is practising other than via a registered entity or an entity regulated by another legal services regulator;

“other professional” means an individual who:

- i) is not a registered patent attorney or a registered trademark attorney;
- ii) is based in the UK; and is
- iii) qualified as a:
  - a) European patent attorney;
  - b) European trademark attorney;
  - c) barrister;
  - d) solicitor; or
  - e) is qualified to be a registered patent attorney or a registered trademark attorney but is not registered as such.

### Regulation 2 – Individual fees

The fees for provided for under regulation 12.2 of the Patent Attorney and Trade Mark Attorney Qualification and Registration Regulations 2009 for individuals to be entered into or to remain on the patent attorney register or the trade mark attorney register shall be as follows:

	<b>For entry on or to remain on a single register</b>	<b>For entry on or to remain on both registers</b>
<b>i) Attorney solely undertaking corporate work</b>	£125	£200
<b>ii) Attorney in private practice</b>	£150	£250
<b>iii) Inactive attorney</b>	£125	£200
<b>iv) Sole trader attorney not employing other attorneys or other professionals</b>	£250	£350
<b>v) Sole trader attorney employing other attorneys or other professionals</b>	£250 + £50 for each attorney employed by the sole trader attorney +£200 for each other professional employed by the sole trader attorney	£350 + £50 for each attorney employed by the sole trader attorney +£200 for each other professional employed by the sole trader attorney

### Regulation 3 – Late fees

The late fees provided for under regulation 7.5 of the Patent Attorney and Trade Mark Attorney Qualification and Registration Regulations 2009 shall be equal to 50% of the corresponding fee to be entered into or to remain on the patent attorney register or the trade mark attorney register which is being paid late up to a maximum late fee of £125.

#### **Regulation 4 – Registered entity fees**

The fees provided for under regulations 2.3 and 3.1 of the Patent Attorney and Trade Mark Attorney Registered Bodies Regulations for corporate or unincorporate bodies to be entered into or to remain on the patent attorney register or the trade mark attorney register shall be as follows:

	<b>For entry on or to remain on a single register or both registers</b>
<b>i) Registered entity through which only a single attorney and no other attorneys or other professionals provide services</b>	£100
<b>ii) Any other registered entity</b>	£250 + £50 for each attorney practising via the entity + £200 for each other professional practising via the entity

#### **Regulation 5 – Commencement**

The fees set out in this regulation shall apply from the date on which sections 184 and 185 of the Legal Services Act 2007 come into force with the exception of the fees set out in regulation 4 which shall come into effect subject to approval by the Legal Services Board.