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The Chartered Institute of Patent Attorneys

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# The Mercer Review

of the Education, Training  
and Assessment of UK  
Chartered Patent Attorneys

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## Call for Evidence

The Chartered Institute of Patent Attorneys (CIPA) is the professional body for patent attorneys in the UK. CIPA is the Approved Regulator for the UK patent attorney profession, as defined in the Legal Services Act 2007 (LSA). CIPA delegates its regulatory responsibilities under the LSA and the Copyright, Designs and Patents Act 1988 to the Intellectual Property Regulation Board (IPReg).

CIPA is undertaking a review of the education, training and assessment of UK Chartered Patent Attorneys in its capacity as the representative body for patent attorneys in the UK. The steering group for the review is chaired by Chris Mercer and so the review has been called “the Mercer Review”. The Mercer Review is a comprehensive consultation on the education, training and assessment arrangements for entry onto the UK Register of Patent Attorneys (the Register) maintained by IPReg as a Registered Patent Attorney (RPA) and for election as a Fellow of CIPA so that the Fellow can use the reserved title “Chartered Patent Attorney” (CPA).

The Mercer Review is deliberately broad in scope. CIPA wishes to receive evidence from stakeholders on any aspect of the current arrangements for the education, training and assessment of trainee patent attorneys and how these arrangements could evolve to meet the future needs of the profession and users of the IP system. Whilst this Call for Evidence sets out a number of key questions, respondents should not feel limited to making observations on only these questions and should feel free to raise additional questions. Respondents should feel free to respond in as much depth as they feel appropriate.

The Call for Evidence closes at 5pm on Friday 14 February, 2020.

Please send responses to [MercerReview@cipa.org.uk](mailto:MercerReview@cipa.org.uk).

 **CIPA**  
The Chartered Institute of Patent Attorneys  
Founded 1882  
Royal Charter 1891

## Background

The Patent Examination Board (PEB) is a committee of CIPA but has an independent governance structure and is responsible for its own financial affairs, including the setting of examination fees. The PEB is governed by a board comprising lay members with expertise in education and examination and members drawn from the patent attorney profession. The PEB is set up to be independent to be in compliance with the requirements of the LSA.

The PEB is accredited by IPReg to set the professional examinations for qualification as a patent attorney and entry to the Register.

The PEB does not oversee the education and training of trainee patent attorneys. Professional education and training is supervised by employers and is a mix of formal and informal education and training leading to the PEB examinations. Employers are free to design training plans based on the needs of individual trainees. Whilst there are no overarching requirements for professional education and training, IPReg has published a competency framework setting out the general and technical skill sets a trainee patent attorney is expected to cover.

The assessment system has two levels of examination set by the PEB: Foundation Certificate and Final Diploma. The Foundation Certificate examinations cover UK Patent Law (FC1); English Law (FC2); International Patent Law (FC3); Design and Copyright Law (FC4); and Trade Mark Law (FC5). The Final Diploma examinations cover Advanced IP Law and Practice (FD1); Drafting of Specifications (FD2); Amendment of Specifications (FD3); and Infringement and Validity (FD4).

Successful completion of the PEB examination series enables entry onto the Register and election as a Fellow of CIPA. There is a CPD requirement for newly qualified patent attorneys to obtain a qualification in Litigation Skills within three years of entry onto the Register.

A candidate holding one of the law qualifications listed in Schedule 3 of the IPReg Rules for the Examination and Admission of Individuals to the Registers of Patent and Trade Mark Attorneys 2011 may apply to be exempted from one or more of the Foundation Certificate examinations. These include qualifications provided by Queen Mary University of London, Bournemouth University and Brunel University. The PEB does not grant exemptions from the Final Diploma examinations. IPReg recognises success in the European Qualifying Examinations (EQE) as equivalent to passing FD2 and FD3.

There are no formal education and training or service requirements to be met before undertaking PEB examinations. Trainees will experience different approaches to professional education and training, depending on the size and location of firms and in-house departments, the availability of local supervision and access to courses offered by universities and other course providers.

The Informals is the student body of CIPA. Trainee patent attorneys automatically become members of the Informals on joining CIPA as a Student member and then have access to the seminars and other activities and events organised by the Informals Committee.

## Key Questions

The following questions are provided to offer some structure to the consultation but are not exhaustive. Please feel free to make observations or raise questions on issues or topics not covered below.

### Question One Administration

- a) Is the relationship between CIPA, IPReg and the PEB appropriate for the administration of professional examinations?
- b) Do you have any comments about the administration of the PEB examinations?

### Question Two Foundation Certificate

- a) Do you have any comments about the current knowledge, understanding and practice covered by the Foundation Certificate examinations?
- b) Are there any additional areas of knowledge, understanding or practice that should be covered by the Foundation Certificate examinations?
- c) Are there any areas of knowledge, understanding or practice that should be removed from the Foundation Certificate examinations?
- d) Do you have any other comments about the Foundation Certificate examinations, for example in terms of language, timing, subject-matter or training period?
- e) Do you have any comments about the use of university qualifications, such as those provided by Queen Mary University of London, Bournemouth University and Brunel University, as an alternative to the Foundation Certificate?

### Question Three Final Diploma

- a) Do you have any comments about the current knowledge, understanding and practice covered by the Final Diploma examinations?
- b) Are there any additional areas of knowledge, understanding or practice that should be covered by the Final Diploma examinations?
- c) Are there any areas of knowledge, understanding or practice that should be removed from the Final Diploma examinations?
- d) Do you have any other comments about the Final Diploma examinations, for example in terms of language, timing, subject-matter or training period?

### Question Four Assessment Methodology

- a) Do you have any comments about the use of closed-book examinations for the Foundation Certificate and Final Diploma examinations?

- b) Are there any other approaches to assessing knowledge, understanding and practice that should be considered in addition to, or as an alternative to, closed-book examinations?
- c) Do you have any comments about the qualifications listed in Schedule 3 of the IPReg Rules for the Examination and Admission of Individuals to the Registers of Patent and Trade Mark Attorneys leading to part or full exemption from the Foundation Certificate examinations?

**Question Five European Qualifying Examinations**

- a) Do you have any comments about the current knowledge, understanding and practice covered by the EQE?
- b) Do you have any comments about the administration of the EQE?
- c) Do you have any comments about IPReg recognising success in the EQE as equivalent to passing FD2 and FD3?

**Question Six Litigation Skills**

- a) Do you have any comments about the requirement for newly qualified patent attorneys to obtain a qualification in Litigation Skills within three years of entry onto the Register?

**Question Seven CPD**

- a) Are there any other areas of knowledge, understanding or practice for which CPD should be mandatory following admission to the Register?

**Question Eight Education and Training**

- a) Do you have any comments about the professional education and training of trainee patent attorneys in preparation for qualification?
- b) Should there be greater guidance on the knowledge, understanding and practice required for trainee patent attorneys to undertake the PEB examinations?
- c) Should there be a mandatory training requirement before a trainee patent attorney is eligible for entry to the PEB examinations? If so, how could this be applied uniformly, given the vast range in size of patent attorney firms and in-house departments?
- d) Do you have any comments about the support provided for trainee patent attorneys by the Informals?
- e) Do you have any comments about the general support available for trainee patent attorneys?

**Question Nine Any Other Comments**

- a) Do you have any other comments or observations about the education, training and assessment of patent attorneys?