

## Amendments to the Continuing Professional Development Regulations

### Regulation 1 – Interpretation

Replace current definition of “Authorised Litigator” with definition of Higher Court Advocate

### Regulation 3 – Requirements

Replace current Regulation 3.2 with below

3.2 A Higher Court Advocate is required to complete a minimum of five hours Higher Court Advocacy CPD in each of the five years following qualification as a Higher Court Advocate or in the case of a Higher Court Advocate previously awarded Higher Court advocacy rights by another authorised body in each of the five years following the award of those rights by that body.

## Compliance with CPD Regulations - Guidance Notes 2012

### 6 Special CPD requirements: including part-time workers, extended leave, overseas-based registrants, dual-registrants and ~~authorised litigators~~ Higher Court advocates

Registered attorneys practising on a part-time basis are required to complete the same minimum number of CPD hours as those in full-time practice. However, registered attorneys who can substantiate that they have not been in active practice for a significant period during a year (for example as a result of illness, maternity, paternity, sabbatical leave or career break) may be entitled to a reduction in the required CPD minimum on application to the IPReg Education and Qualifications Committee. If the inactive period has been prolonged, then the Committee may require that a programme of CPD activities is started immediately on return to active practice.

Newly qualified individuals are not required to undertake CPD during the registration year in which they qualify but only from their next full year of registration.

Newly qualified individuals entering the Patent Attorney and Trade Mark Attorney registers on or after [date] must attend a certified basic litigation skills course either prior to qualification or within 3 years from the end of the calendar year when they are first entered onto the register.

In the case of trade mark attorneys qualifying under the new examination regime, this requirement will be fulfilled by their attending the litigation skills weekend included in the Nottingham Law School practise skills course required to qualify as a trade mark attorney.

Newly qualified patent attorneys and any trade mark attorneys qualifying under the old examination regime will have to attend either the litigation skills weekend included in the Nottingham Law School practise skills course or a basic litigation skills course run by CIPA or another accredited provider.

Course providers will provide details of attendees direct to IPReg to enable IPReg to monitor compliance with this provision and to enable IPReg to update the Patent Attorney and Trade Mark Attorney registers to indicate that such attorneys are eligible to undertake litigation and exercise rights in the Patents County Court and on Appeal from decisions of the IPO.

Any attorney who provides IPReg with evidence that they have already acquired a right to conduct civil litigation because for example they are qualified as a barrister or a solicitor or who provides evidence that they have completed the Bar Professional Training Course or the solicitors' Legal Practice Course will be exempted from the requirement to attend a basic litigation course.

If an attorney acquires an IPReg Higher Courts Litigation Certificate within 3 years of qualification they will also be exempted from the requirement to attend a basic litigation course. Practising attorneys registered on both the patent attorney and trade mark attorney Registers are normally only required to achieve the minimum of 16 hours CPD required for a single Register (and not for both Registers) provided the number of hours involved on patent and trade mark activities broadly reflects the split of patent and trade mark business carried out. However, IPReg may wish to examine CPD returns from such dual registered attorneys

to ensure that sufficient CPD activities are being carried out relevant to both trade mark and patent practice to support remaining on both Registers.

Attorneys are required to undertake CPD relevant to their practice. IPReg do not require specific numbers of hours to be devoted to particular subjects. Rather attorneys should determine for themselves, bearing in mind their existing skills and the nature of their practice, the most appropriate subjects where they should undertake CPD. It would be expected that any attorneys who wish to exercise rights of audience or rights to litigate will undertake CPD relevant to the conduct of litigation and/or advocacy on a sufficiently regular basis to ensure at a minimum that their skills in those areas are maintained.

Any attorney obtaining a Higher Courts Advocacy Certificate on the basis of passing an advocacy skills course or an advocacy assessment must undertake at least five hours of CPD relating to the provision of advocacy services in the higher courts in each of the first five CPD years following the grant of the qualification. Attorneys who obtain a Higher Courts Advocacy Certificate on the basis of a grant of a right of audience from another authorised body must undertake at least five hours of CPD relating to the provision of advocacy services in the higher courts in each of the first five CPD years following the date of first exercising that right.

Registered attorneys practising abroad are still subject to the IPReg CPD requirements but may include relevant activities carried out abroad or to satisfy overseas CPD requirements.

~~Authorised Litigators are required to carry out a minimum of 6 hours CPD relevant to litigation, 3 hours of which can be included in the 16 hours CPD required to remain on the Register as a practising attorney with the remaining 13 hours primarily devoted to other than litigation topics. Advice about CPD relevant to litigation may be obtained on request from the IPReg CPD Sub-Committee.~~