

**Sent by email**

Fran Gillon  
Chief Executive  
Intellectual Property Regulation Board



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Dear Fran

### **Internal Governance Rules 2019 – Rule 16 authorisation**

Thank you for submitting the Intellectual Property Regulation Board (IPReg) request to the Legal Services Board (LSB) of 3 July 2020 made under Rule 16 (Saving Provisions) of the Internal Governance Rules (IGR) that came into effect on 24 July 2019.

You have requested prior written authorisation for non-compliance with the IGR due to identifying a potential breach of Rule 5 (Prohibition of Dual Roles) with regard to an individual who is a member of the IPReg Board and also a member of the Chartered Institute of Patent Attorneys (CIPA) Trade Marks Committee (“the Committee”). You have explained that the individual’s tenure on this Committee ends on 31 December 2020.

We have taken into account the particular circumstances which apply to IPReg and the Committee in question, including what would be proportionate and in the public interest having regard to any risk to consumers. We note that IPReg and CIPA have made an assessment and reached the conclusion that the likelihood of a specific conflict of interest (or perception of a conflict) as a result of the Board member’s dual roles in this instance is limited. This assessment is based on the absence of an identified conflict in the past, over a five year period.

We have taken account of the fact that IPReg and CIPA have undertaken to ensure that in the event of a conflict or potential conflict arising, the Board member concerned would declare it and a decision would be taken by the IPReg

Chair/Board/PRB as to the appropriate way to deal with any conflict. We note that these processes are already in place under standard procedures and that this specific issue would only persist for a period of five months and three Board meetings. We have also considered the request in the context of the COVID-19 pandemic and the additional weight this period of uncertainty gives to arguments in favour of allowing the additional time limited flexibility requested, in order to support a managed transition.

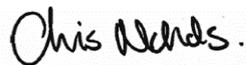
In view of these considerations, we can confirm that your request for the LSB's authorisation under Rule 16(1)(c) (Saving Provisions) of the IGR is granted until 31 December 2020.

The effect of this authorisation is that IPReg will not be required to comply with Rule 5 with regard to the individual having dual roles on the IPReg Board and CIPA Trade Marks Committee from 24 July 2020 to 31 December 2020. This authorisation is granted on the basis of all the matters set out above. We consider that this time limited authorisation is appropriate in the circumstances and expect IPReg and CIPA to comply in full with rule 5 of the IGR upon the expiry of this authorisation.

This authorisation, together with certificates of compliance for all other approved regulators and regulatory bodies, will be published on the LSB website on 28 July 2020.

I am copying this letter to Lee Davies, CEO of CIPA.

Yours sincerely,

A handwritten signature in black ink that reads "Chris Nichols." The signature is written in a cursive, slightly slanted style.

Chris Nichols

Director, Policy and Regulation