

Sent by email

Fran Gillon
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Dear Fran

Internal Governance Rules 2019 – Rule 16 authorisation

Thank you for submitting IPReg's request to the Legal Services Board (LSB) of 24 June 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 not having a lay majority on IPReg's Board until the next non-lay member's term of office ends, which is scheduled for June 2021. In the meantime, you have explained that if there were ever a tied vote on a particular matter, the lay Chair would have a casting vote.

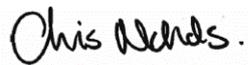
We have taken into account the particular circumstances which apply to IPReg, including what would be proportionate and in the public interest having regard to any risk to consumers. We have also taken into account the fact that the IPReg Board has determined to reduce its overall size when Board members' terms naturally end. Furthermore, we note IPReg has delegated all of its regulatory functions to two Boards respectively dealing exclusively with patent attorney and trade mark attorney matters, and that each Board – whose members are drawn from the IPReg Board – have a lay majority. 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) is granted, effective from 24 July 2020 until 30 June 2021 or until the non-lay member concerned, or any other non-lay member, ceases to be a member of IPReg Board.

The effect of this authorisation is that IPReg will not be required to comply with Rule 7 with respect to requiring a lay majority for the IPReg Board from 24 July 2020 to 30 June 2021. This authorisation is granted on the basis of all the matters set out above. We consider that this time limited authorisation is proportionate and appropriate in the circumstances.

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.

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