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**A consultation response from the Chartered Institute of Patent Attorneys (CIPA)
Encouraging a diverse legal profession**

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The Chartered Institute of Patent Attorneys (CIPA) is the professional body and approved regulator for patent attorneys in the UK. Founded in 1882 and incorporated by Royal Charter in 1891, CIPA is one of the oldest intellectual property organisations in the world. With almost 5,000 members including 2,900 Fellows (Chartered Patent Attorneys), 1,000 student members and 700 paralegal members, CIPA is the largest IP membership body in the UK. CIPA's Royal Charter covers IP practitioners with expertise in patents, trade marks, designs, copyright and all other forms of intellectual property. CIPA is governed by its elected Council, in whose name this consultation response is made.

Introduction and context

The Chartered Institute of Patent Attorneys (CIPA) welcomes the opportunity to respond to the Legal Services Board's consultation on Encouraging a diverse legal profession. CIPA strongly supports the objective of encouraging a more diverse, inclusive and sustainable legal profession. However, we are concerned that the consultation adopts a uniform, regulator-centric approach that does not sufficiently recognise the distinct structures, pathways and dynamics of different regulated communities.

In particular, the consultation gives limited evidence of a detailed understanding of the patent attorney profession. As a result, several of the proposed outcomes and expectations risk being applied in a 'one size fits all' manner that is not well suited to professions where regulators have limited influence over recruitment, early-career pipelines and entry routes.

CIPA is the professional representative body for patent attorneys and related IP professionals. The Intellectual Property Regulation Board (IPReg) undertakes regulation of qualified UK patent attorneys. Students are not formally regulated until they qualify, and IPReg has little influence over recruitment into the profession.

Firms and in-house counsel can select who they employ to begin training to become a patent attorney, as long as those candidates have the necessary requirements to sit the examinations. Although IPReg sets the eligibility requirements for sitting the UK qualifying examinations, IPReg has less influence over recruitment into the profession than other regulatory bodies, such as, for example, the Solicitors Regulation Authority (SRA). We note that patent attorney candidates do not follow a standard legal pathway into the profession as most patent attorney candidates will have varying degrees in STEM subjects.

The majority of UK patent attorneys are also European Patent Attorneys. In practice, this means that most patent attorneys working in the UK are subject to dual professional oversight: regulation in the UK by IPReg and professional discipline at European level through the Institute of Professional Representatives before the European Patent Office (epi). The interaction between these regimes is not uniform and standards differ, for example it is European regulation which sets a minimum technical degree as the entry threshold. This layered and variable structure is distinctive and materially different from the single-regulator model assumed in the consultation.

Shaping the future diversity of the patent attorney profession therefore cannot be achieved through regulation alone.

Encouraging a more diverse profession is a shared responsibility between regulators, professional bodies, employers and educators. In the patent attorney profession, CIPA is best placed to provide leadership in this area, given its ability to mobilise members, influence employer behaviour, engage with education providers and invest in long-term, profession-wide initiatives.

CIPA is also concerned about the cumulative impact of regulatory intervention on resources. The LSB has repeatedly increased the levy on IPReg, with the financial burden falling on CIPA's members. There is a real risk that additional regulatory expectations, particularly where they are misaligned with the realities of the profession, will result in the misallocation of limited resources away from initiatives that demonstrably improve diversity and inclusion.

CIPA has demonstrated clear leadership through its role in founding, funding and continuing to support IP Inclusive, an IP sector-wide initiative that has delivered measurable and sustained impact on diversity, inclusion and wellbeing across the intellectual property professions. IP Inclusive represents precisely the type of collaborative and profession-led approach that the LSB should recognise, value and learn from if it is to function as a genuine thought leader on diversity. CIPA also has its own EDI Committee that includes a breadth of representation from within the IP profession. CIPA's EDI Committee is not only open to regulated attorneys, but also to those that are unregulated that work within several areas within the profession (e.g. HR, paralegal support and students).

Q1a. Do you agree that these proposed outcomes will help to address the barriers to encouraging a diverse legal profession? Are there any further, or alternative, outcomes we should consider?

CIPA agrees that the four proposed outcomes articulate important ambitions. However, we do not agree that they will be equally effective across all regulated professions in their current form.

The outcomes are framed in a way that assumes regulators are well placed to influence entry routes, recruitment and early-career diversity. This assumption does not hold for the patent attorney profession, where many of the most significant barriers arise well before regulation begins. By not adequately accounting for these structural differences, the consultation risks promoting regulatory activity that is misdirected, inefficient or ineffective.

If the LSB is to provide genuine leadership on diversity, it must move beyond a uniform framework and explicitly recognise that different professions require different levers, actors and solutions. We therefore urge the LSB to strengthen the outcomes by embedding a clearer requirement for profession-specific analysis and differentiated regulatory approaches.

Q1b. Do you agree that the proposed outcomes should be pursued by regulators through a set of specific expectations?

CIPA agrees that setting expectations can provide clarity and consistency, provided those expectations are applied proportionately and flexibly. It is important that regulators retain discretion to tailor their approach to the structure, scale and characteristics of their regulated communities.

We particularly welcome the acknowledgement that regulators may take alternative approaches where they can demonstrate that these are more appropriate and effective within their regulatory context.

Q1c. Do you agree that the proposed structure of core and enhanced expectations offers an effective way to set a clear minimum standard while encouraging additional steps where appropriate?

Yes. CIPA supports the distinction between core and enhanced expectations as a means of balancing consistency with proportionality. This approach recognises that not all regulators have the same capacity, risks or opportunities, and that enhanced expectations should be pursued where evidence indicates additional intervention is necessary and likely to be effective.

Q2a. Do you agree with the proposed Outcome 1?

Yes. CIPA agrees with Outcome 1 and strongly supports strategic, evidence-based and collaborative approaches to encouraging diversity. Collaboration is particularly critical in the IP sector, where effective initiatives often span multiple professions and sit outside formal regulatory structures.

Q2b. Do you agree that the proposed expectations will help regulators to pursue Outcome 1? Are there any further expectations we should consider?

The proposed expectations are broadly appropriate. We particularly support the emphasis on high-quality data, evidence-informed action plans and collaboration with others. However, we encourage the LSB to ensure that expectations relating to data collection and analysis remain proportionate, particularly for smaller regulators and professions where response rates may be limited and where diversity challenges arise primarily outside the regulated population.

We also suggest that explicit recognition be given to credible profession-led and cross-sector initiatives such as IP Inclusive, as valid and effective mechanisms through which regulators can meet collaborative expectations without duplicating effort.

Q2c. Are there any enhanced expectations that would be better placed under core expectations under Outcome 1, or vice versa?

CIPA does not propose reclassification at this stage. However, we note that enhanced expectations relating to numerical targets and extensive evaluation frameworks may not be appropriate or proportionate for all regulators. These should remain clearly optional and dependent on context.

Q3a. Do you agree with the proposed Outcome 2?

Yes. CIPA strongly supports Outcome 2. Fairness, consistency and the avoidance of bias in regulatory processes are fundamental to maintaining trust in regulation and to supporting diversity and inclusion.

Q3b. Do you agree that the proposed expectations will help regulators to pursue Outcome 2? Are there any further expectations we should consider?

CIPA agrees that the proposed expectations are appropriate and necessary. In particular, the focus on equality impact assessment, transparency, and data analysis in disciplinary and enforcement processes is welcome.

We encourage continued emphasis on proportionality and on avoiding unintended consequences, such as increased regulatory burden that does not demonstrably improve fairness or outcomes.

Q3c. Are there any enhanced expectations we could set for regulators to pursue Outcome 2?

CIPA does not propose additional enhanced expectations. We consider that the core expectations already set a robust and appropriate baseline for fair regulatory practice.

Q4a. Do you agree with the proposed Outcome 3?

CIPA does not agree with Outcome 3 as currently framed and considers that it exemplifies the risks of a 'one size fits all' regulatory approach.

Outcome 3 assumes that regulators can meaningfully shape entry pathways, recruitment practices and early-career accessibility. This reflects a limited understanding of the patent attorney profession. As mentioned above, most trainee patent attorneys entering the profession sit two sets of examinations – those that are set by the Patent Examination Board in the UK and those that are set by the European Patent Office (EPO) to become a professional representative that can act before the EPO. IPReg has no influence over the examinations prepared by the EPO and, therefore, it is entirely possible that a European patent attorney practicing in the UK would not be regulated, at all, by IPReg. Imposing extensive regulatory expectations in this area risks misallocating regulatory effort and professional resources, without delivering corresponding diversity outcomes.

In the patent attorney profession, effective action to encourage diversity in pathways sits with CIPA, employers, education providers and sector-wide initiatives. Regulatory intervention should therefore be limited, proportionate and explicitly designed to avoid displacing or duplicating non-regulatory initiatives that are already effective.

Q4b. Do you agree that the proposed expectations will help regulators to pursue Outcome 3? Are there any further expectations we should consider?

CIPA does not consider that the proposed expectations will, in themselves, materially advance diversity in entry pathways for the patent attorney profession.

Several expectations appear to transpose models developed for other legal professions onto a fundamentally different professional structure. This reinforces our concern that the consultation reflects a 'one size fits all' approach rather than one grounded in a nuanced understanding of different regulated communities.

If Outcome 3 is to be pursued effectively, the LSB should explicitly recognise the limits of regulatory influence and instead encourage regulators to support, enable and align with profession-led initiatives. In the patent attorney profession, this includes recognising the central role of CIPA and the demonstrable impact of IP Inclusive in addressing pipeline and accessibility challenges.

Q4c. Are there any enhanced expectations that would be better placed under core expectations under Outcome 3, or vice versa?

CIPA does not recommend reclassification. Enhanced expectations relating to disaggregated outcomes data and additional publication requirements should remain optional and proportionate.

Q4d. Are there any additional expectations we should set under Outcome 3 to reduce barriers for those moving between or re-entering professions?

CIPA supports efforts to reduce barriers for returners and those moving between roles. However, we note that many of the most effective measures in this area are employer-led or profession-led rather than regulatory.

We suggest that the LSB encourages regulators to support and signpost good practice, flexible pathways and re-entry initiatives developed by CIPA and employers, rather than mandating prescriptive regulatory requirements.

Q5a. Do you agree with the proposed Outcome 4?

Yes. CIPA agrees with Outcome 4 and supports the focus on professional conduct, behaviours and competencies that foster inclusive and respectful professional environments.

Q5b. Do you agree that the proposed expectations will help regulators to pursue Outcome 4? Are there any further expectations we should consider?

CIPA agrees that the proposed expectations are appropriate. We particularly support alignment between regulatory standards and wider profession-led initiatives that promote inclusive behaviours, wellbeing and respectful cultures.

Q5c. Are there any enhanced expectations that would be better placed under core expectations under Outcome 4, or vice versa?

CIPA does not propose changes to the classification of expectations under Outcome 4.

Q6a. Do you agree our proposed timelines for implementation are achievable?

CIPA considers that the proposed timelines may be challenging for some regulators, particularly smaller regulators with limited resources. Achievability will depend on the extent to which expectations are applied proportionately and allow regulators to build on existing work rather than duplicate activity.

Q6b. Are there any reasons why a regulator would not be able to meet these milestones?

Yes. Potential barriers include resource constraints, data limitations, and the need to coordinate with external partners where effective action depends on non-regulatory interventions.

Q6c. Do you have views on whether and how the LSB could take additional steps to support compliance?

CIPA encourages the LSB to support regulators through practical guidance, opportunities for shared learning, and recognition of effective profession-led initiatives. Avoiding duplication and supporting collaboration will be key to effective implementation.

Q7a. Have you identified any equality impacts we haven't considered?

CIPA highlights the risk that overly prescriptive regulatory expectations could divert resources away from initiatives that demonstrably improve diversity, particularly profession-led and cross-sector initiatives such as IP Inclusive.

Q7b. Do you have any evidence relating to the potential impact of our proposals on specific groups with certain protected characteristics, and any associated mitigating measures that you think we should consider?

Yes. IP Inclusive provides a robust and credible evidence base demonstrating that collaborative, profession-led initiatives can deliver meaningful improvements in diversity, inclusion and wellbeing across the IP professions.

Founded with CIPA's leadership and continuing financial and strategic support, IP Inclusive now spans all IP professions and engages employers, individuals and IPReg. Its impact reporting demonstrates tangible benefits across multiple protected characteristics, as well as socio-economic background and wellbeing. Importantly, this impact has been achieved without regulatory compulsion and at a scale that no single regulator could deliver alone.

This evidence strongly suggests that the most effective mitigating measure is not further regulatory prescription, but active recognition, protection and support of initiatives that already work. The LSB should ensure that its approach does not inadvertently divert resources away from such initiatives or undermine their effectiveness.

Q7c. Are there any other wider equality issues or impacts that we should take into account?

CIPA encourages the LSB to consider diversity across the full IP ecosystem, including unregulated roles such as IP Paralegals, which play an important role in accessibility, progression and workforce diversity.

Q8. Do you have any comments on the potential impact of the draft statement of policy, including the likely costs and anticipated benefits?

CIPA is concerned that the draft statement of policy does not sufficiently account for the financial and opportunity costs associated with increased regulatory expectations.

The LSB has repeatedly increased the levy on IPReg, and these costs are borne by regulated professionals. There is a significant risk that further expansion of regulatory activity in areas where regulators have limited influence will lead to additional cost without commensurate benefit. Resources that could otherwise be invested directly by the profession in targeted, evidence-based diversity initiatives may instead be diverted towards compliance activity and reporting.

By contrast, profession-led initiatives such as IP Inclusive have demonstrated strong returns on investment in terms of measurable impact on diversity, inclusion and wellbeing. The LSB should ensure that its approach actively supports, rather than undermines, the ability of professions to deploy resources where they are most effective.

Q9a. Do you have any comments on how the LSB, either independently and/or in partnership, might develop further measures alongside the proposals set out in the consultation to encourage a diverse profession?

CIPA encourages the LSB to continue engaging with professional bodies, cross-sector initiatives and regulators to identify and promote effective practice, rather than relying solely on regulatory levers.

Q9b. Do you have any views on whether the LSB could take additional steps alongside setting expectations for regulators in the draft statement of policy to encourage a diverse profession?

Yes. The LSB could play a valuable convening role, facilitating collaboration, shared evidence and learning across professions and regulators.

Q9c. Do you have any further comments on our proposals that you would like to share?

CIPA is concerned that the consultation reflects an insufficiently differentiated understanding of the legal professions it oversees and risks regulatory overreach in areas where regulation is not the most effective lever for change.

If the LSB wishes to function as a genuine thought leader on diversity, it must invest more deeply in understanding the specific dynamics, structures and challenges of individual regulated communities, including the patent attorney profession. This includes recognising where regulatory intervention risks misallocating resources away from initiatives that demonstrably work.

CIPA therefore recommends that the LSB revise Outcome 3 to explicitly recognise professions where regulators have limited influence over recruitment and entry pathways, and to place greater emphasis on supporting and aligning with profession-led and sector-wide initiatives rather than extending prescriptive regulatory expectations.

We strongly encourage the LSB to recognise and learn from the success of IP Inclusive and from CIPA's leadership in establishing, funding and sustaining it. Diversity in the patent attorney profession has advanced most effectively where responsibility has been shared and leadership has been exercised by those best placed to deliver change. Future regulatory policy should be designed to reinforce, not replace, this model.

Yours sincerely



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