

# Candidate Brief



## Intellectual Property Regulation Board

### Board Members

Y0801LAY - One lay member

Y0801PA - One patent attorney member

**August 2022**

**Managing Director**  
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## Welcome from Rt Hon Lord Smith of Finsbury - Chair

Dear Candidate,

I am delighted that you are interested in applying to be a member of the IPReg Board. These vacancies have arisen because at the end of September this year, one of our patent attorney Board members (Nigel Robinson) will have completed two terms of office and is stepping down. At the end of June 2023, one of our lay Board members (Caroline Seddon) will also have completed two terms of office and is stepping down.

This is an exciting time to be part of legal services regulation – and the intellectual property sector (IP) in particular which will play a key role in the UK's future economic success. In addition, IPReg is nearing completion of a major review of all its regulatory arrangements and ensuring that they are implemented smoothly will be a key piece of work for the IPReg Board. Our ambition is to be a regulator that patent and trade mark attorneys are proud to be regulated by.

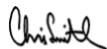
Legal services regulators also face some real practical challenges and, as is the case in so many regulatory environments, you will face intense scrutiny from demanding (and often challenging) stakeholders.

Because regulation is not legally separate from representative bodies, the Chartered Institute of Trade Mark Attorneys (CITMA) and the Chartered Institute of Patent Attorneys (CIPA) have an “oversight” role. We also have an “oversight” regulator – the Legal Services Board (LSB). Our relationship with these bodies is therefore a very important one and this means navigating the fine line between recognising their role and ensuring independent regulation.

Our executive team is small, but very capable and effective, with only 8 people (each working part time). Being part of the Board brings involvement with fascinating issues and interesting challenges; it is immensely enjoyable. I hope you do decide to put yourself forward for the role.

For a confidential conversation with Thewlis Graham Associates, who are supporting us with this recruitment, please contact Sarah Thewlis, Managing Director at: [applications@thewlisgraham.com](mailto:applications@thewlisgraham.com). Sarah will be happy to discuss this opportunity with you.

Yours faithfully



Rt Hon Lord Smith of Finsbury  
Chair

## 2. About the Intellectual Property Regulation Board

The Legal Services Act 2007 (LSA) requires those involved in the regulation of legal services to separate the representative activities of their professional bodies from their regulatory functions.

The Chartered Institute of Patent Attorneys (CIPA) and the Chartered Institute of Trade Mark Attorneys (CITMA) are the representative bodies of patent attorneys and trade mark attorneys respectively. They are also approved regulators under the LSA. In order to separate their representative functions from their regulatory functions, CIPA and CITMA have delegated their respective regulatory functions to the Patent Attorney Regulation Board (PRB) and the Trade Mark Attorney Regulation Board (TRB); the PRB and the TRB may (and usually do) sit jointly as the IPReg Board.

IPReg regulates 3,386 individual attorneys (of whom around 70% are patent attorneys, 23% are trade mark attorneys and 7% are on both registers). We also regulate around 255 firms.

Some of the matters that we are responsible for include:

- Setting and maintaining Rules of Conduct;
- Setting the education and training requirements for qualification as a patent attorney and as a trade mark attorney;
- Maintaining the registers of patent attorneys and trade mark attorneys;
- Setting the requirements for continuing professional development in order that patent attorneys' and trade mark attorneys' knowledge, skills and expertise are maintained at a high level;
- Investigating complaints of misconduct and, where appropriate, taking disciplinary or other action.

### Strategy and Business Plan

Our [Business Plan](#) sets out our strategic priorities and the work we plan to do over the next two years. We are currently [consulting](#) on our next Business Plan and budget. We are nearing the end of a major project to [review](#) our regulatory arrangements. Implementing that work once the changes have been agreed by the LSB will be a key focus for the Board next year.

### **3. Job Description and Person Specification of IPReg Board Members**

As an IPReg Board member, your main duties and responsibilities will be to:

- Contribute to the overall strategic direction of IPReg's work;
- Discuss and constructively challenge proposals and policies in an effective manner;
- Review delivery against agreed plans and policies;
- Work closely with other members of the IPReg Board to achieve IPReg's objectives;
- Work and behave in a non-discriminatory way in all aspects of IPReg's activities;
- Act as an advocate for the importance of legal protection for intellectual property and its effective regulation.

#### **Essential competencies**

To help you decide if you wish to be considered for appointment to these posts, we have listed below the competencies that will be tested when assessing candidates. To be considered, you must be able to demonstrate that you have the qualities, skills and experience to meet all the essential competencies:

- a sound record of achievement, demonstrating an ability to command the confidence and support of the professions and third parties;
- understand our priorities, the regulatory environment in which we operate and can contribute to our strategic direction;
- experience of analysing problems and issues and putting forward practical and cost-effective solutions;
- experience of building relationships, influencing others and working effectively as part of a small team;
- excellent communication and interpersonal skills and experience of working with a range of stakeholders;
- demonstrable evidence of a personal commitment to diversity.

#### **Desirable competencies**

- an education background (lay or professional candidate);
- experience of working in a large IP firm or in industry (professional candidate);
- knowledge of regulatory issues in professional indemnity insurance markets (lay or professional candidate).

## 4. Other requirements and eligibility

### Lay members

You must meet the definition of “lay person” in Schedule 1 to the LSA. In effect this means that you must never have been authorised to practise as a lawyer.

### Patent attorney member

You must be on IPReg’s register of patent attorneys.

You are not eligible to apply if you are currently on, or in the last 12 months have served on, the CITMA Council or the CIPA Council.

It is important to note that, whatever your background as a patent attorney, your role is not to “represent” any particular type of attorney.

### Diversity and equality of opportunity

We welcome applications for these posts from all sections of the community and from people with diverse experience and backgrounds.

IPReg is committed to the principle of appointments on merit with independent assessments, openness and transparency of process and to providing equal opportunities for all, irrespective of age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex, and sexual orientation.

### Standards in public life

You will be expected to demonstrate high standards of corporate and personal conduct. The successful candidate will be expected to adhere to our “Code of Practice” (see Appendix A).

Candidates must also demonstrate that they understand the standards of probity required by public appointees outlined in the “Seven Principles of Public Life” set by the Committee on Standards in Public Life (see Appendix B).

### Conflict of Interests

You should note particularly the requirement to declare any conflict of interest that arises in the course of IPReg business and the need to declare any relevant business interests, positions of authority or other connections with organisations relevant to the business of IPReg.

## 5. Term, Remuneration and Time commitment

### Term:

Up to 4 years (renewable for up to 3 further years)

### Remuneration and Time Commitment:

£3,920 a year for a commitment of 7 Board meetings, associated preparation and occasional correspondence between meetings. Additional attendance is paid at a rate of £392 a day based on a 7 hour day (pro rata in hourly units for part days) and £180 for attendance at events. Travel and other expenses are also paid.

All Board members are directors of The Intellectual Property Regulation Board Limited.

## 6. Timeline, Application Process and How to Apply

**Please note the timelines are different for each type of Board Member.**

### **Y0801LAY - Lay Board Member Timeline**

Dates	Activity
7 September 4pm	Applications close
w/c 12 and 19 September	Thewlis Graham consultants interviewing of interested candidates - online
w/c 10 October	IPReg Interviews

### **Y0801PA - Patent Attorney Board Member Timeline**

Dates	Activity
5 September 9am	Applications close
w/c 5 September	Thewlis Graham consultants interviewing of interested candidates - online
w/c 19 September	IPReg Interviews

### **Application Process**

Thewlis Graham Associates will acknowledge all applications. These will be assessed against the essential and desirable competencies and the people who best meet these will be invited for interview with Thewlis Graham Associates. These will be held online.

Those candidates not invited to interview will be advised by email.

Longlisted candidates will also be advised by email. After a consultation between the IPReg and Thewlis Graham Associates, a shortlist will be drawn up and shortlisted candidates

invited for interview with the recruitment panel. These will be online also. All candidates will be informed of the outcome following this date.

## How to Apply

To apply for this role, please email in word format to [applications@thewlisgraham.com](mailto:applications@thewlisgraham.com) the following documents quoting the correct assignment number and clearly stating which type of Board Member you are applying for:

**Y0801Lay - Lay Member**

**Y0801PA - Patent Attorney**

1. A comprehensive CV
2. A covering letter containing:

- A covering letter which fully addresses your suitability for the role and your motivation for applying.
- The name, job title, organisation, email address and mobile number of two professional referees. (Please note referees will not be approached without your prior permission.)

3. We also ask that you complete a diversity and inclusion monitoring form, the link for which is in the next section.

***Please ensure that you include your mobile phone number and email address in your application. Do not hesitate to contact us at: [applications@thewlisgraham.com](mailto:applications@thewlisgraham.com) if you have any queries at all.***

## 7. Diversity and Inclusion Monitoring

Diversity and Inclusion Monitoring is independent of the recruitment process but please do complete your completed form as Thewlis Graham Associates is committed to monitoring and analysing diversity and inclusion information so that we can ensure that our processes are fair, transparent, promote equality of opportunity for all, and do not have an adverse impact on any particular group.

Please click the relevant link below to complete this survey:

[Lay board member](#)

[PA board member](#)

If you have any problems with this, please contact Tracey on: [tct@thewlisgraham.com](mailto:tct@thewlisgraham.com).

Any information provided on this form will be treated as strictly confidential and will be used for statistical purposes only. It will not be seen by anybody directly involved in the selection process. No information will be published or used in any way which allows any individual to be identified.

Thank you

## **8. Advert**

### **IPReg Board – 1 Patent Attorney and 1 Lay member vacancies**

**Location: UK, London and online**

**Remuneration paid**

IPReg is the independent regulatory body for patent and trade mark attorneys.

The Legal Services Act 2007 (LSA) requires those involved in the regulation of legal services to separate the representative activities of their professional bodies from their regulatory functions.

The Chartered Institute of Patent Attorneys (CIPA) and the Chartered Institute of Trade Mark Attorneys (CITMA) are the representative bodies of patent attorneys and trade mark attorneys respectively. They are also approved regulators under the LSA. In order to separate their representative functions from their regulatory functions, CIPA and CITMA have delegated their respective regulatory functions to the Patent Attorney Regulation Board (PRB) and the Trade Mark Attorney Regulation Board (TRB); the PRB and the TRB may (and usually do) sit jointly as the IPReg Board.

IPReg regulates 3,386 individual attorneys (of whom around 70% are patent attorneys, 23% are trade mark attorneys and 7% are on both registers). We also regulate around 255 firms.

IPReg is looking to appoint 1 patent attorney and 1 lay member to the Board. These vacancies have arisen because two current members have completed their terms of office and are stepping down.

**As an IPReg Board member, your main duties and responsibilities will be to:**

- Contribute to the overall strategic direction of IPReg's work;
- Discuss and constructively challenge proposals and policies in an effective manner;
- Review delivery against agreed plans and policies;
- Work closely with other members of the IPReg Board to achieve IPReg's objectives;
- Work and behave in a non-discriminatory way in all aspects of IPReg's activities;
- Act as an advocate for the importance of legal protection for intellectual property and its effective regulation.

**Candidates must also demonstrate that they understand the standards of probity required by public appointees outlined in the "Seven Principles of Public Life" set by the Committee on Standards in Public Life.**

**All Board members are directors of The Intellectual Property Regulation Board Limited.**

**Remuneration and Time Commitment:** £3,920 a year for a commitment of 7 Board meetings, associated preparation and occasional correspondence between meetings. Additional attendance is paid at a rate of £392 a day based on a 7 hour day (pro rata in hourly units for part days) and £180 for attendance at events. Travel and other expenses are also paid.

**Board Member Patent Attorney timeline information:**

**Closing date:** 5 September 9am

**Interview dates (provisional):** Thewlis Graham Associates interviews: w/c 5 September. IPReg interviews: w/c 19 September

**Board Member Lay timeline information:**

**Closing date:** 7 September 4pm

**Interview dates (provisional):** Thewlis Graham Associates interviews: w/c 12 and 19 September. IPReg interviews: w/c 10 October

**For further information and details of how to apply please visit our microsite:** [www.thewlisgraham.com/assignment-briefings](http://www.thewlisgraham.com/assignment-briefings)

**Having read all the application documentation on our website, should you require a confidential telephone conversation prior to your application, please email Thewlis Graham Associates at:** [applications@thewlisgraham.com](mailto:applications@thewlisgraham.com)

## **Appendix A – IPReg Board Code of Conduct**

### **1. Introduction**

1.1 The Intellectual Property Regulation Board (“IPReg”) is formed from the Patent Regulation Board and the Trade Mark Regulation Board, the purpose of this Code is to establish and maintain high standards of conduct for all members of these Boards and for all members of any Committee set up by these Boards.

### **2. The responsibility of the Chair**

2.1 The Chair has responsibility for providing the leadership such that the Boards can:

2.1.1 formulate strategies for meeting their statutory obligations, in particular to the regulatory objectives set out in the Legal Services Act, and for the regulation of the patent attorney and trade mark attorney professions;

2.1.2 consider matters on the basis of any appropriate statute and its jurisprudence, and on the basis of comprehensive background information and with due regard to the principles of better regulation;

2.1.3 reach decisions by consensus with the Chartered Institute of Patent Attorneys and the Chartered Institute of Trade Mark Attorneys;

2.1.4 promote the efficient use of resources.

2.2 In addition the Chair will:

2.2.1 ensure that IPReg meets regularly and that minutes of each meeting are taken;

2.2.2 represent the views of the Boards to stakeholders and the public;

2.2.3 assess the performance of each Board member on an annual basis.

### **3. Responsibility of Board Members**

3.1 The Board members, professional and lay, bring experience and understanding which will be valued by the Boards in the discharge of its responsibilities. In acting as members of the Boards they must:

3.1.1 act in good faith in the best interests of the Boards and not act directly on behalf of any constituency or interest groups;

3.1.2 comply with the Principles of Public Life and set out by the Committee on Standards in Public Life, as set out in Annex B;

- 3.1.3 declare to the Chair or to the Chief Executive any private interests which may conflict with their responsibilities as a member the Boards, or which might be perceived to conflict with these responsibilities;
- 3.1.4 comply with the requirements for confidentiality and disclosure contained in their terms of appointment and not misuse information gained in the course of their appointment as a Board member. For the avoidance of doubt, papers presented to IPReg are regarded as confidential as are the discussions at IPReg meetings and subsequent notes (unless disclosure is authorised by the Chair);
- 3.1.5 seek the permission of the Chair to publish any correspondence, article or paper which might impinge on the work of IPReg.

3.2 In addition, Board members are required to:

- 3.2.1 listen to and respect the views of others;
- 3.2.2 seek positive and constructive resolution to those issues where differences of opinion exist;
- 3.2.3 keep abreast of developments in public policy and other issues which may affect the work and operation of the Boards.

#### **4. Personal Liability of Board Members**

4.1 IPReg will indemnify the Chair and members of the Boards against liability incurred in connection with claims or proceedings brought against them in relation to anything done or omitted to be done in the discharge or purported discharge of their duties undertaken for IPReg and the Boards. This indemnity is not available where the Board members' actions or omissions are:

- 4.1.1 done or omitted to be done in bad faith;
- 4.1.2 outside the scope of, or inconsistent with, the responsibilities of the Board member;
- 4.1.3 wilful or culpably negligent.

#### **5. Conflicts of interest**

5.1 Board members are entitled to manage their own affairs in privacy, but their work and responsibilities for IPReg and the Boards must be carried out in a manner which is free from any suggestion of improper influence. No conflict arises in respect of the professional Board members as a result of their membership of the Chartered Institute of Patent Attorneys or the Chartered Institute of Trade Mark Attorneys or their registration as patent attorneys or trade mark attorneys

regulated by IPReg.

5.2 A conflict of interest arises when the work undertaken for IPReg or the Boards could be affected by a personal interest or a personal association. It becomes significant if an independent third person might take the view that there is a risk that any such personal interest or personal association might affect Board members' actions, whether or not they are affected.

5.3 Conflict of interest may arise as a result of:

5.3.1 a relationship or previous association with those affected or likely to be affected by the matter in hand;

5.3.2 the interests of a spouse, partner or children;

5.3.3 an expectation of a future interest, e.g. future employment.

This list is not exhaustive.

5.4 The Chair and Board members are required to declare any personal or business interest which may conflict with their responsibilities as Board members generally. Any such declaration will be held by the Chief Executive. In addition Board members must declare to the Chair any potential conflict which might arise in the course of their work whenever it becomes relevant.

5.5 Where any Board member has declared an interest they will be excluded from any consideration of the matter which has given rise to the conflict of interest and will not attend any meetings on the matter lest it is thought that they may influence the judgment of other members.

## **6. Accountability for funds**

6.1 Board members have the responsibility for overseeing the proper custody and disbursement of the funds collected by IPReg from those registered. They must ensure that measures are in place to ensure that IPReg operates efficiently, effectively and economically.

6.2 Board members are responsible for ensuring that IPReg does not exceed its powers, functions or responsibilities.

## **7. Misconduct**

7.1 Board Members' conduct may be considered to be unsatisfactory when a breach of this Code, the contract of employment or any legal obligation has occurred. Where a Board member's conduct may be considered unsatisfactory, the following procedure will be put in place:

7.1.1 The Chair will arrange an investigation of any allegation of misconduct to establish the facts;

7.1.2 The Chair will invite another member of the Board together

with a member of the Council of one or other of the Chartered Institutes to form a panel to determine what action should be taken. If the complaint concerns the Chair, the longest serving lay member of the Board will arrange for the investigation and convene the panel;

7.1.3 The panel can recommend removal of the Board member or any other suitable action;

7.1.4 A right of appeal will be provided to the Board (excluding the member on the panel). Any appeal must be submitted within 14 days of being notified of the panel's decision. The Board's decision will be final;

7.1.5 While the allegation is being investigated and considered the Chair may suspend the member from the Board. If the Chair is being investigated, the longest serving lay member of the Board will have power to suspend the Chair should they consider that such action is appropriate.

## **Appendix B – The seven principles of public life**

All candidates for public appointments are expected to demonstrate a commitment to, and an understanding of, the value and importance of the principles of public service. The seven principles of public life are:

### **Selflessness**

Holders of public office should act solely in terms of the public interest. They should not do so in order to gain financial or other benefits for themselves, their family or their friends.

### **Integrity**

Holders of public office should not place themselves under any financial or other obligation to outside individuals or organisations that might seek to influence them in the performance of their official duties.

### **Objectivity**

In carrying out public business, including making public appointments, awarding contracts, or recommending individuals for rewards and benefits, holders of public office should make choices on merit.

### **Accountability**

Holders of public office are accountable for their decisions and actions to the public and must submit themselves to whatever scrutiny is appropriate to their office.

### **Openness**

Holders of public office should be as open as possible about all the decisions and actions that they take. They should give reasons for their decisions and restrict information only

## **IPReg – Board Members – One lay member and One patent attorney member – Y0801Lay and Y0801PA**

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when the wider public interest clearly demands it.

### **Honesty**

Holders of public office have a duty to declare any private interests relating to their public duties and to take steps to resolve any conflicts arising in a way that protects the public interest.

### **Leadership**

Holders of public office should promote and support these principles by leadership and example.