

The Institute of Trade Mark Attorneys
The Chartered Institute of Patent Attorneys

Regulations for the Examinations For the Registration of Patent Agents & Trade Mark Agents 1991 (as amended)

Made by the Chartered Institute of Patent Attorneys (C.I.P.A.) and the Institute of Trade Mark Attorneys (I.T.M.A.) with the approval of the Comptroller-General of Patents, Designs and Trade Marks under Rule 8 of the Register of Patent Agents Rules 1990 and Rule 8 of the Register of Trade Mark Agents Rules 1990

Commencement

1. These Regulations shall come into force on 1 May 2005 and supersede all regulations for examinations made by C.I.P.A. or I.T.M.A. prior to that date.

Interpretation

2. In these Regulations unless the context otherwise requires:
 - a. "The Board" means the Joint Examination Board which is a joint committee of C.I.P.A and I.T.M.A.
 - b. "Common Foundation Papers" means the Papers described in Schedule I and designated T1, T5, Law and D&C
 - c. "G.C.E." means the General Certificate of Education at Advanced Level or Scholarship Level issued by any recognised United Kingdom Examination Board
 - d. "G.C.S.E." means General Certificate of Secondary Education issued by any recognised United Kingdom Examination Board; and includes the General Certificate at Ordinary Level
 - e. "Patent Advanced Papers" means the Papers described in Schedule I and designated P2, P3, P4 and P6
 - f. "Patent Foundation Papers" means the Papers described in Schedule I and designated P1 and P5
 - g. "OUVS" means the Open University Validation Service
 - h. "Q.M.(UL) Certificate" means the Certificate in Intellectual Property Law awarded by Queen Mary College, University of London
 - i. "Trade Mark Advanced Papers" means the Papers described in Schedule I and designated T3, T4 and T6
 - j. "Trade Mark Foundation Paper" means the Paper described in Schedule I and designated T2

- k. References to the passing of any paper shall include any deemed pass under Paragraphs 12 or 15 of these Regulations

The Qualifying Examinations

3. The Board will hold each year qualifying examinations consisting of Foundation papers and Advanced papers ("The Examinations") for persons wishing to be entered on either or both of the Register of Patent Attorneys and the Register of Trade Mark Attorneys.

Qualifying Examinations under the Register of Patent Attorneys Rules 1990

4. The qualifying examinations mentioned in Rule 8 of the Register of Patent Attorneys Rules 1990 shall be deemed to have been passed by a candidate who has passed:
 - a. **either** the Patent Foundation Papers, the Common Foundation Papers and the Patent Advanced Papers listed in Schedule I **or**
 - b. the Trade Mark Foundation Paper **and** the Common Foundation papers **and** the Patent Advanced Papers listed in Schedule I;

Qualifying Examinations under the Register of Trade Mark Attorneys Rules 1990

5. The qualifying examination mentioned in Rule 8 of the Register of Trade Mark Agent Rules 1990 shall be deemed to have been passed by a candidate who has passed:
 - a. **either** the Trade Mark Foundation Paper T2 **and** The Common Foundation Papers **and** the Trade Mark Advanced Papers listed in Schedule I **or**
 - b. Paper P1 of the Patent Foundation Papers **and** the Common Foundation Papers **and** has also passed the Trade Mark Advanced Papers, listed in schedule 1 **or**
 - c. has passed the Paper or Papers appropriate to his or her case as is or are required to be passed to fulfil the conditions in paragraph 5a. or 5b. having regard to the provisions set out in Schedule II.

Eligibility

Foundation Papers

Patents

6. A person shall be eligible to sit the Patent Foundation Papers and the Common Foundation Papers if he or she has obtained:

- a. A degree in a Science, Engineering, Technology or Mathematics based subject conferred by a University or Polytechnic in the United Kingdom, or by the OUVS , or a licence awarded by the University College of Buckingham before that College was granted University status or (before 1992) a degree awarded by the Council for National Academic Awards;
- b. Passes at any other examinations listed in Schedule IV deemed equivalent to examinations designated in para 6a.

Trade Marks

- 7. a. A person shall be eligible to sit the Trade Mark Foundation Papers and Common Foundation Papers if he or she has obtained:
 - (i) A degree conferred by a University or Polytechnic in the United Kingdom, or by the OUVS , or a licence awarded by the University College of Buckingham before that College was granted University status; or (before 1992) a degree awarded by the Council for National Academic Awards.
 - (ii) Passes in any other examination listed in Schedule IV, which the Board has decided to be equivalent to the examinations listed in paragraph 7a(i).
- b. A Qualifying Person shall also be eligible to sit the Trade Mark Foundation Papers and the Common Foundation Papers if he or she has obtained:
 - (i) The G.C.S.E. with Grades A, B or C in at least five subjects of which one shall be English Language; and
 - (ii) The G.C.E. in at least two subjects at least one of which shall be one of the subjects designated in Schedule III; or
 - (iii) Passes at any other examinations listed in Schedule IV deemed equivalent to examinations designated in paragraphs 7b(i) and 7b(ii).
- c. For the purposes of paragraph 7b. a Qualifying Person shall be any person
 - (i) who is a Student or Associate Member of CIPA or ITMA at the date these Regulations come into force;
 - (ii) who applies to become a Student or Associate Member of CIPA or ITMA within three years of the date these Regulations come into force provided that the said application is ultimately accepted;
 - (iii) who has applied or applies to sit any Trade Mark examination on or before the 31 March 2008 and who duly sits the same, regardless of outcome.

Advanced Papers

Patents

- 8. A person shall be eligible to sit the Patent Advanced Papers if he or she has passed:
 - a. the Patent Foundation Paper P1; **or**
 - b. the Trade Mark Foundation Paper T2 **and** the Common Foundation Papers.
 - c.

Trade Marks

9. A person shall be eligible to sit the Trade Mark Advanced Papers if he or she has passed:
 - a. the Trade Mark Foundation Paper T2; **or**
 - b. Patent Foundation Paper P1 **and** the Common Foundation Papers.

Persons with Substantial Experience

10. Persons with substantial, relevant work or educational experience may apply to the Board for it in its discretion to waive the requirement for educational qualifications set out in paragraphs 6 and 7. The Board's decision shall be given in writing.

The Examination Papers

11. The designation, subject matter and duration of each Paper comprising the Trade Mark Foundation Paper or the Patent Foundation Papers, the Common Foundation Papers, the Trade Mark Advanced Papers and the Patent Advanced Papers are set out in Schedule I.

Exemptions and Deemed Passes

Foundation Level

12. For the purpose of paragraph 8 a candidate will be deemed to have passed any Foundation Paper corresponding to any examination, or part of any examination, as set out in Schedule V and passed by the candidate.
13. The Board may in its absolute discretion, from time to time make additions to or deletions from Schedule V at the request of and after consultation with any relevant academic or professional body, CIPA and ITMA.
14. The Board will publish any addition to or deletion from the list of examinations recognised for the purposes of paragraphs 12 or 13. If the Board intends to delete an examination from Schedule V, it will give sufficient warning of its intention (up to one year) such that intending candidates then currently on a formal course leading to that examination can complete the course, if it is of less than 12 months duration, or pursue an alternative course.

Advanced Level

15. For the purposes of paragraph 4 candidates who have passed the European Qualifying Examinations as a whole or papers A and/or B or of those examinations are deemed to have passed Patent Advanced Paper P3 and/or P4 to the extent set out in Schedule V.
16. Save as provided in paragraphs 15 and 17 and Schedule II there is no exemption from any Advanced Paper.

European Communities (Recognition of Professional Qualifications) Regulation 1991

17. A candidate who has successfully applied to either ITMA or CIPA under the European Communities (Recognition of Professional Qualifications) Regulation 1991 (SI 1991 No 824) shall be deemed to have passed such examinations as CIPA or ITMA shall have determined.

Formal Decisions

18. At the request of any person, the Board will issue a formal decision as to whether that person is deemed to have passed an examination by virtue of paragraphs 12, 15 or 17.

Application for Candidacy

19. Each candidate for the examinations, or any part of them, shall, no later than a date set by the Board prior to the date of the examination the candidate wishes to sit, furnish the Board with the following:
- a. His or her full name and permanent address, and if such address is not within the United Kingdom, then an address for service of correspondence within the United Kingdom;
 - b. Details of his or her educational attainments or qualifications as required in paragraph 6 or 7;
 - c. Proof in a form satisfactory to the Board of his or her educational attainments or qualifications which the candidate wishes the Board to consider in his or her application;
 - d. If applicable, a copy of any confirmation of any deemed pass issued under paragraph 18; and
 - e. The titles of the Paper or Papers (as specified in Schedule I) the candidate wishes to sit together with the fees (in £ sterling and net of all bank charges) as may be required by the Board.
20. If CIPA or ITMA rules under the European Communities Recognition of Professional Qualifications Regulation 1991 (SI 1991 No 824), that a candidate should be required to sit one or more papers of the Board, the fee for that paper shall be paid, and the entry made in accordance with paragraph 19.

Requests for Rulings on Eligibility

21. A request for a written ruling under paragraph 10 (Persons with substantial experience) must be received by the Board by the 1st July immediately preceding the relevant examination in any calendar year. Any request for a written ruling should be accompanied by evidence to the satisfaction of the Board.
22. The Board will issue a written ruling as to the acceptability or non-acceptability of a request under paragraph 21, after making such enquiries as the Board deems necessary to verify any evidence provided in support of the application.
23. If it is not possible for the Board to issue a ruling under paragraph 21 prior to the examinations, the candidate may be permitted to sit the relevant paper or papers but no result will be issued until the applicant's candidacy is accepted. If the Board rules that an applicant's candidacy is not accepted the fees previously paid to enter the examination will be returned.

Conduct of Examination

24. The Board shall make such arrangements as expedient for the conduct of the examinations as set out in paragraph 3 and Schedule I. The Board will
- a. Give at least 4 months notice of the time and place(s) of each examination;
 - b. Give at least 1 month's notice of the date by which applications to sit examinations must be received by the Secretary;

- c. Arrange for the notices to be appropriately published to potential candidates in the United Kingdom, for this purpose notices on CIPA and ITMA web-site, or on a Board website will be deemed sufficient;
 - d. Appoint invigilator(s) to oversee the conduct of individual examinations;
 - e. Require the invigilator(s) to report to the Board on the conduct of each examination at each place, including any irregularity that may have occurred;
 - f. Give power to invigilator(s) to exclude from any examination any person whose conduct is considered to be detrimental to the good order of the examination or disruptive to other candidates;
 - g. Require the invigilator(s) to report to the Board any evidence of any irregular conduct, together with the number or identity of the candidate(s) concerned, and the evidence. In this regard irregular conduct includes:
 - (i) Copying another candidate's answer;
 - (ii) Bringing unauthorised materials or memory aids into examinations, including books, papers, notes, computers, electronic notebooks and notes written on a candidates skin or clothing;
 - (iii) During the examination communicating with any persons outside the examination;
 - (iv) Leaving examination rooms to look at unauthorised material;
 - (v) Writing before the examination starts or after it has finished.
 - h. Permit the invigilator(s) to make such arrangements as appears reasonable to the invigilator(s) to accommodate any candidate who is delayed in reaching the examination as a result of any disruption or emergency, or who is taken ill during the examination. Such actions shall be reported to the Board.
 - i. In the case of serious disruption or emergency at any place, to suspend the examination for a time, declare an examination finished (or not started), and to report the facts to the Board. If expedient, the invigilator(s) may delay the start of an examination as necessary to enable the completion of a previous examination.
25. The Board may take such measures as appear expedient to the Board so as to minimise the impact of any irregularity in the conduct of any examination.
26. If it appears to the Board that the examination has been so irregular or disrupted that a meaningful outcome is not possible, the Board may declare that examination void, and shall make arrangements for candidates subsequently to sit the examination as soon as possible. On report from the invigilator(s) under paragraph 24 or otherwise, a candidate appears to have to have cheated or otherwise engaged in irregular conduct the Board may take measures appropriate to the case. Depending on the evidence and the gravity of the matter, such measures may include:
- a. Not marking the candidate's script for the examination concerned;
 - b. Not marking any script from that candidate from any examination taken in the same year;
 - c. Excluding the candidate from one or more future examinations;

- d. Reporting the matter to the disciplinary authorities at CIPA or ITMA, as appropriate.

Marking and Pass Marks

27. In order to pass any of the papers contained in Schedule I a candidate must obtain not less than 50% of the marks available in each Paper. A pass in any single Paper is independent of performance in any other Paper. The decision of the Board in relation to the marks awarded in each Paper shall be final.
28. The Board may decline to mark any Answer Paper that has been removed from the examination.
29. The Board may decline to mark any paper submitted by a person not properly entered for the examination.
30. Marks will not be awarded in respect of any script or part of a script that cannot be read by the examiners concerned.

Power to Amend Schedules

31. The Board shall have the power to amend any Schedule without the need to seek re-approval of these Regulations. The Board shall publish any changes to a Schedule.

Appeals

32. Subject to paragraph 33 below, appeals may be made to the Comptroller General of Patents, Designs and Trade Marks in respect of a decision of the Board by any person affected by that decision under Rules 19 of the Register of Patent Attorneys Rules 1990 or Register of Trade Mark Attorneys 1990. Any appeals must be made within one month of the date of the decision concerned.
33. No appeal shall be available against any mark awarded by the Board (paragraph 27).

Communications

34. All communications under these relative to these regulations should be addressed to:

Miss Sharon Mitchell
The Secretary
The Joint Examination Board
95 Chancery Lane
London
WC2A 1DT
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Schedule I - Foundation Papers

Trade Mark Foundation Paper		
Designation	Title	Duration
T2	Basic United Kingdom Trade Mark Practice	3 hrs
Patent Foundation Papers		
Designation	Title	Duration
P1	Basic United Kingdom Patent Law and Procedure	3 hrs
P5	Basic Overseas Patent Law and Procedure	3 hrs
Common Foundation Papers		
Designation	Title	Duration
T1	Basic United Kingdom Trade Mark Law	2 hrs
T5	Basic Overseas Trade Mark Law and Practice	2 hrs
D&C	United Kingdom Designs and Copyright Law	3 hrs
Law	Basic English Law	2 hrs
Trade Mark Advanced Papers		
Designation	Title	Duration
T3	Advanced United Kingdom Trade Mark Law and Practice	4 hrs
T4	Advanced Trade Mark Search	3 hrs
T6	Advanced Community Trade Mark and International Trade Mark Law and Practice	4 hrs
Patent Advanced Papers		
Designation	Title	Duration
P2	Patent Agent's Practice	4 hrs
P3	Preparation of Specifications for United Kingdom and Overseas Patents	4 hrs
P4	Amendments of Specifications for United Kingdom Patents/Applications in Prosecution, Revocation Proceedings or Otherwise	3 hrs
P6	Infringement and Validity of United Kingdom Patents	4 hrs

Schedule II

Transitional Provisions (Trade Mark)

4. The following exemptions will apply to candidates who have passed part only of the Trade Mark Advanced Papers by 2001:

Trade Mark Advanced Papers Passed by October 2001	Papers exempt in November 2001 and thereafter
Advanced UK Trade Mark Law and Advanced UK Trade Mark Practice	T3, T4 and T6
Advanced UK Trade Mark Practice	T3 and T4
Advanced UK Trade Mark Law	T3

Schedule III

List of approved subjects for the purpose of paragraph 4.1(a)(ii):

English	Law	Business Studies
History	A Science Subject	A modern language
Geography	Commerce	Latin
Economics	British Constitution	Greek

Schedule IV

Other examinations which the Board has decided should be regarded as equivalent G.C.S.E., G.C.E., or Degree.

Examination	Equivalent
GCSE and GCE	Highers (Scotland) and Higher Still (Scotland) as approved at International Baccalauriat. GNVQ Higher Level.
Degree	Law Society Final Examination; Bar Final Examination. Any other qualification (UK and non-UK) commonly accepted in the UK as being equivalent to a 1 st Degree in the UK.

Schedule V (amended 1st May 2007)

Exemptions and Deemed Passes

Foundation Level (Paragraph 12)

1. The following table sets out examinations or qualifications which the Board has deemed equivalent to a paper or papers forming part of or comprising the Trade Mark Foundation Papers, the Patent Foundation Papers and the Common Foundation Papers:

Deemed Equivalent	Board Papers
G.C.E. A Level Law	Law
Law Degree	Law (but see Note 1)
Law Degree with an assessed IP Option covering UK IP Law	Law; P1; T1; D&C (but see Note 2)
Law Society Final Examination	Law
Bar Final Examination	Law
Queen Mary (University of London) Certificate in Intellectual Property	All Foundation Papers (see note 3)
The qualifying route of the University of Manchester Diploma/LLM in Intellectual Property	All Foundation Papers
Bournemouth University Postgraduate Certificate/Postgraduate Diploma/LLM in Intellectual Property	All Foundation Papers (see notes 3 and 4)
Brunel University Postgraduate Certificate in Intellectual Property Law	All Foundation Papers

Note 1. Law degree awarded by UK Higher Education Institute, or a law qualification recognised by the Law Society for the purposes of practising as a solicitor in England and Wales. Where a test in Common Law is required to secure such recognition such a test shall have been taken and passed.

Note 2. The JEB reserves the right to review the content of any IP option put forward to satisfy itself that both the breadth and depth of the materials studied and any assessment adequately covers the syllabus and content of the Board papers. The JEB has specifically approved the Bournemouth University LLB(Hons) courses: (a) in Business Law and (b) Law and Taxation; and the Bournemouth University

CPE/Graduate Diploma in Law, including the optional unit in Intellectual Property Practice in all cases.

Note 3: Other LLM/Postgraduate Diploma courses at Queen Mary (University of London) and Bournemouth University and the Queen Mary (University of London) MSc Management of Intellectual Property are also given exemption from all Foundation Papers when they incorporate and examine on the Certificate material.

Note 4: Until September 2007, the course must include the optional Principles of Law extension to give exemption from Law.

2. A Registered Patent Agent to whom Rule 9(1)(c) of the Register of Trade Mark Attorneys Rules 1990 does not apply and who wishes to sit the Trade Mark Advanced Papers is exempted from all Foundation Papers.
3. A Registered Trade Mark Agent who wishes to sit the Patent Advanced Papers is exempted from all Foundation Papers.

Advanced Level (Paragraph 15):

4. The following table sets out examinations or qualifications which the Board has deemed equivalent to a paper or papers forming part of or comprising the Patent Advanced Papers.

Deemed Equivalent	Board Papers
Pass in European Qualifying Examination	P3 and P4
Pass in European Qualifying Examination Paper A	P3
Pass in European Qualifying Examination Paper B	P4

5. There are no examinations or qualifications which the Board has deemed equivalent to a paper or papers forming part of or comprising the Trade Mark Advanced Papers.