

REGULATIONS

Regulations For Issue by the Chartered Institute of Patent Agents Certification Mark PATENT AGENT/PATENT AGENTS No 2256287

DEFINITIONS

1. In these Regulations unless there be anything inconsistent therewith:
 - a) “Authorised User” means a person authorised by the Proprietor to use the Trade Mark.
 - b) “CIPA” means “the Chartered Institute of Patent Agents”
 - c) “Patent Agent” means a person permitted to carry on the business of a Patent Agent in terms of Section 274 of the Copyright, Designs and Patents Act 1988, a copy of which Act is attached as Schedule 1, and whose name appears on the Register of Patent Agents.
 - d) “Person” means any individual or a partnership, or a body corporate.
 - e) “The Proprietor” means the Chartered Institute of Patent Agents, a body incorporated under Royal Charter and having its Registered Office at 95 Chancery Lane, London WC2A 1DT.
 - f) “The Register of Patent Agents Rules” means The Register of Patent Agents Rules SI 1990 No 1457, or any subsequent legislation replacing these Rules, a copy of which Rules is attached as Schedule 2.
 - g) “Register” means The Register of Patent Agents kept by CIPA under the Register of Patent Agents Rules.
 - h) “The Registrar” means the person appointed by CIPA to maintain the Register.
 - i) “Qualifying Examinations” means the Qualifying Examinations of the Chartered Institute of Patent Agents as governed at present by the Regulations and Examinations for the Registration of Patent Agents and Trade Mark Agents 1991 as amended, a copy of which Regulations are attached as Schedule 3.
 - j) “Trade Mark” means the marks allowed to be registered under Schedule IV of the Trade Marks Act 1994 as Certification Marks.

CHARACTERISTICS OF THE MARK

2. Use of the Trade Mark by an Authorised User in connection with the provision of Intellectual Property services in the United Kingdom indicates that each individual Authorised User has been entered on and remains on the Register having satisfied the requirements of the Register of Patent Agents Rules by having passed the Qualifying Examinations and by having completed :
 - (i) not less than two years' full-time practice in the field of intellectual property, including substantial experience in patent agency work under the supervision of either a registered patent agent or of a barrister, solicitor or, in Scotland or the Isle of Man, an advocate, being a barrister, solicitor or advocate who is engaged in or has substantial experience of patent agency work in the United Kingdom: or
 - (ii) not less than four years' full-time practice in the field of intellectual property including substantial experience in patent agency work in the United Kingdom.

PROPRIETORSHIP

3. The Trade Mark is the absolute property of the Proprietor.

APPOINTMENT OF PATENT AGENTS AS AUTHORISED USERS

4. All individuals entered on the Register shall be deemed to be Authorised Users. All partnerships or bodies corporate satisfying the provisions of the Copyright, Designs and Patents Act 1988 or the Patent Agents (Mixed Partnerships & Bodies Corporate) Rules 1990 or any subsequent legislation authorising use of the title Patent Agent or Patent Agents shall be deemed to be Authorised Users.

RIGHTS OF AUTHORISED USERS

5. An Authorised User shall, during the subsistence of his authorisation, have the right to offer under the Trade Mark Intellectual Property Services.

REGISTER OF AUTHORISED USERS

6. The Register of Authorised Users shall be the Register maintained by the Chartered Institute of Patent Agents under the Register of Patent Agents Rules.

FEES

7. It is not proposed that fees be charged in relation to the Certification Trade Mark scheme.

CONDITIONS AS TO USE OF THE TRADE MARK

8. The Trade Mark shall be used in relation to the services provided by the authorised user and may at the option of the Authorised User appear on his letterhead or other printed material disseminated to the public.

CANCELLATION OF APPOINTMENT AS AUTHORISED USER

9. The appointment of an Authorised User shall be deemed to be cancelled in any of the following circumstances:-
 - (a) When a Patent Agent has ceased to be such because the provisions of Clause 1(c) of these Regulations no longer apply, then his appointment as an Authorised User shall be deemed to have ceased as of the date of his removal from the Register.
 - (b) When a partnership or body corporate has ceased to satisfy the requirements of Section 276 of the Copyright, Designs and Patents Act 1988 or of the Patent Agents (Partnerships & Bodies Corporate) Rules 1990 or any subsequent legislation with respect to use of the title “patent agent” or “patent agents”, and such situation has existed for a continuous period of 6 months.

REINSTATEMENT OF APPOINTMENT AS AUTHORISED USER

10. Where the appointment of an Authorised User has been deemed cancelled under the provisions of Clause 9 of these Regulations, it shall nevertheless be deemed to have been reinstated by the Proprietor if the person or partnership or body corporate again satisfies the conditions for appointment as an Authorised User.

EFFECT OF TERMINATION OF APPOINTMENT

11. In the event of the appointment of an Authorised user being deemed cancelled then the Authorised User shall make no further use of the Trade Mark and any appearance of the trade mark on his letterhead or other printed material disseminated to the public shall forthwith be obliterated or overprinted.

APPEALS

12. Any dispute regarding appointment as an authorised user shall be determined in accordance with the appeal procedure under Rule 19 of the Register of Patent Agents Rules or subsequent legislation replacing those Rules.

POWER TO AMEND

13. Subject to the consent of the Registrar of Trade Marks, the Proprietor may apply from time to time to alter these Regulations and the Schedules hereto in whole or in part but no such alteration shall affect the use of the Trade Mark by any Authorised User during the currency of his appointment unless and until he has received six calendar month's notice thereof in writing. Any such alterations shall be published by the proprietor in the Journal of the Chartered Institute of Patent Agents.

Any notice given by the Proprietor to an Authorised User shall be deemed to have been duly given if forwarded by post by prepaid letter to such Authorised User at his address on the Register.

STATUTORY VARIATION

14. In the event of the coming into force of legislation which varies the qualifications required for inclusion on the Register of Patent Agents, the Proprietor shall within 3 months of the entry into force of that legislation file amended Regulations bringing these Regulations into conformity with said legislation.

DISCLAIMERS UNDER SECTION 13 OF THE TRADE MARKS ACT 1994

1. This certification mark shall not prevent a person who is entered on the List of Professional Representatives maintained by the European Patent Office in pursuance of the European Patent Convention from using the title European Patent Agent.
2. Nothing in these Regulation shall prevent use of the titles "Patent Agent" or "Patent Agents" by persons so authorised under the Copyright, Designs and Patents Act 1988 or any subsequent legislation with respect to use of the title "Patent Agent" or "Patent Agents".