

Memorandum of Understanding between the Patent Regulation Board and the Trade Mark Regulation Board (together the Intellectual Property Regulation Board) and the Legal Ombudsman

Introduction

1. This Memorandum of Understanding (MOU) sets out a framework for the Patent Regulation Board and the Trade Mark Regulation Board (together the Intellectual Property Regulation Board (IPReg)) and the Legal Ombudsman to work together in order to carry out their independent roles and separate functions in accordance with the Legal Services Act 2007 (the Act).
2. The purpose of this MoU is to put in place clear arrangements and practices that will foster an effective and cooperative working relationship between the Legal Ombudsman and IPReg.
3. In agreeing this MoU, IPReg and Legal Ombudsman agree that in working together, each will have regard to the need to promote effective systems of redress for consumers of legal services and regulation of the individual attorneys and organisations regulated by the IPReg.
4. The Legal Ombudsman and IPReg are committed to cooperating and sharing knowledge and expertise to benefit consumers of legal services and the legal profession.

Roles of IPReg and OLC

5. The Patent Regulation Board and the Trade Mark Regulation Board (together IPReg) are respectively the independent regulatory arms of The Chartered Institute of Patent Attorneys and of The Institute of Trade Mark Attorneys whose function is to regulate patent and trade mark attorneys and organisations.
6. The Legal Ombudsman is administered by the Office for Legal Complaints under the Act. The Legal Ombudsman is an independent and impartial service that users of legal services can access to resolve complaints about the service provided by their lawyer or firm.
7. The statutory objective of the Legal Ombudsman is to resolve disputes quickly and with minimum formality on the basis of what is fair and reasonable in the circumstances. The scheme has a statutory jurisdiction and a voluntary jurisdiction.

Cooperation and information sharing

8. IPReg and the Legal Ombudsman agree that they will:
 - a) seek to make sure consumers, those regulated by IPReg and others understand and are not confused about the different roles of each organisation;
 - b) seek to achieve a complementary and consistent approach as far as possible;

- c) meet and communicate regularly to discuss matters of mutual interest;
 - d) seek to share expertise; and
 - e) consult one another at an early stage on any issues which might have significant implications for the other organisation.
9. IPReg and Legal Ombudsman will agree and periodically review operational procedures on:
- a) routine information sharing including general reporting requirements to support the investigation of complaints by the Legal Ombudsman and the regulatory functions of IPReg;
 - b) dealing with cases or trends that raise broader regulatory, policy or other issues; and
 - c) any other relevant operational arrangements.
10. Subject to relevant restrictions on the disclosure of confidential information:
- a) the Legal Ombudsman will give IPReg information which suggests that regulatory action may be required in relation to the individuals or the organisations regulated by IPReg;
 - b) other than in exceptional cases, where information falling within (a) above is about a solicitor who is working for an organisation authorised by another approved regulator, the Legal Ombudsman will give such information to the relevant approved regulator rather than to IPReg; and
 - c) IPReg will give the Legal Ombudsman information which may assist the Legal Ombudsman to carry out its statutory functions, including, where the Legal Ombudsman so requires, information about a conduct matter referred to IPReg by the Legal Ombudsman.
11. The MoU will be complemented and supported by written operational procedures agreed between the Legal Ombudsman and IPReg. At a minimum these procedures will cover:
- the information to be disclosed and the circumstances in which such disclosure must be made as required by section 144(1) and (2) of the Act;
 - details on the procedures for co-operation and information sharing;
 - arrangements for dealing with hybrid complaints (a complaint which has both a service and conduct element); and
 - reporting professional misconduct in accordance with section 143 of the Act.
12. The Head of External Affairs of the Legal Ombudsman and the Chief Executive of IPReg will be responsible for determining and agreeing operational procedures and putting in place effective working practices that meet the over-arching objectives of this MoU.

13. The Legal Ombudsman and IPReg will continue to monitor the operation of this memorandum of understanding (MoU) and review it as necessary. A first review will occur before the end of two years of the establishment of the ombudsman scheme.

Name Michael Heap
Chairman



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for and on behalf of The Patent Regulation Board and the Trade Mark Regulation Board

Adam Sampson
Chief Ombudsman



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