

INTELLECTUAL PROPERTY OFFICE WELSH LANGUAGE SCHEME

PREPARED UNDER THE WELSH LANGUAGE ACT 1993

THIS SCHEME HAS BEEN PREPARED IN ACCORDANCE WITH SECTION 21(3) OF THE WELSH LANGUAGE ACT HAVING REGARD TO THE GUIDELINES ISSUED BY THE WELSH LANGUAGE BOARD.

It came into effect on 3 October 2007

Intellectual Property Office is an operating name of the Patent Office

## INTRODUCTION

1. The UK Intellectual Property Office has adopted the principle that, in the conduct of public business, it will treat the English and Welsh languages on a basis of equality so far as is both appropriate to the circumstances and reasonably practicable. This Scheme sets out how we will give effect to that principle when providing our services to the public in Wales.
2. In this scheme, the term **public** means individuals and legal persons. It includes the public as a whole, or a section of the public, as well as individual members of the public. The term includes voluntary organisations and charities. Directors and others representing limited companies are also within the meaning of the term **public**. It does not, however, include persons who are acting in a capacity which is representative of the Crown, Government or the State. Consequently, persons who fulfil official functions of a public nature, even though they are legal persons, do not come within the meaning of the word **public** when they are fulfilling those official functions.

## Description of the UK Intellectual Property Office

1. The UK Intellectual Property Office is an Executive Agency of the Department of Innovation, Universities and Skills (DIUS) with Trading Fund status. We are based in Newport, South Wales and have a small office in central London, through which our services can be accessed. The Office is made up of eight Directorates which are responsible for: Patents; Trade Marks and Designs; Intellectual Property (IP) Policy; Copyright and Enforcement; Finance; Information Technology; Human Resources and Corporate Administrative Services; and Customer and Innovation Support Services. We employ around 1,000 staff, with the majority based in Newport where the core of our work is carried out.
2. Our role is to help manage an IP system that encourages innovation and creativity, balances the needs of consumers and users, promotes strong and competitive markets and is the foundation of the knowledge based economy.
3. One of our business areas is to grant patents and to register designs and trade marks in the UK and to maintain them as requested by customers. Customers can file applications for patents, trade marks and designs at both the Newport and London Offices. The Office also acts as a Receiving Office for the European Patent Office (EPO) [European patent applications], the Office for Harmonisation in the Internal Market (OHIM) [Community trade mark and design applications] and the World Intellectual Property Organisation (WIPO) [International patent applications].
4. Other aspects of our business relate to increasing the awareness of the importance of IP, ie. patents, designs, trade marks, copyright and related rights, providing information on IP to the public, and providing commercial

search services. We are also responsible for UK IP policy and legislation and conduct both national and international negotiations on all IP issues.

1. Our customer base is extremely broad and includes the private inventor, research bodies, universities, small and medium-sized enterprises (SMEs) and large international companies who may be based anywhere in the world.
2. We operate in a national and an international environment and our work is governed by national and international law, including various international treaties relating to IP to which the United Kingdom is a party. In considering how to provide services in Welsh, we must comply with both national and international law. International IP law recognises a relatively restricted number of official languages, which includes English, but many widely-spoken languages, including Welsh, are not currently recognised.
3. Where possible, we will explain and offer the IP system in Welsh for those customers wishing to register their IP rights in the United Kingdom through the medium of Welsh. However, for the registration of International IP rights, due to the laws, treaties and obligations that are involved, applications typically must be supplied in an appropriate official language, usually English. European and International patent systems are somewhat of an exception because they are to be amended to allow applications to be filed in any language, although further processing of such applications would still need to be in an official language such as English.

## SERVICE PLANNING AND DELIVERY

**Policies and Initiatives**

1. We will assess the Welsh language implications and consequences of our policies initiatives, and services, and will ensure as far as is appropriate and reasonably practical, that they are consistent with, and do not undermine our Scheme. We will also assess the Welsh language implications and consequences of legislation proposed or developed by us. All staff will be given guidance on how the Scheme may impact on policy making. When opportunities arise, new policies and initiatives will be used to promote and facilitate the use of the Welsh Language.
2. Any amendments to the Scheme that we want to make will be submitted to the Welsh Language Board (WLB) for consideration.

## Service Delivery

1. We will provide an equally high quality service in both Welsh and English. This service will build on measures already in place and will be through a process of continuous improvement. We will do all we can to encourage customers who wish to conduct business in Welsh.
2. Our Scheme sets out how and when our Welsh language service will be provided.
3. We will inform our customers that we offer a service for Welsh-speakers. We will launch our Scheme on our external and internal websites, inform our user groups and publicise it in our promotional material.

## Service Standards

1. We are committed to providing a high quality service, as defined in our Customer Service Standards, to all our customers, at the same level in Welsh as in English.
2. We will ensure that staff are aware of their responsibilities to comply with the Scheme and detailed guidance will be available in the staff newsletter “The Link” and on our internal website.
3. We will monitor the way we comply with the Scheme and will use the results to ensure consistency of service throughout the Office and that our Welsh language service evolves in response to customer demands.

## DEALING WITH THE WELSH-SPEAKING PUBLIC

**General Correspondence**

1. We are committed to dealing with correspondence relating to general enquiries in 5 days and we will always reply to letters as quickly as possible. However, delays may occur if we need to use a translation service to answer complex enquiries. This is because IP uses highly specialised legal and technical language which does not always have a precise equivalent in Welsh. Customers who write in Welsh can expect a reply in the same timescale as those customers who write in English. If we are unable to meet this deadline, then a holding reply will be sent in Welsh explaining why not.
2. If we receive a letter, fax or e-mail in Welsh, we will:
	* reply in Welsh
	* correspond in Welsh with customers who have previously corresponded with us in Welsh
	* send a holding reply in Welsh if there is likely to be a delay in responding to a request.
3. To achieve this commitment, we have provided guidance to staff on the handling of correspondence in Welsh, and a “glossary of terms” will be drawn up for use by translators to ensure consistency of translations. We will also

monitor the service we provide to ensure that Welsh speaking users receive the same level of service as English speaking users.

1. The UK Intellectual Property Office is not able at the present time to always provide automated computer generated correspondence bilingually in Welsh and English for technological and financial reasons. We will address this matter in the future if possible, when we update our systems. However, we will review standard or circular correspondence that we send manually to several recipients in Wales to identify that which should be produced bilingually following advice from the WLB.
2. If the Welsh and English versions of any correspondence have to be published separately, our normal practice will be to ensure that both versions are available at the same time.
3. Enclosures sent with bilingual letters will be bilingual, when available.
4. Enclosures sent with Welsh letters will be Welsh or bilingual, when available.

## Electronic Mail

1. When we receive correspondence via e-mail in Welsh, the same principles will apply as with written correspondence.
2. All Welsh e-mail correspondence that we issue will bear a Welsh (or bilingual) electronic signature.

## Telephone Calls

1. We welcome telephone callers who wish to conduct their business in Welsh and the following service will be put in place:
	* when contacting the Office via the switchboard, a bilingual greeting will be given and if the customer wishes to conduct their conversation in Welsh the operator will route the call to a Welsh speaking member of staff who is able to deal with the query where possible
	* our switchboard will have a bilingual message on its answer phone
	* we will encourage the rest of our staff to answer the telephone with a bilingual greeting and use bilingual messages on their personal answer- phones
	* if a customer dials directly to one of the operational sections and wishes to speak Welsh, the person answering the call will, if they do not speak

Welsh, transfer them to a Welsh speaking member of staff who can best deal with the enquiry, or arrange for a Welsh speaker to return the call.

1. In either case, if there is not a Welsh speaking member of staff available at that time who can answer the query, we will give the customer the choice of continuing in English, or of being called back by a Welsh speaker as soon as one is available. If this isn’t possible they will be invited to submit their query in writing. To facilitate this, a directory of staff who can speak Welsh together with details of the particular areas of IP in which they are qualified to answer enquiries, is available on our internal website. We will also identify suitable staff and provide training to enable them to deal with enquiries courteously and confidently.
2. If a query is particularly complex, it may not be possible to deal with it over the telephone as we may need to seek technical or legal guidance. If this happens, then we will deal with the enquiry in writing and will reply in Welsh if the customer wishes. This is in line with our normal practice in respect of all complex technical or legal enquiries.
3. Because of their location it would not be practicable for staff in our offices outside Wales to conduct telephone conversations in Welsh.

## Freedom of Information Requests

1. The Freedom of Information Act 2000 requires that we respond to requests within 20 working days of receipt. Where we need to translate the information requested by the applicant, this period will not apply (unless the information should already be available bilingually according to the provisions made in this Welsh Language Scheme). Replies to a Freedom of Information request will be made in accordance with the provisions of the Freedom of Information Act 2000.

## Public Meetings

1. We do not hold public meetings in Wales but if we did, we would ensure that members of the public were able to contribute in Welsh.

## Visitors to the Office

1. We welcome visitors to the Newport and London Offices and if a customer wishes to carry out their business in Welsh then they can do so at the Newport Office and we will:
	* arrange for enquiries in Welsh at reception to be dealt with by a Welsh speaking member of staff
	* arrange for a Welsh speaking member of staff who is suitably qualified in the relevant field(s) of IP to be present at any pre-arranged meetings or

discussions. If no such suitably qualified Welsh speaking member of staff is available they will be given the choice of continuing in English or dealing with the matter in writing in Welsh.

* + ensure there are bilingual signs in the grounds and in reception advising them of the availability of a Welsh language service.
	+ have a range of bilingual literature available in reception.
	+ because of their location it would not be practicable for staff in our offices outside Wales to conduct face-to-face meetings with the public in Welsh.

## Legal Proceedings with the UK Intellectual Property Office

1. In the case of an unresolved dispute about a particular patent, trade mark or design application, the applicant is entitled to present his or her case at a hearing. If the hearing takes place in Wales, the hearing can be conducted in Welsh in our Newport Office where arranged in advance.
2. If, however, no advance notice is given then due to limitations on the number of Welsh speaking staff and the lack of an in-house interpreter, there may be no legally and technically competent Welsh speaker immediately available. The applicant will then be given the choice, without prejudice, of continuing with the hearing in English or adjourning it until a Welsh speaker is available. We will do our best to assess language choice in advance.

## Surveys

1. When we undertake **public surveys** in Wales, we will whenever practicable advise respondents that the survey can be provided in Welsh on request. This will allow respondents to respond to the survey in Welsh if they wish.

## Seminars

1. When we arrange **seminars, training courses** or similar events for the public in Wales, we will assess the need to provide them in Welsh. In conducting this assessment, we will consider the preferred language of those attending and the availability of Welsh speaking trainers.

## Events

1. We participate in exhibitions to raise awareness of IP and promote the services we offer. When these exhibitions are held in Wales, we will:
	* use bilingual stands
	* make copies of UK Intellectual Property Office publications and information available on the stand in Welsh and English
	* ensure that a Welsh speaking member of staff is available at such events to deal with Welsh speaking customers.

## Other Dealings with the Public

1. Other forms of communication may be used for dealing with the public in Wales. As we develop our technological links with customers, e.g. through the electronic filing of information, we will also consider what provision can be made for customers who wish to conduct their business with us in Welsh. We will continue to expand the Welsh area of our website to include more information as it is developed.
2. We will prepare a programme, to be agreed with the WLB, setting out how we will increase the Welsh language content of our website over time.
3. When designing new websites, or redeveloping our existing websites, we will take into account the WLB’s *Bilingual Software Guidelines and Standards* and any other guidance issued by the Board with regard to developing websites.
4. We will comply with the terms of this Scheme in the development of new systems and communication methods with our customers.

## Publications and Website

1. We publish a range of publications to help customers understand IP law, as well as work manuals and Official Journals. There is information available on IP in general, and on details of the services that are available from the Office. We will create Welsh language pages on our web site, which will include Welsh versions of our most commonly requested publications, downloadable forms and information that is of general interest. Detailed technical documents, databases aimed at a more limited audience and material generated by other organisations will be available in English only. This includes our database and Journals of patents, trade marks and designs. The Welsh content of the website will be reviewed in the same way as the English website to improve the range and quality of information provided.
2. All our publications are subject to regular review to ensure that they are up to date and take account of any legislative changes. During the course of these reviews making publications available in Welsh will be prioritised in accordance with usage. These will be presented in separate English and Welsh documents each carrying a bilingual message that the other is available. We will despatch Welsh or English versions to customers based on their language choice.
3. The price of Welsh or bilingual versions of publications will not, where there is a charge for them, be greater than the price of the English version.
4. We will discuss with the WLB which publications are currently available in Welsh and agree how we increase the availability of Welsh language publications over time in line with demand.

## THE ORGANISATION’S PUBLIC FACE

**Corporate Identity**

1. We will adopt a bilingual corporate style and identity by providing:
	* Welsh letterheads, business cards, fax headers and compliments slips when dealing with our Welsh speaking customers
	* guidance to staff on using Welsh letterheads when corresponding in Welsh.

## Signs and Onsite Information

1. At our Newport office, we will ensure:
	* the provision of bilingual versions of all signs and notices within those parts of the Office and its grounds used by the public, for which we have responsibility
	* that all such bilingual signs will be equal in terms of size, quality, legibility and prominence
	* where separate English and Welsh signs are provided they will be equal in terms of format, size, quality, legibility and prominence
	* that all signs will be checked for accuracy prior to use.

## Delivery of Statutory Documents and Prescribed Forms

1. We accept applications in Welsh for patents, trademarks and designs, and we will make the relevant forms and guidance available in Welsh on our website.
2. The Trade Mark and Design Registrar will commission a translation of filings in Welsh into English for placing on the public record alongside the original. This translation will be agreed with the applicant in advance of publication, as will any subsequent amendments made. The agreed translation will be considered by the Registrar to be equivalent to the Welsh filed.
3. Welsh patent applications will be processed in the same way as soon as the necessary changes to the Patents Rules come into effect. These changes are in hand and are likely to take effect during late 2007. Until then, any applicant who files a patent application in Welsh must subsequently provide a translation into English and any subsequent correspondence must also be in English.
4. In our capacity as a Receiving Office under the European and international Patent systems and for the Community Trade Mark and Design System, applications must be in one of a limited number of official languages, of which English is one but Welsh is not. However, international patent applications in Welsh are likely to be permitted by the changes to the Patents Rules mentioned in paragraph 51. European applications in Welsh will be permitted by the coming into force of the revised European Patent Convention, EPC 2000, no later than 13 December 2007. In both cases it will be necessary to file a translation in one of the official languages within a set time period so that all further processing can be performed in an official language, as required by the relevant international agreements.

## Advertising and Publicity, Official Notices, Press Releases

1. We will issue any advertisements, recruitment notices, publicity or official notice in Welsh and English for publications principally circulating in Wales; however, they will not be in Welsh in UK-wide or specialist press. Both versions will be shown together and be equal in terms of format, size, quality, legibility and prominence. Press releases to the Welsh language press and broadcasting media in Wales will be issued in Welsh where deadlines permit.

## IMPLEMENTATION AND MONITORING OF THE SCHEME

**Staffing, Language Training and Recruitment**

1. It is our aim that every Directorate within the Office which has contact with the public will have Welsh speaking staff who are suitably qualified in the relevant IP field(s) and in line with the commitments outlined below in paragraphs 55 to

61. However it may be that some areas will be less able than others to deal with enquiries in Welsh, until we can increase the number of Welsh speaking members of staff.

1. We do not currently have any specific posts where the ability to speak Welsh is essential, but if it becomes apparent that this ability is essential in a specific post then we will identify the level of proficiency required and fill the position appropriately. The need for an ability to speak Welsh in a post will be determined by monitoring the demand for services in Welsh that the post provides. For example, in the case of Hearing Officers, the demand and frequency of demand for hearings in Welsh will be the determining factor. If it

becomes apparent that this ability is essential in a specific post then we will identify the level of proficiency required and fill the position appropriately.

1. We will actively monitor these posts and will provide adequate and ongoing training for staff by developing a linguistic skills strategy to address the skills required and meet them through appropriate training and recruitment.
2. We recognise however, that, for the Scheme to work effectively, we must have enough staff able to speak Welsh confidently and to deal with the range of queries that we receive. To help achieve this, we will:
	* continue to encourage language training for staff
	* we will develop the ability of our Welsh speaking staff to operate in Welsh by providing vocational training in Welsh, whenever practicable
	* respond to any shortages through recruitment
	* carry out a linguistic audit
	* keep an accurate record of those members of staff who have knowledge of, or qualifications in, Welsh
	* invite Welsh speaking staff to volunteer to assist with dealing with Welsh speaking customers
	* publish the names of Welsh speaking staff in our Internal Telephone Directory and on our internal website.
3. When fluency in Welsh is considered to be desirable or essential this will be stated in job competencies and advertisements. Candidates for such posts will be required to demonstrate their ability against the full range of competencies.
4. Where no suitable Welsh speaking candidates can be found for a post where Welsh is desirable, the person appointed will be encouraged to learn Welsh.
5. A candidate unable to speak Welsh may be appointed to a post for which Welsh is considered *essential*, but where time can be allowed to learn the language. In these cases, learning the language to the required level of competence, within a reasonable agreed period, will be a condition of employment.
6. When no Welsh speaking candidates who are suitably qualified in the relevant IP field(s) can be found for a post where Welsh is *essential* (or whilst a candidate unable to speak Welsh has been appointed and is learning the

language) we will make alternative arrangements to fulfil our commitments under the scheme.

## Partnership Working

1. When we are the strategic and financial leader within a partnership, we will ensure that any public service aspects comply with this scheme.

When we join a partnership which another organisation is leading, our input to the partnership will comply with this scheme and we will encourage the other partners to comply.

When we are a partner in a consortium, we will encourage the consortium to comply with this scheme. When acting in the name of the consortium, we will operate in accordance with this scheme.

## Administrative Arrangements

1. In order to ensure the effectiveness and proper implementation of the Scheme, we will ensure that:
	* the commitments and arrangements set out in the Scheme have been approved by the Chief Executive and all other parties responsible for implementing the Scheme
	* the responsibility for coordinating and facilitating the Scheme will be the responsibility of our Welsh Language Scheme Officer with individual managers being given the responsibility for implementing those parts of the Scheme which apply to them directly on a day to day basis
	* the Scheme and any internal instructions needed to ensure a high quality of service for Welsh speaking customers are available to every member of staff
	* When we use external translation or interpretation services, for example for the translation of official documentation and provision of simultaneous Welsh interpretation at public meetings, we will ensure that we use only qualified translators or interpreters.

## Services Delivered on Behalf of the UK Intellectual Property Office to the Public in Wales

1. We will ensure that any future agreements or arrangements made with third parties relating to the provision of services to the public in Wales are consistent with the terms of this Scheme. This commitment includes services which are contracted out.
2. To achieve this, we will ensure that the contractor will be made aware of the Scheme, and of the need to implement any applicable elements of the Scheme when providing services on our behalf to the public in Wales. The requirement to comply with the Scheme will be included in tendering documents and contracts, and adherence to the Scheme will be monitored throughout the life of the contract.

## Monitoring the Implementation and Effectiveness of the Scheme

1. We will prepare, and regularly update, a detailed **action plan** which we will discuss with the Welsh Language Board, setting out how we will ensure that we will operate in accordance with this scheme. The action plan will come into effect on the date on which the scheme comes into effect. The plan will include targets, deadlines and a report on progress against each target.

The WLS Officer will be responsible for monitoring the implementation and effectiveness of the Scheme. We will ensure that:

* + the way in which new policies and procedures are drawn up and introduced meet the requirements of this Scheme
	+ our arrangements for delivering services in Welsh, and their effectiveness and how we have performed is monitored
	+ the way in which we encourage or facilitate the use of Welsh by other parties is monitored
	+ our arrangements for dealing with the Welsh speaking public, including the percentage of correspondence replied to within the target deadline, the percentage of circular/standard letters issued bilingually, the number of Welsh applications received and processed within the specified timescales, and the percentage of telephone calls conducted in Welsh, is monitored
	+ complaints against the Welsh language service are recorded and monitored
	+ Welsh speaking customers are easily able to make suggestions for improvements to the service provided
	+ the availability of Welsh speaking staff to deal with visitors and enquiries is monitored
	+ arrangements for meetings are monitored against the commitments in our Scheme
	+ the implementation of the staffing and training measures set out in the Scheme are monitored on a structured and a continuing basis
	+ our corporate image meets the commitments made in this Scheme
	+ our publications, forms, signs, notices and other published material meet the commitments outlined in the Scheme
	+ agents and contractors providing services who need to comply with the public on behalf of the UK Intellectual Property Office are aware of the requirements of the Scheme

# We will report to the WLB on our progress in delivering this scheme on an annual basis.

## Targets

1. In order to monitor and assess the level of take-up for our services in Welsh, we will collect information quarterly on:
	* the number of written (including fax and Internet) general enquiries that we have received in Welsh and whether we met our published target time to respond
	* the number of telephone calls received in Welsh
	* the number and nature of any complaints relating to our services in Welsh
	* the number of applications for Patents, Trade Marks and Designs received in Welsh.
2. The results of this exercise will be monitored and reported to senior management in the UK Intellectual Property Office, the WLB and be published in our Annual Report and on our website. The volume of requests for Welsh language literature and use will be monitored closely to ensure that we are providing the best possible level of service to our customers.

# We will review this scheme within four years of its coming into effect.

## Complaints Procedure

1. We are committed to improving the standard of service we provide for all our customers, irrespective of their preferred language for doing business. We

believe that the level and quality of service provided by this Scheme will meet the needs of our Welsh speaking customers. However, we will publish separate Welsh and English versions of the UK Intellectual Property Office Charter and the Customer Service Standards and Feedback Booklets where details of our complaints procedure can be found.

1. If for any reason, customers are dissatisfied with the service received, they can to write to:

Tim Moss

Chief Executive

UK Intellectual Property Office PO Box 49

Cardiff Road Newport

South Wales NP10 8YU

E-mail: box49@ipo.gov.uk

1. The complaint will be acknowledged promptly and customers will receive a reply within 10 working days. If there is likely to be a delay, then a holding reply will be sent.
2. If it does not prove possible to satisfy a complaint through correspondence with us, the WLB may be asked to provide independent advice to assist in resolving any outstanding issues.

## PUBLICITY FOR THE SCHEME

1. We will publicise our Scheme to customers on our website as well as via a Press Notice. For staff, we will post on the Communications page of our internal website.
2. Copies of the Scheme will be available free of charge. Requests should be addressed to:

Welsh Language Scheme

UK Intellectual Property Office Room 3R12

Concept House Cardiff Road Newport

South Wales NP10 8QQ

Tel: 01633 814419

+44 1633 814419 (International callers)

Fax: 01633 814509

Email: information@ipo.gov.uk

## Comments on the Scheme

1. We welcome suggestions for improvement of our Scheme and these can be sent to:

Welsh Language Scheme

UK Intellectual Property Office Room 3.R12

Concept House Cardiff Road Newport

South Wales NP10 8QQ

Tel 01633 814419

+441633 814419 (Int Callers)

Fax 01633-814509

Email: information@ipo.gov.uk