

# [News story: Tribunal, Trade Marks and Designs Case Worker Examiner](#)

## **Purpose**

The Intellectual Property Office (IPO) is the official government body responsible for Intellectual Property (IP) rights in the United Kingdom. These rights include patents, designs, trade Marks and copyright.

We are responsible for the granting of IP rights, which promotes creativity and enables the economy and society to benefit from knowledge and ideas.

These available posts sit within our Tribunal, Trade Marks and Designs Division. We are specifically responsible for granting registered rights in trade marks and designs as well as independently administering the associated Tribunal function too.

## **Roles and Responsibilities**

Main Duties (depending on role offered):

Tribunal Case Work Examiner:

- ensuring the timely and efficient processing of cases before the Tribunal according to the legislation set out under the Trade Marks Act 1994 (and the Trade Marks Rules 2008) and/or the Designs Act 1949 (and the Designs Rules 2006)
- inspection of statements of case/counter statements ascertaining whether the correct grounds have been pleaded and notifying the parties of any perceived deficiencies where appropriate
- ensure that all evidence admitted into the proceedings complies with the relevant legislation and published guidance material and that any deficiencies are identified and notified to the parties
- consideration of and determining on a preliminary basis any request made once the evidence timetable has been set for extension of time and stay requests, consolidation, cross-examination and disclosure
- respond to all litigants whether in writing or on the telephone in an impartial, professional and customer friendly way
- proactively keeping own knowledge up to date and developing self
- developing a thorough understanding of the relevant sections of the legislation, case law and associated practice
- improving our service to customers by joining in with continuous improvement activities

Trade Marks or Designs Examiner:

- examination of applications to register Trade Marks under the Trade Marks Act 1994 (and the Trade Marks Rules 2008) and/or the Examination of Designs under the Designs Act 1949 (and the Designs Rules 2006)

- analysis of arguments and evidence submitted in support of applications so that well thought through and sound decisions are made
- clearly communicating to customers (ranging from professional Attorneys to Unrepresented Applicants) on all aspects of the application and registration process
- assisting applicants and representatives in overcoming any objections raised against their application and providing excellent customer care
- proactively keeping own knowledge up to date and developing self
- developing a thorough understanding of the relevant sections of the legislation, case law and associated practice
- improving our service to customers by joining in with continuous improvement activities

## **How to apply**

Full details of this role and how to apply are available on the [Civil Service Jobs website](#).

The closing date for applications is 26 March 2018.

For more information please email [adminvacancies@ipo.gov.uk](mailto:adminvacancies@ipo.gov.uk).

---

## **[Press release: Scrapyard permit dodger claims end-of-life vehicles were for resale](#)**

Max Newbery denied running a scrapyard, claiming vehicles were bought with the intention of resale

The owner of an Exeter scrapyard has been given a suspended prison sentence for operating an illegal vehicle dismantling business.

Max Newbery was also ordered to pay £8,470 costs at the end of a 2-day trial before Exeter magistrates. The case was brought by the Environment Agency.

The court heard that in March 2014, the Environment Agency suspended the defendant's environmental permit after he failed to pay the site's annual permitting fee over a period of 5 years.

The scrapyard, at Barley Villas Yard, Redhills, Exeter, continued to accept vehicles despite it no longer being a permitted facility. Between 27 March 2014 and 25 February 2016 a minimum of 51 vehicles were accepted at the scrapyard.

When questioned, Newbery claimed he bought the vehicles with the intention of selling them on. He refused to accept they were waste as defined by the 2008 Waste Framework Directive which states that waste is 'any substance or object which the owner discards or intends or is required to discard'.

Two women who took cars to the defendant's scrapyards both said they were disposing of their vehicles. One described her's as 'Scrap, not a goer' and the other, 'Nobody would buy it.' An Environment Agency officer, who visited the site, said in his professional opinion, all the cars brought to the scrapyards were end-of-life vehicles.

When questioned about the poor condition of some of the vehicles, Newbery claimed they had been 'vandalised by children', yet there was no CCTV at the site and little in the way of security to safeguard the vehicles he insisted were suitable for re-sale.

In addition to suspending his permit, the Environment Agency served Newbery with an Enforcement Notice requiring him to carry out improvements to the infrastructure of the scrapyards to minimise the risk of pollution and protect human health. Newbery said complying with the notice would be 'expensive' and it was therefore 'unreasonable' of the Agency to expect him to do so.

Magistrates were told the defendant's business had an annual turnover of more than £50,000 and that he had recently obtained planning permission for the site. This had increased its value to around £600,000 and had prompted Newbery to try to sell it.

Jacob Hess of the Environment Agency said:

Scrapyard operators are required by law to put in place appropriate environmental safeguards to protect human health and the environment. The defendant continued running his scrapyards without making any of the legally required infrastructural improvements.

He avoided investing in the business as this would eat into his profits and continued making money from an illegal site.

Appearing before Exeter magistrates, Max Newbery, of Barley Villas Yard, Redhills, Exeter received a 24-week prison sentence, suspended for 2 years, and was ordered to pay £8,470 costs after being found guilty of operating a regulated waste facility without a permit and failing to comply with an enforcement notice in contravention of the Environmental Permitting (England and Wales) Regulations 2010.

## **Editor's notes**

Environmental permits are necessary to minimise the risk of pollution or harm to human health from operations at waste sites such as scrapyards. There are set procedures for de-polluting and dismantling of end-of-life vehicles that contain potentially hazardous substances including engine oil, clutch fluid, coolant, brake fluid, gearbox oil, lead acid batteries, power steering fluid,

screen wash, fuels, CFC's and lead wheel balancing weights.

---

## [Press release: Plymouth Skip Hire boss nearly jailed for dumping rubble](#)

Operating as Plymouth Skip Hire, Calam was paid to dispose of waste but instead tipped it on a farmer's land

A judge has told a Plymouth man he escaped prison 'by the skin of his teeth' in a case brought by the Environment Agency.

Connor Calam fly-tipped waste on the edge of Dartmoor while subject to a suspended prison sentence for driving offences. The custodial sentence was very nearly activated by Exeter Crown Court.

The court heard a farmer found a large quantity of rubble and other waste deposited across a track near Pudson Farm, Okehampton in January 2017. The waste blocked access to three of his fields. The farmer reported the incident to the Environment Agency and local council and was told he would have to pay for its removal and safe disposal.

Enquiries by the Environment Agency traced the waste back to Plymouth Skip Hire in Stonehouse, Plymouth operated by Connor Calam, also known as Riley James.

The building waste came from insurance repairs carried out on a property in Plymouth by a local company that paid the defendant £245 to remove the material on the understanding he was a registered waste carrier.

Plymouth Skip Hire ceased trading in April 2017. Zenith Construction Ltd, whose waste was illegally tipped by the defendant, later paid for its removal as a goodwill gesture to the farmer.

Phil Butterworth of the Environment Agency said:

This prosecution is a timely reminder to businesses and home owners to ask three simple questions when getting someone in to dispose of their waste.

Is the person registered with the Environment Agency as a waste carrier – 'ask for proof'? Where do they intend to take the waste and can they provide a receipt? If they can't provide satisfactory answers to these questions, don't hand over your waste.

Appearing before Exeter Crown Court for sentencing on Tuesday 6 March 2018, Connor Calam, of Seaview Avenue, Lipson, Plymouth was fined £2,000 for breaching a suspended prison sentence and ordered to pay £2,500 costs. He was also made the subject of a 12-month community order, ordered to pay £260 compensation to Zenith Construction Ltd plus an £85.00 victim surcharge.

His Honour Judge Ralls QC said 'Fly-tipping in a beautiful part of the country is a serious matter' and warned the defendant he'd escaped being sent to prison 'by the skin of his teeth.'

The sentencing followed an earlier hearing where the defendant was found guilty of disposing of controlled waste on land at Pudson Farm, Okehampton between 10 and 27 February 2017 without an environmental permit contrary to Section 33 of the Environment Protection Act 1990.

---

## [Press release: Man who bit off a piece of his victim's ear has sentence increased](#)

A man who bit off a piece of his victim's ear has had his sentence increased after the Solicitor General appealed it for being too low.

Leon Smith attacked his victim, who was known to him, while he sat in his parked car in July 2016. Smith opened the driver's door and shouted at the victim to get out and when the victim refused the offender kicked the victim in the mouth. Smith then kicked the car door and reached in and grabbed the victim's face and forced his thumb into the victim's eye. The victim was able to force the offender's hand away and at that point the offender bit the victim's ear, ripping off a piece of the ear.

Smith was found guilty of causing grievous bodily harm with intent and originally sentenced to 2 years' imprisonment suspended for 2 years at Lewes Crown Court. Today, after the Solicitor General's action, the sentence was increased by the Court of Appeal to 4 years and 8 months immediate custody.

Speaking after the hearing the Solicitor General, Robert Buckland QC MP, said:

"This was a vicious attack on a defenceless victim which will have lasting consequences. I am pleased that the Court has today increased Smith's sentence and I hope it brings some comfort to his victim."

---

# [News story: Annual Safety Review 2017 published](#)

The [Annual Safety Review](#) for 2017 contains information on the AAIB's activity during 2017 and includes an overview of the 29 Safety Recommendations and Safety Actions published in the 39 field and 220 correspondence investigation reports during the year.

It also includes statistical information on the accident causal factors established by AAIB investigations across the aviation industry. To complement this, there is an AAIB general aviation fatal accident review which looks at the causal trends and has links to further research papers, regulatory advice and other useful sources of information for the private aviator. There is also an article on human factors in accident investigation and how the AAIB is developing its capability in this important field.