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## PRACTICE NOTE

### Continuing Professional Education (CPE) Audit 2021-2022

*To all registered patent and/or trade marks attorneys*

Patent and trade marks attorneys are audited for compliance with the statutory CPE requirements set out in the *Patents Regulations 1991* and the *Trade Marks Regulations 1995*. These audits are completed annually.

Attorneys are selected for the audit on a random basis, having regard to a balance of patent, trade marks and jointly registered attorneys across Australia, New Zealand and overseas. A balance of attorneys practicing in medium/large sized firms and sole practitioners is also considered. There are occasions where I may use discretion to conduct an audit of the same registrant in consecutive years where there has been evidence of previously unsatisfactory compliance with the requirements.

The audit of the 2021-2022 registration year included a total of 60 attorneys, comprising:

- Australia – 50 (22 TM, 22 Joint, 6 Patent);
- New Zealand – 7 (0 TM, 1 Joint, 6 Patent); and
- Overseas – 3 (1 TM, 1 Joint, 1 Patent).

Based on the observations of this audit, I would like to remind the profession of the following:

1. CPE activities should:
  - ✓ be structured (must be more than getting together for a chat);
  - ✓ have identifiable outcomes; and
  - ✓ benefit the attorney in their practise as an IP professional.
2. The CPE activities need to be completed within the 12 months prior to when the attorney pays for their registration renewal. CPE isn't calculated based on financial years.
3. A registered attorney must undertake a minimum of 10 hours of CPE activities per year (15 hours for dual registrations) in formal activities relevant to updating their professional skills.
4. A minimum of one hour of CPE activities relevant to ethics/professional conduct must be completed each year.
5. The Trans-Tasman IP Attorneys Board recommends that the balance of activities in any year should conform to the following guidelines:
  - ✓ CPE should preferably be from more than one source, although several providers are now providing balanced one-day events that will satisfy the 10-hour CPE requirement.
  - ✓ Attorneys with joint registration as a patent attorney and a trade marks attorney should complete at least 5 hours of CPE in each field.
  - ✓ Attorneys should include up to 4 hours of CPE activities in other areas related to an attorney's practice (e.g., commercialisation, innovation funding, designs, copyright, branding, licensing, etc.).

I encourage all attorneys to familiarise themselves with the [Continuing Professional Education guidelines](#) published by the Trans-Tasman IP Attorneys Board.

The audit for the 2022-2023 registration year will commence in September 2023.

Jennifer Hutchinson  
Designated Manager

December 2022