

Trans-Tasman IP Attorneys Board 1 & 2 August 2024

The Trans-Tasman IP Attorneys Board met on 1 and 2 August 2024 in Melbourne, Australia.

The Board welcomed its newly appointed Australian members Mr Greg Chambers and Dr Belinda Hartmann. Mr Chambers' and Dr Hartmann's significant knowledge and experience are a valuable addition to the Board, and I am very pleased to be working with them.

Strategic matters: Competencies Review

At the end of the first day of its meeting, the Board held a hybrid Connect, Network, Learn event for attorneys and stakeholders of the profession, with over 200 in attendance in person and online. New Zealand Board Member Ms Lynell Tuffery-Huria and I facilitated a discussion of the Board's recently commenced 'Competencies Review'.

The Competencies Review is being undertaken in response to recommendations in the Australian and New Zealand governments' Report on the Review of the Arrangement Between the Governments of Australia and New Zealand Relating to the Trans-Tasman Regulation of Patent Attorneys ([Regime Review Report](#)). It will identify the academic qualifications, the knowledge, and the skills acquired through experience, that are required for IP attorneys to effectively serve future users of the IP system.

The audience provide insightful observations about attorney competencies, which will be considered in the Board's review. The Board will continue to seek input from the profession and other key stakeholders through a subsequent consultation process. In the meantime, I welcome any preliminary feedback or questions about the Competencies Review to be submitted to the [Board Secretary](#).

I thank those who attended the event, as well as Dr Karin Innes and FB Rice for hosting it. To those who missed the event, you can you can watch the recording [here](#).

Similar reviews have been undertaken recently in other jurisdictions. In 2021 the Chartered Institute of Patent Attorneys [reviewed](#) the education, training and assessment arrangements for registration as a UK patent attorney. Around the same time, Canada's College of Patent and Trade Marks Agents ('CPATA') commenced an [initiative](#) to uplift Canadian IP agent competencies.

CPATA's CEO and Registrar Mr Juda Strawczynski, and Director of Education and Deputy Registrar Ms Jennifer Slabodkin, participated online in a strategic session of the Board's meeting. Our Canadian colleagues shared many insights into CPATA's modernisation of the competencies and pathways to becoming a Canadian patent agent and trademark agent. I sincerely thank CPATA for meeting with the Board and significantly contributing to our understanding of IP attorney competencies.

Operational matters

Academic qualifications and knowledge requirements

One of the roles of the Board is to assess whether an applicant for registration as a Trans-Tasman patent attorney has an academic qualification in a field of science or technology that contains potentially patentable subject matter, at a depth sufficient to provide an appropriate foundation for practise as a patent attorney.

At its recent meeting, the Board considered and approved 12 academic qualifications. The Board is increasingly receiving applications based on qualifications in less traditional fields of science or technology. One of the noteworthy qualifications approved was a Bachelor of Science with a major in Earth Science.

The Board also considers applications for exemption from the knowledge requirements specified in the Board's [curriculum of studies](#) for registration as a patent attorney or a trade marks attorney. The Board considered 13 exemptions applications, approving 10.

To be exempted from a knowledge requirement, the Patents Regulations require that the Board be satisfied that the applicant has passed 'a course of study ... that has outcomes that are the same as, or similar to, those of the knowledge requirement'. At its meeting, the Board considered the concept of 'a course of study'. To provide guidance to future exemption applicants, the Board determined that 'a course of study' is:

A structured and formalised learning experience that includes an assessment component.

Professional conduct

The Board is responsible for investigating complaints about attorney conduct, and determining whether there is a reasonable likelihood that such conduct would be found to be unsatisfactory professional conduct or professional misconduct by the Disciplinary Tribunal.

One of the new conduct matters considered by the Board involved an allegation that an attorney provided ineffective patents work, had overcharged for it, and was aggressive in their communication with the client about the dispute. The information before the Board did not demonstrate that the attorney had acted in a manner contrary to the Code of Conduct, and the matter was concluded without reference to the Tribunal. The Board recognises that an attorney's discussions with a client about the quality and value of work done can be difficult. Nevertheless, the Board reminds all attorneys that such discussions must be undertaken courteously and professionally.

Communication and outreach

Communication and engagement with the profession is a core part of the Board's operations. In response to recommendation 5 of the Regime Review Report, the Board is seeking to develop and deliver educative webinars and other presentations for members of the professions.

In June, I was on a panel with Mr Matthew Harvey KC, moderated by Mr Ian Horak KC, discussing the ethical obligations of a Trans-Tasman IP attorney. We considered a range of hypothetical ethical scenarios in IP attorney practice, and discussed how the provisions of the Code of Conduct applied to them. The

webinar was a collaboration between the Board, NZIPA and IPTA, and was open to all members of the profession. If you missed it, you can watch the recording [here](#) ▶.

Recognising the success of this webinar, and of the previous collaborative webinar on the Enhanced Guidelines to the Code of Conduct, the Board at its meeting determined to continue to work with NZIPA and IPTA to provide further educational resources for the trans-Tasman professions.

The Board seeks your views about the issues on which you would like to have educational resources.

Please forward your suggestions to mail.ttipab@ipaaustralia.gov.au.

Next Board Meeting

The Board's next meeting is in Sydney, Australia, on Thursday 14 November 2024 and Friday 15 November 2024. We will hold a hybrid Connect, Network, Learn event for attorneys in the evening of Thursday 14 November 2024.

Further details of the event will be sent to attorneys via email and published on the Board's [LinkedIn](#) profile. Free tickets for in-person attendees will be available through EventBrite, and those unable to attend will be able to register for the online event. I hope to see you there.

Andrew Christie

Chair

Trans-Tasman IP Attorneys Board