

**PRACTICE NOTE**  
**From the Designated Manager**

**Continuing Professional Education Audit 2020-2021**

*To all registered patent attorneys and trade marks attorneys.*

Patent and trade marks attorneys are audited for compliance with the statutory Continuing Professional Education (CPE) requirements set out in the *Patents Regulations 1991* and the *Trade Marks Regulations 1995*. These audits are completed on an annual basis.

Attorneys are selected for audit on a random basis, while having regard to selecting a balance of trade marks, patent and jointly registered attorneys across Australia and New Zealand. A balance of attorneys practicing in large and medium 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 2020-2021 registration year included a total of 69 attorneys, comprising:

- Australia – 57 (22 TM, 28 Joint, 7 Patent);
- New Zealand – 9 (0 TM, 3 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. Attorneys must keep their contact details up-to-date with the Secretariat as per the regulations.
2. A minimum of one hour of CPE activities relevant to ethics/professional conduct must be completed each year.
3. The CPE activities need to be completed within the 12 months prior to the date that the attorney renews their registration. CPE is not calculated based on financial years.
4. A registered attorney must undertake a minimum of 10 hours of CPE activities per year (15 hours for dual registrations) comprising structured activities relevant to updating their professional skills.
5. CPE activities should be structured, have identifiable outcomes and should benefit the attorney in their practise as an IP professional. For patent attorneys, this should include activities that have content relevant to practice in both Australia and New Zealand.
6. The Trans-Tasman IP Attorneys Board recommends that the balance of activities in any year should conform to the following guidelines:
  - a. CPE should preferably be from more than one source, although a number of providers are now providing balanced one-day events that will satisfy the 10 hour CPE requirement.
  - b. Attorneys with joint registration as a patent attorney and a trade marks attorney should complete at least 5 hours of CPE in the patents field and 5 hours in the trade marks field.
  - c. 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 2021-2022 registration year will commence in September 2022.

  
Michael Schwager  
Designated Manager

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