

Trans-Tasman IP Attorneys Board Meeting April 2025

The Trans-Tasman IP Attorneys Board met on **10 and 11 April 2025** in Wellington, New Zealand.

The Board dealt with a heavy agenda of strategic and operational matters, as outlined below. The volume of this work reflects the increasing profile of the patent and trade marks attorney professions. We expect this increase to continue.

At the conclusion of the meeting, the Board formally recognised and thanked Ms Veg Tran for her significant contributions over the past 7 years, including in her role as the Convenor of the Discipline Sub-Committee. Ms Tran's term will end on 30 June 2025.

Strategic matters

Competencies Review

In response to Recommendation 2 of the [2023 Report on the Review of the Trans-Tasman IP Attorneys Regime](#), late last year the Board appointed [SPP](#) to undertake a review of the competencies required of a modern patent attorney and trade marks attorney. SPP delivered their Report on the Competencies Review (the SPP Report) in February 2025. This marks the completion of the first stage of the Competencies Review.

SPP conducted extensive consultations across the professions, academia and users of the IP system. I would like to thank those who contributed their time, particularly during the busy December period. The insights from the consultations and surveys informed the recommendations in the SPP Report on how patent attorney and trade marks attorney competencies should be defined, acquired and maintained.

The Board discussed the insights from the SPP Report, and considered acceptance and implementation of the recommendations. The Board will provide a summary of the issues and the Board's next steps to those who participated in the consultations and surveys. Communication to the entire profession on the implementation of the SPP Report recommendations will follow.

At the end of the first day of its meeting the Board held its hybrid *Connect, Network, Learn* event. A panel of Board Members, comprising Ms Michelle Goldsmith, Ms Lynell Tuffery Huria, and Dr Duncan de Geest, discussed a number of the issues arising from the SPP Report.

These included:

- the respective roles of the accredited courses and the employment requirement in the acquisition of core competencies
- whether there should be some restrictions on the ability of newly-registered attorneys to practice independently
- the potential for 'de-coupling' the knowledge requirements of a trade marks attorney from those of a patent attorney; and

- enhancing the knowledge requirements on IP law and practice in other jurisdictions.

The discussion generated valuable commentary from the hybrid audience.

I thank those who attended the event, as well as Dr de Geest and AJ Park for hosting it. To those who missed the event, you can watch the recording [here](#).

Session with IPTA and NZIPA

On Day 2, the Board was joined by Ms Jennifer McEwan and Mr Ian Drew of The Institute of Patent and Trade Mark Attorneys (IPTA) and Mr Tom Roberston and Dr Victoria Argyle representing New Zealand Intellectual Property Attorneys Inc. (NZIPA).

The Board, IPTA and NZIPA discussed a number of issues affecting the IP attorney professions. One of these was the ongoing scams targeting businesses and impersonating attorneys. It was valuable to hear the steps IPTA has implemented in response to the scams. As I did in my February letter to the profession, I thank IPTA for their actions. The Board will explore the actions it can take against this and similar scams.

Operational matters

Communications & Outreach

The Board's Communications & Outreach Sub-Committee aims to increase awareness of matters relevant to the attorney professions and to provide continuing education offerings.

One such offering was the webinar held on 1 May, in which Board Member Dr Jason Coonan moderated a panel with IPTA Councillor Philip Gehrig and NZIPA Councillor Dr Victoria Argyle discussing ethics in attorney communication. It was a very informative event. I thank Jason, Philip and Victoria for their insight and the profession for the strong engagement with over 500 of you in attendance online. If you missed the webinar, you can watch a recording of it [here](#).

The Communications & Outreach Sub-Committee, in collaboration with IP Australia, is developing an online resource to assist attorneys to navigate various ethical challenges. At the meeting the Board considered a draft of this resource. I will communicate more about this in the coming months.

Exemptions

In certain circumstances, the Board can exempt candidates for registration from completing an accredited course to satisfy the IP attorney knowledge requirements. To be exempted, an applicant must have completed some other course of study which has the same or similar learning outcomes as those set out in the Board's Curriculum of Studies for a knowledge requirement.

At the meeting the Board approved 12 out of 17 exemption applications.

Four of the unapproved applications sought exemption from the knowledge requirements of *Topic Group C – Trade Marks Law* and *Topic Group D – Trade Marks Practice*. These applications relied on a general IP law course which, while touching on aspects of trade marks law and trade marks practice, did not have sufficient depth to provide learning outcomes that were similar to those of the knowledge requirements for the respective topic groups.

If you are considering applying for an exemption, I encourage you to contact [the Secretariat](#) as the first step. The Secretariat will be able to provide information and guidance on the principles for the granting of exemptions, to help you decide whether the exemption process is applicable to you.

Professional conduct

The Board considered a conduct matter involving, amongst other things, an attorney acting without explicit instructions.

Taking action without first obtaining the client's instructions may be necessary to preserve the client's IP position. However, doing so should occur only in an emergency situation. Generally, an attorney must obtain explicit instructions from the client before taking any material action.

In cases where emergency action without prior instructions is necessary, an attorney should have previously informed the client about any upcoming deadlines or significant events, such as a filed opposition, that might necessitate such action. This ensures that the client has been made aware of the situation that may give rise to the need for emergency action without instructions.

Crucially, if emergency action must be taken without first obtaining instructions, the attorney is obliged to inform their client that they have done so as soon as practicable.

Communication is a vital element of an attorney's professional conduct obligations. Section 17 of the [Code of Conduct](#) requires an attorney to disclose to a client all information of which the attorney is aware that is materially relevant to the work being undertaken for the client. Furthermore, the Board's [Guidelines to the Code of Conduct](#) state that:

[16.3] A registered attorney is obliged to keep the client ... updated about the matters of which they are required to be informed. Thus, where those matters change materially, the client ... must be notified of those changes.

Next Board Meeting

The Board's next meeting is in Melbourne, Australia, from Wednesday 30 July 2025 to Friday 1 August 2025. As usual, we will hold a hybrid *Connect, Network, Learn* event to coincide with the meeting, most likely on the evening of 31 July.

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