

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

**Continuing Professional Education (CPE) Audit 2016/2017**

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

Each year, a number of registered patent and/or trade marks attorneys are audited for compliance with the statutory CPE requirements set out respectively in the *Patents Regulations 1991* and the *Trade Marks Regulations 1995*. The audit of the 2016/2017 Registration Year was recently completed.

From the audited sample, it appears that nearly all attorneys are making genuine efforts to maintain and improve their professional skills. The current audit showed an improvement over the results of recent CPE audits. However, approximately 10 per cent of returns showed attorneys are not achieving a balance of activities in their CPE consistent with the recommendations made by the Trans-Tasman IP Attorneys Board. There was limited evidence of CPE covering other forms of IP (i.e. designs/copyright) or activities that would assist an attorney with their practice (e.g. commercialisation, innovation funding, designs, branding, licensing, etc.). I therefore recommend that attorneys look for more diversity when selecting their CPE activities.

All attorneys should note that adequate records must be kept for at least three years and be produced to the Designated Manager if required. Records produced for this audit were of high quality.

I encourage all attorneys to familiarise themselves with the guidelines relating to Continuing Professional Education published by the Trans-Tasman IP Attorneys Board on the Board's website (see: [www.ttipattorney.gov.au](http://www.ttipattorney.gov.au)).

I would like to remind you all of the minimum obligations as follows:

1. A registered attorney must undertake a minimum of 10 hours of CPE activities per year (15 hours for those with joint registrations) in formal activities relevant to updating their professional skills.
2. CPE activities should be structured, have identifiable outcomes and should benefit the attorney in their practise as an IP professional.
3. A minimum of one hour of CPE activities relevant to ethics/professional conduct must be completed each year.
4. CPE is self-regulating, with the attorney being responsible for selecting CPE activities.
5. The Trans-Tasman IP Attorneys Board recommends that the balance of activities in any year should conform to the following guidelines:
  - a. The 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. No more than 3 hours (or 4.5 hours for joint registrations) should be claimed for structured personal study, including the reading of professional journals.
- c. Attorneys with joint registration as a patent attorney and a trade marks attorney should complete at least 5 hours of CPE in each field.
- d. 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.).
- e. Attorneys are encouraged to use internet based resources for completing their CPE requirements in situations where they are unable to physically attend meetings and seminars. There are many webinars, podcasts, and similar resources now available that satisfy the CPE requirements.

The next audit will commence in September 2018. Thank you for your co-operation and assistance in carrying out these audits.



Patricia Kelly,  
Designated Manager

30 November 2017