

PRACTICE NOTE
From the Designated Manager

Continuing Professional Education Audit 2019–20

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 2019–20 registration year included a total of 74 attorneys, comprising:

- Australia – 56 (16 TM, 20 Joint, 20 Patent);
- New Zealand – 12 (0 TM, 5 Joint, 7 Patent); and
- Overseas – 6 (2 TM, 2 Joint, 2 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 registered attorney must undertake a minimum of 10 hours of CPE activities per year (15 hours for joint registrations) in formal activities relevant to updating their professional skills.
3. 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.
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:
 - 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. No more than 3 hours (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 patent and trade marks 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.).

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 2020–21 registration year will commence in September 2021.


Michael Schwager
Designated Manager

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