

PRACTICE NOTE
From the Designated Manager

Continuing Professional Education (CPE) Audit 2015/2016

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 2015/2016 Registration Year was recently completed.

From the audited sample, it appears that all attorneys are making genuine efforts to maintain and improve their professional skills. However, a large number of returns showed that attorneys are doing predominantly patents or trade marks related CPE activities. There was very little evidence of CPE covering in other forms of IP (i.e designs / copyright) or activities that would assist an attorney with their practice. As per CPE guidelines, 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.) can count towards maintaining professional competence. All attorneys should note that adequate records must be kept for at least three years and be produced to the Designated Manager if required.

I encourage all attorneys to familiarise themselves with the guidelines relating to Continuing Professional Education published by the Professional Standards Board for Patent and Trade Marks Attorneys on the Board's website (see: www.psb.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 completed each year.
4. CPE is self-regulating, with the attorney being responsible for selecting CPE activities.
5. The Professional Standards 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 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 2017. Thank you for your co-operation and assistance in carrying out these audits.



Patricia Kelly,
Designated Manager

2 November 2016