

PRACTICE NOTE
From the Designated Manager
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Continuing Professional Education
Audit 2012

To all registered patent attorneys and trade marks attorneys:

As you are aware, it is a requirement for registered patent and registered trade marks attorneys to complete satisfactory continuing professional educational (CPE) activities for annual registration renewal.

You are also now aware that I conduct random audits of CPE returns to ensure that attorneys are satisfying the requirements. In September 2012 I requested 50 attorneys to forward their CPE records to me to enable me to determine whether these attorneys were complying with the CPE requirements.

All 50 attorneys responded and some records, in particular, were outstanding. These records were well presented and it was immediately clear that the attorneys had completed the number of hours and that their activities were suitable. Usually, the outstanding returns were provided in a folder with a schedule showing their activities and with supporting evidence such as flyers or other details of the activities. As to the remainder, the majority provided satisfactory returns. There were, however, a small number of attorneys whose returns did not meet the required standard and they have been required to provide additional evidence that they have met the statutory requirements. As the profession is still familiarising itself with the CPE requirements I would like to point out some of the areas where a small number of attorneys fell short.

- Attorneys need to ensure that they complete the minimum number of hours related to their registration. For example, trade marks attorneys are required to complete 10 hours of suitable activity. **At least 5 hours of the minimum of 10 hours must relate to specific trade mark focused activity.** The remaining minimum 5 hours can relate to more general intellectual property activity and at least one hour must cover ethics or professional conduct. Similarly, registered patent attorneys are required to complete at least 5 hours of patents activity.
- A schedule of activities should be provided clearly setting out the activity - what it was; who presented it; where it was presented; and, when and how many hours are being claimed (and in relation to which type of activity).
- Supporting evidence should be provided – flyers, receipts, outlines of activity etc.

For future years I would like to remind attorneys of the following:

- All attorneys (those for whom CPE is a requirement) must complete at least one hour of ethics.
- Whilst it is acceptable – to some degree – for those in other professions to “double dip” with their CPE activities relating to those other professions, I will still be looking for some relevant attorney activities. Many solicitors rely, to some extent, on the legal practitioner CPD requirements. Care should be taken as the activity must bear some relevance to attorney practice. The object of CPE is to ensure that registered attorneys stay up-to-date and have the necessary skills and knowledge.
- Attorneys should read the Guidelines on CPE published by the Professional Standards Board for Patent and Trade Marks Attorneys on the Board’s website at <http://www.psb.gov.au>

On the whole it is evident that the attorney profession has embraced the introduction of CPE and is meeting the requirements.



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