



4 August 2021

Open letter to all Australian and New Zealand registered IP attorneys

Dear IP Attorneys

As you would be aware, the Trans-Tasman Intellectual Property Attorney (TTIPA) regime has been in operation for 5 years. The purpose of this letter is to update you on the progress of the TTIPA regime over those years, and to advise on activity over the next 12 months to review that progress.

As flagged by Michael Schwager in his address to the IPTA Conference in Darwin on 27 May 2021:

1. The profession is regulated to help ensure the highest level of trust in our IP ecosystem in Australia and New Zealand. To that end the TTIPA regime serves the profession, and the governments of both countries, in maintaining high standards of professionalism to give the public confidence in IP rights. This objective is a shared one across the profession and the governments. The Trans-Tasman IP Attorneys Board (TTIPAB) is keen to increase community understanding of the benefits of this regulation, and the obligations of IP attorneys, which give assurance to the users of IP rights in Australia and New Zealand. To that end you will see more active communications and public education from the TTIPAB, to be followed by a refreshed website and content and a smoother digital experience.
2. In the last five years the TTIPAB has been able to consider the specific operation of the Code of Conduct and associated guidelines. Overall, these appear to be working well. Given there are 1587 registered attorneys in Australia and New Zealand, and the volume of users of the IP ecosystem, the Board has only needed to consider 48 disciplinary matters, and of those only 2 have progressed to the Tribunal. This gives us comfort that the Code and Guidelines are working as intended. For some assurance however, the Board has asked Professor Andrew Christie to undertake a health check of the Code and Guidelines in light of recent case experience. If the Code and Guidelines can be improved, or clarified, we will do so. The health check is not a comprehensive review of the operation of the Code and Guidelines.
3. As foreshadowed in its establishing Bilateral Agreement, the TTIPA regime is due to be fully reviewed. This will be undertaken in 2021-22, once approval for the review's terms of reference is given by the responsible Ministers in Australia and New Zealand. The review is expected to consider the effectiveness of the regime, including a review of the joint registration regime, the Board and the Disciplinary Tribunal, with a view to deciding on and implementing any necessary improvements.

As we all benefit from a united approach to raising awareness of the profession and its high standards, we invite you to particularly assist on the public education and awareness of the professional standards maintained by the sector. This is critically important to both countries given the high degree of foreign investment and tech transfer on which our economies depend. Naturally attorneys operate in a competitive market, but it is in all our interests for competition to take a back seat to promoting integrity and standards. Practical steps might be to share social media updates from the Board, present to colleagues on the operation of the Code and Guidelines and Board practice notes, and familiarise yourselves with the good practice maintained by firms across the sector.

Any progress from Professor Christie's health check over the coming months will be communicated as soon as practicable.

More detail on the scope and processes of the TTIPA regime review will be advised once the Ministers have agreed on them.

If you have any questions, please don't hesitate to contact the Secretariat at secretary.ttipab@ipaaustralia.gov.au, or on +61 2 6283 2345.

Yours sincerely



Elizabeth Hopkins

Chair, Trans-Tasman IP
Attorneys Board



Michael Schwager

Director General, IP Australia
Ex-officio member, Trans-Tasman IP
Attorneys Board



Ross Van Der Schyff

Commissioner of Patents, New Zealand
Ex-officio member, Trans-Tasman IP
Attorneys Board