

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

**Continuing Professional Education (CPE) Audit 2013/2014**

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

Each year, a minimum of 50 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 2013/2014 Financial Year was recently completed.

From the audited sample, it appears that a vast majority of attorneys are making genuine efforts to maintain and improve their professional skills.

However, some returns were of poor quality. The key issue appeared to be poor record keeping of CPE activities and an incoherent presentation of the evidence of those activities, rather than a failure to undertake appropriate 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.**

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 web-site (see: [www.psb.gov.au](http://www.psb.gov.au)).

Two attorneys were formally reprimanded following the audit for not fully satisfying their CPE requirements despite each attorney stating that they had completed these requirements.

An additional attorney chose to voluntarily remove themselves from the Register prior to any formal disciplinary action occurring. This attorney had stated that the required CPE had been completed, but later admitted that no CPE had been completed.

**These actions demonstrate that the attorney CPE requirements set out in the respective Regulations are intended to be taken seriously.**

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 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.

The next audit of 50 attorneys will commence in September 2015. Thank you for your co-operation and assistance in carrying out these audits.



Patricia Kelly,  
Designated Manager

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