

Trans-Tasman IP Attorneys Board 29 & 30 November 2023

The Trans-Tasman IP Attorneys Board met on 29 and 30 November in Melbourne, Australia. As is now our usual practice, the Board held an event for attorneys, rebranded as '*Connect, Network, Learn*'. We had a very full room, with over 40 people. Thank you to those who attended. The event covered the activities of the Trans-Tasman IP Attorneys Disciplinary Tribunal. We welcomed Tribunal President Siobhan Ryan KC, and two members of the tribunal, Mark Roberts and Dr Patrick McManamny, for a panel discussion and Q&A. Many thanks to Mark Roberts and Spruson & Ferguson for hosting the event.

During the Board's meeting, we heard from IP Australia on progress with addressing various recommendations arising from the 2022 [report](#) on the review of the Trans-Tasman regime. Recommendations concerning the location conditions specified in Regulation 20.10 of the *Patents Regulations 1991*, and the reregistration and restoration criteria, have been added to the [Policy Register](#) of IP Australia. We encourage you to comment on these and other items on the Policy Register. Such feedback helps IP Australia to understand stakeholders' priorities and to allocate resources effectively.

One of the report's recommendations is for a review of the educational curricula for qualification as a registered attorney. The Board is developing the terms of reference and the procedure for the review.

Richard Spriggs of CSIRO gave an informative presentation to the Board on generative AI and IP. It included discussion of copyright issues, obligations to inform clients of the use of AI in work such as drafting specifications, and whether any aspect of AI use can lead to breaches of the Code of Conduct.

Other items addressed at the meeting included the standing item of Privacy and a report from the Designated Manager on the CPE Audit updates. The Board's Conflict of Interest Policy and CPE Guidelines are being updated, and these resources will be published on the website, so keep an eye on the [News](#) channel for these and other updates.

Operational matters

Academic qualifications for patent attorneys

The profession has been requesting additional information on various aspects of the Board's operation, particularly in relation to the technical academic qualifications considered by the Board to be suitable for practice as a patent attorney.

The Board approved the following qualifications for registration as a patent attorney during the November meeting:



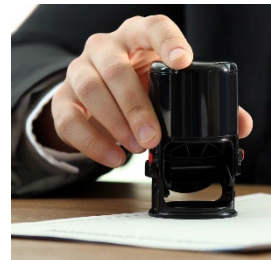
- Bachelor of Science (Hons) Geology, Master of Science in Experimental Geosciences and Doctor of Philosophy (Geochemistry)
- Bachelor of Science (Major in Molecular and Cellular Biology)
- Master of Engineering (Materials Science and Engineering) and Doctor of Philosophy (Electric Engineering)
- Bachelor of Engineering (Hons) (Biomedical Engineering) and Bachelor of Science (Neuroscience)
- Bachelor of Science with a major Physics (Hons) and Doctor of Philosophy (Physics)
- Bachelor of Biomedicine (Hons) and Doctor of Philosophy (Biomaterials)
- Bachelor's degree (Chemistry) Integrated master's and Doctoral Program
- Bachelor of Science (Chemistry)
- Bachelor of Biomedical Science and Bachelor of Science (Hons) (Anatomy and Histology)
- Bachelor of Engineering (Hons) (Mechatronics Engineering)
- Bachelor of Science (Chemistry & Mathematics) and Doctor of Philosophy (Chemistry)
- Master of Medicinal and Biological Chemistry and Doctor of Philosophy (Chemistry)

Course accreditation

The following postgraduate courses offered by the University of Auckland, New Zealand, have been accredited for 5 years, commencing 30 November 2023.

- LAWCOMM 782 – Trade Marks Practice (topic group D).
- LAWCOMM 793 – Patent Law (topic group E)

This is a positive outcome, especially for New Zealand resident trainees, because until now there has been no New Zealand-based offering accredited for topic group D.

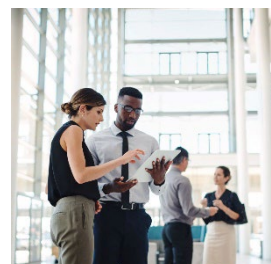


Professional conduct

Three new professional conduct matters were considered, and several previous matters were concluded.

The matters before the Board raised a range of *Code of Conduct* obligations, including **competence**, **integrity**, and **communication**. Below are brief details of some of these cases.

A patent matter, where it is alleged the attorney filed amended documents without first obtaining instructions, failed to properly advise the client on the probable success of the amendments and the application itself, and failed to properly document advice



given to the client. This matter will be referred to the Trans- Tasman IP Attorneys Disciplinary Tribunal.

A matter involving the sale of a company's IP to a new entity and a subsequent request from representatives of the new entity for release of files and records. The complainant requested all files and records to be provided immediately. The attorney refused to release the material until instructions to do so were provided from the client. It was found the attorney acted appropriately in seeking instructions from the client, and that it was not unreasonable to request reimbursement for time spent on collating and providing over 10 years' worth of files and records to the new owner.

A matter involving non-payment of a foreign associate's fees. Since neither the company nor the directors against whom the complaint was made are registered attorneys, the Board has no jurisdiction. At the time of the complaint, there was a registered trade marks attorney working for the company; however, that person had no responsibility for the conduct of the company and the payment of fees.

Outcome of Continuing Professional Education audit

The Continuing Professional Education (CPE) obligations set out in the Patent Regulations contribute to maintaining the profession's standing and providing confidence to the public of the high-quality services they can expect from a registered attorney.

Each year the Designated Manager randomly selects attorneys to take part in the CPE audit process.

Audit results were provided to the Board. Two attorneys requested voluntary removal instead of providing evidence of compliance with the CPE obligations. All audited attorneys who provided evidence were found to be compliant with the Regulations.

A [Practice Note](#) about the audit results and observations from the Designated Manager is published on the TTIPA website.

Next Board Meeting

The Board's next meeting will be in Auckland, New Zealand on Thursday 14 March 2024 and Friday 15 March 2024. We will hold a 'Connect, Network, Learn' event for attorneys on the evening of Thursday 14 March 2024.

Further details of the event will be published on the Board's [LinkedIn](#) profile and [website](#) soon, and free tickets will be available through EventBrite.

Andrew Christie

Chair