



Guidelines for Continuing Professional Education

The Trans-Tasman IP Attorneys Board (the Board) issues these guidelines to aid registered attorneys in understanding and meeting their Continuing Professional Education (CPE) requirements.

Introduction

Registered patent and/or trade marks attorneys have an obligation to maintain the currency of their professional qualifications in order to provide a high standard of service to their clients. This entails staying informed about changes in legislation, developments in case law, trends in technology, and the laws and practices of significant trading partners.

CPE is a statutory condition imposed on all registered attorneys seeking renewal, pursuant to [20.22\(b\)](#) of the Regs. This condition requires renewing attorneys to comply with [20.24](#) and [20.25](#) of the Regs. By virtue of regulation [20.14](#) of the Australian *Trade Marks Regulations 1995* this condition also applies to trade marks attorneys. By virtue of [section 271](#) of the New Zealand *Patents Act 2013* this condition also applies to New Zealand resident patent attorneys.

What are my CPE obligations?

The CPE year runs for the 12 months **before** your renewal payment is filed as per [20.24](#) of the Regs. For example, if you pay your renewal on June 3, 2023, the CPE details accompanying that renewal request need to cover June 3, 2022, to June 3, 2023.

There are no provisions for pro-rata completion of CPE. Attorneys who work part-time are required to complete a full CPE load for the 12 months prior to renewal.

When renewing your registration, you will be asked to complete a CPE declaration, no further evidence of CPE is required when renewing. However, if you are selected to participate in the annual audit a detailed submission of your activities will be required. There is a CPE audit submission template available on the website.

If you fail to provide a CPE declaration when you renew, you will be suspended for non-compliance for a period of up to six months. You cannot practice as an attorney during this time and will automatically be restored to the Register(s) after the suspension period, pending compliance with any conditions imposed on your removal.

How can I satisfy my CPE obligations?

Annual breakdown of required CPE hours –



Examples of topics you may cover in the “up to four hours in other areas related to an IP attorney's practice” include, but are not limited to, protection of:

- Indigenous Knowledge
- Designs
- Copyright
- Geographical Indications
- Plant Breeder's Rights

Maintaining currency in your area of technical expertise is also encouraged, for example activities relating to engineering, chemistry, physics, biotechnology etc and can be claimed.

What types of activities can I claim?

There are a variety of ways to meet your CPE requirements. It is expected that the completion of CPE is for the subject matter to be relevant to both Australian and/or New Zealand IP law and practice. CPE activities need to show some formality or structure that provides substance to the activity and allows for evidence of its completion to be submitted if you are selected for the annual audit. However, not all activities need to be officially certified or provided by a registered training organisation.

If you assess an activity as one that extends your technical expertise and skills in areas that are relevant to your practice, then you may claim that activity as CPE in “other areas related to an IP attorney's practice”.

Types of educational and professional development activities commonly accepted include:

- Preparation and presentation of lectures, workshops, seminars, webinars, podcasts and/or conference sessions.
- Attending lectures, workshops, seminars, webinars, podcasts, and/or conferences.
- Participation in organised, structured, and formal discussion groups on topics of professional interest.
- Courses of study at educational institutions and/or online subjects including those provided by multimedia or web-based programs.
- Postgraduate study or research in a relevant field
- Membership and attendance at technical committees of a professional body.
- Research, preparation and editing of professional and/or technical articles, papers, or books.

You can claim up to 3 hours (or 4.5 hours for dual registered) reading professional and/or technical journals.

Is it necessary to maintain a record of my CPE?

Yes. Pursuant to Reg 20.25 you must maintain a record of your activities and evidence in support of these for 3 renewal periods. Evidence can include attendance records, certificates, receipts, and emails confirming registrations. For reading professional and or technical journals, a written list of activities will be sufficient.

The Trans-Tasman IP Attorneys Board Secretariat conducts an annual CPE audit. This audit randomly selects attorneys across several categories to ensure the following groups are assessed:

- Jurisdictional - Australia, New Zealand, and overseas attorneys
- IP Right registration - patent attorneys, trade marks attorneys and dual-registered attorneys
- Employment - large firms, small firms, in-house, sole traders

What happens if I can't complete my CPE obligations?

The consequences of non-compliance with the CPE requirements are governed by Reg [20.28](#). The Designated Manager considers each case of non-compliance on its merits.

If you are found to have provided a completed CPE declaration that cannot be subsequently supported when requested during the CPE Audit, you may be suspended from the Register(s) for a period of up to six months. You cannot practice as an attorney during this time and will automatically be restored to the Register(s) after the suspension period, pending compliance with any conditions imposed on your removal.

If you are unable to complete the required hours of CPE before renewing your registration, you may request a conditional approval from the Designated Manager which includes a statement of reasons.

Your conditional approval request may be:

- denied and your registration will be suspended for a period of up to six months;
- approved, with the shortfall in hours transferred to the following years renewal; or
- waived pending personal circumstances.

The Designated Manager will consider each application on a case-by-case basis. You must complete all the hours required as part of your conditional approval before your next renewal or the provisions of Reg 20.28 will be applied.

What if I am seeking restoration rather than renewal?

Pursuant to Reg [20.29](#) the following tables set out the maximum amount of CPE that will be required to be completed on return to the Register(s). The Designated Manager can impose a lower total of CPE hours upon request on a case-by-case basis depending on personal circumstances.

Since the introduction of CPE in 2010, the Designated Manager has established that one-third of the typically required hours is deemed sufficient to demonstrate an attorney's eligibility for restoration. The hours can be completed whilst off the register, or as a condition of your restoration, they will be added to the standard hours required before the next renewal. Failure to meet this condition may result in the removal of your name from the Register(s) for a period of up to six months.

Single registered attorney

Period off Register	Hours normally required during the period	1/3 of required hours	Maximum total hours for next registration
3 years	30	10	20
2 years	20	6	16
1 year	10	3	13

Dual registered attorney

Period off Register	Hours normally required during the period	1/3 of required hours	Maximum total hours for next registration
3 years	45	15	30
2 years	30	10	25
1 year	15	5	20