

14 November 2017

Trans-Tasman IP Attorneys Board
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Dear Colleagues

Re Code of Conduct for Patent and Trade Marks Attorneys 2018

Thank you for the email of 7 November 2017 calling for feedback on the latest draft of the Code.

Section 13

We have previously suggested that there is room to improve the wording of this section.

During the Board's presentation of 2 November 2017, a Board member suggested that attorneys have a duty to inform Examiners of lines of authority contrary to the position of the attorney's client (see about 46 minutes, 30 seconds into the Board's YouTube video). That suggestion is consistent with the current draft of Section 13 of the Code but inconsistent with routine attorney practice.

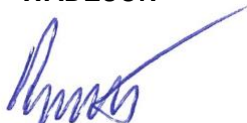
During the same presentation, another Board member suggested that no such duty exists (inaudible in the video).

In our view, these inconsistencies confirm that the wording of Section 13 is less than ideal.

Section 22

In our view, the Code would be improved by an explicit qualification (in the Guidelines or otherwise) to the effect that there is no requirement to co-operate whilst long-overdue invoices remain outstanding.


Yours sincerely
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