

Contact: Brendan Peachey
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Trans-Tasman IP Attorneys Board (TTIAB)
PO Box 200
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Dear Colleagues

Draft Code of Conduct 2018

We refer to the Draft Code of Conduct 2018 and make the following comments on behalf of Wrays.

We believe that some clarification around the provisions of draft Section 16 is required.

Section 16(1) currently provides:

- Prior to undertaking work for a new or prospective client, a registered attorney must ensure that the client is clearly informed in writing of the following matters:
 - (a) that the registered attorney is registered as a patent attorney, a trade marks attorney or both, and is bound by this code; and
 - (b) the type of work for which the registered attorney has competency; and
 - (c) the procedures, timing and estimated cost of doing particular work; and
 - (d) the legal personality of the registered attorney and the legal structure under which the registered attorney practices; and
 - (e) where the registered attorney is an incorporated company – whether the company is public or private; and
 - (f) where the registered attorney is the member of an ownership group – that fact and the identity of the other members of that group.

We recommend that s16(1) be amended to clarify that the section only applies to new or prospective clients and does not apply to all new matters for existing clients.

We recommend that s16(1) be amended to exclude communication to clients represented by foreign-registered attorneys or another registered attorney. Under most circumstances, Australian and New Zealand attorneys have a relationship with the foreign attorney firm only and have no relationship with the end client.

While we agree that it is appropriate to provide the listed information, we recommend that the section be amended such that the information must be provided to the foreign attorney, rather than the end client.

Yours faithfully
WRAYS

A handwritten signature in black ink, appearing to be 'B. Peachey', with a long, sweeping underline that extends to the right.

Brendan Peachey
Principal