

20 November 2017

Trans-Tasman IP Attorneys Board  
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**Feedback on the final draft of the Code of Conduct for Patent & Trade Marks Attorneys 2018 and the accompanying final draft Guidelines to the Code of Conduct for Trans-Tasman Patent and Trade Marks Attorneys 2018.**

The following feedback is made on behalf of the New Zealand Institute of Patent Attorneys (“NZIPA”).

1. NZIPA generally supports the Code of Conduct as outlined in the final draft released 7<sup>th</sup> November 2017.
2. NZIPA generally supports the Guidelines to the Code of Conduct as outlined in the draft released 7<sup>th</sup> November 2017, however Clause 6.2 of the guidelines in the opinion of the NZIPA requires further attention in order to clarify that the attorney is registered under the Act referred to in the particular sentences to which an attorney is referenced. Clause 6.2 is reiterated below with suggested added text highlighted in red and underlined:

6.2 Restrictions apply on who can describe themselves as, or hold themselves out as being, a “patent attorney”, “an agent for obtaining patents”, a “trade marks attorney” or a “trademarks agent”. Under subsections 201(2), (4) and (6) of the Patents Act 1990 (Cth), a person working in Australia must not describe themselves as a “patent attorney” or an “agent for obtaining patents” unless they are a registered patent attorney under that Act. Under subsections 274(2) and (4) of the Patents Act 2013 (NZ), a person working in New Zealand must not describe themselves as a “patent attorney” or an “agent for obtaining patents” unless they are a registered patent attorney under that Act. Under subsections 156(1) and (3) of the Trade Marks Act 1995 (Cth), a person working in Australia must not describe

themselves as a “trade marks attorney” unless they are a registered trademarks attorney under that Act. Under subsections 156(2) and (3A) of the Trade Marks Act 1995 (Cth), a person working in Australia must not describe themselves as a “trade marks agent” unless they are either: (i) a registered trademarks attorney or a registered patent attorney; or (ii) a lawyer or an incorporated legal practice as defined in the Trade Marks Act 1995 (Cth).

We trust this feedback is of assistance and are more than happy to answer any questions in relation to them or be contacted by officials should the need arise.

Thank you for considering our feedback. For any questions or any further information on the above submissions, please contact:

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Yours Sincerely



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