

Please read the IPONZ style guide and IPONZ website user guide before filling out this template.

Page title	Patent attorney register Intellectual Property Office of New Zealand
Short title	Patent attorney register
Content type	Existing page
Location	Patent attorney register
Suggested URL	/patent-attorney-register/
Page description	We maintain the New Zealand register of patent attorneys. To become a registered patent attorney or to renew your registration, see the guides to registering, renewing and examinations .
Introduction	We maintain the New Zealand register of patent attorneys. To become a registered patent attorney or to renew your registration, see the guides to registering, renewing and examinations pages.

Page content

~~New Zealand patent attorneys~~

~~Trans-Tasman Patent Attorney Regime~~

~~The current trans-Tasman patent attorney regime came into force on 24 February 2017. The new regime provides a single system of accreditation, registration and professional regulation of patent attorneys in New Zealand and Australia.~~

~~The previous New Zealand patent attorney register has transferred to the new trans-Tasman register which can be found at <http://www.ttattorney.gov.au>.~~

~~Patent attorneys on the previous New Zealand register are automatically recognised under the new joint registration regime.~~

~~For information on the Trans-Tasman Patent Attorney Regime, please visit <http://www.ttattorney.gov.au>.~~

- ~~• [View the archived New Zealand patent attorney register.](#)~~
- ~~• [View archived examination syllabuses, papers and examiner's comments.](#)~~
- ~~• [View details on the Trans-Tasman Mutual Recognition Arrangement.](#)~~

~~The trans-Tasman joint registration regime was agreed in 2013 via a bilateral agreement, and implemented via the Patents (Trans-Tasman Patent Attorneys and Other Matters) Amendment Act in November 2016. This repeals the Patent Attorney provisions under the Patents Act 1953.~~

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Commented [SU4]: Link to PDF copy of old patent attorney register

Commented [SU5]: Links to <https://www.iponz.govt.nz/patent-attorney-register/registering-and-renewing/archived-examination-syllabuses-papers-and-examiners-comments/>

Commented [SU6]: Links to <https://www.iponz.govt.nz/patent-attorney-register/registering-and-renewing/trans-tasman-mutual-recognition-arrangement/>

For more details on the trans-Tasman patent attorney regime, please visit the MBIE website.

Commented [SU7]: Links to <http://www.mbie.govt.nz/info-services/business/intellectual-property/single-economic-market-intellectual-property-outcomes/trans-tasman-patent-attorney-regime/>

Page title	<i>Registering, renewing and examinations Intellectual Property Office of New Zealand</i>
Short title	<i>Registering, renewing and examinations</i>
Content type	<i>Existing page</i>
Location	<i>Patent Attorney Register > Registering, Renewing and Examinations</i>
Suggested URL	<i>/patent-attorney-register/registering-and-renewing/</i>
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Page content	

Page title	<i>Syllabus Intellectual Property Office of New Zealand</i>
Short title	<i>Syllabus</i>
Content type	<i>Existing page</i>
Location	<i>Patent Attorney Register > Registering, Renewing and Examinations > Syllabus</i>
Suggested URL	<i>/patent-attorney-register/registering-and-renewing/syllabus/</i>
Page description	
Introduction	
Page content	

Page title	<i>Patent attorney exam results 2015 Intellectual Property Office of New Zealand</i>
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MBIE-MAKO-

Short title	<i>Patent attorney exam results 2015</i>
Content type	<i>Existing page</i>
Location	<i>Patent Attorney Register > Registering, Renewing and Examinations > Patent attorney exam results 2015</i>
Suggested URL	<i>/patent-attorney-register/registering-and-renewing/patent-attorney-exam-results-2015/</i>
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Notes

- Any sub headings in heading style 2 will appear in the 'On this page' in page bookmark links on the right sidebar of the page. As such we recommend a character limit of 30 including spaces. For the practice guidelines page template this goes up to 35 characters including spaces.
- Footnotes are not recommended online

Archived: Wednesday, 25 October 2023 9:20:05 am

From:

Sent: Wed, 1 Feb 2017 16:46:14

To: [Sean Uy](#)

Cc: [Tao Morton](#) [Peta Baily Gibson](#)

Subject: RE: Trans-Tasman Patent Attorney register changes [UNCLASSIFIED]

Importance: Normal

Sensitivity: None

Attachments:

[How the trans-Tasman patent attorney regime fits together.docx](#); [Patent attorney web updates.docx](#); [Bilateral arrangement signed March 2013.pdf](#);

Hi Sean, Tao and Peta

As discussed with Sean, we have to meet certain prescribed requirements in terms of what information about the joint trans-Tasman patent attorney regime we must publish on our website.

In terms of how we approach that, I think it's helpful to first get our heads around how the joint regime all fits together. I **attach** my summary, including the information we must publish and a copy of the Bilateral Arrangement.

I also **attach** my proposed new web content for when the new regime takes effect on 24 February 2017. You will see I have retained two pages – one directed at the public and one directed at professionals wanting to know how to get registered.

We should also re-think what subpages to retain. There is no need for the TTMA stuff – it's redundant. When the joint regime takes effect anyone registered in one jurisdiction is automatically registered in the other. I do, however, think we should retain the syllabus and exam results given we are running the NZ exams for a further 4 years.

Before finalising the content we should also run it by George.

How about we meet to review this?

Simon.

From: Sean Uy

Sent: Friday, 27 January 2017 4:54 p.m.

To: Simon Pope

Cc: Tao Morton; Peta Baily Gibson

Subject: RE: Trans-Tasman Patent Attorney register changes [UNCLASSIFIED]

Hi Simon

Here are the current drafts and recommendations for page changes that we have for the IPONZ website, following the new trans-Tasman Patent Attorney regime.

Patent Attorney Register pages: **Out of Scope**

- These changes focus on changing the content of the main Patent Attorney Register page – the idea is to remove the existing register and replace this with explanatory text. We're also looking at placing an archived PDF version of the NZ Patent Attorney register for a limited period of time.
- The following subpages will be removed:

- [Registering, renewing and examinations](#)
- [Syllabus](#)
- [Patent attorney exam results 2015](#)
- The following subpages will be retained:
 - [Archived examination syllabuses, papers and examiner's comments](#)
 - [Trans-Tasman Mutual Recognition Arrangement](#)

Patent Attorney Register references on the rest of the website:

Out of Scope

- These changes mostly either remove reference to IPONZ maintaining the register, or change existing links to point to the new register.

Kind regards

Sean Uy

STAKEHOLDER ENGAGEMENT ADVISOR

Stakeholder Engagement, Intellectual Property Office of New Zealand, Market Services Group
Ministry of Business, Innovation & Employment

15 Stout Street, PO Box 9241, Marion Square, Wellington, New Zealand

www.iponz.govt.nz | NZ Freephone: 0508 447 669 | AU Freephone: 1800 796 338 | International: +64 3 962 2607

iponz

From: Simon Pope

Sent: Friday, 27 January 2017 10:46 a.m.

To: Sean Uy

Subject: FW: Website domain name for the Board [UNCLASSIFIED]

See below

From: George Wardle

Sent: Wednesday, 25 January 2017 2:15 p.m.

To: Simon Pope

Subject: FW: Website domain name for the Board [UNCLASSIFIED]

FYI, information about changes IPA is making to website addresses and content.

George Wardle

Senior Advisor

Commerce, Consumers and Communications | Business Law Team

Ministry of Business, Innovation & Employment

Telephone:

15 Stout Street, Wellington | PO Box 3705 Wellington 6140

Description: cid:image001.jpg@01CE732A.1A2F9630

From: Mail PSB [<mailto:MailPSB@ipaaustralia.gov.au>]
Sent: Wednesday, 25 January 2017 1:09 p.m.
To: George Wardle
Cc: Janine Brown; Scott Ashwin
Subject: RE: Website domain name for the Board [UNCLASSIFIED] [SEC=UNCLASSIFIED]

Hi George

Our web people are currently going through the application process for the web address www.ttattorney.gov.au. We don't expect to have this approved until February (date not known, but before 24 February). Our plans are to use the current www.psb.gov.au address until the early morning of 24 February and then launch the new website for the Trans-Tasman regime. Scott Ashwin can provide more information on the status of this application if you need more details.

We will be putting a redirect on the various email boxes that we currently use for PSB activities (mail.psb@ipaaustralia.gov.au and secretary.psb@ipaaustralia.gov.au) and the PSB website for at least 6 months so that we can still be found.

I've also got to do some substantial updates to our PSB website to reflect the new regime – this will probably happen next week as I'm on leave this Friday and next Monday (and tomorrow is a public holiday for Australia Day).

As an aside, we received approval from our Government Branding section for the proposed new branding for the trans-Tasman regime. I sent this branding to Sia Aston at your SSC on 17 January for their approval, but I'm yet to hear back about this request. I was going to follow this up later today once the Commencement Order has been signed by your Governor-General. A copy of the proposed branding, etc. is attached for your reference.

Kind regards

Jeff Carl
Secretary
Professional Standards Board for Patent and Trade Marks Attorneys
IP Australia

P 02 6283 2345 | M [REDACTED] | E mail.psb@ipaaustralia.gov.au
Visit us at <https://www.psb.gov.au/>

From: George Wardle [REDACTED]
Sent: Wednesday, 25 January 2017 9:49 AM
To: Mail PSB
Subject: Website domain name for the Board [UNCLASSIFIED]

Hi Jeff

I am in the process of updating MBIE website information about commencement of the trans-Tasman patent attorney regime. Currently we have link to the PSB website on our website and wonder when the Board's new website will become operational so that we can replace the old PSB's link with the new one please.

I would prefer just to give our website people one set of changes to do, rather than multiple requests for minor changes. So if you are able to let me know what the new address is and when it will become operational, I can arrange our website to be automatically updated on a future particular day and time to occur after with the new website becomes operational.

Warm regards

George Wardle

Senior Advisor

Commerce, Consumers and Communications | Business Law Team

Ministry of Business, Innovation & Employment

████████████████████ | Telephone: ██████████

15 Stout Street, Wellington | PO Box 3705 Wellington 6140

Description: cid:image001.jpg@01CE732A.1A2F9630

www.govt.nz - your guide to finding and using New Zealand government services

Any opinions expressed in this message are not necessarily those of the Ministry of Business, Innovation and Employment. This message and any files transmitted with it are confidential and solely for the use of the intended recipient. If you are not the intended recipient or the person responsible for delivery to the intended recipient, be advised that you have received this message in error and that any use is strictly prohibited. Please contact the sender and delete the message and any attachment from your computer.

Patent attorney information

If you require professional assistance in New Zealand or Australia to do any of the following types of work you should instruct a registered trans-Tasman patent attorney:

- Obtain a patent; or
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Only registered trans-Tasman patent attorneys are permitted to do these areas of work, and it is an offence for anyone else to hold themselves out as a patent attorney.

The joint trans-Tasman patent attorney regime

Trans-Tasman Patent Attorneys are registered under a joint registration regime which was developed as part of the Single Economic Market agenda between the Governments of New Zealand and Australia, and implements a [Bilateral Agreement](#) signed by both countries.

The joint regime allows trans-Tasman Patent Attorneys to operate in both jurisdictions and ensures they have the necessary skills and experience to carry out patent work, and provides a single system of accreditation, registration and professional regulation of patent attorneys in both countries.

The joint registration regime is governed by the following legislation of both countries:

- [Patents Act 2013 \(NZ\)](#)
- [Patents Act 1990 \(Cth\)](#)
- [Patents Regulations 1991 \(Cth\)](#)

Trans-Tasman IP Attorneys Board

The joint registration regime is overseen by the trans-Tasman IP Attorneys Board, and the Designated Manager, who are responsible for administering the regulatory and disciplinary regimes for trans-Tasman patent attorneys.

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If you require the services of a trans-Tasman Patent Attorney, or want to verify the qualifications of somebody holding themselves out as a patent attorney, you should check the trans-Tasman patent attorney [register](#).

Making a complaint about a trans-Tasman patent attorney

All registered trans-Tasman Patent Attorneys are subject to a professional **code of conduct**.

Any breaches of that code and/or instances professional misconduct or unsatisfactory professional conduct are subject to a formal complaints and disciplinary process.

If you are upset about the standard of service provided by your attorney, and wish to make a complaint, you should review the information on making a complaint on the Trans-Tasman IP Attorneys Board's **website**. If having reviewed that information you wish to lodge a complaint, you should follow the directions provided.

The Board will investigate your complaint and, if appropriate, commence a prosecution against the trans-Tasman patent attorney concerned before the Patent and Trade Marks Attorneys Disciplinary Tribunal. Any decision of the Tribunal may be appealed to the Administrative Appeals Tribunal.

Patent attorney registration and renewal

Applying for registration as a trans-Tasman patent attorney

Anyone wishing to practice as a patent attorney in New Zealand and/or Australia must be registered as a trans-Tasman patent attorney under the joint registration regime between Australia and New Zealand, which gives effect to the [Bilateral Agreement](#) signed by both countries.

The joint registration regime is governed by the following legislation:

- [Patents Act 2013 \(NZ\)](#)
- [Patents Act 1990 \(Cth\)](#)
- [Patents Regulations 1991 \(Cth\)](#)

Criteria for registration

The criteria for registration as a trans-Tasman patent attorney are set out in Part 2 of the Australian Patents Regulations 1991, including:

- Evidence of the requisite academic qualifications;
- Evidence of the required knowledge of intellectual property law and practice;
- One or more statements of skill regarding the candidates work experience;
- Declaration that the applicant has not committed an offence in the last 5 years or is subject to a sentence of imprisonment;
- Declaration (by another person) of the applicant's good fame, integrity and character.

How to apply

Applications for registration as a trans-Tasman patent attorney must be made to the Designated Manager of the trans-Tasman IP Attorneys Board, using their approved form together with payment of the registration fee.

Detailed information on how to apply for registration as trans-Tasman patent attorney is available on the trans-Tasman IP Attorneys Board's [website](#).

Accredited New Zealand courses

New Zealand candidates should note that Victoria University has two courses accredited for meeting aspects of the knowledge requirements.

A comprehensive list of all knowledge requirements, and accredited courses, can be found on the trans-Tasman IP Attorneys Board's [website](#).

Transitional provisions for persons who have passed a New Zealand Patent Attorney exam paper

Anyone who had passed at least one New Zealand patent exam under the New Zealand Patent Regulations when the joint trans-Tasman Patent Attorney regime came into effect may continue sitting the New Zealand exams for a further 4 years from that date (2017-2020) under the transitional provisions in the New Zealand Patents Act 2013.

If all New Zealand exam papers are passed in this time, they will be considered as meeting all the knowledge requirements under the new joint registration regime. A person who has passed all the New Zealand exam papers will still need to apply to the Designated Manager of the trans-Tasman IP Attorneys Board for registration under the joint registration regime and meet all other criteria for registration as a Trans-Tasman Patent Attorney including:

- One or more statements of skill regarding the candidates work experience;
- Declaration that the applicant has not committed an offence in the last 5 years or is subject to a sentence of imprisonment;
- Declaration (by another person) of the applicant's good fame, integrity and character.

For the avoidance of doubt, the Commissioner will not allow any person to sit New Zealand Patent Attorney exams unless they had already passed at least one exam paper at the end of 2016.

2017 New Zealand Patent Attorney Examinations (under transitional provisions)

Examinations for all New Zealand exam papers under regulation 158 (1) will be held in June/July 2017 for those candidates wishing to rely on the transitional provisions of the joint patent attorney regime.

Further information about the June/July exams will be posted on the IPONZ website closer to the time.

New Zealand Patent Attorney examination papers

The New Zealand Patent Attorney exams consist of the following papers:

- a) The New Zealand Law and practice relating to patents and designs - two papers A1 and A2 with a fee payable for each paper.
- b) The New Zealand Law and Practice relating to trade marks.
- c) Foreign Patent Law.
- d) The preparation of specifications for NZ patents (also known as "Drafting").
- e) Patent attorney practice in New Zealand, including the interpretation and criticism of patent specifications (also known as "Criticism") Regulation 155-160.

Please note that:

- Candidates cannot sit more than three subjects in any one year.
- Papers A1 and A2 are co-requisites and must be sat together.
- A pass in subject A is recorded when the average of the A1 and A2 exam results is not less than 50%.
- Candidates cannot sit subjects D or E until they have gained a pass in subject A.
- A candidate who only gains a single credit in any one year must complete all of the subjects of the examination within five years or the credit for that subject will lapse.
- There is provision for seeking an extension of time regarding the credit of a single paper (refer [Regulation 159 \(3\)](#)).
- Candidates must sit the examination at one of the specified locations. Candidates cannot sit papers outside of New Zealand.

Refer [Patent Regulations 1954 Regulations 155-160](#) for more information

Checklist for submitting an application to sit further exams

Your application to sit any remaining New Zealand Patent Attorney exams should include:

- A letter listing the subjects you want to enrol for, and your contact details.
- Provide billing details by completing the [New Zealand Patent Attorney Examination form \[334 KB PDF\]](#).

Please send your application to [IPONZ](#).

Examination Board

Contact details for the Examination Board:

Wendy Welsh

Secretary

secretary@nzipa.org.nz

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Page content

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Commented [SU17]: Links to <http://www.mbie.govt.nz/info-services/business/intellectual-property/single-economic-market-intellectual-property-outcomes/trans-tasman-patent-attorney-regime/>

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Location	<i>Patent Attorney Register > Registering, Renewing and Examinations > Syllabus</i>
Suggested URL	<i>/patent-attorney-register/registering-and-renewing/syllabus/</i>
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Archived: Wednesday, 25 October 2023 9:21:46 am
From:
Sent: Mon, 20 Feb 2017 15:12:19
To: [Simon Pope](#)
Cc: [Peta Baily Gibson](#)
Subject: RE: Trans-Tasman Patent Attorney register changes [UNCLASSIFIED]
Importance: Normal
Sensitivity: None

Hi Simon

I've cleaned up the changes here: **Out of Scope**. This is now ready for final review.

Kind regards
Sean Uy
STAKEHOLDER ENGAGEMENT ADVISOR

Stakeholder Engagement, Intellectual Property Office of New Zealand, Market Services Group
Ministry of Business, Innovation & Employment

Out of Scope | DDI: **Out of Scope**
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From: Sean Uy
Sent: Wednesday, 15 February 2017 10:48 a.m.
To: Simon Pope; Peta Baily Gibson; Tao Morton; George Wardle
Subject: RE: Trans-Tasman Patent Attorney register changes [UNCLASSIFIED]

Hi all

Please note that the MAKO document has been updated to include Simon's most recent edits, including the new content on renewals. You are welcome to make any changes directly to the document via Track Changes.

Out of Scope

Kind regards
Sean Uy
STAKEHOLDER ENGAGEMENT ADVISOR

Stakeholder Engagement, Intellectual Property Office of New Zealand, Market Services Group

Ministry of Business, Innovation & Employment

[REDACTED] | DDI: [REDACTED]

15 Stout Street, PO Box 9241, Marion Square, Wellington, New Zealand

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iponz

From: Simon Pope
Sent: Tuesday, 14 February 2017 2:12 p.m.
To: Sean Uy; Peta Baily Gibson; Tao Morton; George Wardle
Subject: RE: Trans-Tasman Patent Attorney register changes [UNCLASSIFIED]

This time to George too!

From: Simon Pope
Sent: Tuesday, 14 February 2017 2:11 p.m.
To: Sean Uy; Peta Baily Gibson; Tao Morton
Subject: RE: Trans-Tasman Patent Attorney register changes [UNCLASSIFIED]

Hi everyone

Sean, I *attach* my marked up suggestions, including a new section on renewals.

It's important we retain the hyperlinks to the various legislation governing the joint regime and a copy of the Bilateral Arrangement as that's a requirement under our Act.

George, would you mind running your eyes over the content today or tomorrow please. Once we have your feedback, I will run it by Jeff at the PSB.

Simon

From: Sean Uy
Sent: Monday, 13 February 2017 10:35 a.m.
To: Peta Baily Gibson; Simon Pope; Tao Morton
Subject: RE: Trans-Tasman Patent Attorney register changes [UNCLASSIFIED]

Hi Simon

Here's the draft for the revised Patent Attorney Information pages:

[REDACTED] Out of Scope [REDACTED]

As discussed, our current plan is to:

- Set up a new page, “Patent attorney information”, which replaces the existing Patent Attorney Register page.
- Update the existing [Registering, renewing and examinations](#) page into a “Patent attorney registration and renewal” page, containing details on registration under the new joint regime.
- Retain the existing [Syllabus](#), [Patent attorney exam results](#), and [Archived examination syllabuses, papers and examiner’s comments](#) pages.
- Remove the existing [Trans-Tasman Mutual Recognition Arrangement](#) page.

I’m unable to find any existing content for renewals under the new joint regime, though – could you advise on where we can find this?

Otherwise, the content above should now be ready for Tao and Simon’s read and approval.

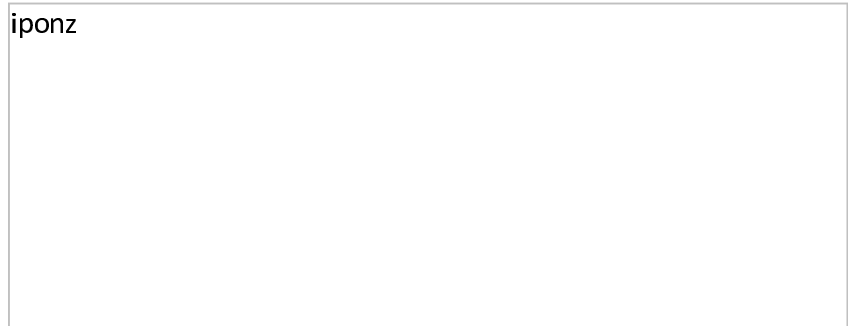
Kind regards

Sean Uy

STAKEHOLDER ENGAGEMENT ADVISOR

Stakeholder Engagement, Intellectual Property Office of New Zealand, Market Services Group
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██████████ | DDI: ██████████
15 Stout Street, PO Box 9241, Marion Square, Wellington, New Zealand
www.iponz.govt.nz | NZ Freephone: 0508 447 669 | AU Freephone: 1800 796 338 | International: +64 3 962 2607



From: Peta Baily Gibson
Sent: Thursday, 2 February 2017 2:03 p.m.
To: Simon Pope; Sean Uy
Cc: Tao Morton
Subject: RE: Trans-Tasman Patent Attorney register changes [UNCLASSIFIED]

This is a great overview Simon, and really good (for me at least) to have some of the pieces of the puzzle explained in that way.

Your suggestions for the pages sound logical. We’ll organise a meeting now – hopefully we’ll find a time tomorrow morning.

Peta

Peta Baily Gibson
SENIOR STAKEHOLDER ENGAGEMENT ADVISOR

Intellectual Property Office of New Zealand, Market Services Group
Ministry of Business, Innovation & Employment
██████████ - Telephone: ██████████ or ██████████

IPONZ email signature

From: Simon Pope
Sent: Wednesday, 1 February 2017 4:46 p.m.
To: Sean Uy
Cc: Tao Morton; Peta Baily Gibson
Subject: RE: Trans-Tasman Patent Attorney register changes [UNCLASSIFIED]

Hi Sean, Tao and Peta

As discussed with Sean, we have to meet certain prescribed requirements in terms of what information about the joint trans-Tasman patent attorney regime we must publish on our website.

In terms of how we approach that, I think it's helpful to first get our heads around how the joint regime all fits together. I **attach** my summary, including the information we must publish and a copy of the Bilateral Arrangement.

I also **attach** my proposed new web content for when the new regime takes effect on 24 February 2017. You will see I have retained two pages – one directed at the public and one directed at professionals wanting to know how to get registered.

We should also re-think what subpages to retain. There is no need for the TTMA stuff – it's redundant. When the joint regime takes effect anyone registered in one jurisdiction is automatically registered in the other. I do, however, think we should retain the syllabus and exam results given we are running the NZ exams for a further 4 years.

Before finalising the content we should also run it by George.

How about we meet to review this?

Simon.

From: Sean Uy
Sent: Friday, 27 January 2017 4:54 p.m.
To: Simon Pope
Cc: Tao Morton; Peta Baily Gibson
Subject: RE: Trans-Tasman Patent Attorney register changes [UNCLASSIFIED]

Hi Simon

Here are the current drafts and recommendations for page changes that we have for the IPONZ website, following the new trans-Tasman Patent Attorney regime.

Patent Attorney Register pages: **Out of Scope**

- These changes focus on changing the content of the main Patent Attorney Register page – the idea is to remove the existing register and replace this with explanatory text. We're also looking at placing an archived PDF version of the NZ Patent Attorney register for a limited period of time.
- The following subpages will be removed:

- [Registering, renewing and examinations](#)
- [Syllabus](#)
- [Patent attorney exam results 2015](#)
- The following subpages will be retained:
 - [Archived examination syllabuses, papers and examiner's comments](#)
 - [Trans-Tasman Mutual Recognition Arrangement](#)

Patent Attorney Register references on the rest of the website:

Out of Scope

- These changes mostly either remove reference to IPONZ maintaining the register, or change existing links to point to the new register.

Kind regards

Sean Uy

STAKEHOLDER ENGAGEMENT ADVISOR

Stakeholder Engagement, Intellectual Property Office of New Zealand, Market Services Group
Ministry of Business, Innovation & Employment

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iponz

From: Simon Pope
Sent: Friday, 27 January 2017 10:46 a.m.
To: Sean Uy
Subject: FW: Website domain name for the Board [UNCLASSIFIED]

See below

From: George Wardle
Sent: Wednesday, 25 January 2017 2:15 p.m.
To: Simon Pope
Subject: FW: Website domain name for the Board [UNCLASSIFIED]

FYI, information about changes IPA is making to website addresses and content.

George Wardle
Senior Advisor
Commerce, Consumers and Communications | Business Law Team
Ministry of Business, Innovation & Employment

██████████ | Telephone: ██████████
15 Stout Street, Wellington | PO Box 3705 Wellington 6140

Description: cid:image001.jpg@01CE732A.1A2F9630

From: Mail PSB [<mailto:MailPSB@ipaaustralia.gov.au>]
Sent: Wednesday, 25 January 2017 1:09 p.m.
To: George Wardle
Cc: Janine Brown; Scott Ashwin
Subject: RE: Website domain name for the Board [UNCLASSIFIED] [SEC=UNCLASSIFIED]

Hi George

Our web people are currently going through the application process for the web address www.ttattorney.gov.au. We don't expect to have this approved until February (date not known, but before 24 February). Our plans are to use the current www.psb.gov.au address until the early morning of 24 February and then launch the new website for the Trans-Tasman regime. Scott Ashwin can provide more information on the status of this application if you need more details.

We will be putting a redirect on the various email boxes that we currently use for PSB activities (mail.psb@ipaaustralia.gov.au and secretary.psb@ipaaustralia.gov.au) and the PSB website for at least 6 months so that we can still be found.

I've also got to do some substantial updates to our PSB website to reflect the new regime – this will probably happen next week as I'm on leave this Friday and next Monday (and tomorrow is a public holiday for Australia Day).

As an aside, we received approval from our Government Branding section for the proposed new branding for the trans-Tasman regime. I sent this branding to Sia Aston at your SSC on 17 January for their approval, but I'm yet to hear back about this request. I was going to follow this up later today once the Commencement Order has been signed by your Governor-General. A copy of the proposed branding, etc. is attached for your reference.

Kind regards

Jeff Carl
Secretary
Professional Standards Board for Patent and Trade Marks Attorneys
IP Australia

P 02 6283 2345 | M [REDACTED] | E mail.psb@ipaaustralia.gov.au
Visit us at <https://www.psb.gov.au/>

From: George Wardle [REDACTED]
Sent: Wednesday, 25 January 2017 9:49 AM
To: Mail PSB
Subject: Website domain name for the Board [UNCLASSIFIED]

Hi Jeff

I am in the process of updating MBIE website information about commencement of the trans-Tasman patent attorney regime. Currently we have link to the PSB website on our website and wonder when the Board's new website will become operational so that we can replace the old PSB's link with the new one please.

I would prefer just to give our website people one set of changes to do, rather than multiple requests for minor changes. So if you are able to let me know what the new address is and when it will become operational, I can arrange our website to be automatically updated on a future particular day and time to occur after with the new website becomes operational.

Warm regards

George Wardle

Senior Advisor

Commerce, Consumers and Communications | Business Law Team

Ministry of Business, Innovation & Employment

████████████████████ | Telephone: ██████████

15 Stout Street, Wellington | PO Box 3705 Wellington 6140

Description: cid:image001.jpg@01CE732A.1A2F9630

www.govt.nz - your guide to finding and using New Zealand government services

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Please read the IPONZ style guide and IPONZ website user guide before filling out this template.

Page title	Patent attorney information Intellectual Property Office of New Zealand
Short title	Patent attorney information
Content type	New page
Location	Patent Attorney Information
Suggested URL	/patent-attorney-information/
Page description	
Introduction	

Page content

Register of trans-Tasman Patent Attorneys

The trans-Tasman patent attorney register records the names of all registered patent attorneys licensed to provide patents advice in New Zealand and Australia.

If you require the services of a patent attorney, or want to verify the qualifications of one, you should check the [trans-Tasman patent attorney register](#).

Only a registered patent attorney may provide you with professional assistance in New Zealand or Australia to:

- Apply for and obtain a patent; or
- Prepare and amend patent specifications; or
- Get advice on the validity of patents and their infringement.

It is an offence for anyone else to provide these patent services or hold themselves out as a patent attorney, or patent agent.

Joint trans-Tasman registration regime

All patent attorneys are registered under a joint registration regime with Australia.

The joint regime allows patent attorneys to provide services in both

Commented [SU1]: Links to <https://www.psb.gov.au/>

jurisdictions and ensures they have the necessary knowledge, skills and experience to competently provide advice on patents.

The key features of the joint registration regime are set out in the *Arrangement Between the Government of Australia and the Government of New Zealand Relating to Trans-Tasman Regulation of Patent Attorneys*. The joint registration regime is implemented through the following legislation:

New Zealand

- Patents Act 2013

Australia

- Patents Act 1990 (Cth)
- Patents Regulations 1991 (Cth)

Trans-Tasman IP Attorneys Board and Designated Manager

The joint registration regime is overseen by the Trans-Tasman IP Attorneys Board and the Designated Manager, who are responsible for administering the regulatory and disciplinary regimes for patent attorneys.

The Board's website provides detailed information about the joint registration regime, and its functions and processes.

Making a complaint about a patent attorney or incorporated patent attorney firm

All registered patent attorneys and incorporated patent attorney firms are subject to a professional code of conduct setting out minimum standards of ethical and professional behaviour.

Any breaches of that code and/or instances of professional misconduct or unsatisfactory professional conduct are subject to a formal complaints and disciplinary process.

Information on how to make a complaint about the standard of service or

Commented [SU2]: Links to [Bilateral arrangement on Trans Tasman Regulation of Patent Attorneys.pdf](#)

Commented [SU3]: Links to <http://www.legislation.govt.nz/act/public/2013/0068/latest/DLM1419043.html>

Commented [SU4]: Links to <https://www.legislation.gov.au/Details/C2017C00040>

Commented [SU5]: Links to <https://www.legislation.gov.au/Details/F2017C00081>

Commented [SU6]: Links to <https://www.psb.gov.au/>

Commented [SU7]: Links to <https://www.legislation.gov.au/Details/F2013L01822>

conduct of a patent attorney can be found on the [Trans-Tasman IP Attorneys Board's website](#). Please follow the directions provided on the Board's website when making a complaint about a patent attorney or incorporated patent attorney firm.

The Board will investigate your complaint and, if appropriate, commence disciplinary proceedings against the patent attorney before the Trans-Tasman IP Attorneys Disciplinary Tribunal. Any decision of the Tribunal may be appealed to the Australian [Administrative Appeals Tribunal](#).

Commented [SU8]: Links to <https://www.psb.gov.au/>

Commented [SU9]: Links to <http://www.aat.gov.au/>

Page title	<i>Patent attorney registration and renewal Intellectual Property Office of New Zealand</i>
Short title	<i>Patent attorney registration and renewal</i>
Content type	<i>Existing page</i>
Location	<i>Patent Attorney Information > Patent attorney registration and renewal</i>
Suggested URL	<i>/patent-attorney-information/patent-attorney-registration-and-renewal/</i>
Page description	
Introduction	

Page content

Applying for registration as a trans-Tasman patent attorney

Any individual or incorporated patent attorney firm wishing to practice as a patent attorney in New Zealand or Australia must be registered under the joint trans-Tasman registration regime.

The key features of the joint registration regime are set out in the [Arrangement Between the Government of Australia and the Government of New Zealand Relating to Trans-Tasman Regulation of Patent Attorneys](#). The joint

Commented [SU10]: Links to [Bilateral arrangement on Trans Tasman Regulation of Patent Attorneys.pdf](#)

registration regime is implemented through the following legislation:

New Zealand

- Patents Act 2013

Australia

- Patents Act 1990 (Cth)
- Patents Regulations 1991 (Cth)

Designated Manager

The trans-Tasman patent attorney register is administered by the Designated Manager.

The Designated Manager is responsible for registering patent attorneys under the joint regime. The Designated Manager may also suspend or cancel a person's registration under certain circumstances, such as where:

- the registered patent attorney has failed to meet continuing professional education requirements (minimum of 10 hours per annum);
- the registered patent attorney has failed to renew his or her registration in a timely manner; or
- the Trans-Tasman IP Attorneys Disciplinary Tribunal has ordered that the registration of a patent attorney be suspended or cancelled following a determination of misconduct or unsatisfactory conduct.

Trans-Tasman IP Attorneys Board

The Trans-Tasman IP Attorneys Board (the Board) is an Australian statutory body responsible under the joint registration for, amongst other things:

- the academic qualifications required to become a patent attorney;
- the knowledge requirements for patent attorneys;
- the accreditation of courses for patent attorneys that satisfy knowledge requirements to become registered;
- the exemptions from knowledge requirements;

Commented [SU11]: Links to Links to <http://www.legislation.govt.nz/act/public/2013/0068/latest/DLM1419043.html>

Commented [SU12]: Links to <https://www.legislation.gov.au/Details/C2017C00040>

Commented [SU13]: Links to <https://www.legislation.gov.au/Details/F2017C00081>

- the professional conduct of patent attorneys;
- disciplinary matters including:
 - receiving and investigating complaints about patent attorneys;
 - inquiring into the conduct of patent attorneys; and
 - commencing disciplinary proceedings against patent attorneys before the Trans-Tasman IP Attorneys Disciplinary Tribunal.

The Board consists of 10 members who are appointed by the Australian Minister for Industry, Innovation and Science. The Board is made up of:

- A Chairperson;
- The Director General of IP Australia;
- the New Zealand Commissioner of Patents;
- New Zealand patent attorney members; and
- Australian trade mark and patent attorney members.

The Board is required to report annually to the Australian Minister and the New Zealand Minister of Commerce and Consumer Affairs.

Find out more information about the Board, its functions, and its composition.

Commented [SU14]: Links to <https://www.psb.gov.au/>

Criteria for registration

Individuals

The criteria for registration as a patent attorney are set out under Part 2, Chapter 20 of the Australian Patents Regulations 1991.

Commented [SU15]: Links to <https://www.legislation.gov.au/Details/F2013C00202>

To register, an individual must apply to the Designated Manager and provide the following:

- Evidence of an academic qualification in a patentable subject matter;
- Evidence of the required knowledge of intellectual property law and practice (which comprises completing courses of study accredited by the Trans-Tasman IP Attorneys Board);
- One or more statements of skill from a New Zealand or Australian resident patent attorney that the applicant has relevant patents-related work experience, including:
 - Having been employed for at least two years in a patent attorney

firm or company; and

- Experience in the following skills:
 - searching patent records;
 - filing and prosecuting patent applications in specified countries;
 - drafting patent specifications; and
 - giving advice on the interpretation, validity and infringement of patents.
- A declaration that the applicant has not committed an offence in the last 5 years or is subject to a sentence of imprisonment;
- A declaration (by another person) of the applicant's good fame, integrity and character.
- Payment of the prescribed registration fee.

Incorporated patent attorney firms

Incorporated patent attorney firms may also be registered and may provide advice about patents.

To register, an incorporated firm must apply to the Designated Manager and provide the following:

- The name of each patent attorney director of the company;
- Evidence the company is registered in Australia or New Zealand;
- Evidence that the company has adequate and appropriate professional indemnity insurance;
- The prescribed registration fee.

All incorporated patent attorney firms are required to have at least one patent attorney director to be registered.

Patent attorney partnerships

It is an offence for any partnership that does not have at least one patent attorney partner to describe or hold the partnership out as providing patents advice, or to provide patents advice. Note, however, that patent attorney partnerships do not need to be registered.

How to apply

Applications for registration as a trans-Tasman patent attorney must be made

to the Designated Manager of the Trans-Tasman IP Attorneys Board, using their approved form together with payment of the prescribed registration fee.

Detailed information on how to apply for registration is available on the [Trans-Tasman IP Attorneys Board's website](#).

Commented [SU16]: Links to <https://www.psb.gov.au/>

Completing accredited courses of study

A comprehensive list of all knowledge requirements, and accredited courses of study available in New Zealand and Australia, can be found on the [Trans-Tasman IP Attorneys Board's website](#).

Commented [SU17]: Links to <https://www.psb.gov.au/>

Victoria University in Wellington currently offers two accredited courses for meeting some of the aspects of the knowledge requirements. Victoria University is expected to seek accreditation for further courses covering additional topics in due course.

Find out more about these [courses](#).

Commented [SP18]: Links to <http://www.victoria.ac.nz/law/study/postgraduate/short-courses>

New Zealand applicants may undertake Australian accredited courses of study to qualify for registration. Some institutions provide their courses through remote learning. Note that New Zealanders taking Australian courses need only pay the Australian domestic course fees.

Renewal of trans-Tasman Patent Attorney registration

Patent attorneys must renew their registration annually. The registration year runs from 1 July to 30 June.

The Trans-Tasman IP Attorneys Board emails all currently registered attorneys a renewal reminder notice in late May. If you are a registered attorney and have not received your renewal notice by 1 June, please contact the Trans-Tasman IP Attorneys Board.

In addition to paying the registration renewal fee, all patent attorneys must provide evidence that they have completed at least 10 hours of appropriate continuing professional education over the previous 12 months. Failure to complete the required hours of continuing professional education may result in

registration being suspended by the Designated Manager.

Your renewal fees must be paid by 31 July, or otherwise the Designated Manager will remove your name from the register.

If you are removed from the register for non-payment of the renewal fee, you may apply to the Designated Manager for the restoration of your name. You must apply for restoration within 3 years from the date that your name was removed.

Trans-Tasman IP Attorneys Disciplinary Tribunal

The Trans-Tasman IP Attorneys Disciplinary Tribunal (the Tribunal) is an Australian statutory body responsible for:

- Conducting hearings in relation to the conduct of patent attorneys;
- Determining whether a registered patent attorneys is guilty of professional misconduct or unsatisfactory professional conduct; and
- Determining the appropriate sanction for a patent attorney who has been found guilty of misconduct or unsatisfactory professional conduct.

The Tribunal is a three-person panel comprising an experienced legal practitioner, and two experienced registered (or formerly registered) patent attorneys appointed by the Australian Minister. Where the Tribunal is conducting a hearing in relation to the conduct of a New Zealand patent attorney, the panel must include at least one experienced patent attorney from New Zealand.

Although the Tribunal is an Australian statutory body, it has been deemed to be an Australian court under [section 152 of the Evidence Act 2006](#) and is therefore able to have jurisdiction over New Zealand residents. The Tribunal may, for example, serve subpoenas in New Zealand and take evidence and receive submissions by telephone or video conference from New Zealand.

The Tribunal has also been declared to be a tribunal to which the [Trans-Tasman Proceedings Act 2010](#) applies. This means that any directions or orders of the Tribunal may be recognised and enforced in New Zealand.

Where a New Zealand patent attorney is subject to a disciplinary hearing, their legal representative and any witnesses from New Zealand are able to appear remotely from New Zealand at a sitting of the Tribunal.

Commented [SU19]: Links to <http://www.legislation.govt.nz/act/public/2006/0069/latest/DLM394240.html>

Commented [SU20]: Links to <http://www.legislation.govt.nz/act/public/2010/0108/latest/DLM2576223.html>

The Tribunal may also sit in New Zealand, and when it does so it has the same powers and protections as it would if it was sitting in Australia.

When sitting in New Zealand the Tribunal may:

- Direct that the hearing or any part of the hearing be held in private;
- Require a person to leave the Tribunal;
- Prohibit or restrict publication of evidence or names of any party or any witness;
- Administer oaths in New Zealand.

Failure to comply with a direction or order of the Tribunal may be enforced by a Judge of the High Court of New Zealand in the same manner as if the direction or order of the Tribunal had been made by a Judge of the High Court. This includes the power to punish for contempt for not complying with a direction or order of the Tribunal.

Failure of a witness to comply with a subpoena from the Tribunal can result in the High Court issuing a warrant to arrest the witness and bring them before the court. The High Court may order the witness to pay a fine not exceeding \$1,000 for failure to comply with the subpoena.

Members of the Tribunal, witnesses and legal representatives have the same privileges and immunities given to Judges, counsel and witnesses under sections 56Q(1), 2(a), (3)(a) and (4)(a) of the [Judicature Act 1908](#).

Reviewing decisions under the joint regime

Decisions of the Designated Manager, Board and Tribunal may be reviewed by the Australian Administrative Appeals Tribunal, upon request.

Furthermore, someone aggrieved may also seek judicial review of the decision in accordance with the [Australian Administrative Decisions \(Judicial Review\) Act 1977](#). Applications for judicial review need to be made to either the Australian Federal Court or the Federal Circuit Court.

Australian Administrative Appeals Tribunal

The Administrative Appeals Tribunal (AAT) conducts independent merits review of administrative decisions made under Australian Commonwealth laws. Any decision of the Designated Manager, the Board and the Tribunal

Commented [SU21]: Add link to <http://www.legislation.gov.nz/act/public/1908/0089/latest/DLM144693.html>

Commented [SU21]: Links to <https://www.legislation.gov.au/Details/C2017C00031>

may, therefore, be reviewed on request by the AAT.

The AAT reviews a decision “on the merits”. This means that it will take a fresh look at the facts, law and policy relating to the decision and arrive at its own decision. The AAT has the power to:

- affirm a decision
- vary a decision
- set aside a decision and substitute a new decision, or
- remit a decision to the decision-maker for reconsideration.

Parties to AAT review may appeal a decision of the AAT to Federal Court or the Federal Circuit Court on points of law. Unlike the Tribunal, the AAT does not have the power to sit in New Zealand. However, New Zealanders may participate in AAT sittings in Australia by teleconference or video conference.

Find out more information about the AAT at its website.

Commented [SU23]: Links to <http://www.aat.gov.au/about-the-aat/what-we-do>

Offences under the joint regime

There are a range of offences related to persons and companies who are not registered under the joint regime for carrying on business, practising, acting or holding themselves or their company out as a patent attorney or patent agent for obtaining patents.

Offences also apply to partners of partnerships carrying on business, practising or acting as a patent attorneys or patent agent, or describing or holding the partnership out as a patent attorney or patent agent for obtaining patents.

A limited partnership may not describe or hold itself out as a patent attorney or patent agent.

Where an incorporated patent attorney firm is registered under the joint regime, it is an offence for the incorporated patent attorney firm to not have a patent attorney director.

Anyone convicted of committing any of these offences may be subject to a fine up to \$30,000.

Documents prepared by lawyers

It is an offence for a lawyer to prepare a patent specification or a document

related to the amendment of a patent specification, or permit another person to represent that the lawyer is entitled to do so, unless the lawyer is:

- also a registered patent attorney;
- acting under instruction of a registered patent attorney; or
- directed to do so by a court.

The penalty for being convicted of any of the above is a fine up to \$6,000.

Documents prepared by incorporated patent attorney firms and incorporated law firms

Neither an incorporated patent attorney firm or an incorporated law firm may permit an employee, who is not a registered patent attorney, to prepare a patent specification or document related to the amendment of a patent specification unless:

- the employee does so under the instruction or supervision of a registered patent attorney; or
- the firm is directed to do so by a court.

The maximum penalty for being convicted of doing so is a fine of \$30,000.

Documents prepared by a member of a partnership or limited partnership

A partner in a partnership, who is not a registered patent attorney, must not prepare a patent specification or document related to the amendment of a patent specification unless:

- the partner does so under the instruction or supervision of a registered patent attorney; or
- the partner is directed to do so by a court.

Partners in a limited partnership who are not also registered patent attorneys may not prepare a patent specification or a document relating to an amendment of a patent specification.

The maximum penalty for doing so is a fine of \$6,000.

Transitional provisions for persons who have already

passed a New Zealand patent attorney exam paper

Anyone who had passed at least one New Zealand patent attorney exam under the New Zealand Patent Regulations when the joint registration regime commenced on 24 February 2017 may continue sitting the New Zealand patent attorney exams for a further 4 years (i.e. until 2020) under the transitional provisions in the New Zealand Patents Act 2013.

Anyone applying for registration under the transitional provisions is also exempt from meeting the academic qualification requirement for registration. If all New Zealand patent attorney exam papers are passed within the four-year period, they will be deemed to satisfy the knowledge requirements under the new joint registration regime.

Candidates that have passed all the New Zealand patent attorney exam papers must apply to be registered under the joint registration regime within six months of completing the exams.

Note that anyone relying on the transitional provisions to register under the joint registration regime is still required to provide:

- One or more statements of skill regarding the applicant's patents-related work experience;
- A declaration that the applicant has not committed an offence in the last 5 years or is subject to a sentence of imprisonment;
- A declaration (by another person) of the applicant's good fame, integrity and character; and
- Payment of the prescribed registration fee.

For the avoidance of doubt, any person who has not passed at least one exam paper prior to commencement of the joint regime on 24 February 2017 will not be permitted to sit New Zealand patent attorney exams during the four-year transition period.

Anyone who fails to complete all the patent attorney exam papers within the four-year transition period may apply to the Board to cross-credit any passed exam papers for the purpose of meeting one or more of the prescribed knowledge requirements for qualifying for registration under the joint registration regime. Note that the Board is under no obligation to cross-credit any passes.

2017 New Zealand Patent Attorney Examinations (under transitional provisions)

Examinations for all New Zealand exam papers under regulation 158 (1) will be held in June/July 2017 for those candidates wishing to rely on the transitional provisions of the joint patent attorney regime.

Further information about the June/July exams will be posted on the IPONZ website closer to the time.

New Zealand patent attorney exam papers

The New Zealand patent attorney exams are conducted by the Examination Board, which comprises representatives of the Commissioner of Patents and the New Zealand Institute of Patent Attorneys. The exams consist of the following papers:

- a. The New Zealand Law and practice relating to patents and designs - two papers A1 and A2 with a fee payable for each paper.
- b. The New Zealand Law and Practice relating to trade marks.
- c. Foreign Patent Law.
- d. The preparation of specifications for NZ patents (also known as "Drafting").
- e. Patent attorney practice in New Zealand, including the interpretation and criticism of patent specifications (also known as "Criticism") Regulation 155-160.

Please note that:

- Candidates cannot sit more than three subjects in any one year.
- Papers A1 and A2 are co-requisites and must be sat together.
- A pass in subject A is recorded when the average of the A1 and A2 exam results is not less than 50%.
- Candidates cannot sit subjects D or E until they have gained a pass in subject A.
- A candidate who only gains a single credit in any one year must complete all of the subjects of the examination within five years or the credit for that subject will lapse.
- There is provision for seeking an extension of time regarding the credit of a single paper (refer [Regulation 159 \(3\)](#)).

Commented [SU24]: Links to <http://www.legislation.govt.nz/regulation/public/1954/0211/lates/v/DLM7722.html>

- Candidates must sit the examination at one of the specified locations. Candidates cannot sit papers outside of New Zealand.

Refer [Patent Regulations 1954 Regulations 155-160](#) for more information.

Checklist for submitting an application to sit further exams

Your application to sit any remaining New Zealand Patent Attorney exams should include:

- A letter listing the subjects you want to enrol for, and your contact details.
- Provide billing details by completing the [New Zealand Patent Attorney Examination form \[334 KB PDF\]](#).

Please send your application to [IPONZ](#).

Examination Board

Contact details for the Examination Board:

Wendy Welsh
Secretary
Email: secretary@nzipa.org.nz

New Zealand patent attorney register archive

View an archived version of the previous New Zealand patent attorney register as of 23 February 2017.

Commented [GW25]: This section seems to need more information may be who is on the Board and why would anyone would want to contact the Board?

Commented [SU26]: Links to PDF archive of NZ patent attorney register.

Page title	<i>Syllabus Intellectual Property Office of New Zealand</i>
Short title	<i>Syllabus</i>
Content type	<i>Existing page</i>
Location	<i>Patent Attorney Information > Patent attorney registration and renewal > Syllabus</i>
Suggested URL	<i>/patent-attorney-information/patent-attorney-registration-and-renewal/syllabus/</i>
Page description	
Introduction	
Page content	

Page title	<i>Patent attorney exam results 2015 Intellectual Property Office of New Zealand</i>
Short title	<i>Patent attorney exam results 2015</i>
Content type	<i>Existing page</i>
Location	<i>Patent Attorney Information > Patent attorney registration and renewal > Patent attorney exam results 2015</i>
Suggested URL	<i>/patent-attorney-information/patent-attorney-registration-and-renewal/patent-attorney-exam-results-2015/</i>
Page description	
Introduction	
Page content	

Page title	<i>Archived examination syllabuses, papers and examiner's comments Intellectual Property Office of New Zealand</i>
Short title	<i>Archived examination syllabuses, papers and examiner's comments</i>
Content type	<i>Existing page</i>
Location	<i>Patent Attorney Information > Patent attorney registration and renewal > Archived examination syllabuses, papers and examiner's comments</i>
Suggested URL	<i>/patent-attorney-information/patent-attorney-registration-and-renewal/archived-examination-syllabuses-papers-and-examiners-comments/</i>
Page description	
Introduction	
Page content	

Page title	<i>Trans-Tasman Mutual Recognition Arrangement Intellectual Property Office of New Zealand</i>
Short title	<i>Trans-Tasman Mutual Recognition Arrangement</i>
Content type	<i>Existing page</i>
Location	<i>Patent attorney register > Registering, renewing and examinations > Trans-Tasman Mutual Recognition Arrangement</i>
Suggested URL	<i>https://www.iponz.govt.nz/patent-attorney-register/registering-and-renewing/trans-tasman-mutual-recognition-arrangement/</i>
Page description	
Introduction	
Page content	

Commented [SU30]: Remove this page

Notes

- Any sub headings in heading style 2 will appear in the 'On this page' in page bookmark links on the right sidebar of the page. As such we recommend a character limit of 30 including spaces. For the practice guidelines page template this goes up to 35 characters including spaces.
- Footnotes are not recommended online

[CCL-663] [Patents \(Trans-Tasman Patent Attorneys and Other Matters\) Amendment Bill changes - Part 2](#) Created: 22/11/16 Updated: 12/05/17 Due: 24/02/17 Resolved: 12/05/17

Status:	Closed
Project:	IPONZ Change Control
Components:	Business Systems , Hearings , Stakeholder Engagement

Type:	Normal Change	Priority:	4 - Normal
Reporter:	Sean Uy	Assignee:	Tao Morton (Inactive)
Resolution:	Done	Votes:	0
Labels:	None		

Issue links:	<p>Change</p> <p>comprises CCL-659 Patents (Trans-Tasman Patent Attorney... Closed</p> <p>comprises COMMS-195 Comms for Patents Amendment Bill Done chan...</p> <p>comprises OM-247 Expire existing processes on Patent Publishing A...</p> <p>comprises WEB-29 Update Patents Attorney Register Done page...</p> <p>comprises WEB-31 Archive NZ Patent Attorney Register Done</p> <p>comprises WEB-44 Update Patent Attorney Register Done links...</p>
Purpose:	<ul style="list-style-type: none"> • Advise external clients of the change in the Patent Attorney regime. • Ensure that IPONZ website content remains up to date. • Ensure that IPONZ Operations Manual remains up to date. • Retain accurate records of the final version of the NZ Patent Attorney Register.
Expected Outcomes:	<ul style="list-style-type: none"> • IPONZ website contains accurate information for clients. • Operations Manual is up to date with current processes.
Sponsor:	Tao Morton (Inactive)

Description

Update existing website content and Operations Manual to reflect changes as a result of the Patents (Trans-Tasman Patent Attorneys and Other Matters) Amendment Bill.

- Client communications (Announcement of commencement date) - if applicable
- Client communications (Commencement of Act)
- SAP / SEP content update - as per advice from Business Policy team
- Patent Attorney Register page changes
- Operations Manual updates

- Final pre-Act Patent Attorney Register archive

Comments

Comment by [Rob Garrett](#) [21/02/17]

Management approval by email 21/2/2017 - subject to external comms being completed and approved by Ingrid & Simon P

Comment by [Sean Uy](#) [10/05/17]

Hi Tao

Operations Manual content now updated, so all tasks are now complete for this Change. I'd like to request for your signoff.

Generated at Thu Oct 26 00:14:00 UTC 2023 by Sean Uy using Jira 1001.0.0-SNAPSHOT#100239-sha1:6e1a147207e61ba260cfc88aad6ebffb80e0ae2.

Please read the IPONZ style guide and IPONZ website user guide before filling out this template.

Page title	Patent attorney information Intellectual Property Office of New Zealand
Short title	Patent attorney information
Content type	Existing page
Location	Patent attorney information
Suggested URL	https://www.iponz.govt.nz/patent-attorney-information/
Page description	The trans-Tasman patent attorney register records the names of all registered patent attorneys licensed to provide patents advice in New Zealand and Australia.
Introduction	The trans-Tasman patent attorney register records the names of all registered patent attorneys licensed to provide patents advice in New Zealand and Australia.

Page content
<p><u>[Intro text]</u></p> <h2><u>Register of trans-Tasman Patent Attorneys</u><u>The trans-Tasman IP Attorneys register</u></h2> <p><u>[Note content on patent attorneys vs. IP attorneys]</u></p> <p>The trans-Tasman patent attorney register records the names of all registered patent attorneys licensed to provide patents advice in New Zealand and Australia.</p> <p>If you require the services of a patent attorney, or want to verify the qualifications of one, you should check the trans-Tasman patent attorney register.</p> <p>Only a registered patent attorney may provide you with professional assistance in New Zealand or Australia to:</p> <ul style="list-style-type: none">• Apply for and obtain a patent; or• Prepare and amend patent specifications; or• Get advice on the validity of patents and their infringement. <p>It is an offence for anyone else to provide these patent services or hold themselves out as a patent attorney, or patent agent.</p>

Commented [SU1]: Proposed restructure.

Joint trans-Tasman registration regime

All patent attorneys are registered under a joint registration regime with Australia.

The joint regime allows patent attorneys to provide services in both jurisdictions and ensures they have the necessary knowledge, skills and experience to competently provide advice on patents.

The key features of the joint registration regime are set out in the [Arrangement Between the Government of Australia and the Government of New Zealand Relating to Trans-Tasman Regulation of Patent Attorney \[PDF, 94 KB\]](#). The joint registration regime is implemented through the following legislation:

New Zealand

- [Patents Act 2013](#)

Australia

- [Patents Act 1990 \(Cth\)](#)
- [Patents Regulations 1991 \(Cth\)](#)

Trans-Tasman IP Attorneys Board and Designated Manager

The joint registration regime is overseen by the Trans-Tasman IP Attorneys Board and the Designated Manager, who are responsible for administering the regulatory and disciplinary regimes for patent attorneys.

The Board's [website](#) provides detailed information about the joint registration regime, and its functions and processes.

[Applying to become a registered trans-Tasman IP attorney](#)

[\[Insert summary and link to section here\]](#)

Commented [SU2]: Combine with above section?

Commented [SU3]: Move to inner pages

Making a complaint about a patent attorney or incorporated patent attorney firm

All registered patent attorneys and incorporated patent attorney firms are subject to a professional [code of conduct](#) setting out minimum standards of ethical and professional behaviour.

Any breaches of that code and/or instances of professional misconduct or unsatisfactory professional conduct are subject to a formal complaints and disciplinary process.

Information on how to make a complaint about the standard of service or conduct of a patent attorney can be found on the [Trans-Tasman IP Attorneys Board's website](#). Please follow the directions provided on the Board's website when making a complaint about a patent attorney or incorporated patent attorney firm.

The Board will investigate your complaint and, if appropriate, commence disciplinary proceedings against the patent attorney before the Trans-Tasman IP Attorneys Disciplinary Tribunal. Any decision of the Tribunal may be appealed to the [Australian Administrative Appeals Tribunal](#).

Notes

- Any sub headings in heading style 2 will appear in the 'On this page' in page bookmark links on the right sidebar of the page. As such we recommend a character limit of 30 including spaces. For the practice guidelines page template this goes up to 35 characters including spaces.
- Footnotes are not recommended online

Please read the IPONZ style guide and IPONZ website user guide before filling out this template.

Page title	Patent attorney information attorneys register Intellectual Property Office of New Zealand
Short title	Patent attorney information attorneys register
Content type	Existing page
Location	Patent attorney information attorneys register
Suggested URL	https://www.iponz.govt.nz/patent-attorney-information/ https://www.iponz.govt.nz/patent-attorneys-register/
Page description	The trans-Tasman patent attorney register records the names of all registered patent attorneys licensed to provide patents advice in New Zealand and Australia.
Introduction	The trans-Tasman patent attorney register records the names of all registered patent attorneys licensed to provide patents advice in New Zealand and Australia.

Commented [SU1]: Change URL if possible

Page content
<p>If you are looking for a patent attorney, the trans-Tasman IP attorneys register records the names of all attorneys who are licensed to provide patents advice in New Zealand and Australia. This register is administered by the Trans-Tasman IP Attorneys Board (TTIPAB).</p> <ul style="list-style-type: none"> • Trans-Tasman IP Attorneys Board • Find an IP attorney or firm <p>Any new applications to register as a patent attorney in New Zealand or Australia should be directed to the TTIPAB. If you are a registered attorney, you must also ensure that your details in the register are kept up to date.</p> <p>Only a registered patent attorney in New Zealand (or a registered New Zealand patent attorney firm) may provide professional assistance to:</p> <ul style="list-style-type: none"> • Apply for and obtain a patent in New Zealand; • Prepare and amend patent specifications; • Dispense advice on the validity of patents and their infringement; • Act as the agent on a New Zealand patent case. <p>It is an offence for anyone else to provide these patent services or hold themselves out as a patent attorney, or patent agent. This restriction only applies to patent cases in New Zealand.</p>

Commented [SU2]: Links to <https://www.tipattorney.gov.au/>

Commented [SU3]: Links to <https://www.tipattorney.gov.au/for-clients/how-to-engage-an-attorney/find-an-ip-attorney-or-firm>

Commented [SU4]: Is it worth noting something along these lines? This page is likely to get attention from people looking for an IP attorney for non-patent-related matters.

Register of trans-Tasman Patent Attorneys The trans-Tasman IP attorneys register

The trans-Tasman patent attorney register records the names of all ~~registered patent~~ attorneys licensed to provide patents advice in New Zealand and Australia. You can check the trans-Tasman patent attorney register if you require the services of a patent attorney, or if you want to verify the qualifications of one.

The trans-Tasman IP attorneys register stems from an arrangement for a joint registration regime between New Zealand and Australia, which was implemented in New Zealand in 2017.

Joint trans-Tasman registration regime

~~If you require the services of a patent attorney, or want to verify the qualifications of one, you should check the trans-Tasman patent attorney register.~~

~~Only a registered patent attorney may provide you with professional assistance in New Zealand or Australia to:~~

- ~~• Apply for and obtain a patent; or~~
- ~~• Prepare and amend patent specifications; or~~
- ~~• Get advice on the validity of patents and their infringement.~~

~~It is an offence for anyone else to provide these patent services or hold themselves out as a patent attorney, or patent agent.~~

Joint trans-Tasman registration regime

~~All patent attorneys are registered under a joint registration regime with Australia.~~

~~The joint regime allows patent attorneys to provide services in both jurisdictions and ensures they have the necessary knowledge, skills and experience to competently provide advice on patents.~~

Commented [SU5]: Links to the Trans-Tasman IP Attorneys Register sub-page.

Commented [SU6]: Combine with above section?

The key features of the joint registration regime are set out in the [Arrangement Between the Government of Australia and the Government of New Zealand Relating to Trans-Tasman Regulation of Patent Attorney \[PDF, 94 KB\]](#). The joint registration regime is implemented through the following legislation:

New Zealand

- [Patents Act 2013](#)

Australia

- [Patents Act 1990 \(Cth\)](#)
- [Patents Regulations 1991 \(Cth\)](#)

Trans-Tasman IP Attorneys Board and Designated Manager

The joint registration regime is overseen by the Trans-Tasman IP Attorneys Board and the Designated Manager, who are responsible for administering the regulatory and disciplinary regimes for patent attorneys.

The Board's [website](#) provides detailed information about the joint registration regime, and its functions and processes.

Applying to become a registered trans-Tasman IP attorney

Any individual or incorporated patent attorney firm wishing to practice as a patent attorney in New Zealand must be registered under the joint trans-Tasman registration regime. This will add an entry for that individual or firm to the trans-Tasman IP Attorneys Register.

[The eligibility requirements for registration are determined by the TTIPAB. These include academic qualifications, knowledge requirements, and work experience.](#)

Applying for registration as a trans-Tasman IP attorney

Commented [SU7]: Move to inner pages

Commented [SU8]: Links to "Applying for registration as a trans-Tasman IP attorney" sub-page.

Making a complaint ~~about a patent attorney or incorporated patent attorney firm~~ against a registered trans-Tasman IP attorney

All registered patent attorneys and incorporated patent attorney firms are subject to a professional ~~code of conduct~~ **code of conduct** setting out minimum standards of ethical and professional behaviour. Any breaches of this code, and/or instances of professional misconduct or unsatisfactory professional conduct are subject to a formal complaints and disciplinary process.

The TTIPAB manages the investigation and hearing of complaints against registered IP attorneys. If appropriate, the TTIPAB may commence disciplinary proceedings against the attorney or firm before the Trans-Tasman IP Attorneys Disciplinary Tribunal.

Making a complaint against a registered trans-Tasman IP attorney

You may also wish to consider contacting the **New Zealand Law Society** in relation to complaints regarding New Zealand lawyers.

~~Any breaches of that code and/or instances of professional misconduct or unsatisfactory professional conduct are subject to a formal complaints and disciplinary process.~~

~~Information on how to make a complaint about the standard of service or conduct of a patent attorney can be found on the Trans-Tasman IP Attorneys Board's website. Please follow the directions provided on the Board's website when making a complaint about a patent attorney or incorporated patent attorney firm.~~

~~The Board will investigate your complaint and, if appropriate, commence disciplinary proceedings against the patent attorney before the Trans-Tasman IP Attorneys Disciplinary Tribunal. Any decision of the Tribunal may be appealed to the Australian Administrative Appeals Tribunal.~~

Commented [SU9]: Remove the hyperlink from this text.

Commented [SU10]: Links to "Making a complaint against a registered trans-Tasman IP attorney" sub-page.

Commented [SU11]: May be worth noting this – if someone visits this page looking for information on laying a complaint, best to give them options. One possible scenario is that the lawyer in question is not a registered patent attorney, but has been dispensing patents advice.

Commented [SU12]: Links to NZLS website.

Page title	<i>The joint trans-Tasman registration regime for IP attorneys Intellectual Property Office of New Zealand</i>
Short title	<i>The joint trans-Tasman registration regime for IP attorneys</i>
Content type	<i>New page</i>
Location	<i>Patent attorneys register > Joint trans-Tasman registration regime</i>

MBIE-MAKO-

Suggested URL	https://www.iponz.govt.nz/joint-trans-tasman-registration-regime
Page description	<i>A joint registration regime ensures that patent attorneys in New Zealand and Australia have the necessary skills to provide services in both jurisdictions.</i>
Introduction	<i>A joint registration regime ensures that patent attorneys in New Zealand and Australia have the necessary skills to provide services in both jurisdictions.</i>

Page content	
<p><u>All patent attorneys who are licensed to practice in New Zealand are registered under a joint registration regime between New Zealand and Australia. This joint regime is overseen by the Trans-Tasman IP Attorneys Board and the Designated Manager, who are responsible for administering the regulatory and disciplinary regimes for patent attorneys.</u></p> <p><u>This joint regime allows patent attorneys to provide services in both jurisdictions, and ensures they have the necessary knowledge, skills and experience to competently provide advice on patents. The key features of the joint registration regime are set out in the 2013 arrangement below:</u></p> <ul style="list-style-type: none"> <u>Arrangement Between the Government of Australia and the Government of New Zealand Relating to Trans-Tasman Regulation of Patent Attorneys [PDF, XXX KB]</u> <p><u>This joint registration regime is implemented through the following legislation:</u></p> <p><u>New Zealand</u></p> <ul style="list-style-type: none"> <u>Patents Act 2013</u> <p><u>Australia</u></p> <ul style="list-style-type: none"> <u>Patents Act 1990 (Cth)</u> <u>Patents Regulations 1991 (Cth)</u> <p><u>Designated Manager</u></p> <p><u>The trans-Tasman patent attorney register is administered by the Designated Manager.</u></p>	

Commented [SU13]: Links to <https://www.iponz.govt.nz/assets/pdf/patent-attorney/Bilateral-arrangement-on-Trans-Tasman-Regulation-of-Patent-Attorneys.pdf>

Commented [SU14]: Links to <http://www.legislation.govt.nz/act/public/2013/0068/latest/DLM1419043.html>

Commented [SU15]: Links to <https://www.legislation.gov.au/Series/C2004A04014>

Commented [SU16]: Links to <https://www.legislation.gov.au/Series/F1996B02697>

The Designated Manager is responsible for registering patent attorneys under the joint regime. The Designated Manager may also suspend or cancel a person's registration under certain circumstances, such as where:

- the registered patent attorney has failed to meet continuing professional education requirements (minimum of 10 hours per annum);
- the registered patent attorney has failed to renew his or her registration in a timely manner; or
- the Trans-Tasman IP Attorneys Disciplinary Tribunal has ordered that the registration of a patent attorney be suspended or cancelled following a determination of misconduct or unsatisfactory conduct.

Trans-Tasman IP Attorneys Board

The Trans-Tasman IP Attorneys Board ("the Board") is an Australian statutory body responsible under the joint registration regime for, amongst other things:

- approving the academic qualifications required to become a patent attorney;
- the knowledge requirements for patent attorneys;
- the accreditation of courses for patent attorneys that satisfy knowledge requirements to become registered;
- the granting of exemptions from knowledge requirements;
- the professional conduct of patent attorneys;
- disciplinary matters including:
 - receiving and investigating complaints about patent attorneys;
 - inquiring into the conduct of patent attorneys; and
 - commencing disciplinary proceedings against patent attorneys before the Trans-Tasman IP Attorneys Disciplinary Tribunal.

The Board consists of 7 to 10 members (including 2 ex officio members). All members, except the ex officio members, are appointed by the Australian Minister for Industry, Science and Technology. The Board is made up of:

- a Chair;
- the Director General of IP Australia;
- the New Zealand Commissioner of Patents;
- at least two New Zealand patent attorney members; and

- at least two other members who are usually Australian trade marks and patent attorney members.

The Board is required to report annually to the Australian Minister and the New Zealand Minister of Commerce and Consumer Affairs.

More information about the Board, its functions, and its composition may be found on the Trans-Tasman IP Attorneys Board website:

- The Trans-Tasman IP Attorneys Board

Commented [SU17]: Links to <https://www.ttipattorney.gov.au/about-us/the-board>

Notes

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- Footnotes are not recommended online

Archived: Wednesday, 25 October 2023 9:22:49 am

From: [Sean Uy](#)

To: [Gaby Cowcill](#)

Cc: [Dylan Packman](#) [Chloe Wilson](#) [Jade Wihongi](#)

Subject: RE: Proposed restructure for Patent Attorney Information pages on IPONZ website [IN-CONFIDENCE]

Importance: Normal

Sensitivity: None

Hi all

I've now drafted up the restructured content for the Patent Attorney Information section. This is now available for our review at [\[REDACTED\] Out of Scope](#)

Several considerations came up for me when putting the draft together:

- What is our preferred shorthand for referring to the Trans-Tasman IP Attorneys Board: "TTIPAB", or "the Board"?
- Would it be worthwhile to note that the requirement that the agent on a case should be a registered attorney is only limited to patents? My thought is that some entities may ask if they need to register as trade mark attorneys in NZ.
- Should we refer potential complainants to other options (e.g. NZLS) in case they wish to complain about an attorney who is not registered with the TTIPAB? (It seems likely that someone may complain about a lawyer who represents themselves as a registered patent attorney, when in reality they're not.)

Please note that I've retained content from the current pages where necessary. I also intend to ask Policy team to do a quick check of the completed draft before we proceed.

Gaby – Policy team has advised us that the Trans-Tasman IP Attorneys Regime (TTIPAR) report will likely be delayed, so that reduces the urgency for this update (not that we had a lot of it to begin with). You're welcome to review this when you have the time, or assign this to someone within the Patents team to review.

Dylan, Chloe, Jade – You're welcome to review this whenever you're ready. I've incorporated Chloe's original feedback into this draft.

Please note that I've already set up [CCL-938](#) to cover the change control discussion for this item. Our current plan is to seek approval for this before the TTIPAR report is released, if possible.

Kind regards

Sean Uy

SENIOR ENGAGEMENT ADVISOR

Information & Education, Engagement & Experience, Te Whakatairanga Service Delivery Group
Ministry of Business, Innovation & Employment ([NZBN 9429000106078](#))

[\[REDACTED\]](#) | DDI: [\[REDACTED\]](#) | Mobile: [\[REDACTED\]](#)
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From: Sean Uy

Sent: Wednesday, 15 February 2023 4:13 pm

To: Gaby Cowcill <[\[REDACTED\]](#)>

Cc: Dylan Packman <[\[REDACTED\]](#)>; Chloe Wilson <[\[REDACTED\]](#)>; Jade Wihongi

<[\[REDACTED\]](#)>

Subject: RE: Proposed restructure for Patent Attorney Information pages on IPONZ website [IN-CONFIDENCE]

Thanks, Gaby.

We haven't written up any new content yet, as we mainly first wanted to make sure we had the structure right. There's no sense in writing a lot of content if we haven't finalised the structure first. □

I've now set this up via [FEBK-1466](#), for content drafting once we're able to start the work. I'll add your comments to this issue.

Analytics-wise, there's not much to note in relation to the transitional content (these pages are highlighted in gray below):

Page	Pageviews / Unique Pageviews		
	1 Jan to 31 Dec 2022	1 Jan to 31 Dec 2021	1 Jan to 31 Dec 2020
Patent attorney information (main page)	1,716 / 1,601	1,907 / 1,763	2,173 / 1,989
Patent attorney registration and renewal	441 / 402	572 / 533	707 / 642
Syllabus	54 / 54	67 / 64	63 / 57
Patent attorney exam results 2015	12 / 12	9 / 8	18 / 17
Archived examination syllabuses, papers and examiner's comments	35 / 35	59 / 56	127 / 75

Based on the numbers above, the transitional content pages are currently getting at most 1 pageview per week. The high correlation to unique views indicates that the people visiting these pages are one-time viewers: they're not visiting these pages again after the first time. These numbers are down from 2020, possibly because the last exams were held in 2020, and 2021 saw the deadline for completing NZ exams under the transitional provisions.

Given the above, I would recommend removing or greatly reducing the transitional content.

Kind regards

Sean Uy

SENIOR ENGAGEMENT ADVISOR

Information & Education, Engagement & Experience, Te Whakatairanga Service Delivery Group
Ministry of Business, Innovation & Employment ([NZBN 9429000106078](#))

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From: Gaby Cowcill <[Redacted]>
Sent: Tuesday, 14 February 2023 5:34 pm
To: Sean Uy <[Redacted]>
Cc: Dylan Packman <[Redacted]>; Chloe Wilson <[Redacted]>; Jade Wihongi <[Redacted]>
Subject: RE: Proposed restructure for Patent Attorney Information pages on IPONZ website [IN-CONFIDENCE]

Hi Sean,

What you propose looks very logical to me and I'm happy to agree to this structure changes at this stage. When you mentioned it yesterday I wasn't sure if you were writing new content or not. Let me know when you get to any content updates and I will delegate to someone to review (probably David and/or a Principal).

My only additional comments/thoughts at this stage were:

- Do we have any data (page views, traffic) on how often the transitional content is viewed? That could help inform the decision on whether to keep it as a 'for info only' section or remove it completely.

- If there is an opportunity to amend content, I think there's value to be added by focusing on the needs of group 1) that you outlined (those looking for attorney services). We explain what the register is and link to it, and skim very lightly over what they can do. We could be a little more upfront or plain-English about working with them and why they're a good idea. Kind of like [the first half of IP Australia's page](#). For the other pages, I think we already pitch it well as this is usually a professional audience.

FYI we recently dealt with one of very few instances of a firm applying to act as agent without actually having any registered attorneys in their firm. So the content about that being an offence – definitely a keeper!

Thanks

Gaby

From: Sean Uy <[REDACTED]>
Sent: Tuesday, 14 February 2023 4:53 pm
To: Gaby Cowcill <[REDACTED]>
Cc: Dylan Packman <[REDACTED]>; Chloe Wilson <[REDACTED]>; Jade Wihongi <[REDACTED]>
Subject: Proposed restructure for Patent Attorney Information pages on IPONZ website [IN-CONFIDENCE]

Hi Gaby

As I've previously advised, we're looking at a possible change to the content under the [Patent Attorney Information](#) section of the IPONZ website. This is in line with MBIE's expected release of the Trans-Tasman Patent Attorneys Report later this month.

Currently, the [Patent Attorney Information](#) section currently contains some overly long content, as a result of the following:

- We're required to provide specific content in line with [Section 272 of the Patents Act 2013](#). **This is currently still applicable.**
- We still have some archived content in this section that dates back to the days where IPONZ was managing the registration of New Zealand patent attorneys. **We may need to determine if we still need to have this on the website.**

One of the archived items, in fact, is the list of New Zealand Patent Attorneys as of February 2017 (which Steve Smith is investigating as part of a media query). This was the final list that we generated immediately prior to the commencement of the Trans-Tasman Patent Attorney regime, and I've advised Steve as such.

Based on the above, we've set out some proposed changes to the structure for these pages. I've summarised these below, and would like to check if you would be amenable to these changes. You're welcome to forward this to, or consult with IPONZ management on this matter; our plan is to run this by Policy team contacts as well, and we're definitely putting this through Change Control.

If you would prefer that we do a quick call on this to go over the proposal, please let me know.

Current page structure

The current structure of the Patent Attorney Information section is as follows. The various page contents are colour-coded according to their placement in the proposed new structure.

Patent attorney information (main page)

- Register of trans-Tasman Patent Attorneys
- Joint trans-Tasman registration regime
- Trans-Tasman IP Attorneys Board and Designated Manager

	<ul style="list-style-type: none"> • Making a complaint about a patent attorney or incorporated patent attorney firm
>	Patent attorney registration and renewal <ul style="list-style-type: none"> • Applying for registration as a trans-Tasman patent attorney • Designated Manager • Trans-Tasman IP Attorneys Board • Criteria for registration • How to apply • Completing accredited courses of study • Renewal of trans-Tasman Patent Attorney registration • Trans-Tasman IP Attorneys Disciplinary Tribunal • Transitional provisions for persons who have already passed a New Zealand patent attorney exam paper • 2020 New Zealand Patent Attorney Examinations (under transitional provisions) • New Zealand patent attorney exam papers • Checklist for submitting an application to sit further exams • Examination Board • New Zealand patent attorney register archive
>	Syllabus
>	Patent attorney exam results 2015
>	Archived examination syllabuses, papers and examiner's comments

Proposed page structure

Please note that section titles are not final: these are only there to give an idea of the content.

This proposed structure works with the logic that if you're visiting the Patent Attorney Information section of the IPONZ website, then you're either 1) Looking for a patent attorney for legal help / representation, 2) Looking to *become* a patent attorney, or 3) Looking for information on how to make a complaint about a patent attorney.

This proposal currently allows for an additional section for the archived New Zealand patent examination content. If we don't need this, though, we can just cut out the last section.

There is also one Section 272 requirement that is not currently on the website, and that is the decisions of the Disciplinary Tribunal (Section 272(e)). I've covered this in the proposed structure as well.

	Patent Attorneys Register (main page) <ul style="list-style-type: none"> • The joint trans-Tasman IP Attorneys register and registration regime • Applying to become a registered trans-Tasman IP attorney • Making a complaint against a registered trans-Tasman IP attorney • Archive of New Zealand patent attorney registration
>	The trans-Tasman IP Attorneys register <ul style="list-style-type: none"> • Register of trans-Tasman IP Attorneys • Joint trans-Tasman registration regime <ul style="list-style-type: none"> ◦ Arrangement for joint regime and applicable legislation • Designated Manager • Trans-Tasman IP Attorneys Board
>	Applying for registration as a trans-Tasman IP attorney <ul style="list-style-type: none"> • Apply for registration • Criteria and requirements for registration <ul style="list-style-type: none"> ◦ Individuals ◦ Incorporated firms ◦ Partnerships

	<ul style="list-style-type: none"> • How to apply • Accredited courses of study • Renewal of registration
>	<p>Making a complaint against a registered trans-Tasman IP attorney</p> <ul style="list-style-type: none"> • Code of Conduct • How to make a complaint • Trans-Tasman IP Attorneys Disciplinary Tribunal <ul style="list-style-type: none"> ◦ Reviews of decisions under the joint regime ◦ Australian Administrative Appeals Tribunal • Offences against the joint regime • Tribunal decisions
>	<p>Past New Zealand patent attorney registration (archive)</p> <ul style="list-style-type: none"> • New Zealand patent attorney registration superseded by Trans-Tasman joint regime <ul style="list-style-type: none"> ◦ End of transitional provisions • New Zealand patent attorney register archive (2017) • Archived syllabuses, exam papers, and examiners' comments

Kind regards

Sean Uy

SENIOR ENGAGEMENT ADVISOR

Information & Education, Engagement & Experience, Te Whakatairanga Service Delivery Group
Ministry of Business, Innovation & Employment ([NZBN 9429000106078](https://www.nzbn.govt.nz))

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Please read the IPONZ style guide and IPONZ website user guide before filling out this template.

Page title	Patent attorney information attorneys Intellectual Property Office of New Zealand
Short title	Patent attorney information attorneys
Content type	Existing page
Location	Patent attorney information
Suggested URL	https://www.iponz.govt.nz/patent-attorneys-information/
Page description	The trans-Tasman patent attorney register records the names of all registered patent attorneys licensed to provide patents advice in New Zealand and Australia.
Introduction	The trans-Tasman patent attorney register records the names of all registered patent attorneys licensed to provide patents advice in New Zealand and Australia.

Commented [SU1]: Update the URL for this page

Page content
<h2><u>Seeking patent attorney representation</u></h2> <p><u>If you intend to file a patent application, or have recently filed one, you may wish to retain the services of a patent attorney.</u></p> <p><u>A patent attorney can help you with the details of your patent application. You can also draw on their expertise to maximise the quality of your application, manage your IP portfolio, and monitor possible infringements.</u></p> <p><u>Patent attorneys have an obligation to follow a range of professional standards, including confidentiality. You will need to prepare and share information with your patent attorney in order to maximise their ability to work on your behalf.</u></p> <p><u>Only a registered patent attorney in New Zealand – or a registered New Zealand patent attorney firm – may act on behalf of someone else for gain (such as payment) to:</u></p> <ul style="list-style-type: none"><u>• Apply for and obtain a patent in New Zealand;</u><u>• Prepare and amend patent specifications;</u><u>• Dispense advice on the validity of patents and their infringement;</u> <p><u>It is an offence for anyone else to provide these patent services, or hold themselves out as either a patent attorney or an agent for obtaining patents. This restriction applies equally in Australia.</u></p>

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Register of trans-Tasman Patent Attorneys Finding a patent attorney via the trans-Tasman IP attorneys register

The trans-Tasman ~~patent attorney~~ IP attorneys register records the names of all ~~registered patent~~ attorneys licensed to provide patents advice in New Zealand and Australia. You can consult this register if you require the services of a patent attorney, or if you want to verify the qualifications of one.

- Find an attorney via the trans-Tasman IP attorneys register

The trans-Tasman IP attorneys register stems from an arrangement for a joint registration regime between New Zealand and Australia, which was implemented in New Zealand in 2017. This register is administered by the Trans-Tasman IP Attorneys Board (TTIPAB).

- Joint trans-Tasman registration regime
- Trans-Tasman IP Attorneys Board

If you require the services of a patent attorney, or want to verify the qualifications of one, you should check the trans-Tasman patent attorney register.

Only a registered patent attorney may provide you with professional assistance in New Zealand or Australia to:

- Apply for and obtain a patent; or
- Prepare and amend patent specifications; or
- Get advice on the validity of patents and their infringement.

It is an offence for anyone else to provide these patent services or hold themselves out as a patent attorney, or patent agent.

Joint trans-Tasman registration regime

All patent attorneys are registered under a joint registration regime with Australia.

Commented [SU2]: Links to <https://www.tipattorney.gov.au/for-clients/how-to-engage-an-attorney/find-an-ip-attorney-or-firm>

Commented [SU3]: Links to the Joint trans-Tasman registration regime sub-page below.

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The joint regime allows patent attorneys to provide services in both jurisdictions and ensures they have the necessary knowledge, skills and experience to competently provide advice on patents.

The key features of the joint registration regime are set out in the [Arrangement Between the Government of Australia and the Government of New Zealand Relating to Trans-Tasman Regulation of Patent Attorney \[PDF, 94 KB\]](#). The joint registration regime is implemented through the following legislation:

New Zealand

- [Patents Act 2013](#)

Australia

- [Patents Act 1990 \(Cth\)](#)
- [Patents Regulations 1991 \(Cth\)](#)

Trans-Tasman IP Attorneys Board and Designated Manager

The joint registration regime is overseen by the Trans-Tasman IP Attorneys Board and the Designated Manager, who are responsible for administering the regulatory and disciplinary regimes for patent attorneys.

The Board's [website](#) provides detailed information about the joint registration regime, and its functions and processes.

Making a complaint [about a patent attorney or incorporated patent attorney firm](#) against a registered trans-Tasman IP attorney

All registered patent attorneys and incorporated patent attorney firms are subject to a professional [code of conduct](#) setting out minimum standards of ethical and professional behaviour. [Any breaches of this code, and/or instances of professional misconduct or unsatisfactory professional conduct](#) are subject to a formal complaints and disciplinary process.

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The TTIPAB manages the investigation and hearing of complaints against registered IP attorneys. If appropriate, the TTIPAB may commence disciplinary proceedings against the attorney or firm before the Trans-Tasman IP Attorneys Disciplinary Tribunal.

Making a complaint against a registered trans-Tasman IP attorney

You may also wish to consider contacting the New Zealand Law Society in relation to complaints regarding New Zealand lawyers.

~~Any breaches of that code and/or instances of professional misconduct or unsatisfactory professional conduct are subject to a formal complaints and disciplinary process.~~

~~Information on how to make a complaint about the standard of service or conduct of a patent attorney can be found on the Trans-Tasman IP Attorneys Board's website. Please follow the directions provided on the Board's website when making a complaint about a patent attorney or incorporated patent attorney firm.~~

~~The Board will investigate your complaint and, if appropriate, commence disciplinary proceedings against the patent attorney before the Trans-Tasman IP Attorneys Disciplinary Tribunal. Any decision of the Tribunal may be appealed to the Australian Administrative Appeals Tribunal.~~

Applying to become a registered trans-Tasman IP attorney

Any individual or incorporated patent attorney firm that intends to practice as a patent attorney in New Zealand must be registered under the joint trans-Tasman registration regime. This will add an entry for that individual or firm to the trans-Tasman IP Attorneys Register.

The eligibility requirements for registration are determined by the TTIPAB. These include academic qualifications, knowledge requirements, and work experience.

Applying for registration as a trans-Tasman IP attorney

If you are a registered attorney, you must renew your registration annually, and ensure that your details in the register are kept up to date.

Commented [SU8]: Links to "Making a complaint against a registered trans-Tasman IP attorney" sub-page.

Commented [SU9]: May be worth noting this – if someone visits this page looking for information on laying a complaint, best to give them options. One possible scenario is that the lawyer in question is not a registered patent attorney, but has been dispensing patents advice.

Commented [SU10]: Links to NZLS website.

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Commented [SU12]: Links to "Applying for registration as a trans-Tasman IP attorney" sub-page.

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Page title	<i>The joint trans-Tasman registration regime for IP attorneys Intellectual Property Office of New Zealand</i>
Short title	<i>The joint trans-Tasman registration regime for IP attorneys</i>
Content type	<i>New page</i>
Location	<i>Patent attorneys register > Joint trans-Tasman registration regime</i>
Suggested URL	https://www.iponz.govt.nz/patent-attorneys/joint-trans-tasman-registration-regime
Page description	<i>A joint registration regime ensures that patent attorneys in New Zealand and Australia have the necessary skills to provide services in both jurisdictions.</i>
Introduction	<i>A joint registration regime ensures that patent attorneys in New Zealand and Australia have the necessary skills to provide services in both jurisdictions.</i>

Page content

All patent attorneys who are licensed to practice in New Zealand are registered under a joint registration regime between New Zealand and Australia. This joint regime is overseen by the Trans-Tasman IP Attorneys Board and the Designated Manager, who are responsible for administering the regulatory and disciplinary regimes for patent attorneys.

The joint regime ensures that patent attorneys have the necessary knowledge, skills and experience to provide competent advice on patents. The key features of the joint registration regime are set out in the 2013 arrangement below:

- Arrangement Between the Government of Australia and the Government of New Zealand Relating to Trans-Tasman Regulation of Patent Attorneys [PDF, XXX KB]

This joint registration regime is implemented through the following legislation:

New Zealand

- Patents Act 2013 (see Part 6)

Australia

- Patents Act 1990 (Cth)
- Patents Regulations 1991 (Cth)

Commented [SU13]: Links to <https://www.iponz.govt.nz/assets/pdf/patent-attorney/Bilateral-arrangement-on-Trans-Tasman-Regulation-of-Patent-Attorneys.pdf>

Commented [SU14]: Links to <http://www.legislation.govt.nz/act/public/2013/0068/latest/DLM1419043.html>

Commented [SU15]: Links to <https://www.legislation.gov.au/Series/C2004A04014>

Commented [SU16]: Links to <https://www.legislation.gov.au/Series/F1996B02697>

Designated Manager

The trans-Tasman IP attorneys register is administered by the Designated Manager.

The Designated Manager is responsible for registering patent attorneys under the joint regime. The Designated Manager may also suspend or cancel a person's registration under certain circumstances, such as where:

- the registered patent attorney has failed to meet continuing professional education requirements (minimum of 10 hours per annum);
- the registered patent attorney has failed to renew their registration in a timely manner; or
- the Trans-Tasman IP Attorneys Disciplinary Tribunal has ordered that the registration of a patent attorney be suspended or cancelled following a determination of misconduct or unsatisfactory conduct.

Trans-Tasman IP Attorneys Board

The Trans-Tasman IP Attorneys Board (TTIPAB) is an Australian statutory body responsible under the joint registration regime for, amongst other things:

- approving the academic qualifications required to become a patent attorney;
- the knowledge requirements for patent attorneys;
- the accreditation of courses for patent attorneys that satisfy knowledge requirements to become registered;
- the granting of exemptions from knowledge requirements;
- the professional conduct of patent attorneys;
- disciplinary matters including:
 - receiving and investigating complaints about patent attorneys;
 - inquiring into the conduct of patent attorneys; and
 - commencing disciplinary proceedings against patent attorneys before the Trans-Tasman IP Attorneys Disciplinary Tribunal.

The TTIPAB is required to report annually to the Australian Minister responsible for administering patents; and the New Zealand Minister of Commerce and Consumer Affairs.

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More information about the TTIPAB, its functions, and its composition may be found on the TTIPAB website:

- The Trans-Tasman IP Attorneys Board

Commented [SU19]: Links to <https://www.ttipattorney.gov.au/about-us/the-board>

Page title	<i>Applying for registration as a trans-Tasman IP attorney Intellectual Property Office of New Zealand</i>
Short title	<i>Applying for registration as a trans-Tasman IP attorney</i>
Content type	<i>New page</i>
Location	<i>Patent attorneys register > Applying for registration as a trans-Tasman IP attorney</i>
Suggested URL	https://www.iponz.govt.nz/patent-attorneys/applying-for-registration
Page description	<i>Parties who intend to practice as a patent attorneys in New Zealand must first be registered under the joint trans-Tasman registration regime.</i>
Introduction	<i>Parties who intend to practice as a patent attorneys in New Zealand must first be registered under the joint trans-Tasman registration regime.</i>

Field Code Changed

Page content

Under the Patents Act 2013 and the Patents Regulations 2014, only a registered patent attorney in New Zealand (or a registered New Zealand patent attorney firm) may provide professional assistance to:

- Apply for and obtain a patent in New Zealand;
- Prepare and amend patent specifications;
- Dispense advice on the validity of patents and their infringement;

The registration of patent attorneys in New Zealand is currently governed by a joint registration regime between New Zealand and Australia. This joint regime is overseen by the Trans-Tasman IP Attorneys Board (TTIPAB) and a Designated Manager.

Joint trans-Tasman registration regime

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Criteria for registration

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Individuals

The criteria for registration as a patent attorney are set out under Chapter 20, Part 2 of the Australian Patents Regulations 1991.

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- Australian Patents Regulations 1991

Commented [SU23]: Links to <https://www.legislation.gov.au/Series/F1996B02697>

To register, an individual must apply to the Designated Manager and provide the following:

- Evidence from the TTIPAB that they have an academic qualification in a suitable technical field;
- Evidence from the TTIPAB that they have the required knowledge of intellectual property law and practice (which normally comprises completing courses of study accredited by the TTIPAB);
- One or more statements of skill from a New Zealand or Australian resident patent attorney that the applicant has relevant patents-related work experience, including:
 - Having been employed for at least two years in a patent attorney firm or company; and
 - Experience in the following skills:
 - searching patent records;
 - preparing, filing and prosecuting patent applications in New Zealand, Australia and other specified countries;
 - drafting patent specifications; and
 - giving advice on the interpretation, validity and infringement of patents.
- A declaration that the applicant has not committed an offence in the last five years or is subject to a sentence of imprisonment;
- A declaration (by another person) of the applicant's good fame, integrity and character;
- Payment of the prescribed registration fee.

Incorporated patent attorney firms

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Incorporated patent attorney firms may also be registered, and may provide advice about patents.

To register, an incorporated firm must apply to the Designated Manager and provide the following:

- The name of each patent attorney director of the company;

- Evidence the company is registered in Australia or New Zealand;
- Evidence that the company has adequate and appropriate professional indemnity insurance;
- The prescribed registration fee.

All incorporated patent attorney firms must have at least one director who is a patent attorney.

Patent attorney partnerships

Patent attorney partnerships do not need to be registered. However, if a partnership does not have at least one patent attorney partner, it is an offence to describe or hold the partnership out as providing patents advice, or to provide patents advice.

Limited partnerships

Limited partnerships may not describe or hold themselves as patent attorneys or patent agents, nor can they assist or provide advice on patents.

How to apply

Applications for registration as a trans-Tasman patent attorney must be made to the Designated Manager, using the approved form together with payment of the prescribed registration fee.

Detailed information on how to apply for registration is available on the TTIPAB website.

- Trans-Tasman IP attorney registration: Register as an attorney

Accredited courses of study

A number of academic institutions offer courses of study that are accredited by the TTIPAB. Evidence of completing these courses may be submitted as part of the knowledge requirements for patent attorney registration.

A comprehensive list of all knowledge requirements, and accredited courses of study available in New Zealand and Australia, can be found on the TTIPAB website.

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Commented [SU28]: Links to <https://www.ttipattorney.gov.au/register-as-an-attorney>

Commented [SU29]: Section title

- [Trans-Tasman IP attorney registration: Eligibility requirements](#)

[New Zealand applicants may undertake Australian accredited courses of study to qualify for registration. Some institutions provide their courses through remote learning.](#)

[Renewal of trans-Tasman IP Attorney registration](#)

[In order to remain registered, patent attorneys must renew their registration annually. This involves the following requirements:](#)

- [Paying an annual registration fee; and](#)
- [Providing evidence that the attorney has completed at least 10 hours of continuing professional education over the previous 12 months.](#)

[Failure to complete these required hours of continuing professional education may result in a registration being suspended by the Designated Manager. More information on continuing professional education requirements may be found on the TTIPAB website:](#)

- [Trans-Tasman IP attorney registration: Continuing professional education](#)

[Renewal schedule](#)

[Renewals are due on 1 July of each year. The TTIPAB emails all currently registered attorneys a renewal reminder notice in late May. If you are a registered attorney and have not received your renewal notice by 1 June, you must contact the TTIPAB to confirm your contact details.](#)

[Renewal fees must be paid by 31 July, or otherwise the attorney will be removed from the register.](#)

[If an attorney has been removed from the register due to non-payment of renewal fees, they can apply to be restored to the register. More details on requesting for restoration can be found on the TTIPAB website.](#)

- [Trans-Tasman IP attorney registration: Renew my registration](#)

[Attorneys can also voluntarily request to be temporarily removed from the register. If this is the case, they must apply for restoration within three years](#)

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Commented [SU32]: Links to <https://www.ttipattorney.gov.au/manage-my-registration/continuing-professional-education>

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Commented [SU34]: Links to <https://www.ttipattorney.gov.au/manage-my-registration/renew-my-registration>

from the date that their name was removed, or otherwise their registration will lapse.

Page title	<i>Making a complaint against a registered trans-Tasman IP attorney Intellectual Property Office of New Zealand</i>
Short title	<i>Making a complaint against a registered trans-Tasman IP attorney</i>
Content type	<i>New page</i>
Location	<i>Patent attorneys register > Making a complaint against a registered trans-Tasman IP attorney</i>
Suggested URL	https://www.iponz.govt.nz/patent-attorneys/making-a-complaint-against-an-attorney
Page description	<i>You may file a complaint against a registered trans-Tasman IP attorney if you believe that they have fallen short of defined standards for professional behaviour.</i>
Introduction	<i>You may file a complaint against a registered trans-Tasman IP attorney if you believe that they have fallen short of defined standards for professional behaviour.</i>

Field Code Changed

Page content

Registered patent attorneys and incorporated patent attorney firms are expected to follow certain standards of professional behaviour. If you believe that an attorney or firm has fallen short of this standard, you may file a complaint with the Trans-Tasman IP Attorneys Board (TTIPAB).

Code of Conduct

The Code of Conduct defines the standards of ethical and professional behaviour for registered attorneys. It is established and maintained by the the TTIPAB, and applies to:

- Registered New Zealand and Australian patent attorneys
- Registered Australian trade mark attorneys
- Incorporated patent and trade mark attorney firms.

Any breaches of this code, or instances of professional misconduct or unsatisfactory professional conduct, are subject to a formal complaints and disciplinary process managed by the TTIPAB.

- Code of Conduct for trans-Tasman Patent and Trade Mark Attorneys

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- [Trans-Tasman IP attorney registration: The Code of Conduct](#)

Commented [SU37]: Links to <https://www.tipattorney.gov.au/resources/code-of-conduct>

[How to make a complaint](#)

Commented [SU38]: Section title

[You can file a complaint with the TTIPAB in relation to a patent attorney's behaviour that does not meet the given standards.](#)

- [Before making a complaint, you should first try to resolve the issue directly with the attorney.](#)
- [You can lodge a complaint if you are not able to resolve the issue with the attorney, or there are circumstances that prevent you from discussing this issue with them.](#)

[Your complaint must be filed a maximum of 5 years from when the offence was originally committed.](#)

[To lodge your complaint, you will need to contact the Board directly and provide certain requirements. The TTIPAB website provides more detail on these requirements and the process for handling the complaint:](#)

- [Trans-Tasman IP attorney registration: How to lodge a complaint](#)

Commented [SU39]: Links to <https://www.tipattorney.gov.au/for-clients/how-to-lodge-a-complaint>

[Should the TTIPAB determine that there is significant evidence of professional misconduct, your complaint may be referred to the Trans-Tasman IP Attorneys Disciplinary Tribunal for determination.](#)

[You may also wish to consider contacting the New Zealand Law Society in relation to complaints regarding New Zealand lawyers.](#)

- [New Zealand Law Society](#)

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[Trans-Tasman IP Attorneys Disciplinary Tribunal](#)

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[The Trans-Tasman IP Attorneys Disciplinary Tribunal \(the Tribunal\) is an Australian statutory body responsible for:](#)

- [Conducting hearings in relation to the conduct of patent attorneys;](#)
- [Determining whether a registered patent attorney is guilty of professional misconduct or unsatisfactory professional conduct; and](#)

- Determining the appropriate sanction for a patent attorney who has been found guilty of misconduct or unsatisfactory professional conduct.

The Tribunal is a three-person panel comprising an experienced legal practitioner, and two experienced registered (or formerly registered) patent attorneys appointed by the responsible Australian Minister. Where the Tribunal is conducting a hearing in relation to the conduct of a New Zealand patent attorney, the panel is required to include at least one experienced patent attorney from New Zealand.

Although the Tribunal is an Australian statutory body, it has been deemed to be an Australian court under section 152 of the Evidence Act 2006 and is therefore able to have jurisdiction over New Zealand residents. The Tribunal may, for example, serve subpoenas in New Zealand, sit in New Zealand and take evidence and receive submissions by telephone or video conference from New Zealand when sitting in Australia.

The Tribunal has also been declared to be a tribunal to which the Trans-Tasman Proceedings Act 2010 applies. This means that any directions or orders of the Tribunal may be recognised and enforced in New Zealand.

- Section 152 of the Evidence Act 2006
- Trans-Tasman Proceedings Act 2010

Where a New Zealand patent attorney is subject to a disciplinary hearing, their legal representative and any witnesses from New Zealand are able to appear remotely from New Zealand at a sitting of the Tribunal.

The Tribunal may also sit in New Zealand, and when it does so it has the same powers and protections as it would if it was sitting in Australia.

When sitting in New Zealand the Tribunal may:

- Direct that the hearing or any part of the hearing be held in private;
- Require a person to leave the Tribunal;
- Prohibit or restrict publication of evidence or names of any party or any witness;
- Administer oaths in New Zealand.

Failure to comply with a direction or order of the Tribunal may be enforced by a Judge of the High Court of New Zealand in the same manner as if the direction or order of the Tribunal had been made by a Judge of the High Court. This includes the power to punish for contempt for not complying with a direction or order of the Tribunal.

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Commented [SU43]: Links to <https://legislation.govt.nz/act/public/2010/0108/latest/DLM2576223.html>

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Failure of a witness to comply with a subpoena from the Tribunal can result in the High Court issuing a warrant to arrest the witness and bring them before the court. The High Court may order the witness to pay a fine not exceeding \$1,000 for failure to comply with the subpoena.

Reviews of decisions under the joint regime

Decisions of the Designated Manager, TTIPAB and Tribunal may be reviewed by the Australian Administrative Appeals Tribunal, upon request.

Furthermore, someone aggrieved may also seek judicial review of the decision in accordance with the Australian Administrative Decisions (Judicial Review) Act 1977. Applications for judicial review need to be made to either the Australian Federal Court or the Federal Circuit Court.

- Australian Administrative Decisions (Judicial Review) Act 1977

Australian Administrative Appeals Tribunal

The Administrative Appeals Tribunal (AAT) conducts independent merits review of administrative decisions made under Australian Commonwealth laws. In accordance with paragraphs 22.26 (2)(b), (c) and (d) of the Australian Patents Regulations 1991 (Cth), most decisions of the Designated Manager, the Board and the Tribunal may be reviewed on request by the AAT.

The AAT reviews a decision “on the merits”. This means that it will take a fresh look at the facts, law and policy relating to the decision and arrive at its own decision. The AAT has the power to:

- affirm a decision;
- vary a decision;
- set aside a decision and substitute a new decision; or
- remit a decision to the decision-maker for reconsideration.

Parties to AAT review may appeal a decision of the AAT to Federal Court or the Federal Circuit Court on points of law. Unlike the Tribunal, the AAT does not have the power to sit in New Zealand. However, New Zealanders may participate in AAT sittings in Australia by teleconference or video conference.

Australian Administrative Appeals Tribunal

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Commented [SU46]: Subsection

Commented [SU47]: Links to <https://www.aat.gov.au/about-the-aat>

Offences under the joint regime

There are a range of offences related to persons and companies who are not registered under the joint regime for carrying on business, practising, acting or holding themselves or their company out as a patent attorney or an agent for obtaining patents.

Offences also apply to partners of partnerships and limited partnerships carrying on business, practising or acting as a patent attorneys or patent agents, or describing or holding the partnership out as a patent attorney or an agent for obtaining patents.

Where an incorporated patent attorney firm is registered under the joint regime, it is an offence for the incorporated patent attorney firm to not have a patent attorney director (except for an initial 7-day grace period requiring notification to the designated manager).

Anyone convicted of committing any of these offences may be subject to a fine of up to \$6,000 for individuals / non-limited partnerships, or up to \$30,000 for companies / limited partnerships.

Documents prepared by lawyers

It is an offence for a lawyer to prepare a patent specification or a document related to the amendment of a patent specification, or permit another person to represent that the lawyer is entitled to do so, unless the lawyer is:

- also a registered patent attorney;
- acting under instruction of a registered patent attorney; or
- directed to do so by a court.

The penalty for being convicted of any of the above is a fine of up to \$6,000.

Documents prepared by incorporated patent attorney firms and incorporated law firms

Neither an incorporated patent attorney firm nor an incorporated law firm may permit an employee, who is not a registered patent attorney, to prepare a patent specification or document related to the amendment of a patent specification unless:

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- the employee does so under the instruction or supervision of a registered patent attorney; or
- the firm is directed to do so by a court.

The maximum penalty for being convicted of doing so is a fine of \$30,000.

Documents prepared by a member of a partnership or limited partnership

A partner in a partnership, who is not a registered patent attorney, must not prepare a patent specification or document related to the amendment of a patent specification unless:

- the partner does so under the instruction or supervision of a registered patent attorney; or
- the partner is directed to do so by a court.

The maximum penalty for doing so is a fine of \$6,000.

Tribunal decisions

Past decisions made by the Tribunal are available on the TTIPAB website:

Trans-Tasman IP Attorneys Board: Past tribunal decisions

Commented [SU51]: Subsection

Commented [SU52]: Section title

Commented [SU53]: Links to <https://www.ttipattorney.gov.au/resources/past-tribunal-decisions>

Notes

- Any sub headings in heading style 2 will appear in the 'On this page' in page bookmark links on the right sidebar of the page. As such we recommend a character limit of 30 including spaces. For the practice guidelines page template this goes up to 35 characters including spaces.
- Footnotes are not recommended online

[CCL-938] [Restructure Patent Attorney Information section on IPONZ website](#) Created: 23/02/23 Updated: 12/09/23 Due: 30/06/23

Status:	Awaiting Sign-off
Project:	IPONZ Change Control
Components:	Business Systems , Stakeholder Engagement

Type:	Normal Change	Priority:	4 - Normal
Reporter:	Sean Uy	Assignee:	Gaby Cowcill
Resolution:	Unresolved	Votes:	0
Labels:	None		

Issue links:	Change		
	comprises	COMMS-1322	Comms for restructure of Patent Attor... Done
	comprises	WEB-258	Restructure and update Patent Attorne... Done
	Related		
	is related to	FEBK-1241	Update website content on Patent atto... Closed
	is related to	FEBK-1466	Restructure Patent Attorney Informati... Closed
is related to	WEB-283	Clarify Patent Attorney Information c... To Do	
Purpose:	The restructured content is intended to: <ul style="list-style-type: none"> • Address users who may be looking for a patent attorney; • Address parties who are interested in registering as a patent attorney; • Address parties who wish to make a complaint regarding a registered patent attorney; • Remove outdated information on patent attorney registration with IPONZ, and avoid potential confusion with the TTIPAB. 		
Expected Outcomes:	Users are able to find more relevant information under the Patent Attorney Information section, and can be pointed to this section to address certain queries (e.g. “Where can I find a patent attorney?”)		
Out of Scope:	Previous content relating to patent attorney registration with IPONZ (pre-2017) will be removed, and no further actions will be performed on these. Content will include requirements under Section 272 of the Patents Act 2013 , but will stop short of a comprehensive guide to TTIPAB processes and requirements. The revised pages will instead point users to the TTIPAB website for more detailed information.		

	Patents team has confirmed that no letter templates seem to have any direct links to these pages, so no action is expected on these templates. If any links are found in the future, these will be corrected manually at that point.
Sponsor:	Gaby Cowcill

Description

The majority of content under the [Patent Attorney Information](#) section of the IPONZ website date date back to 2016/2017, around the time patent attorney registration transitioned from IPONZ to the Trans-Tasman IP Attorneys Board (TTIPAB). This section of the website therefore contains some overly long content, because this is a combination of requirements in line with [Section 272 of the Patents Act 2013](#), and archived content from the days where IPONZ was managing the registration of New Zealand patent attorneys.

The transitional provisions for this move ended in 2021. Because of this and the expected release of a Trans-Tasman Patent Attorneys Report, we intend to streamline this content so that it can address current customer needs.

A summary of the proposed structure change is below.

Current page structure:

- Patent attorney information (**main page**)
 - Patent attorney registration and renewal
 - Syllabus
 - Patent attorney exam results 2015
 - Archived examination syllabuses, papers and examiner’s comments

Proposed new page structure:

- Patent attorneys (**main page with revised content**)
 - The joint trans-Tasman registration regime (**new page**)
 - Applying for registration as a trans-Tasman IP attorney (**new page**)
 - Making a complaint against a registered trans-Tasman IP attorney (**new page**)

The new page structure also removes existing content related to IPONZ’s administration of patent attorney registration (Syllabus, exam results, and archived papers/comments).

Comments

Comment by [Sean Uy](#) [11/05/23]

Added Out of Scope note to cover possible links in letter templates.

Comment by [Rob Garrett](#) [18/05/23]

Approved by email 18/5

Comment by [Richard.butterfield](#) [18/05/23]

[Sean Uy](#) Looking through the proposed text under “Designated Manager” is the text : “the registered patent attorney has failed to renew his or her registration in a timely manner”. I

think that we should where possible always replace “his or her” or similar with “their” ,“they” or “them” etc. This removes any issue with those who identify as non-binary and does not introduce any hierarchical issues regarding who comes first in the list of pronouns.

I’m quite passionate about this issue. Gender should never be part of our guides, even tangentially.

Otherwise the document is much improved over the original. Sorry for the late comment. Love your work.

Comment by [Sean Uy](#) [18/05/23]

[Richard.butterfield](#) Well spotted! We’re actively trying to adjust these references along these lines, but sometimes the correction is easy to miss. I’ve now adjusted this in the draft.

Comment by [Sean Uy](#) [26/05/23]

Hi [Gaby Cowcill](#) - All actions now complete for this change control, ready for your signoff.

Comment by [Gaby Cowcill](#) [28/08/23]

Thanks [Sean Uy](#) and sorry for the delay responding, this fell off my radar - before I sign off, can you confirm if the post-publication feedback noted by Policy is complete as part of this CCL, or being progressed elsewhere?

Comment by [Sean Uy](#) [12/09/23]

Hi [Gaby Cowcill](#). Feedback from Policy team is being tracked via <https://iponzjira.atlassian.net/browse/WEB-283>. I’ve only just realised that I haven’t linked these two issues to each other - this link is now added.

I’ve opted to handle the feedback as a separate item, as this technically involves changes to an existing page (rather than changes that are part of the original item’s scope). Let me know if you have any concerns.

For the record, some content has already been drafted for <https://iponzjira.atlassian.net/browse/WEB-283> as of this writing. That said, we still need to finalise this and run this through Policy team (and you as well).

Assuming that we keep this as a separate item, we’re not anticipating major changes to these pages to accommodate Policy team’s feedback. As a result, a new Change Control to reflect Policy team’s changes seems unlikely. However, we’ll make a final recommendation on this once we have the complete draft of changes.

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