

Continuing Professional Education

Introduction:

As members of a profession, patent and trade marks attorneys have an obligation to develop and maintain their knowledge and skills so that they can maintain high standards of service. Amendments to the *Patents Regulations 1991*, commencing 1 July 2008, require all attorneys registered in Australia to complete satisfactory Continuing Professional Education (CPE) for renewal of their attorney registration.

All CPE must be relevant to the enhancement of the attorney's practice and service to clients. These guidelines provide advice on the amount and type of CPE that the Board regards as acceptable in discharging the attorney's obligation as part of their registration renewal requirements.

CPE embraces a range of educational activities undertaken in addition to the normal work of the attorney. CPE should present no challenge to the committed professional, who already spends considerable time in keeping up with new legislation, case law, trends in technology and the changing market. For this reason, primary reliance is placed on registered attorneys to decide which activities best satisfy their requirements given the scope and jurisdictions of the attorney's practice.

CPE activities are available from a number of sources and may include a limited amount of personal study. There needs to be some formality or structure to each CPE activity so as to provide substance to the activity and evidence of its completion. For example, a statement that the attorney regularly reads professional journals would not have sufficient focus or formality to satisfy the requirements.

While it is expected that most CPE will be directly related to patents or trade marks law and practice, study in other areas related to an attorney's practice may nevertheless make relevant contributions to maintaining professional competence. Thus, a patent attorney specialising in biotechnology might attend an academic conference on contemporary research in biotechnology. An attorney with a professional interest in the commercialisation of technology might take a course in technology transfer or the funding of innovation. A trade marks attorney might study recent trends in marketing and design.

The Requirement to undertake continuing Professional Education

From 1 July 2008, all registered patent attorneys and trade marks attorneys will be required to spend a minimum of 10 hours per year in formal CPE.

Attorneys who are registered both as patent and trade marks attorneys will be required to complete a minimum of 15 hours per annum of formal CPE.

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CPE activities must be completed in the given year and cannot be carried forward as credit to future years.

Where an attorney is registered for the first time during the year, the requirement to undertake CPE will not commence until the first full year of registration.

The CPE requirement will be self-regulating. Attorneys will be asked to confirm on their annual registration form that they have completed the required hours of CPE in the past year. Failure to confirm compliance with CPE requirements may result in cancellation of registration.

Attorneys may apply for an exemption from the requirements in any particular year due to personal circumstances. All such applications must be made in writing to the Secretary of the Board, who will refer the request to the Designated Manager for determination. The Designated Manager may grant extensions or impose conditions.

Starting in 2011 the Designated Manager will conduct audits of selected registered attorneys. Attorneys will normally be selected randomly, but attorneys may be selected for other reasons. Those subject to audit will be required to present documentary evidence that they have successfully completed the required CPE.

Failure to comply with the CPE requirement could lead to cancellation or suspension of the attorney's registration.

If an attorney is found to have deliberately made a false statement in the annual registration form they will be subject to disciplinary action.

Achieving balance and breadth

The following recommendations are designed to ensure that registered attorneys undertake a breadth of activities in any year, rather than relying upon one source of information or concentrating entirely on one aspect of their professional knowledge and skills:

- the CPE should be from more than one source;
- attorneys registered solely as a patent attorney or trade marks attorney should claim no more than 3 hours for personal study;
- attorneys with dual registration as patent and trade marks attorney should claim no more than 4.5 hours for personal study;
- attorneys with dual registration as patent attorneys and trade marks attorneys should complete at least 5 hours of CPE in each field.

Acceptable CPE Activities

Acceptable CPE activities are those that can be demonstrated as making a contribution to achievement of the aims of CPE in a formal or structured way. There should be identifiable outcomes from the CPE selected.

Relevant activities include:

- lectures (including at a conference or in a formal study program), workshops, educational videos and on-line study;
- formal in-house training programs, lectures or seminars designed to update knowledge and skills within the profession;
- courses of study at educational institutions insofar as the content is relevant to the work of the attorney;
- participation in organised discussion groups on topics of professional interest;
- service on technical committees of a professional body.
- writing articles, papers or books with substantial technical content;
- teaching in relevant courses, including award courses and continuing education programs relevant to the profession.
- completion of a personal study program (see below).
- other study, not included above, which can be demonstrated to achieve the desired outcomes of CPE.

What is meant by a personal study program?

An attorney may wish to follow a personal study program that includes relevant personal reading. Records should be maintained, setting out the nature and purpose of the study program and the hours expended.

It is recommended that no more than 3 hours of CPE credit should be claimed annually for a personal study program.

Maintaining Records of CPE activities

Attorneys must maintain adequate records of their CPE activities, providing evidence of completion of the claimed activities and of their nature and duration. These records may include, for example, receipts for course registration, course outlines, and letters of appointment to lecturing positions or to technical committees. Diary records also may be of particular assistance in responding to an audit. These records should be retained for at least 3 years.

The Board's role in promoting CPE

Professional bodies, such as the Institute of Patent and Trade Marks Attorneys (IPTA), and educational institutions, will be expected to offer CPE programs and the

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Board will work in cooperation with those bodies to ensure the activities meet the objectives of CPE.

The Board will also be willing to review proposed activities and, if found suitable, to promote them through the Board's website (<http://www.psb.gov.au>) and to state a certain amount of CPE credit for those who participate. There is no compulsion to undertake activities approved by the Board and relevant activities are not limited to those the Board has seen and approved.

Summary of CPE requirements

1. A registered attorney will be required to undertake a minimum of 10 hours of CPE per year (15 hours for those with joint registration) in formal activities relevant to the updating of their professional skills.
2. The CPE should be structured and should have identifiable outcomes and should benefit the attorney in their practice as an IP professional.
3. CPE is self regulating, with the attorney being responsible for selecting CPE activities.
4. The Board recommends that the balance of activities in any year should conform to the following guidelines:
 - a. the CPE should be from more than one source;
 - b. attorneys registered solely as a patent attorney or trade marks attorney should claim no more than 3 hours for personal study;
 - c. attorneys with dual registration as patent and trade marks attorney should claim no more than 4.5 hours for personal study;
 - d. attorneys with dual registration as patent attorneys and trade marks attorneys should complete at least 5 hours of CPE in each field.