MRA Review
Productivity Commission
PO Box 80
Belconnen ACT 2616
AUSTRALIA

Date	Our Ref	Your Ref
23 April 2003	ehMRA.let	-

Re: **The Trans-Tasman Mutual Recognition Arrangement Between Australia and New Zealand for Patent Attorneys**

Dear Sirs,

We refer to our meeting on 8 April 2003 with Tony Hinton, Sue Holmes and Sarah Box.

As discussed we are making this submission in support of the continuing mutual recognition arrangement with New Zealand. The agreement has been in place since 1 May 1998 and allows Australian patent attorneys to practice in New Zealand and vice versa. To practice in New Zealand, an Australian patent attorney must register with the New Zealand Patent Office (IPONZ). This registration procedure ensures that Australian patent attorneys operate under the New Zealand Patents Act. As the New Zealand Patents Act and Australian Patents Act are British based, there has been a smooth transition for Australian patent attorneys to practice under the New Zealand Patents Act.

Under the Australian Patents Act, it is more difficult to qualify as a patent attorney than it is for a New Zealander to qualify under the New Zealand Patents Act. In Australia a patent attorney must have a tertiary qualification in a field of technology that contains potentially patentable subject matter, typically engineering or science. There is no such requirement for registration as a New Zealand patent attorney. Although most New Zealand patent attorneys have such tertiary qualifications, we believe that the New Zealand entry level should be raised to the same level as in Australia. We believe a client feels more comfortable discussing their inventions to persons suitably qualified in their field.

From our perspective there have been no problems with Australian patent attorneys acting in both jurisdictions. In relation to the Australian Patent Office (IP Australia), the Institute has an Executive meeting with the Executive of IP Australia twice a year. In addition, the Patents and Trade Mark Committees have meetings with IP Australia on a regular basis. With respect to IPONZ, the Institute has an Executive meeting once a year. The Institute also has a member on the Client Liaison Board of IPONZ and this Board meets four (4) times a year. In addition the Institute has an annual meeting at which

business sessions are held. This year, as in past years, we had representatives from both IP Australia and IPONZ participating as speakers in our business sessions. We believe this positive interaction with both IP Australia and IPONZ ensures that patent attorneys are kept up to date with legislation and practice changes in both jurisdictions.

Yours faithfully,
THE INSTITUTE OF PATENT AND TRADEMARK
ATTORNEYS OF AUSTRALIA

Colin D. Macauley
President