17 July 2003 (by Email)

To: MRA Productivity Commission
From: Institute of Patent and Trade Mark Attorneys or Australia

Dear Sirs,

We are very concerned about a recent development in New Zealand. Our concern relates to a Cabinet Paper dated 20 March 2003 addressed to the Chair of the Cabinet Economic Development Committee by the Associate Minister of Commerce, Hon. Judith Tizard. This Cabinet Paper includes a number of recommendations regarding the requirements for registration as a patent attorney in New Zealand. The recommendation of particular concern is Recommendation 59.2.3 which relates to the proposal set out in paragraphs 25 and 44. This recommendation is to "allow a person's registration as a patent attorney overseas to be recognised for registration as a patent attorney in New Zealand"

If this recommendation is implemented there will be serious consequences for Australia as patent attorneys registered under the laws of any country will be permitted to become registered as patent attorneys in Australia, without any reciprocal agreement that an Australian patent attorney would be recognised in those foreign countries, and without any regard to the method or level of qualification in that foreign country. We regard it as extremely important for the Trans-Tasman Mutual Recognition Arrangement to include provisions that would prevent New Zealand from introducing such arrangements without agreement from Australia. Alternatively we believe Australia should refuse to acknowledge professional qualifications obtained in New Zealand through this route. If New Zealand is prepared to recommend such general recognition of professional qualifications in this field, then there is a strong likelihood that similar recommendations will be made in relation to other professional qualifications in New Zealand. Accordingly, we urge the Productivity Commission to consider this cabinet paper in its review of the TTMRA.

For your convenience I have included a link to the New Zealand Ministry of Economic Development website which includes a copy of the Cabinet Paper.

If you would like to discuss any of the issues raised above, please do not hesitate to contact me on 03 9254 2774.

Yours faithfully

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http://www.med.govt.nz/buslt/int_prop/patent-attorneys/cabinet/index.html