



Australian Government

IP Australia

Consultation Paper

**Discipline Regime
for Patent and Trade Marks Attorneys**

September 2006

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Introduction

In October 2005 the Government issued its response to the Review of the Discipline Regime for Patent and Trade Marks Attorneys produced by the Professional Standards Board for Patent and Trade Marks Attorneys. The Review and the Government response were produced following consultation with the public and various interest groups.

The Government response considered the recommendations made in the reviews and, while not accepting all of what was recommended, proposed features of a system that would address the concerns raised in the Review. IP Australia has the responsibility for implementing the Government response.

On that basis, IP Australia has developed a legislative framework incorporating changes to the discipline regime. The framework is intended to be implemented in the *Patents Regulations 1991* and the *Trade Marks Regulations 1995*. It is not expected that any change to the *Patents Act 1990* or the *Trade Marks Act 1995* will be required.

This paper sets out those proposed changes which are to be made to the discipline regime for patent attorneys. These changes were prepared by IP Australia after receiving comment from the Professional Standards Board for Patent and Trade Marks Attorneys. The changes set out various schemes that IP Australia believes achieve the Government response.

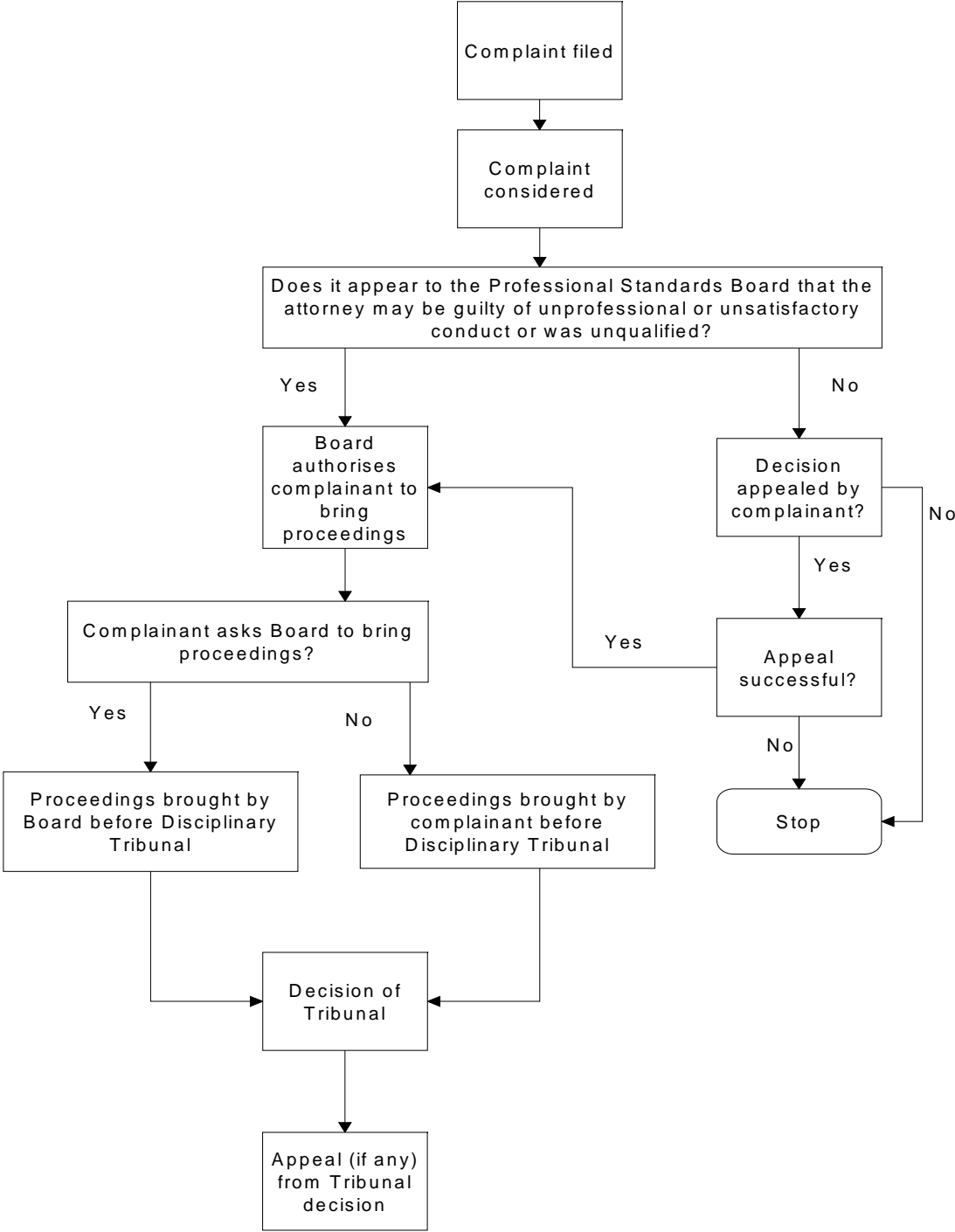
The interconnected nature of the recommendations in the Review and the various aspects of the Government response has meant that there are several parts of the Government response that can be combined together to have an effect on one specific aspect of the present discipline regime. Therefore, this paper does not specifically identify which recommendation is being addressed by a specific change. Rather, the changes are proposed under broad headings which cover all parts of the Government response.

Under each heading the system that presently exists for that topic is set out. This is followed by details on the proposed changes or schemes which implement the government response in this area (the “Output”). Under some headings, options for various aspects of the proposed scheme are listed and IP Australia has indicated which option is preferred and why.

The Overall Process

Background

In a general sense, the disciplinary process for patent and trade marks attorneys as it exists in chapter 20 of the *Patents Regulations 1991* (the Patent Regulations) is a complaints-driven process as follows:



The Review of the Discipline Regime for Patent and Trade Marks Attorneys (the Disciplinary Review) recommended changes to the disciplinary process. It was recognised that, under the present system, there was no mechanism to resolve a dispute between a complainant and an attorney. If the complaint did not warrant bringing a disciplinary action before the Disciplinary Tribunal (the Tribunal), the matter was unresolved to varying degrees.

In addition, the present disciplinary system is limited to the material contained in a complaint. If further information is found which sheds light on other unprofessional conduct, this cannot be incorporated into the disciplinary process.

The Disciplinary Review recommended several changes as follows:

- (a) the introduction of a dispute resolution mechanism where the dispute could be resolved through mediation;
- (b) specifying that only the Professional Standards Board for Patent and Trade Marks Attorneys (the PSB) can bring proceedings before the Tribunal, dispensing with the need for authorising the complainant to bring proceedings;
- (c) the test used for deciding whether to bring proceedings should remain a low threshold;
- (d) when applying the test, patterns of behaviour could be considered;
- (e) the conduct which would lead to disciplinary action would be “professional misconduct” and/or “unsatisfactory professional conduct”;
- (f) a reorganisation of the Tribunal into a 3-member Board;
- (g) provision of a secretary for the Discipline Board;
- (h) creation of a Complaints Officer to investigate complaints; and
- (i) change in the provision for appealing decisions of the Tribunal.

The Government response agreed to the introduction of a dispute resolution mechanism whereby a complaint could be settled by mediation. The Government agreed that proceedings should only be brought to the Tribunal by the PSB, and also agreed that patterns of behaviour could be considered when deciding whether to proceed to the Tribunal or not. It was also agreed that the conduct which would lead to disciplinary action would be “professional misconduct” and/or “unsatisfactory professional conduct” rather than the conduct defined at present.

The Government did not accept the suggested reorganisation of the Tribunal or the creation of a Complaints Officer. The Government suggested that the PSB could nominate a person to receive and assess complaints and make recommendations to the PSB. With regard to the threshold test the PSB would apply, the Government indicated that it should be higher than at present, given the introduction of a mediation system. The Government stated that the threshold test should be that the PSB has to be satisfied that there is a reasonable likelihood of the attorney being found guilty of “professional misconduct” and/or “unsatisfactory professional conduct”.

Outcome

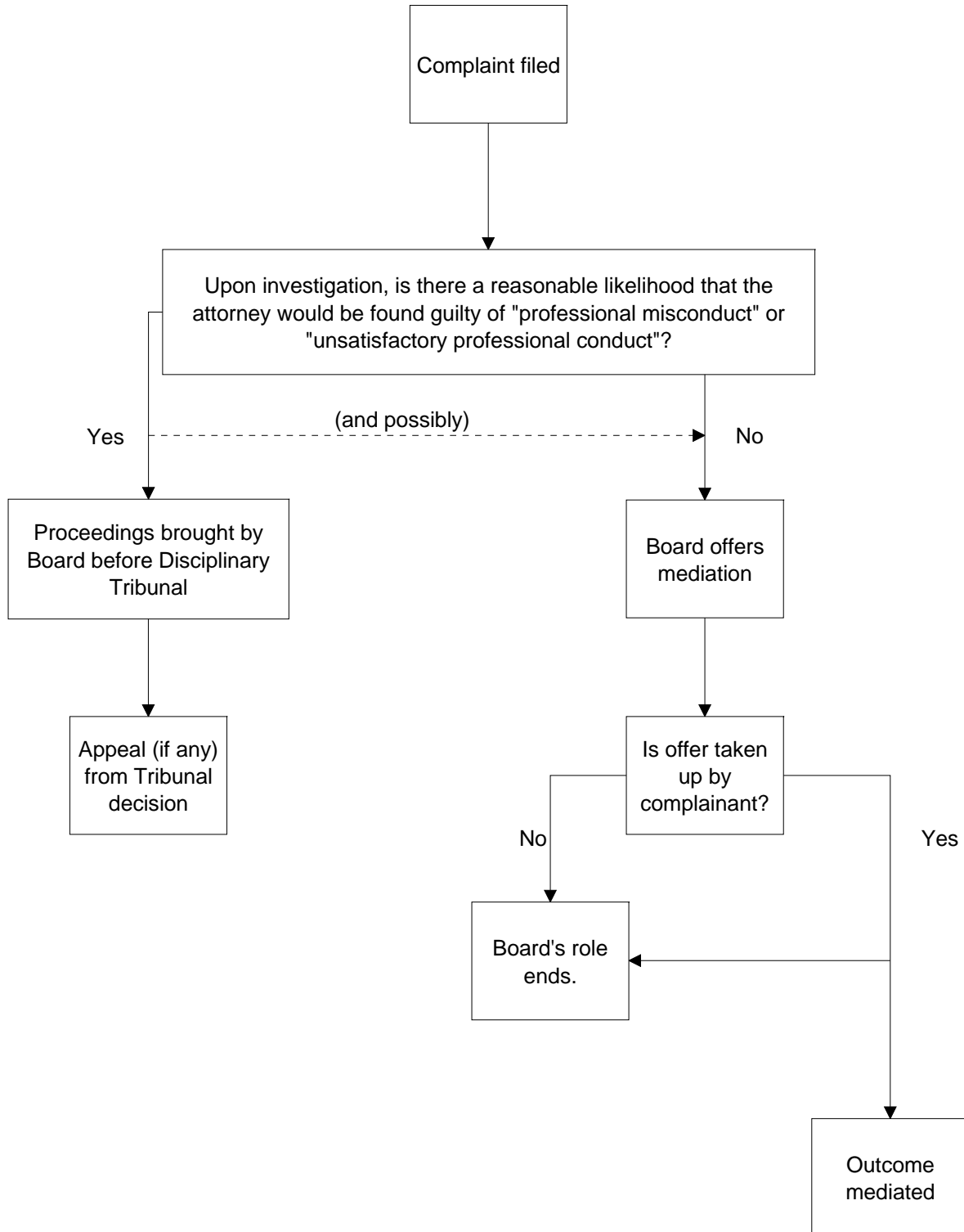
A system that:

- (a) allows disputes between clients and registered attorneys to be resolved in the most appropriate environment, and
- (b) ensures that inappropriate behaviour by attorneys can be addressed.

Output

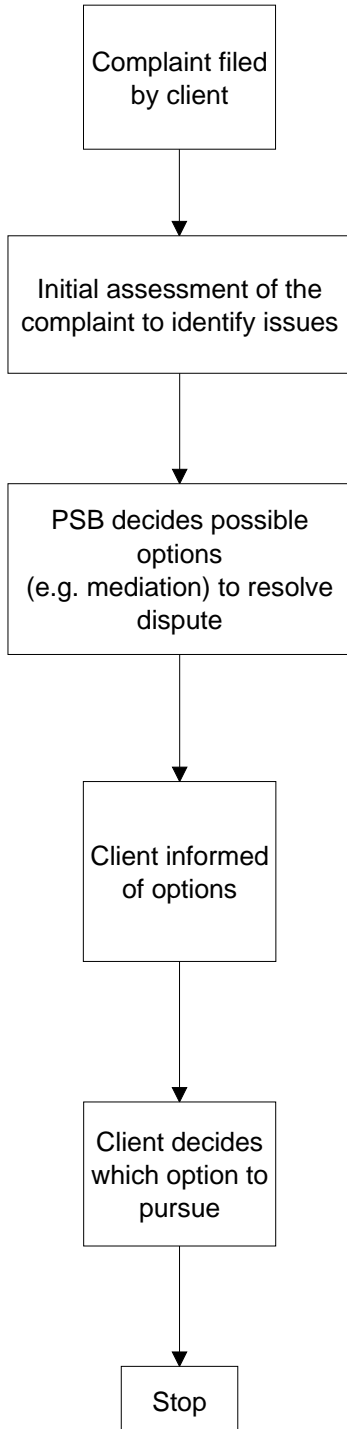
Broadly, there are two options for implementing a process which incorporates dispute resolution that achieve the Government's position. They are:

Option 1

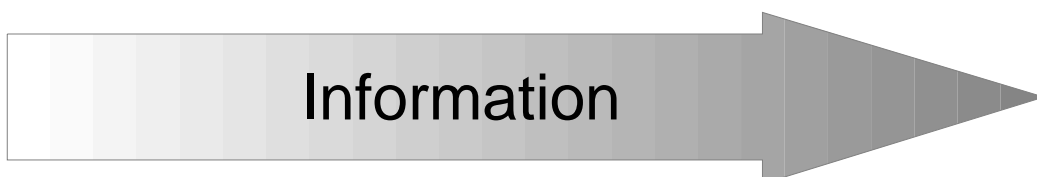
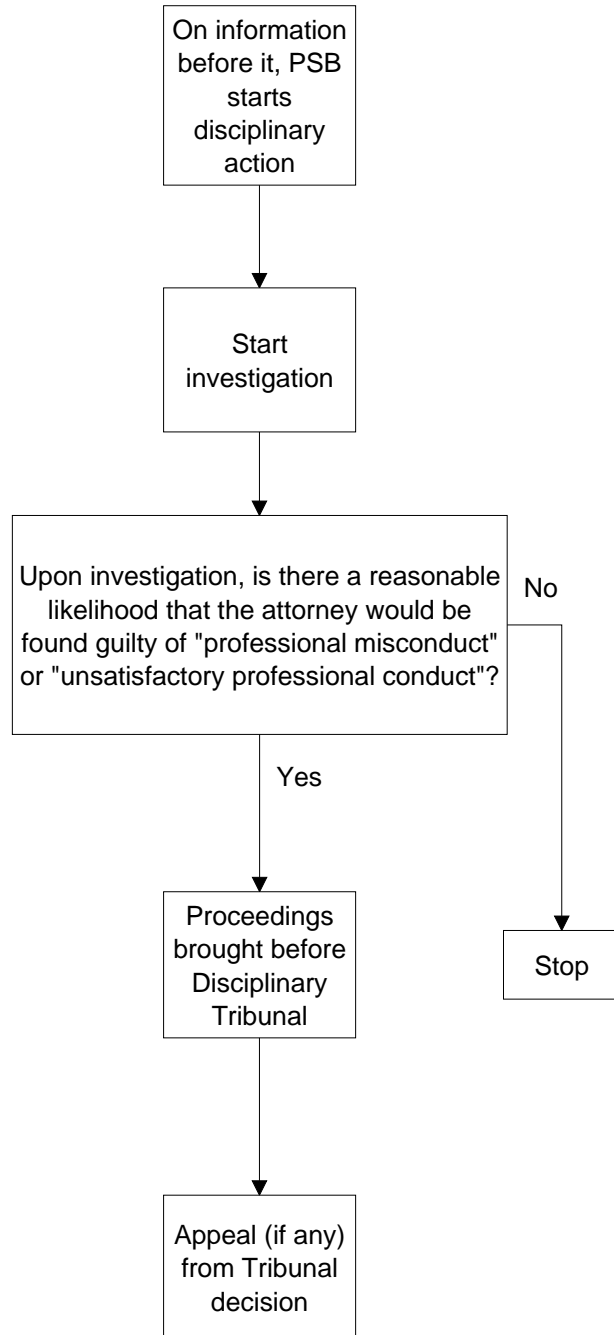


Option 2

Dispute Resolution Process



Discipline Process



IP Australia believes that option 2 should be implemented with respect to the disciplinary process of patent and trade marks attorneys. With regard to implementation of the other recommendations agreed to by the Government, they are set out in the following pages and discussed with respect to the proposed process.

Discipline

A key component of the Government's response was the removal of the complainant from the discipline process and introduction of the limitation that only the PSB is responsible for prosecuting disciplinary actions. From this change it follows that a complainant is not needed for disciplinary action to begin. Therefore, the PSB can start a disciplinary process at any time rather than having to wait for a complaint before being allowed to act, as is presently the case. Breaking the link between a complaint and a disciplinary action results in what is given in option 2. The benefit of this option is that it clearly indicates that the discipline process is completely independent of the complaints process. The disadvantage of option 1 is that it suggests the complainant has a role in initiating and pursuing disciplinary action.

The proposed process clearly allows disciplinary action to commence on any information, from any source, that the PSB is aware of. It is likely that the information that the PSB acts on will be contained in a complaint from an attorney's client, but it is not solely limited to what is contained in the complaint. Any information that members of the PSB are, or become, aware of can also be considered when deciding whether to start disciplinary action.

Dispute Resolution

IP Australia recognises that the reason why complaints are filed is because a dispute exists between an attorney and their client. The dispute resolution process in option 2 is a vehicle for dealing with this dispute. It will offer a mechanism to review complaints and provide advice to assist in the resolution of the dispute.

It is emphasised that the information contained in the client's complaint may give the PSB sufficient concern to begin a disciplinary process, but the proposed dispute resolution process focuses on resolving the dispute between the attorney and their client.

Expectations

Option 2 manages the expectations of the client. A client has an emotional involvement in the dispute. Under a complaints-driven process like option 1, if the complaint was not progressed to a disciplinary action, but was referred to mediation for example, the client may not participate because of an emotionally perceived injustice. While it could be said that it "is the client's own fault" for not participating, this situation does not deliver a desirable outcome as the dispute would still exist between the client and their attorney. The ongoing acrimony may have undesirable consequences in the future. With the proposed process of option 2, complaints are clearly separated from discipline.

An attorney's expectations are also managed by the proposed process. Attorneys would be aware that a discipline process does not need a complaint to start it. Consequently, the attorney would be aware that their entire practice is open to scrutiny all the time. This is expected to encourage appropriate behaviour.

IP Australia also recognises that people not in dispute with an attorney (an informant) may be concerned about an attorney's professional behaviour or have specific information about an incident that they believe indicates professional misbehaviour. The discipline process in option 2 is the vehicle for dealing with this information. Under a complaint driven process, like option 1, there is no clear process for informants to raise their concerns or pass on their information. Option 2 clearly gives informants a process to follow to raise their concerns or pass on information about the professional behaviour of an attorney.

Option 2 also manages the expectations of informants. Similar to a client, an informant may also have an emotional involvement in the matter. Option 2 clearly separates informants from the prosecution of discipline matters and clearly places it in the hands of the PSB. Consequently, informants will be aware that their information could lead to discipline proceedings and that discipline proceedings are not guaranteed. This will encourage informants to be helpful and truthful and not vindictive as any prosecution is dependent on the PSB finding that there is a reasonable likelihood that the attorney will be found guilty of professional misconduct or unsatisfactory professional conduct.

The proposed process provides for a speedy resolution of disputes, which is not affected by the discipline process. Separating the dispute resolution and discipline processes allows the actions to take place independently.

Definitions of “Professional Misconduct” and “Unsatisfactory Professional Conduct”

Background

At present an attorney may be subject to disciplinary action if he or she is found to have engaged in “unprofessional conduct” or “unsatisfactory conduct”. These terms are defined in regulation 20.1 of the Patent Regulations as follows:

“unprofessional conduct means conduct on the part of a registered patent attorney whereby he or she can be regarded as committing a gross failure to comply with the standards that, in the circumstances, it is reasonable to require the registered patent attorney to observe”

“unsatisfactory conduct means not having attained or sustained a professional standard that is consistent with the standard of practice of registered patent attorneys”

The Disciplinary Review made the observation that the present definitions are set apart somewhat from accepted interpretations in other professions and their interpretation is uncertain. Given the similarities between patent and trade marks attorneys and other legal professionals, the Disciplinary Review recommended amendments to the regulations to better align standards of behaviours with other legal professions. The new definitions that were proposed were “professional misconduct” and “unsatisfactory professional conduct”. The Disciplinary Review also recommended the penalty for professional misconduct could be cancellation of the attorney’s registration or suspension for a period of between 6 and 12 months. For unsatisfactory professional conduct, the recommended penalty was suspension of the attorney’s registration for up to 12 months or a public reprimand.

The Government response agreed with the recommendation that disciplinary proceedings should be brought against an attorney if they were found to have engaged in “professional misconduct” and/or “unsatisfactory professional conduct”.

Outcome

To ensure that the conduct expected of patent and trade marks attorneys is consistent with that of other members of the legal profession.

Output

IP Australia believes the scheme should be implemented by inserting the following definitions into the Patent Regulations:

- **“professional misconduct”** is any one of:
 - (a) unsatisfactory professional conduct of a registered patent attorney or trade marks attorney where the conduct is such that it involves a substantial or consistent failure to reach reasonable standards of competence and diligence, or
 - (b) conduct of a registered patent attorney or trade marks attorney (whether consisting of an act or omission) whether occurring in connection with the practice as a patent or trade marks attorney or occurring otherwise than in connection with the practice as a patent or trade marks attorney which, if established, would justify a finding that the attorney is not of good fame, integrity and character or is not a fit and proper person to remain registered, or

(c) a contravention of a provision of the Act or regulations being a contravention that is declared by the regulations to be professional misconduct.

- “**unsatisfactory professional conduct**” includes:
conduct of a registered patent attorney or trade marks attorney (whether consisting of an act or omission) occurring in connection with the practice as a patent or trade marks attorney that falls short of the standard of competence and diligence that a member of the public is entitled to expect of a reasonably competent patent attorney or trade marks attorney.

While the proposed definitions do not exactly match those recommended in the Disciplinary Review, they are consistent with the Model Provisions for the legal profession endorsed by the Standing Committee of Attorneys General.

The definitions recommended for “professional misconduct” and “unsatisfactory professional conduct” would ensure that attorneys would be judged against similar standards existing in other professions, with the additional benefit that there already exists a body of case law regarding interpretation of these definitions.

It was considered that explicit guidance as to the interpretation of these definitions should not be placed in the regulations. The Government considered that this would introduce too much rigidity into the considerations of the PSB. Instead what constitutes “professional misconduct” and “unsatisfactory professional conduct” would be determined in relation to the expected conduct of an attorney as set out in the Code of Conduct.

IP Australia believes that the penalties that should be implemented are:

The penalty for being found guilty of professional misconduct:

- Cancellation of registration or suspension for a period of between 6 and 12 months. Additionally, the Tribunal could impose conditions for the attorney’s return to the Register following suspension.

The penalty for being found guilty of unsatisfactory professional conduct:

- Suspension of registration for up to 12 months or a public reprimand. Additionally, the Tribunal could impose conditions for the attorney’s return to the Register following suspension or in addition to a public reprimand.

The conditions that the Tribunal could impose on an attorney could be:

- (a) ordering the attorney to pay a fine;
- (b) ordering the attorney to undertake additional, specific continuing professional education (CPE); and/or
- (c) ordering the attorney to work for a period of time under supervision.

Implementation Issues

The conditions listed above are what IP Australia considers should be included in the Patent Regulations. However, other conditions that IP Australia is unaware of may also be appropriate.

IP Australia invites comments on:

- (d) whether the conditions listed above are appropriate;
- (e) suggested levels of penalty (e.g. maximum amount of fine); and
- (f) other conditions that might be imposed by the Tribunal.

Dispute Resolution

Background

Under the present regulations, the disciplinary regime is a discipline system which allows proceedings to be taken against an attorney for unprofessional or unsatisfactory conduct. There is no mechanism to resolve a dispute between a client and their attorney.

The Disciplinary Review recommended that the discipline regime be changed to incorporate a dispute resolution system and a discipline system. The suggested mechanism for resolving disputes was mediation.

The Government's response agreed with the introduction of a mechanism for resolving disputes that is separate from the mechanism for dealing with disciplinary matters. The Government agreed that mediation could be used, and that participation by the client should be voluntary.

Outcome

A system which can be used to resolve commercial disputes between attorneys and their clients.

Output

The basic scheme is as shown above in the flowchart for option 2.

The proposed scheme allows the PSB, having received a complaint from an attorney's client, to assess the complaint to identify the issue(s) that the dispute revolves around. Having identified the issue(s), the PSB would make an assessment of the identified issue(s). In light of any assessment made the PSB would suggest options to resolve the dispute. In line with the Government's response, one of the options to be used to resolve the dispute may be mediation. However, IP Australia believes that offering this as the sole option for dispute resolution would not be desirable. There may be other options available.

The involvement of the PSB in the dispute resolution process also allows information to be considered from a discipline point of view as it becomes available.

The scheme allows for a complaint to be discontinued at an early stage, for example if the complaint was trivial. In such cases the PSB would not be able to suggest any option to the complainant.

Who may make a complaint?

The focus of the proposed dispute resolution is on resolving commercial disputes between attorneys and their clients. Consequently only an attorney's client may make a complaint.

With the clear separation of the discipline and complaints processes, if a person who is not the attorney's client wants to raise concerns, or "complain", about the attorney, they can make their concerns known to the PSB (as an informant).

What form should the complaint take?

The Disciplinary Review made no suggestion regarding the form of a complaint. There are two options available for implementation:

- Option A keep the status quo and require the complainant to file a statutory declaration setting out the facts on which the complaint relies. That is:
- (a) state the name of the registered patent attorney complained about and the address of the attorney, if known to the complainant;
 - (b) state the nature of the complaint;
 - (c) state the name and address of the complainant;
 - (d) be signed by the complainant; and
 - (e) have with it a statutory declaration stating the facts on which the complainant relies to support the complaint
- Option B require that complaint to:
- (a) state the name of the registered patent attorney complained about and the address of the attorney, if known to the complainant;
 - (b) state the nature of the complaint;
 - (c) state the name and address of the complainant;
 - (d) be signed by the complainant; and
 - (e) describe the alleged conduct which is the subject of the complaint and not require a statutory declaration.

IP Australia believes that option B should be implemented. The process is directed at resolving commercial disputes between attorneys and their clients. In this context any barrier to initially bringing a complaint will hinder the process of resolving disputes and defeat the purpose of the system. The process should encourage the bringing of complaints. Requiring a statutory declaration would be a barrier to resolving the dispute.

Guidelines

IP Australia believes that amendments to regulations are not needed to implement this system and intends to rely on the general administrative powers of the Commonwealth. It is expected that the detail of the process and principles will reside in guidelines.

The guidelines may indicate:

- (a) there is a nominated person to receive and assess complaints (e.g. a “complaints officer”), and this person would investigate the complaint and make recommendations to the PSB. This person may be the Secretary of the PSB or may be a sub-committee of the PSB;
- (b) who gets copies of the complaint and what further information (if any) is required;
- (c) possible time frames in assessing complaints;
- (d) in the event that no option was taken up by the client, the matter could not be progressed any further under this dispute resolution mechanism and other avenues would have to be explored by the parties (e.g. in the courts); and
- (e) IP Australia may assist with some of the costs of the process, but IP Australia will not pay for any legal assistance the parties may choose to use.

To encourage the attorney to participate, the Code of Conduct should be amended to indicate that an attorney must participate in the dispute resolution process.

Discipline

Background

The present disciplinary process as set out in the Patent Regulations set a condition that disciplinary proceedings cannot be commenced unless the PSB has authorised the complainant to bring those proceedings. Once authorised, the complainant may bring the proceedings before the Tribunal. Alternatively, the complainant may inform the PSB that they wish them to bring the proceedings on their behalf (see regulation 20.21 of the Patent Regulations).

Chapter 20 of the Patent Regulations sets out the form of the Tribunal and the procedure before the Tribunal. Regulation 22.26 of the Patent Regulations lists those decisions of the PSB and the Tribunal in the disciplinary process that are reviewable by the Administrative Appeals Tribunal (the AAT).

The Government response maintained the Tribunal in its current form. The Tribunal would be responsible for hearing claims of professional misconduct and unsatisfactory professional conduct by attorneys, where the PSB was satisfied from their investigations that there was a reasonable likelihood of the attorney(s) being found guilty of professional misconduct and/or unsatisfactory professional conduct. The Government agreed that only the PSB would be responsible for prosecuting disciplinary actions. This removed the need for an authorisation step.

Outcome

An effective discipline system for patent and trade marks attorneys.

Output

The PSB will be solely responsible for prosecuting discipline actions before the Tribunal in the discipline process that will be implemented. The informant will play no part, other than being a witness if required.

A key component of the Government's response was the removal of the informant from the discipline process and introduction of the limitation that only the PSB is responsible for prosecuting disciplinary actions. IP Australia believes that the basic scheme to be implemented is:

- (a) the PSB could begin a discipline process at any time on the basis of any information it possesses;
- (b) upon beginning the discipline process the PSB would commence an investigation. The investigation would be directed to deciding whether the PSB is "satisfied that there is a reasonable likelihood" of the attorney(s) being found guilty of professional misconduct and/or unsatisfactory professional conduct;
- (c) in determining whether they are satisfied or not, the PSB would be allowed to take into account patterns of behaviour of the attorney;
- (d) if the PSB are satisfied, the PSB will bring proceedings against the registered attorney before the Tribunal; and
- (e) if the attorney was found guilty, the Tribunal would impose an appropriate penalty.

IP Australia believes that the Patent Regulations should be amended to explicitly state that the attorney must cooperate with the PSB during its investigations. Refusal by the attorney to cooperate without reasonable excuse would lead to a disciplinary action.

What form should the information take?

The Disciplinary Review did not make any recommendation on how information should be supplied to the PSB for the discipline process. Nevertheless, it is noted that there are two sources of information that the PSB could consider:

- (1) information provided by informants; and
- (2) information from other sources

The PSB is expected to consider information from both these sources.

With respect to the form of information from the first source, there are two options available for implementation:

- Option X keep the status quo and require the informant to file a statutory declaration setting out the information they want to supply to the PSB. That is:
- (a) state the name of the registered patent attorney the subject of the information and the address of the attorney, if known to the informant;
 - (b) state the nature of the information;
 - (c) state the name and address of the informant;
 - (d) be signed by the informant; and
 - (e) have with it a statutory declaration describing the conduct or incident which is the subject of the information.
- Option Y require the informant to:
- (a) state the name of the registered patent attorney the subject of the information and the address of the attorney, if known to the informant;
 - (b) state the nature of the information;
 - (c) state the name and address of the informant;
 - (d) be signed by the informant; and
 - (e) describe the conduct or incident which is the subject of the information and not require a statutory declaration.

IP Australia believes that option Y should be implemented. The discipline process is directed at reprimanding or suspending or cancelling the registration of registered patent or trade marks attorneys whose professional conduct is not satisfactory. In this context, any barrier to informants supplying the PSB with information will hinder the process of identifying professional conduct that is not satisfactory and so limit the effectiveness of the discipline system. The discipline process should encourage informants to supply information to the PSB. It is then the proper responsibility of the PSB to assess that information and decide whether to begin a discipline process. Requiring a statutory declaration would be a barrier to receiving information.

Under the proposed process the PSB can begin disciplinary action using *any* information. As noted above, while the information may have been supplied to the PSB by an informant, the information available to the PSB from other sources may have been contained in a complaint, a newspaper, discovered during another investigation of the attorney and the like. It is obvious that this information would not be in the form of a statutory declaration. To require only one source of information to be in the form of a statutory declaration is not consistent with the multiple ways in which information may be brought to the attention of the PSB. In this light, a statutory declaration is unnecessary to commence.

However, not requiring a statutory declaration when supplying information to the PSB does not exclude the PSB from requiring that information to be supplied in a statutory declaration at a later point in the discipline process.

Appeals/Reviews

Background

Regulation 22.26(2)(c) of the Patent Regulations lists those decisions of the Tribunal in the disciplinary process that are reviewable by the AAT. This allows any party to file an appeal in the AAT over the level of penalty imposed by the Tribunal. In addition there is an automatic right for any party to file an appeal in the Federal Court on the grounds and under the procedures specified in the *Administrative Decisions (Judicial Review) Act 1977* (AD(JR)), against the decision of the Tribunal to find the attorney "guilty" or "not guilty".

The Disciplinary Review recommended, and the Government agreed, that these arrangements for appeal from, and/or review of, decisions of the Tribunal would continue.

In addition to the above appeal avenues, the Government response envisaged the parties to the disciplinary proceedings being given another appeal option. This was that the parties should have the right to have any Tribunal decision on whether the attorney was "guilty" or "not guilty" reviewed by the AAT.

Outcome

A regime that allows the relevant party to have disciplinary decisions reviewed.

Output

To achieve the outcome, IP Australia believes that the Patent Regulations should be amended as suggested by the Government's response. That is, the current appeal provisions with respect to the attorney's guilt or the level of penalty will remain, and a new provision will be introduced to allow the decision of the Tribunal on the attorney's guilt or otherwise to be reviewed by the AAT.

Extensions of Time in Disciplinary Processes

Background

Section 223 of the *Patents Act 1990* and section 224 of the *Trade Marks Act 1995* allow for extensions of time by the Commissioner of Patents (the Commissioner) and the Registrar of Trade marks (the Registrar), respectively for doing “relevant acts”.

The time for doing an act may be extended unless that act has been excluded from the scheme. The exclusions are present in regulation 22.11(4) of the Patent Regulations and regulation 21.28 of the TM Regs. At present there is no exclusion relating to the registration and renewal processes for attorneys.

The Disciplinary Review recommended that processes relating to registration and discipline of attorneys be excluded from the provisions relating to extensions of time limits.

In their response, the Government accepted that it was undesirable to allow persons to apply to the Commissioner or Registrar to extend a time limit in a process in which they were not the decision maker.

Outcome

To ensure that the responsibility for granting extensions of time remain with the responsible administrative authorities.

Output

IP Australia believes that time limits for acts with respect to patent attorney disciplinary proceedings should not be extendable by the Commissioner and the Registrar. IP Australia believes that any acts in these matters should be excluded from being “relevant acts” under section 223 of the Pat Act and 224 of the TM Act.

The responsibility for granting extensions of time in disciplinary proceedings should rest with the administrative body responsible for the proceedings. While natural justice dictates that extensions of time should be given where the request is reasonable, and given that there already exists avenues for appeal from refusal of these requests, to allow the administrative body to manage the process effectively, requests for extensions of time should be considered by that body.

The PSB or the Tribunal (as the case may be) could extend the time within which a party may take a step that is part of the respective administrative process that the step occurs in. The extension could be granted if the PSB or the Tribunal considered the request to be reasonable bearing in mind the interests of the parties and the public.

IP Australia notes that such extension of time requests are common in patent oppositions, for example. The body of case law that has been built up through numerous decisions would be available to assist the relevant administrative body in their determination of the request.

Publication of Tribunal Decisions

Background

Regulation 20.24 of the Patent Regulations specifies that the Tribunal can direct the Commissioner to publish a copy of the written notice of a finding of the Tribunal which sets out particulars of the penalty imposed upon the patent or trade marks attorney, where the attorney is found guilty of unprofessional and/or unsatisfactory conduct. That is, the Tribunal has some discretion for publication of its decisions.

The Disciplinary Review recommended the publication of all decisions of the Tribunal finding an attorney guilty of unprofessional and/or unsatisfactory conduct. The Disciplinary Review also recommended that the Tribunal should retain its discretion for publication for those decisions where the attorney is found not guilty of unprofessional and/or unsatisfactory conduct.

The Government considered that the outcomes of any disciplinary action should be known and published. The Government's response suggested that all decisions of the Tribunal should be published, regardless of the outcome.

Outcome

To ensure that the disciplinary regime is as open as possible.

Output

IP Australia believes that the Patent Regulations should ensure that all decisions of the Disciplinary Tribunal will be published.

Publication of a decision in which the attorney is found not guilty is seen as an advantage. This "clearing of the attorney's name" removes any possible "guilt by association" that may arise if a decision remains unpublished. Publication of all decisions could provide valuable lessons to the profession. IP Australia believes that this as an essential part of the Continuing Professional Education regime that is to be set up.

Comments Sought

IP Australia invites written comments on the proposed changes. In addition, IP Australia invites suggestions on the transitional provisions that should apply. Comment is also sought on conditions that might be imposed by the Disciplinary Tribunal when reprimanding or suspending an attorney.

Please send written comments and suggestions by 9 October 2006 to:

Greg Powell
Project Manager – Attorney Review Implementation
IP Australia
PO Box 200
WODEN ACT 2606

or by e-mail to greg.powell@ipaustralia.gov.au

or by fax to (02) 6281 7247.

Please note that all comments will be made publicly available, unless confidentiality is specifically requested.