

Trans-Tasman Mutual Recognition Arrangement for the patent attorney profession

The Trans-Tasman Mutual Recognition Arrangement between the Government of Australia and the Government of New Zealand came into operation on 1 May 1998.

The purpose of the Arrangement and the enabling laws is to give effect to the two mutual recognition principles relating to the sale of goods and the registration of occupations, consistent with the protection of public health and safety and the environment. The mutual recognition principles are:

- if goods may legally be sold in New Zealand, they may legally be sold in an Australian jurisdiction and visa versa; and
- if a person is registered to practice an occupation in New Zealand, he or she will be entitled to practice an equivalent occupation in an Australian jurisdiction and visa versa.

The legislation:

- provides that, where there is a requirement for registration to practice and where there is an equivalent occupation in the other jurisdiction, a person will have the right to apply for registration in that jurisdiction provided they are registered in the original jurisdiction.
- waives many of the requirements for registration with the sole determinant being “equivalence of occupation”.
- applies to registered patent attorneys in Australia and New Zealand with the consequence that registered patent attorneys in both countries will have the right to apply for registration in the other jurisdiction from 1 May 1998.

IP Australia and the Intellectual Property Office of New Zealand have agreed on procedures to facilitate registration in either jurisdiction.

- Applicants for registration will be required to complete an [application](#) and submit it, together with the appropriate fee, to the relevant registration authority.
- All fees are payable in the currency of the relevant registering authority.

Further information can be obtained from:

Australia:

Secretary
Professional Standards Board for
Patent and Trade Marks Attorneys
Telephone: + 612 6283 2345
E-mail: mail.psb@ipaustralia.gov.au
Website: www.psb.gov.au

New Zealand:

[Hearings and International Relations Unit IPONZ](#)

Information for applicant seeking registration as a patent attorney in New Zealand under the provisions of the Trans-Tasman Mutual Recognition Arrangement

1. Form of application

Applicants must

1. Complete all sections of [Form 1](#), [Form 2](#), [Form 3 \(where applicable\)](#) and the [statutory declaration Form 4](#).

2. Provide a copy of the certificate evidencing their registration as an Australian Patent Attorney.
3. Forward the fee as stated in point 2 with their application.

2. Fees for registration

Annual registration fee of NZ\$73.13 GST included.

Note 1: All fees should accompany the application and be paid in New Zealand Dollars. Cheques and money orders should be made payable to "Intellectual Property Office of New Zealand".

Note 2: Fees may be subject to variation in accordance with changes to the Patents Regulations.

3. Period of registration

Under the provisions of the Patents Regulations registrations are annual. The renewal fees of NZ\$73.13 GST included are payable by the 1st day of January each year.

The Intellectual Property Office Of New Zealand will send renewal notices in December each year.

4. Application to be sent to

[Hearings and International Relations Unit IPONZ](#)

5. Right to practice

The Trans-Tasman Mutual Recognition Act 1997 provides that a person is deemed to be registered after lodging the application until the registration is granted or refused.

6. Address for service

The Trans-Tasman Mutual Recognition Act 1997 does not change any requirements for a local address for service when applying for patents, trade marks and designs.

7. Legislative requirements for registration

Registration is based on the equivalent registration in Australia and voids New Zealand legislative requirements relating to citizenship.

8. Implications of privacy legislation

The information sought under the Trans-Tasman Mutual Recognition Act 1997 relates to the applicant's current registration in Australia and includes advice on any possible, pending or future disciplinary action against the applicant. This information will be used for the purpose of considering eligibility for and registration of the applicant.

Personal information provided that will appear on the register, ie the full name and address of the applicant will be open to public inspection after registration.