
**Meeting of Council of The Institute of Patent and Trade Mark Attorneys of Australia
by videoconference
10.00am – 12.30pm Monday 30 October 2023**

MINUTES

In Attendance:

President: Jennifer McEwan

Vice President: John Landells, Grant Shoebridge

Councillors: Chris Cao, Brendan Cheong, Tony Davis, Kerry Dick, Ian Drew, Philip Gehrig, Claire Gregg, Will Hird, Anna Johnston, Andrew Jones, Annabella Newton, Megan Ryder

Secretariat: Katharine Meade, Christina Kerr

The meeting opened at 10:05am

Welcome

Cr McEwan welcomed the councillors and new IPTA councillor Cr Cao. Cr Cao is on the TMDIK, Education and Membership committees.

1. Apologies

Cr Janelle Borham, Cr Annabella Newton

2. Minutes of Previous Meeting held on 5 September 2023

It was moved by Cr McEwan and seconded by Cr Dick that the minutes of the Council meeting held on 5 September 2023 be accepted.

3. President's Update

- Cr McEwan had been on holiday and reported that while she was in the UK she took up an invitation to attend the Chartered Institute of Patent Attorneys (CIPA) conference which was held in Cambridge. It is a one-day event and of the 6,000 members, about 100 people attended. It is directed at all patent attorneys regardless of technical expertise with the topics being very general and ends with a dinner. She noted that the conference had only been held for the past 8 years since past CIPA president Bruce Alexander had been to an IPTA conference and recommended that CIPA run something similar.
- Cr McEwan announced the members of the President's Advisory Committee (PAC), there would be 6 people on the committee including Ian Horak and Prof. Andrew Christie, for their educational contribution to IPTA, Paula Adamson the recently appointed CEO of Wrays and former Commissioner of Patents and Registrar of Trade Marks at IPA and employed at Ernst and Young was chosen for her knowledge on how to deal with government and her business background to assist with project management, Marion Heathcote a leader in her field of trade marks and is well versed in indigenous traditional knowledge, Michael Caine an outstanding past president of IPTA with a comprehensive knowledge of the rules of IPTA, and as VP of FICPI he provides an international perspective and Andrew Blattman leader of the largest listed IP organisation in Australia, has a focus on Australian innovation and IPTA

recognised more broadly in industry. This will be reported in the next IPTA Bulletin. Meetings have been set for the next 10 to 11 months and will also be attended by members of the IPTA executive group. Issues which would be discussed trade mark attorneys exclusive right of practice and industry organisations with which IPTA should align itself.

4. **Committee Reports**

- **Governance**

- Cr Shoebridge noted that the NZ Masterclass financials were included and that the event broke even. He advised that the financial statements for August and September 2023 were in order and requested they be accepted and the motion was seconded by Cr Drew.
- Cr Drew requested interest rates and rollover details be added to future Cash Reports, this would be actioned by Ms Meade.

- **Membership and Member Services**

- A membership drive is in progress, including non-members in the corporate colleagues group to be included from Crs Johnston and Cheong. Cr McEwan suggested considering a push for international members.
- Cr Jones had overseen YIPTA group social events run in Melbourne and Sydney and there was one coming up for Adelaide. Cr Gregg noted there hadn't been any social meetings and that any suggestions should go to her.
- Cr Dick had reviewed all the membership applications, with Cr Newton, and moved they be accepted; this was seconded by Cr Gregg.
- The list of membership applications presented at the meeting included:

Student - Candice Noring, Elliot Milijasevic, Sharon Yu
 Ordinary (Election) – James Coburn, Arun Nagasubramanian
 Ordinary (Elevation) – Tim Fyfe

- **Patent & Plant Breeders Rights**

- Cr Hird spoke about the upcoming PCG meeting on 23 November which is being attended by António Campinos, EPO President, where they would discuss views on AI and Inventorship. Cr Hird mentioned that Trade agreement with the EU has been scuttled. Cr Gehrig noted there was a committee meeting coming up in which planning for the PCG meeting would be discussed.

- **Trade Marks, Design & Indigenous Knowledge**

- Cr Drew reported on the committee meeting held last week noting that Ye Rin Yoo was reviewing the IPA policies in TM and design space. IPA is going ahead with TM Checker and Cr Drew expressed some reservation about it as a reliable tool for small business and requested views from Council. Cr Jones suggested providing IPA with some constructive feedback. It was suggested that a bulletin article be published saying that IPTA does not endorse TM Checker. Cr Johnston suggested it was an educational issue and the public needed to be made aware of the complexities of IP.

- Cr Drew had raised an issue at the TMDCG meeting on the IPA website which had incorrect information about international protection for IP in relation to IP rights in relation to trade marks in China was incorrect. A letter, on behalf of IPTA, to IPA had been drafted with an example and asking IPA to correct or remove the information.

- **Media & Communications**

- Cr Cheong noted sponsorship was going well and the bulletins were being published by Cr Ryder. Cr Drew suggested Core Search as a sponsor. Cr Johnston requested Well Spring as another sponsor. Cr McEwan had a meeting with Jo, IPTA's sponsorship manager, while in the UK and would have a further meeting with in November. Cr McEwan noted an app was used at the CIPA event and this was being explored for IPTA's upcoming conference.
- Cr Shoebridge reported on his attendance at the NZIPA conference and met with the president Tom Robinson and discussed IPA and IK and that there was an interesting presentation on ethics, where two attorneys interviewed Prof. Andrew Christie about the code of conduct and presented scenarios which involved the audience.

- **Education**

- Cr Jones, reported on a planned AI webinar led by Ye Rin Yoo. Cr Dick suggested Caroline Ryan at Allens and Richard Spriggs who had recently presented on AI at the IPBC. Further discussion was taken offline.
- Cr Jones reported on his attendance at GNIPA meeting held in Turkey and would circulate the list of attendees for distribution in the minutes. It was attended by representatives including those from WIPO, FICPI, the EPO, the USPTO and there were talks on the 3 topics of harmonisation, design laws and generative AI. Cr Jones was also approached by ExCo requesting he be the IPTA representative. An article was to be published in the IPTA Bulletin.
- Cr Jones noted that no applications for the IPTA prizes had been received.

- **Ethics & Disputes**

- Cr Landells had received a few minor inquiries, which were resolved.

5. **From Previous Meetings**

- **Francis Gurry Lecture**

- Information from Prof. Andrew Christie will be moved to the next meeting in December.

- **Engagement with Minister Husic's Office**

- Cr McEwan noted there had been no response from the minister or Miriam Makki to the letter and directed Cr Shoebridge to re-engage John Richardson to make inquiries on IPTA's behalf. Ed Husic is also scheduled to present at the IPTA Conference and has not responded to the request. Cr McEwan suggested that this goes out to the members in the form of an article and follow up with a session at the conference. A letter to IPA was being drafted as a follow up to what had been sent to the Minister's office.

- Cr Drew was presenting on the issue to the Law Council in early November and would be accompanied by Cr Shoebridge. It was suggested the issue could also be presented to the President's Advisory Committee.

- **IPTA / Aon Partnership - partnership contract query**

- Cr Jones had followed up Aon with a query regarding new terms and they noted they were a legal requirement, as there are 15 members using Aon it was agreed that the contract should be signed. Cr Jones was resending to Cr McEwan.

- **Letter in progress on TTIPAB requirements for technical qualification required for patent attorney registration**

- Cr McEwan noted that they were waiting for Cr Borham to provide further input.

6. **Website and IPTA Logo**

Cr McEwan noted that the website was making good progress but there was a question about the logo. The logo was a separate issue and additional logo variations from a graphic designer were presented. It was recommended that the logo not be completely altered but rather be sharpened up removing the rounded edges, with the A still looking like a peak and representative of IPTA being the peak professional body. The logo would be thickened up a bit and this would be sent around to Council for a vote.

7. **IPTA Annual Conference 2025**

Cr McEwan raised the venue suggestions of Queenstown or Noosa. There was a discussion around the attendance numbers being down around 20% for an overseas venue. Some further details would be put together for the meeting in December.

8. **IP Encompass**

Cr McEwan discussed the proposed agreement and the workload falling to Cr Gregg. Cr McEwan had spoken with CIPA about IP Inclusive who said the set up was very loose and it was left up to the members to put forward any events they were interested in, and this would be supported by the group. Cr Gregg noted that the sub-group of Women in IP have a proposal about their interest. Cr Cao would provide assistance to Cr Gregg moving forward.

9. **Other Business**

Cr Gregg put forward an idea for consideration that there be 3 or 4 in-person meetings, rotating between each city and having online meetings in between and perhaps adding a social event. Cr McEwan agreed there should be in-person meetings four times a year and would work with Ms Meade to set up some dates.

10. **State & Territory Divisions**

Cr McEwan suggested that a council member in each state should be added as a state representative. Cr Davis would be added as a state representative for Queensland and Cr Ryder would take over the role currently held by Mark O'Donnell in South Australia. Cr Cheong requested that more social events should be organised by the states and any suggestions be sent to the Secretariat.

- NSW Division – Andrew Jones
 - Christmas lunch and Council meeting 6 December
- Queensland Division – Adam Luxton
 - Christmas lunch 7 December
- Western Australian Division - Gary Cox
 - Christmas lunch 1 December
- South Australian Division - Mark O'Donnell
 - Christmas lunch 30 November
- Victorian Division – Annabella Newton
 - Christmas lunch 14 December
- ACT Division – Jennifer McEwan
 - Christmas lunch 13 December

11. Date of Next Meeting

- Wednesday 6 December 2023 – in person in Sydney. Proposed start time amended to 9.30am with a short break at 10.10am.

12. Due Date for Responses

- IP Australia is seeking your views – patenting of computer implemented inventions in Australia 24 February 2024

The meeting closed at 12.30pm