

“PRIVATELY INCORPORATED IP FIRMS”

FICPI CONFERENCE

ULURU, NT

22 August 2015

“Privately incorporated IP firms”

- Chair

- ▣ Bill McFarlane Madders

- Panel

- ▣ Brett LUNN Managing Partner of FB Rice

- ▣ Mark HORSBURGH Principle and Chairman of the Board of Fisher Adams Kelly a firm that is a member the IPH Limited Group of companies

- ▣ Stephen ADRIAN Partner, Business and Private Client Advisory at SHINEWING Australia

“Privately incorporated IP firms”

The model provides that:

- individual patent attorneys should be required to retain personal responsibility for discipline and complaints and this would be the case whether they are directors, employees or have another role in the company;
- the Code of Conduct³ should apply to all individual attorneys regardless of the legal entity within which they practice;
- incorporated patent attorneys must have at least one director who is a registered patent attorney (a patent attorney director);
- it may be necessary to have one patent attorney director responsible for management of the company and in particular the discipline and professional obligation aspects;
- in defined circumstances, the Patents Act will prevail over any inconsistency between that Act and the Corporations Act 2001 (the Corporations Act); and
- the requirement for compulsory professional indemnity insurance.

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I note from the IP Australia records that there are 33 Incorporated Attorneys:

AJ Park,
Alder IP, Australian Patent & Trade Mark Services,
Baxter Patent Attorneys,
Caska IP,
Chiliad Consulting,
Chrysiliou IP,
Cotters IP,
Eagar Martin,
Fisher Adams Kelly,
Foundary Intellectual Property,
GHF IP,
Hodkinson Mcinnes Patents,
IP Monitor,
Jones Tullock,
Lesicar Maynard Andrews,
Marshall Marks,

McIntosh IP Patents,
M & K Patent Services,
Macmillan Trade Marks,
MDP Patent & Trade Mark Attorney,
Meyer West IP,
Molins & Co,
Monks IP,
Murray Trento & Associates,
O’Sullivan Patent and Trade Mark Attorneys,
Pizzeys Patent and Trade Mark Attorneys,
RWPTS,
Selfmark,
Smooenburg Patent and Trade Mark Attorneys,
Spruson and Ferguson,
Walker IP and
Wrays

▣ as of 13 August 2015.

<http://www.psb.gov.au/registered-attorneys/incorporated-attorneys/>

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▣ psb.gov.au

Incorporation FAQ

- Why become incorporated?
- **Where is the form to register as an incorporated patent or trade marks attorney?**
- Why do I need to have insurance?
- **How much professional indemnity insurance do we need to incorporate?**
- **Should a sole practitioner apply for incorporation as an attorney?**
- How much does the process of becoming incorporated cost?
- **Do incorporated patent or trade marks attorneys have any other requirements - e.g. special Continuing Professional Education (CPE)?**
- **Where can I read the regulations related to this subject?**

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Brett LUNN Managing Partner of FB Rice

Mark HORSBURGH Principle of Fisher Adams Kelly a firm that is a member the IPH Limited Group pf companies

Stephen ADRIAN Partner, Business and Private Client Advisory at SHINEWING Australia more that just an accountancy firm