

## Amendments to disciplinary procedure rules

### Rule 1 – Interpretation

“Code of Conduct” means the rules of conduct for patent attorneys, trade mark attorneys and other Regulated Persons and the special rules of professional conduct applicable to regulated persons conducting litigation or exercising rights of audience before the courts adopted from time to time by the IPReg Board;

“Patent Attorney Litigator” means a registered patent attorney holding a certificate issued under the Rights to conduct litigation and rights of audience and other reserved legal activities certification rules;

“Rights to conduct litigation and rights of audience and other reserved legal activities certification rules” means the rules issued by IPReg from time to time relating to the authorisation of regulated persons to undertake reserved legal activities;

“Trade Mark and Design Litigator” means a registered trade mark attorney holding a certificate issued under the Rights to conduct litigation and rights of audience and other reserved legal activities certification rules;

### Rule 7 – Initial processing by the Complaints Review Committee

7.9 **If a Complaint is admissible and the Complaint either:**

- a) is the subject of pending litigation between the Complainant and the Respondent; or
- b) concerns the actions of a Respondent conducting litigation in their capacity as an authorised litigator,

the CRC may suspend investigation of a Complaint until the litigation is concluded.

A CRC shall only suspend investigation of a Complaint under Rule 7.9 (b) if the CRC is satisfied that neither the client of the Respondent, nor any opposing parties, nor the Court, will suffer any detriment if the client continues to be represented by the Respondent.

7.10 A Complaint suspended by virtue of Rule 7.7, 7.8 or 7.9 shall be resumed when the CRC is informed that the investigation by the other professional regulator **or the litigation has been concluded.**

The CRC shall take into account the determination of the case by any other regulator in a case suspended by virtue of Rule 7.7 or 7.8 or the conclusion of the Court in a case suspended by virtue of Rule 7.9 (a) when:

- (a) determining whether or not a Complaint discloses a prima facie case or whether or not processing a case further would be disproportionate or otherwise not in the public interest under rule 8.2; and
- (b) determining whether or not a case is suitable for determination by a summary procedure under rule 8.5.

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The result of the determination of the case by the other regulator or the conclusion of the Court shall also be included in the material submitted to a Disciplinary Board if the Complaint is referred to a Disciplinary Board.

**Rule 8 - Review and assessment of a *prima facie* case and summary proceedings**

8.1 This Rule applies where a Complaint has been found to be admissible under Rule 7.2 and the investigation of the Complaint:

- a) has not been suspended by virtue of Rule 7.7, 7.8 or 7.9; or
- b) has been resumed under Rule 7.10.