

REGISTRAR POLICIES

NAME OF POLICY	Policy on Early Resolution of Agent Conduct Inquiries		
APPLICABLE SECTIONS OF THE ACT, BY-LAWS AND REGULATIONS	s. 32 - 37; By-laws Part 5		
APPROVED BY	EFFECTIVE	REVIEWED	REVISED
Registrar	Date	Date	Date

REGISTRAR'S POLICY ON EARLY RESOLUTION OF AGENT CONDUCT INQUIRIES¹

CPATA is the modern, risk-focused, public interest regulator of Canadian patent and trademark agents. Our core mandate is to protect and promote the public interest in the delivery of patent and trademark services. We regulate under the Act, Regulations, By-laws, Regulatory Objectives, Standards and Principles. In doing so, we can be proactive, agile and adopt new ways of regulating toward excellence. We set ethical and practice standards for agents in practice. We support and enforce them through a variety of activities, including advisory and support services, and a complaints and discipline system if necessary. The Registrar's Policies support high quality regulation through modelling best practices, and describe the processes by which we make decisions.

Introduction

1. Patent and trademark agents are held to a high standard of ethics and competence. CPATA supports licensees in achieving and maintaining these standards. The public expects licensees to be competent, ethical and conduct themselves under applicable requirements. If this does not happen, they can expect CPATA as the professional regulator will act in appropriate circumstances to address these concerns or complaints.

Consideration of issues about the conduct or behaviour of licensees may start with the Registrar. Often, the best and most efficient way to address questions about an agent's conduct is to first determine whether they can be answered or resolved through this informal conduct inquiry process, rather than by filing a complaint.

¹ This Policy should be read in conjunction with ss. 37-50 of the Act, Regulations 12-15, Part 5 of the By-laws, and the Objects of the Complaints Process

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2. To begin this process, an individual may complete and submit an [Agent Conduct Inquiry Form](#). When reviewing this Form, the Registrar will consider and discuss with the inquirer any options for responding to or addressing the questions. When assessing whether the College has authority to assist with the concerns, the Registrar will consider and discuss with the inquirer whether the subject of their inquiry :
 - a. Falls outside the College's jurisdiction ;
 - b. May be premature ;
 - c. Alleges a technical breach of the Act, Regulations, By-laws, Professional Standards or the Code that likely does not amount to professional misconduct or incompetence ;
 - d. May be seen to be made for a collateral or improper purpose, including :
 - a. To harass a licensee ;
 - b. To seek relief that is more appropriately available through civil proceedings ;
 - c. By a party adverse in interest to a client of the licensee complained of, to harass the client ;
 - d. As a form of discovery or for the gathering of information to be used in another proceeding ;
 - e. Lacks a factual basis ; or
 - f. There has been such significant delay in bringing the concerns forward that an investigation may be very difficult and potentially unfair.
3. After the Registrar engages in the assessment above and discusses it with the inquirer, if the inquirer agrees that their concerns do not seem to support a complaint - e.g. the inquiry or concern is outside the College's jurisdiction, or filing a complaint is unlikely to achieve the inquirer's desired outcome – the Registrar may still assist in resolving a concern by providing resource or other information to the inquirer and/or trying to assist the inquirer in resolving their issues through contact with the agent, in appropriate circumstances.
4. The process for early resolution of conduct inquiries is focused on restoring relationships and trust, ensuring the provision of competent and ethical services by licensees, and seeks to :
 - a. empower the inquirer,
 - b. understand the concerns expressed and the context in which they arose,
 - c. identify any harm believed caused by the licensee,
 - d. explore the options for repairing a relationship or correcting a concern,

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- e. encourage accountability and learning by the licensee, and
 - f. effectively resolve concerns in the interests of both the inquirer and licensee.
- 5. The Registrar may do one or more of these things to support early resolution of a conduct inquiry, with the consent of the inquirer and, where appropriate, the licensee:
 - a. An audio or video call or email with the inquirer to obtain further information and explore opportunities for informal resolution ;
 - b. An audio or audiovisual call or email with this licensee to obtain further information and explore opportunities for informal resolution ;
 - c. An exchange of written comments between the inquirer and licensee ;
 - d. A facilitated conversation in-person, by audio or video between the inquirer and the licensee supporting possible resolution ;
 - e. A documented agreement by the licensee that supports resolution of the issues ;
 - f. Advice or guidance provided in various forms to the licensee ;
 - g. Any other step that the Registrar determines, and the inquirer and licensee agree may assist in resolving the concerns informally.
- 6. The Registrar will maintain a record of all inquiries, any steps taken to engage in early resolution, the manner in which the issues were resolved with consent, and will follow up with written confirmation of resolution of the concerns with the inquirer and licensee.
- 7. If the early resolution process does not resolve the concerns, the inquirer may opt to file a complaint, or an individual may file a complaint without engaging in early resolution efforts.