

## Board Policies

<b>NAME OF POLICY</b>	Board Policy No. 2 – Regulatory Objectives, Standards and Principles		
<b>APPLICABLE SECTIONS OF THE ACT, BY-LAWS AND REGULATIONS and/or PURPOSE</b>	CPATA Act s. 8 Board By-Law 8		
<b>APPROVED BY</b>	<b>EFFECTIVE</b>	<b>REVIEWED</b>	<b>REVISED</b>
<b>Board</b>	<b>June 28, 2021</b>	<b>Q4 2022</b>	

### Regulatory objectives, standards and principles

To advance its role as a risk-focused, modern public interest regulator, the College adopts as its Regulatory Objectives that it will strive to:

1. protect and promote the public interest in patent and trademark services;
2. protect those who use patent and trademark services;
3. promote innovation in the delivery of patent and trademark services and the protection of intellectual property rights;
4. improve access to and promote competition in the provision of patent and trademark services;
5. promote the independence of the patent and trademark profession; and
6. oversee the ethical and competent delivery of patent and trademark services by licensees.
7. promote equity, diversity and inclusion in the patent and trademark profession and in the delivery of patent and trademark services.

### Regulatory Standards

#### **Programs and Activities**

We maintain standards for the ethical and competent delivery of patent and trademark services and enforce compliance with those standards.

We maintain up-to-date practice standards for licensees and provide guidance in applying the standards.

We maintain standards for education, training and fitness to ensure our admission programs are designed to deliver competent trainees that meet the College’s requirements for registration.

We understand the diversity of licensees and those who interact with them.

We have fair processes for raising concerns about a licensee, and for examining and investigating those concerns. We support parties in the Complaints Investigation Process.

### **How we do business**

We are clear about our purpose and open and transparent in all processes: we publish our regulatory requirements, guidance, policies, processes and decisions; we provide accurate accessible information about our licensees; and we report on our performance and outcomes.

We clearly distinguish among the roles of the Board, committees and the CEO/Registrar. Board decision-making occurs in public.

We clearly state the public interest objectives we seek to achieve in our policies.

We apply policies in a principled manner, proportionately, fairly and efficiently with decisions clearly explained, including their public interest rationale.

We identify and manage risk to the public by being proactive and proportionate, taking a riskbased approach, and focusing resources on licensees most likely to harm clients or the public.

We promote equity, diversity and inclusion in the patent and trademark profession and do not impose inappropriate barriers. We have due regard to the need to eliminate unlawful discrimination and harassment and consider carefully the health and capacity of those we deal with and understand the stress that involvement with the College can cause.

We comply with the College's obligations under the [Canadian Human Rights Act](#), the [Privacy Act](#) and the [Access to Information Act](#).

In developing policies and advancing the College's objectives, we obtain expert advice as required, conduct research relevant to the matters under consideration and consult and work with interested stakeholders.

We promote innovation in the delivery of patent and trademark services, the achievement of high-quality IP practices and risk management by licensees

Our process for raising concerns about a licensee is open to anyone. We consider and investigate concerns about a licensee fairly, proportionately, and as quickly as is consistent with the goals of early and fair resolution of concerns, and of prioritizing situations which pose a serious risk of harm to the public.

We protect the public by making fair decisions supported by appropriate evidence.

We conduct adjudicative processes in a timely manner, to ensure fairness for the parties and the public who are involved.

We evaluate our governance and regulatory processes and standards to ensure they meet expected requirements.

## Decision-making

Principles Decisions by the Registrar and Regulatory Committees:

- focus on the public interest;
- are premised on matters being considered on their own merits, on an objective analysis of the facts, and under published policies, guidance and criteria;
- are made in a timely manner and under processes proportionate to the risk involved and targeted only at cases in which action is needed;
- are informed by appropriate specialized knowledge and expertise to ensure a complete analysis of the matters at issue;
- are consistent;
- account for the Regulatory Objectives, our obligations under applicable legislation<sup>1</sup>, our standards and the case law;
- are fair and seen to be fair by incorporating common law principles of fairness and natural justice;
- prioritize innovation and promote high-quality IP practices;
- are made directly or by proper delegation by appropriate decision makers exercising authority in the Act, the Regulations or the By-laws<sup>2</sup>;
- ensure the person potentially affected by the decision has an opportunity to make representations before a decision is made unless urgent circumstances require a decision to be made without hearing from that person;
- are transparent and explain the process and
- the result is communicated to the person affected by the decision.

We provide an internal review process for decisions of the Registrar.

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<sup>1</sup> By publishing a summary of Registrar's decisions and complete adjudicative committee decisions on the College's website we keep the public and licensees informed of our regulatory actions;

<sup>2</sup> the Registration, Investigations and Discipline Committees and panels or quorums of those committees.