

INVESTIGATIONS Committee

Terms of Reference

INTRODUCTION

CPATA regulates the patent and trademark profession in accordance with Act, Regulations, By-laws, Policies, and the Regulatory Objectives, Standards and Principles. This includes setting and enforcing compliance with required ethical and practice standards through a variety of means, and in a manner that is risk focused, fair, transparent, efficient, proactive, proportionate and principled.

CPATA has developed a Code of Conduct for its Board and Committees that articulates the standards of conduct and behaviour expected of Board and Committee members, including with respect to confidentiality, conflict and decision-making.

ROLE

For the Investigations Committee, the regulatory approach includes finding ways to fairly resolve complaints as early as possible; adopting restorative approaches¹ to complaints handling that strive to identify and address harm, help agents be accountable for their actions, and, where appropriate in the public interest, foster learning from mistakes rather than punish; and making decisions that are clear, concise, well-supported and balance all relevant interests.

Objects of Complaints and Discipline Process

The objects of the complaints process are to protect and promote the public interest and preserve the integrity of the patent and trademark profession, in a manner consistent with the College's Regulatory Objectives, Standards and Principles. This includes:

- a. Promoting and ensuring competent and ethical delivery of patent and trademark services by licensees;
- b. Addressing concerns of professional misconduct and professional incompetence, including striving for early resolution of complaints when doing so is consistent with the public interest; and
- c. Enforcing compliance with professional and ethical standards.

The Investigations Committee is an essential component of the Complaints Process, which includes the Registrar, General Counsel, Professional Regulation, investigators, the Investigations Committee and the Discipline Committee.

¹ Restorative practices are an emerging social science that studies how to strengthen relationships between individuals as well as social connections within communities. Though new to the social sciences, restorative practices has deep roots within indigenous communities throughout the world

The role of the Investigations Committee is to support the College's professional regulation and public protection mandate by carrying out its assigned responsibilities² and advancing the College's Regulatory Objectives, Standards and Principles.

RESPONSIBILITIES

In support of the Regulatory Objectives, Standards and Principles, the Investigations Committee:

- Supports the ethical and competent delivery of patent and trademark services by licensees;
- Acts on complaints referred to it by the Registrar or initiated by the Committee;
- Investigates or directs the investigation of complaints, and makes decisions following investigations;
- Supports modern approaches to handling complaints that are proactive, apply the right touch and embody restorative principles; and
- Enhances an efficient, effective, fair, transparent and accountable complaints process by considering, on its own or on request of the Registrar or the Board, revisions to by-laws and policies.

**MEMBERSHIP
AND VOTING**

The Committee has at least 5 and no more than 9 members, the majority being individuals who are not licensees and are otherwise qualified to serve under s. 21(1) and Regulation 2. The Committee possesses the knowledge, skills, attributes and experience set out in the Investigations Committee Skills Matrix.

Voting members:

- At least one individual who is a patent agent;
- At least one individual who is a trademark agent;
- At least three individuals who are not licensees;

Non-voting participant:

- Chief Executive Officer as an ex officio member.
- General Counsel, Professional Regulation

Committee terms are set by the Board.

A Committee member who, without excuse satisfactory to the Chair, is absent from two consecutive meetings of the Committee, is deemed to have resigned, which resignation will create a vacancy on the Committee to be filled in accordance with the Board Governance Policies.

CHAIR

The Chair is a voting member of the Committee appointed by the Board. At a minimum, the Chair will have:

² Under ss. 37–50 of the Act, the Regulations, and Investigations Committee Policies.

- Experience with professional regulation
- Familiarity with patent agent and trademark agent services delivery requirements
- Knowledge of applicable law including administrative, privacy, investigations, and some familiarity with patents and trademarks

**FREQUENCY OF
MEETINGS AND
MANNER OF CALL**

Meetings are scheduled in advance and occur at least quarterly, or otherwise at the direction of the Chair, who may cancel any meeting when there are no matters for consideration. Additional meetings may be scheduled by the Registrar in consultation with the Chair. Meetings will be held by audio-visual means, or on direction of the Chair, in person. If necessary, votes may be cast by email or other electronic means where it is in the public interest to do so.

QUORUM

Quorum of the full Committee is a majority of the members entitled to vote, as long as this number includes at least one patent or trademark agent, and a majority who are not licensees.

The Chair may appoint a panel of the Committee to carry out the Committee's work so long as the Panel consist of one patent or trademark agent and a majority who are not licensees. The Chair designates one panel member as Chair of the panel.

RESOURCES

The Committee is supported by General Counsel, Professional Regulation.

REPORTING

The Committee will provide quarterly reports to the Board.

DATE

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To be reviewed: December 2026