

Registration Committee

Skills Matrix

Approved: 19 July 2021

Reviewed – August 2024

Introduction

CPATA regulates the patent and trademark profession in accordance with Act, Regulations, By-laws, Registrar's Policies, and the Regulatory Objectives, Standards and Principles.

For the Registration Committee, this regulatory approach includes finding ways to transparently, objectively, impartially and fairly set and approve competency standards as required by the CPATA By-laws.

Objects

The objects of the registration 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. Overseeing the competent and ethical delivery of patent and trademark services by licensees;
- b. Maintaining standards for education, training and fitness to ensure the admissions programs deliver competent trainees that meet the College's requirements for registration;
- c. Applying policies in a principled manner, proportionately, fairly and efficiently with decisions clearly explained, including their public interest rationale;
- d. Making fair decisions supported by appropriate evidence;
- e. Conducting adjudicative processes in a timely manner, to ensure fairness for applicant or licensee;
- f. Promoting equity, diversity and inclusion in the patent and trademark profession by not imposing inappropriate barriers and having due regard to the need to eliminate unlawful discrimination and harassment, considering carefully the health and capacity of those we deal with and understanding the stress that involvement with the College can cause.

Process

The Registrar has primary responsibility for regulatory transactions with licensees, trainees and the public, including making decisions under the CPATA By-laws with respect to registration. If an individual is not in agreement with a licensing decision of the Registrar, the decision can be reviewed by the Registration Committee on the request of the affected applicant or licensee.

The Registration Committee provides direction respecting registration. On receipt of a request, the Registration Committee must consider the request and affirm or vary the Registrar's decision or dismiss the request; or hold a hearing on the merits of the request and, at the conclusion of the hearing, affirm

or vary the Registrar's decision or dismiss the request. The Registration Committee may request that the Registrar obtain additional information from the applicant or licensee and provide it to the Committee, at any time during the Committee's consideration of the request, including during any hearing of the request.

Decisions of the Registration Committee are final and cannot be reviewed by the Board.

Role

The Registration Committee is responsible for supporting the Board's professional regulation and public protection mandate by carrying out responsibilities assigned under the CPATA By-laws.

Responsibilities

The Registration Committee's responsibilities include:

- Supporting the ethical and competent delivery of patent and trademark services by licensees;
- Reviewing decisions made by the Registrar and making decisions, in accordance with the Regulatory Objectives, Standards and Principles, Act, Regulations, By-laws, and Registrar's Policies;
- Setting and approving standards for the evaluation of the competencies that are to be assessed by the qualifying examinations and the passing marks for those examinations to ensure that all licensees have the necessary skills and competencies to practise as patent agents and/or trademark agents.
- Recommending and commenting on revisions to By-laws, policies and procedures needed to support a registration process that is transparent, objective, impartial and fair.

Committee Composition

The Registration Committee as a whole must possess the required skills, knowledge, attributes and experience to enable it to fulfil its responsibilities in the public interest. Most of the Committee consists of individuals who are not licensees as one means of ensuring the public is intrinsically involved in the College's public interest work. Members of the Committee bring to the table knowledge and experience with the patent and trademark agency professions, the legal profession, as well as perspectives of members of the public whom the system is designed to protect.

All Committee members must complete mandatory training prior to commencement of service and engage in such ongoing training and education during their term on the Committee as determined to be appropriate by the Chair and the Registrar.

The Committee Chair may require additional specific training.

Specific Knowledge, Skills, Attributes and Experience

The Skills Matrix below is used to:

- i. identify the specific knowledge, skills, attributes and experience¹ required of Registration Committee members individually and as a whole;
- ii. facilitate appointments that will fill gaps in the required knowledge, skills, attributes and experience; and
- iii. assist with identifying training and education needs on an ongoing basis.

Members as a whole must possess/demonstrate the following:

The College is committed to the foundational principles of equity, diversity and inclusion, which are reflected in the composition of committees and the level of cultural competence expected of committee members.

Knowledge	Skills
<i>CPATA Act</i>	Effective oral communications
<i>Patent Act, Patent Rules</i> and practice	Effective written communications including writing decisions with reasons
<i>Trademark Act, Trademark Regulations</i> and practice	Collegial and effective decision making
CPATA Regulations	Conflict management
CPATA By-laws	Attention to detail
CPATA Code of Professional Conduct	Organization & time management
Registrar’s Policies for registration	Practice & business management
Administrative law principles incl. fairness and natural justice	Information analysis and judgment
Charter & Human Rights	
Equity, diversity, inclusion and access to justice principles ²	Making proportionate, consistent and targeted decisions
Fair Registration Practices (Transparent, Objective, Impartial, Fair)	Procedural fairness

¹ Knowledge’ includes understanding how CPATA operates in substance and principle, risk principles, and the prosecution of patent and trademark applications;

² ‘Equity, diversity, inclusion and access to justice principles’ are closely tied to cultural competence, and include having the knowledge, experience and skills to actively work to protect against and prevent individual and systemic discrimination, to cultivate appropriate attitudes toward cultural differences, and to ensure that the College’s processes are open and accessible to all 8 ‘Fitness to practice’ encompasses knowledge and awareness of a range of factors that may impact or impair a licensee’s ability to provide services competently and ethically, including a physical, mental or emotional condition or addiction, and the most effective ways to identify and address such situations in the public interest.

Unconscious Bias/Implicit Bias ³	Risk assessment
Intersection between existing IP laws and the protection of Indigenous knowledge and cultural expressions	
Competence based standard setting	
Experience	Attributes
Professional regulation	Active listener & strong communicator
Federal Court and administrative tribunal procedures	Fair, impartial and open-minded
Law relating to privilege and privacy	Courteous, respectful and patient
Administrative Law ⁴	Apply confidentiality and discretion
Patent Agent services	Cultural competence ⁵
Trademark Agent services	Ethical
Not For Profit, regulator and/or other community service	Strong work ethic
Business & innovation	Professionalism, civility, collaboration
CPATA Board, Committee, Advisory Group or working group	Competent to use the technology facilitating the committee's work
Adult education ⁶	Respected by peers

³ 'Unconscious Bias/Implicit Bias' is a bias or prejudice that is present but not consciously held or recognized. (Merriam-Webster)

⁴ Administrative law' refers to principles of fairness, natural justice, efficiency, transparency, etc. and the four basic rights: for the licensee to know the case against them and make answer; unbiased decision-makers; those who hear the application decide the case; and there are adequate reasons for the decision. (Federation of Law Societies of Canada National Adjudicator Training Curriculum)

⁵ 'Cultural competence' refers to an ability to understand, communicate with and effectively interact with people across different cultures; acknowledge the harmful effects of discriminatory thinking and behavior on human interaction; and acquire and perform the skills necessary to lessen the effect of these influences in order to serve the pursuit of justice. (Rose Voyvodic, "Lawyers Meet the Social Context: Understanding Cultural Competence" (2006) 84:3 The Canadian Bar Review 564 at 564)

⁶ Adult education' experience is valuable for understanding how adults learn, how to evaluate whether learning has taken place, and developing or identifying effective educational opportunities

Fitness to practice, capacity and health impacts on professional practice ⁷	Accountability, honesty and integrity
Competence assessment and standard setting	

⁷ 'Fitness to practice' encompasses knowledge and awareness of a range of factors that may impact or impair a licensee's ability to provide services competently and ethically, including a physical, mental or emotional condition or addiction, and the most effective ways to identify and address such situations in the public interest.