

REGISTRATION COMMITTEE TERMS OF REFERENCE

ROLE

CPATA regulates the patent and trademark profession in accordance with Act, Regulations, By-laws, Registrar's Policies, and the Regulatory Objectives, Standards and Principles. This includes maintaining standards for education, training and fitness to ensure the admissions programs deliver competent and ethical trainees that meet the College's requirements for registration in a manner that is risk focussed, fair, transparent, objective, impartial, proactive, principled and proportionate.

For the Registration Committee, this regulatory approach includes finding ways to fairly consider requests made by applicants or licensees to review a decision of the Registrar made under the College By-laws as quickly as possible; adopting fair registration approaches¹ to registration that strive to identify potential risks to the public and whether those risks can or should be mitigated through the imposition of conditions; and making decisions that are clear, concise, well-supported and balance the rights of the individual with the need to ensure licensees provide competent and ethical patent and trademark services to the public.

Objects of the Registration Process

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. Promoting and ensuring 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;

¹ Fair registration practices include the principles of transparency (clear, straightforward, accessible information that is easy to understand, is complete and accurate; objectivity (decision-making systems are valid, reliable and relevant in measuring and assessing qualifications); impartiality (decisions are free from bias, including but not limited to conflict of interest, preconceived notions or limited understanding of issues related to equity, diversity and inclusion); and fairness (processes are expedient, rational, the same, and well-explained to all individuals). (Ontario Fairness Commissioner)

- e. Conducting adjudicative processes in a timely manner, to ensure fairness for applicant or licensee; and
- 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.

The Registration Committee is an essential component of the registration process, which includes the Registrar.

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

RESPONSIBILITIES

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

- approves 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 represent persons under section 27 or 30 of the Act
- Supports the ethical and competent delivery of patent and trademark services by licensees;
- Reviews decisions made by the Registrar under the College By-laws 5-8 and makes decisions, including approving applications under review, with or without conditions, and conducting a registration hearing in accordance with the Regulatory Objectives, Standards and Principles, Act, Regulations, College By-laws, and Registrar's Policies.
- Enhances a transparent, objective, impartial and fair registration process by considering, on its own or on request of the Registrar or the Board, revisions to by-laws and policies

Confidentiality & Conflict of Interest

- Committee members must maintain confidentiality of all information they acquire while discharging their duties unless disclosure is authorized.

- Committee members are subject to the conflict of interest policy established by the Board.

**MEMBERSHIP
AND VOTING**

The Committee has 7 members, the majority being individuals who are not licensees and are otherwise qualified to serve under s. 3 of the Regulations. The Committee possesses the knowledge, skills and experience set out in the Registration Committee Skills Matrix.

Voting members:

- At least one individual who is a representative from the Patent Office;
- At least one individual who is a representative from the Office of the Registrar of Trademarks;
- Must not include any individuals who are members of an association where the primary purpose is to represent the interests of persons who provide advice on patents or trademarks;
- At least four individuals who are not licensees;

Non-voting participants:

- Chief Executive Officer and/or Registrar as an *ex officio* member.
- Director of Registration & Education, Deputy Registrar

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 filled².

The Board, by a vote of two-thirds of those present, may at pleasure remove a member of the Committee³, but the Board will not consider a motion to remove a committee member unless the Committee Member is given notice of the motion and is provided an opportunity to present to the Board.⁴

CHAIR

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

- Experience with professional regulation

² Registrar's Policy on Committees

³ Registrar's Policy on Committees

⁴ Registrar's Policy on Committees

- Familiarity with patent agent and trademark agent services delivery requirements
- Knowledge of applicable law including administrative, privacy, fair registration, 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 or the Director of Registration, who may cancel any meeting when there are no matters for consideration. Additional meetings may be scheduled by the Director of Registration 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 the Director of Registration & Education, Deputy Registrar.

REPORTING

The Committee will provide semi-annual reports to the Board.

APPROVED

2021-07-29

**TO BE
REVIEWED** 4th
Quarter
2022

4th Quarter 2022