

REGISTRAR POLICIES

NAME OF POLICY	Requesting a Review of a Registrar Decision		
APPLICABLE SECTIONS OF THE ACT, BY-LAWS AND REGULATIONS	College Regulations 3 College By-laws 5, 6, 7, and 8		
APPROVED BY	EFFECTIVE	REVIEWED	REVISED
Registrar	October 26, 2021		

In this policy:

- “Applicant” means an applicant who has applied to review a ruling made by the Registrar under College by-laws;
- “Agent” means an applicant registered with the College as a Patent Agent or Trademark Agent;
- “Committee”, means the “Registration Committee”.

POLICY

The College’s registration program strives for fair decisions supported by appropriate evidence. Applicants affected by decisions can make representations before a decision is made. Decision processes are conducted in a timely manner.

Section 5 of the College By-laws states a decision of the Registrar under the College By-laws is reviewed by the Registration Committee on the request of an applicant.

The Committee:

- Considers all materials filed in a review and renders a decision based on that review;
- May meet in any manner, including teleconference, video conference, via email or in-person;
- May consult external legal counsel at any stage of the review; and
- Will consider a review based solely on written materials.

Section 6 of the College By-laws states after reviewing a decision of the Registrar, the Committee may:

- a) Request the Registrar obtain additional information;
- b) Approve the application under review, with or without conditions, and specify the effective date of the decision; or
- c) Conduct a hearing to render a decision with reasons.

The standard of review is reasonableness, meaning the Committee will review decisions of the Registrar to determine if they are reasonable. If the Committee determines the Registrar's decision was reasonable, it will uphold the Registrar's decision. If the Committee determines that the Registrar's decision was not reasonable, it may modify the Registrar's decision.

Section 7 of the College By-laws states that a decision of the Committee under section 5 cannot be reviewed by the Board.

Section 8 of the College By-laws states that if a decision of the Registrar is modified by the Registration Committee, the Registrar must notify the applicant and, if applicable, the supervisor of the decision and proceed with that decision.

PROCEDURES

1. An applicant must electronically submit a Request for Review to the Registrar outlining the details of their request within thirty (30) days of the date they receive the Registrar's decision. The Notice of Review should contain:
 - a. the grounds for review;
 - b. submissions to support the applicant request; and
 - c. relevant evidence to support the grounds for review.
2. Upon receipt of the Request for Review, the Deputy Registrar will:
 - a) acknowledge receipt of the request;
 - b) determine if the request was made within the 30-day time frame; and
 - i. If the Request was timely,

- a. forward it to the Chair of the Committee; and
- b. within 30 days of the receipt of the request, provide the Committee and the applicant with:
 1. A copy of the Registrar’s written decision;
 2. A copy of all records related to the application in possession of the College, subject to any lawful restrictions; and
 3. Other written information as the Registrar deems necessary;

Or,

- ii. If the Request was not submitted within the 30-day timeframe, the Deputy Registrar will notify the applicant that it is out of time.
3. The Deputy Registrar will send the applicant information regarding the Committee composition to review to confirm there are no conflicts or objections to the composition of the Committee.
 4. Within 15 days of the date the Deputy Registrar sent written information and disclosure to the applicant, the applicant may provide new information and written submissions to the Committee through the Deputy Registrar
 5. If the applicant requires an extension of time to file additional information and submissions, they must apply to the Committee for an extension. The Committee may extend the filing deadline.
 6. The Deputy Registrar will schedule a meeting of the Committee when the applicant’s review submission has been received. The meeting will be scheduled within a reasonable time.
 7. The Deputy Registrar will provide all materials to the Registration Committee at least seven (7) days prior to the date of its meeting.
 8. If the Committee determines that additional information is required before it can proceed, the Chair will instruct the Deputy Registrar to request the additional information. The additional information must be provided to the Deputy Registrar within fourteen (14) days of the request.
 9. A review of a decision under the College By-laws will be made by at least three (3) members of the Committee, who
 - a. will review all material and submissions provided to it;
 - b. may decide the matter without holding an oral hearing or meeting with the applicant; and
 - c. by majority ruling, will:

- i. confirm the Registrar’s decision; or
 - ii. if it determines the Registrar’s decision is not reasonable, make any decision the Registrar could have made with respect to the application.
10. The Committee will issue a written decision, with reasons, to the Deputy Registrar, who will provide it to the applicant and to the Registrar electronically within thirty (30) days.
11. The Committee’s decision is final.

REFERENCES

[CPATA Regulations](#)

[CPATA College By-laws](#)

[CPATA Act](#)

[CPATA Regulatory Objectives, Standards and Principles](#)