



College of Patent Agents and Trademark Agents

Le Collège des agents de brevets et des agents de marques de commerce

400 – 411 Roosevelt Avenue, Ottawa ON K2A 3X9

www.cpata-cabamc.ca

**Board of Directors Meeting
October 30, 2021, 9:00 a.m. ET
Highlights**

BOARD MEMBERS: Tom Conway, Chair, Ruth McHugh, Jeff Astle, Karima Bawa, Doug Thompson, and Darrel Pink, Registrar & CEO

STAFF: Sean Walker, CFO; Jennifer Slabodkin, Director Registration & Education, Deputy Registrar/Recording Secretary; Andrés Diaz, Operations Manager; Victoria Rees, QC, Manager Professional Responsibility; and Dana Dragomir, Communications Officer

College Board and Committees

The Board appointed Pierre Cantin to the Investigations Committee and discussed engaging Boyden to assist in recruiting Board members and members for the Risk and Audit Committee and Nominating and Governance Committees.

Board Policies

The Board approved Board Policy No. 6 Privacy, as presented, and Board Policy No. 7 Nominations and Elections, as amended. The Board received privacy training.

Patent Agent and Trademark Agent Mandatory Professional Liability Insurance

The Board approved the proposed resolution for mandatory professional liability insurance as follows:

Whereas s. 34 of the CPATA Act mandates licensees be insured against professional liability;

And whereas it is in the public interest that the requirement for insurance be based on known and reasonably foreseeable risks;

And whereas the provision of patent and trademark services by licensees involves intellectual property rights and interests that may extend beyond Canada, including where certain rights are registered by Canadian licensees outside of Canada;

And whereas it is imperative licensees acquire sufficient insurance to address the known and reasonably foreseeable risks associated with their individual or their firm's practices;

And whereas the obligation of CPATA is to set minimum levels of insurance applicable to licensees, while recognizing minimum levels will not be adequate to address all known and reasonably foreseeable risks associated with the practices of many licensees and their firms;

And whereas it is incumbent on all licensees to assess the level of insurance that should be acquired to appropriately address the known and reasonably foreseeable risks associated with their own practices;

And whereas the College recognizes licensees will need to make a variety of arrangements regarding liability insurance and that such coverage may come into effect at various dates in 2022;

It was resolved that under s. 75(1)(q) and (r) of the CPATA Act, mandatory professional liability insurance requirements will be:

- a. Commencing in 2022, Class 1 and Class 3 licensees, providing patent or trademark services to the public, must be insured under a liability policy provided by a company licensed in Canada, that will indemnify for civil liability arising from the licensee acting as a patent agent or a trademark agent;*
- b. The limit of liability is a minimum of \$1.0 million per claim and a \$2.0 million aggregate;*
- c. The policy must cover claims made outside of Canada; and*
- d. These requirements will be satisfied so long as inception of coverage under a policy meeting the requirements commences in 2022.¹*

Further, the Board directs the CEO to have by-laws drafted and presented to the Board for approval in time for publication in advance of January 1, 2022.

Further, to inform future decision-making, the Board directs the CEO to engage in additional research and to bring recommendations to the Board relating to:

1. Whether policy limits should remain at \$1.0 million per claim and a \$2.0 million aggregate; and
2. The Impacts on the profession of the insurance requirements.

Operations

The Board approved the 2022 budget and amendments to Schedule A of the Board By-laws, and appointed Grant Thornton to audit the College's financial statements for the fiscal years 2020 and 2021.

The full minutes of the meeting will be posted after they are approved by the Board at their December 10, 2021, meeting.

A recording of the meeting is [available here](#).

¹ The renewal date for the IPIC policy is March 1; Law Society insurance policies renew on July 1. The intention is to allow licensees adequate time to find a policy that satisfies these requirements.