

BOARD OF DIRECTORS MEETING AGENDA
OPEN MEETING
Via Zoom (links below)

Date	Friday, December 10, 2022
Time	16:00 ET – Committee of the Whole Meeting: Zoom link 16:30 ET - Public Meeting: you must use individual access link sent from Zoom to your e-mail
Chair	Tom Conway

ITEM	TOPIC	TIME	SPEAKER	Page #	ACTION
1	Introductory Matters/Call to Order/ Approval of Agenda/Conflicts of Interest				
	Introductory Remarks - Chair				
	Conflicts of Interest - Board members to declare if they have any conflicts regarding matters on the agenda				
	2. CONSENT AGENDA Matters are dealt with by unanimous consent and without debate. Directors may seek clarification or ask questions without removing a matter from the consent agenda. Any Director may request a consent agenda item be moved to the regular agenda by notifying the Chair or the CEO prior to the meeting.				
2.1	Minutes of October 30, 2021, meeting			4	Approval
2.2	Amendment to Bd. Policy No. 7 – Nominations and Elections			25	Approval
2.3	CEO Report			33	Information
3.	Establishing the College				
3.1	Discipline Committee Skills Matrix		V. Rees	37	Approve
	Appointment of Discipline Committee		V. Rees		Approve

3.2	Appointment to Registration Committee		J. Slabodkin		Approve
3.3	Board of Directors Skills Matrix		D. Pink	44	Approve
3.4	Board Policy No. 8 – Governance - This is the introduction for the Board of a series of governance policies, some of which were discussed in the early start-up period. Intention is to review and identify what other policies are required.		D. Pink	49	Discussion
4. Building a Model Regulator					
4.1.	Recruitment of Committees and Board of Directors - CEO will brief Board on discussions with ISED about process for recruitment of the Board. Directors will be asked to indicate if they can assist in interviews for Committee selection.		D. Pink	57	Discuss
4.2	2022-2023 Operation Plan - Following the Board Planning Session, the CEO and staff have developed a plan for CPAT over the next 24 months. The Board is asked to consider the plan, the priorities and to determine if it reflects their views of priorities and timing. The CEO will develop a resource allocation plan (within the current budget) based on this once the Board has discussed it.			60	Discuss
4.3	By-law amendments - CEO will brief the Board on the process for amending the by-laws to address liability insurance, staggered election terms, and new fees		D. Pink	75	Discuss
5. FOR INFORMATION					
5.1	October 31 Financial Statements				

5.2	Correspondence from Agent re CIPO	86	
6.	ADJOURN		
6.	In-Camera - with CEO – - without CEO -		
	FUTURE MEETINGS		
	Jan. 20, 2022 – 12:00 ET via Zoom Mar. 03, 2022 – 12:00 ET via Zoom Apr. 14, 2022 – 12 :00 ET via Zoom May 26, 2022 – All Day – Board and AGM – Ottawa July 07, 2022 – 12:00 ET via Zoom Aug. 18, 2022 – 12:00 ET via Zoom Sept. 29, 2022 – 12:00 ET via Zoom October 28/29 – Board Planning and Meeting – Ottawa? December 8, 2022 – 12:00 ET via Zoom		

Public Board of Directors Meeting**Held via Zoom****October 30, 2021, 9:00 a.m. ET****Minutes****BOARD MEMBERS:**

Tom Conway, Chair

Ruth McHugh

Jeff Astle

Karima Bawa

Doug Thompson

Darrel Pink, CEO & Registrar

GUESTS:

Kim Bustin, Mara Consulting (until 10:15 am)

Julie Walsh, Mara Consulting (until 10:15 am)

Patrick Mahoney, Axxima

STAFF:

Sean Walker CPA, CFO

Jennifer Slabodkin, Director Registration & Education, Deputy Registrar/Recording Secretary

Andrés Diaz, Operations Manager

Victoria Rees, Manager Professional Responsibility

Dana Dragomir, Communications Officer

1. Call to Order

The Chair called the meeting to order at 9:03 a.m.

The Chair acknowledged the significant accomplishments and progress the College has made since coming into force on June 28, 2021.

2. Conflicts of Interest

No conflicts were declared.

3. Agenda

The Chair provided an overview of the agenda.

On a motion, it was resolved to approve the agenda. Motion carried.

4. Consent Agenda

On motion made by Doug Thompson, seconded by Karima Bawa, it was resolved to approve the Consent Agenda, which included the minutes of the October 5, 2021, Board of Directors meeting. Motion carried.

5. Board Policy No. 6 Privacy

Kim Bustin and Julie Walsh provided privacy training to support the Board in carrying out its oversight role, and that included:

- Awareness and understanding of access and privacy legal obligations, principles and practices
- Understanding their role in overseeing privacy compliance and risk management within the College
- Knowledge of the potential sources of privacy breaches and requirements for responding to privacy breaches.

ACTION – Staff will post Board Policy No. 6 Privacy and the privacy training slide deck on the Board SharePoint site for reference.

On a motion made by Ruth McHugh, seconded by Doug Thompson, it was resolved to approve the revised version of Board Policy No. 6 Privacy attached as Appendix 1. Motion carried.

6. Committee Appointments

The Manager of Professional Responsibility presented the fifth candidate to the Board for appointment to the Investigations Committee, Mr. Pierre Cantin (Patent Agent).

On a motion made by Karima Bawa, seconded by Jeff Astle, it was resolved to appoint Pierre Cantin to the Investigations Committee. Motion carried.

7. Board and Committee Recruitment

The Board and the CEO discussed their approach to Board and Committee member recruitment, which included engaging with Boyden and collaborating with the Minister. The CEO/Registrar noted:

- The associated expenses for engaging Boyden were included in the 2022 budget;
- A Board skills matrix was under development and would be shared with the Board as soon as it was available; and
- Boyden would initially be engaged for recruitment of Committee members to the Risk and Audit Committee, and Governance and Nominating Committee. Boyden would be engaged with Board member recruitment after receiving approval from the Minister's office to participate in the recruitment process.

ACTION – The CEO will schedule a teleconference with the Board to discuss the skills matrix.

ACTION – The CEO will engage the Minister's office to determine if the College can provide input on the recruitment process, including recommending candidates for appointment.

The Board and the CEO discussed the risk of not having quorum at the Board level and the importance of being part of the Minister's recruitment process. It was noted that the College's government relations strategy should include collaboration on Board recruitment.

The Registrar confirmed that the current appointed Board members would retain their appointments until new appointments occurred.

8. Appointment of the Auditor

Ruth McHugh provided an overview of the process used during the request for auditor proposal process, highlighted its robustness and use of best practices from industry, and supported the College's recommendation. It was noted that the auditor audits the financial statements produced by management.

On a motion made by Ruth McHugh, seconded by Doug Thompson, it was resolved to appoint Grant Thornton LLP as the College's auditor for the fiscal years 2020 and 2021 . Motion carried.

9. Board Policy No. 7 Nominations and Elections

The CEO presented the revised draft policy to the Board. The Board discussed the cooling off period and whether or not to schedule staggered terms.

ACTION – The CEO will revise Board. Policy No. 7 Nominations and Elections to clarify that there is a minimum two year cooling off period and will circulate the revised draft to the Board.

On a motion made by Doug Thompson, seconded by Ruth McHugh it was resolved to approve

the revised Board Policy No. 7 Nominations and Elections, as amended. Motion carried.

10. 2022 Budget, Reserve Policy and Amendments to By-law Schedule A

The Chief Financial Officer presented the budget memo to the Board and advised that an analysis of the costs to meet all legislated obligations was being conducted and would be published in the Annual Report.

The CEO noted discussions with ISED relating to the guarantee of the line of credit, which has been paid down. It was also noted that in an eventual policy, the Board will be responsible for determining if the reserve funds are allocated or general.

The Board reviewed proposed amendments to By-law Schedule A.

On a motion made by Doug Thompson, seconded by Ruth McHugh, it was resolved to:

- 1. Approve the 2022 Operating Budget as presented in the Board package;**
- 2. Mandate the Risk & Audit Committee, when appointed, to bring recommendations to the Board on a Reserve Policy; and**
- 3. Amend Schedule A to the Board By-laws in accordance with the revised schedule included in the budget.**

Motion carried.

11. Patent Agent and Trademark Agent Mandatory Professional Liability Insurance

The CEO presented the revised resolution to the Board.

On a motion made by Doug Thompson, seconded by Karima Bawa:

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 is 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.**

Motion carried.

ACTION – The CEO will confirm that the by-laws come into affect when they are passed by the Board but cannot be enforced until they are published in the Canada Gazette.

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.

12. Review of the Unaudited Financial Statements

This item was briefly considered by the Board, and it was noted that nothing specific needed to be discussed.

13. Other Business

There was no other business.

14. Adjournment

On a motion duly and carried unanimously, it was resolved to adjourn the meeting at 12:00 p.m. ET.

Appendix 1

PRIVACY POLICIES

NAME OF POLICY	Board Policy No. 6 - Privacy		
APPLICABLE SECTIONS OF THE ACT, BY-LAWS AND REGULATIONS	Privacy Act		
	Privacy Act Regulations		
	CPATA Act, Regulations and by-laws		
APPROVED BY	EFFECTIVE	REVIEWED	REVISED
Board	October 30, 2021	Date	Date

In this policy:

- “administrative purpose” means the use of information about an individual in a decision-making process that directly affects that individual. This includes all uses of personal information for confirming identity (authentication and verification purposes) and for determining eligibility of individuals for government programs.
- “agent” means an individual registered with the College as a Patent Agent or Trademark Agent
- “Board” means the Board of Directors of the College of Patent Agents and Trademark Agents (“the College”). The Board consists of nine directors, five appointed under s. 13 of the CPATA Act and four elected.
- “CIPO” means the Canadian Intellectual Property Office.

- e. “the College” means the College of Patent Agents and Trademark Agents.
- f. “CPATA Act” means the *College of Patent Agents and Trademark Agents Act*.
- g. “non-administrative purpose” means the use of personal information for a purpose that is not related to any decision-making process that directly affects the individual. This includes the use of personal information for research, statistical, audit and evaluation purposes.
- h. “OPC” means the Office of the Privacy Commissioner of Canada.
- i. “patent agent” means an individual who holds either a patent agent licence or a patent agent in training licence.
- j. “personal information” means information about an identifiable individual that is recorded in any form. As defined in section 3 of the *Privacy Act*: “*information about an identifiable individual that is recorded in any form including, without restricting the generality of the foregoing,*
 - *information relating to the race, national or ethnic origin, colour, religion, age or marital status of the individual;*
 - *information relating to the education or the medical, criminal or employment history of the individual or information relating to financial transactions in which the individual has been involved;*
 - *any identifying number, symbol or other particular assigned to the individual;*
 - *the address, fingerprints or blood type of the individual;*
 - *the personal opinions or views of the individual except where they are about another individual or about a proposal for a grant, an award or a prize to be made to another individual by a government institution or a part of a government institution specified in the regulations;*
 - *correspondence sent to a government institution by the individual that is implicitly or explicitly of a private or confidential nature, and replies to such correspondence that would reveal the contents of the original correspondence;*
 - *the views or opinions of another individual about the individual;*
 - *the views or opinions of another individual about a proposal for a grant, an award or a prize to be made to the individual by an institution or a part of an institution referred to in paragraph (e), but excluding the name of the other individual where it appears with the views or opinions of the other individual; and*

- *the name of the individual where it appears with other personal information relating to the individual or where the disclosure of the name itself would reveal information about the individual."*
- k. "personal information bank" means a description of personal information that is organized and retrievable by a person's name or by an identifying number, symbol or other particular assigned to that person. The personal information described in the personal information bank has been used, is being used, or is available for an administrative purpose and is under the control of a government institution. Institution-specific personal information banks are specific to the College; standard personal information banks are those containing personal information for a common internal service (e.g., accounts payable, receivable, access to information requests).
- l. "PIA" means Privacy Impact Assessment, which is a due diligence exercise that: (i) identifies and addresses potential risks to the privacy of individuals' personal information that may arise during the implementation of a system, project, program or activity of the College or a change thereto; and helps to support the College's compliance with this policy, the *Privacy Act* and the *CPATA Act*.
- m. "privacy breach" means the unauthorized collection, use or disclosure of personal information. Such activity is "unauthorized" if it occurs in contravention of the *Privacy Act*. A breach may be the result of inadvertent errors or of malicious actions by employees, agents, contractors, third parties, partners in information-sharing agreements, or intruders.
- n. "Privacy notice" means a notification, electronic or otherwise, to individuals about: the purpose for which personal information is collected (i.e., principally how the information is intended to be used); the authority for such collection; and the contact information for an individual within the College who can answer questions about the collection. A privacy notice should provide a reference to the College's Privacy Statement where more information about the College's information practices may be found.
- o. "Privacy Officer" means the individual designated by the Chief Executive Officer (CEO) or head of the College under section 73(1) of the *Privacy Act*.
- p. "Privacy Statement" means a publicly available statement that explains the personal information the College collects, uses, discloses, stores, and protects in compliance with applicable legislation, and how individuals may exercise their privacy rights with respect to their personal information held by the College.
- q. "service provider" means an organization, business or individual that provides services to the College (e.g., IT, consulting, advisory services) and is not an employee of the College.

- r. "TBS" means the Treasury Board of Canada Secretariat. TBS provides advice and makes recommendations to the Treasury Board committee of ministers on how the government spends money on programs and services, how it is regulated and how it is managed.
- s. "trademark agent" means an individual who holds either a trademark agent licence or a trademark agent in training licence.

1. POLICY OBJECTIVES

- The College complies with the *Privacy Act* and applicable TBS policies and directives governing personal information in its custody or control; and
- All individuals working with, for or on behalf of the College are accountable for respecting the privacy rights of individuals, in accordance with the Federal *Privacy Act* and TBS policies whenever they are collecting, using, disclosing, storing or disposing of personal information in carrying out their duties.

2. SCOPE

This policy applies to these individuals when acting for or on behalf of the College with respect to personal information in the custody or under the control of the College:

- The College Board;
- Individuals employed by the College on a permanent, temporary, part-time, or contract basis;
- Members of the Investigations Committee, Discipline Committee, and Registration Committee; and
- All service providers of the College to the extent that they collect, access, use, process or store personal information on behalf of the College as part of their duties.

3. POLICY STATEMENT

Personal information in the College's custody or under its control is only created, collected, retained, used, disclosed and disposed of in a manner that respects and complies with the *Privacy Act* and its Regulations and aligns with TBS privacy policies and directives. The College upholds the privacy rights of individuals whose personal information is controlled by the College, in accordance with these requirements.

4. PROCEDURES

4.1 Accountability for Personal Information

- The College is accountable for personal information in its custody and under its control. The College has developed, implemented and maintains, a Privacy Management Program to facilitate meeting its privacy obligations, adhering to privacy principles, and managing privacy risks over time.
- The College's accountability extends to personal information that is collected, used (e.g., handled or processed), accessed, disclosed, stored or disposed on its behalf by service providers. The College uses contractual or other means to hold service providers accountable for complying with the College's obligations.
- The CEO of the College has designated a Privacy Officer under section s. 73(1) of the *Privacy Act* with the powers, duties, and functions to make sure the College's complies with privacy legislation, through the College's Privacy Management Program.
- Individuals subject to this policy must:
 - formally acknowledge (in writing) upon hire or contract signing they have reviewed, understand and agree to comply with the College's privacy policies, and annually confirm this agreement;
 - complete the required privacy training within the first month of their employment or contract, and any additional privacy training required thereafter; and
 - adhere to this Privacy Policy and supporting privacy procedures when collecting, using, disclosing, storing, handling and retaining personal information.
- The Privacy Officer will facilitate privacy training for individuals and periodically review and update the privacy training based on significant changes to privacy legislation, best practices, or risks impacting the College.

4.2 Privacy Impact Assessments

- In accordance with the TBS Directive on Privacy Impact Assessments, the College will complete a PIA (using the template in Annex C of the TBS Directive on Privacy Impact Assessments) for a program or activity in the following circumstances:
 - when personal information is used for or is intended to be used as part of a decision-making process that directly affects the individual; and

- upon substantial modifications to existing programs or activities where personal information is used or intended to be used for an administrative purpose.
- The requirement for a PIA will be incorporated as a component of the College's project management, IT planning, and new business process development.
- The College will notify the Privacy Commissioner of any planned initiatives (legislation, regulations, by-laws, policies, or programs) that could relate to the *Privacy Act* or to any of its provisions, or that may impact on the privacy of Canadians. This notification is to take place at a stage to permit the Commissioner to review and discuss the issues involved.
 - The Privacy Officer will work with the Office of the Privacy Commissioner to implement any recommendations or conduct any subsequent consultations throughout the development of the PIA.
- Completed PIAs must:
 - be reviewed to determine compliance with applicable privacy legislation and this policy;
 - be approved by the CEO;
 - be provided to the TBS and the OPC; and
 - be summarized and made available on the College website in accordance with the TBS Directive on Privacy Impact Assessments.

4.3 Consent

- The College obtains written or verbal consent² from an individual under the following circumstances:
 - Before the indirect collection of personal information, unless seeking consent would result in collecting inaccurate information, would defeat the purpose of collection or would prejudice the use of the information collected;
 - for example, the College will generally collect personal information about an Agent from a complainant for the purpose of investigating the Agent without consent, as obtaining consent would prejudice the use of the information.
 - Before using or disclosing personal information for a purpose or purposes that are not consistent with the purposes for which the information was originally obtained or compiled;

² The nature and extent of verbal consent is recorded and a memo noting the consent is filed

- Before disposing of personal information unless such disposition is expressly authorized by legislation, or the two-year minimum retention period established by the *Privacy Act* Regulations has passed; and
- If it intends to disclose a complaint received by the College or any privileged or confidential information obtained in the course of an investigation or proceeding. In this case, written consent will be sought of all persons whose rights or interests may reasonably be affected.

Obtaining an individual's consent to a collection of personal information does not replace or establish authority for the collection of that information under the *Privacy Act*; rather the College will seek to collect only personal information that is directly related to and demonstrably necessary for the College's regulatory activities³ (see section 4.4 for more information on collection).

4.4 Collection of Personal Information

- Personal information may only be collected or created (e.g., issuing a licence number, or placing limitations on a licence is creating personal information) if:
 - the personal information is directly related to a regulatory activity of the College; and
 - the collection of the personal information is necessary for the College to meet its statutory purposes and its regulatory objectives.
- In determining whether the personal information is directly related to a regulatory activity, the College's powers, and duties under the *CPATA Act*, Regulations, by-laws and policies requiring or authorizing the collection of personal information should be consulted. The College's policies provide direction and guidance on the necessity of personal information to accomplish the College's objectives. Before collecting or creating new personal information, the College will:
 - Identify the personal information to be collected;
 - Identify the purpose(s) for collecting each type of personal information;
 - Post a privacy notice (see section 4.5);
 - Identify each element of personal information to be included in a Personal Information Bank (PIB); and
 - Collect only as much personal information needed to accomplish the identified purpose(s).

³ Information required to support the College's regulatory activities must meet the TBS policy requirements of being 'demonstrably necessary'

- The College collects or creates personal information intended to be used for an administrative purpose directly from the individual to whom it relates except:
 - When the individual authorizes the College to collect the personal information from another source;
 - When the personal information is collected for a purpose for which the personal information may be disclosed to the College under subsection 8(2);
 - When collecting the personal information directly from the individual might result in the collection of inaccurate information; or
 - When collecting the personal information directly from the individual might defeat the purpose or prejudice the use for which the personal information is being collected. For example, the College will generally indirectly collect personal information about an Agent from a complainant for the purpose of investigating the Agent rather than directly from the Agent as direct collection would likely defeat the purpose or prejudice the use of the personal information.

4.5 Privacy Notice

- At a location where it is likely to come to a reader's attention, the College provides an up to date a privacy notice before personal information is collected from individuals.
- The notice is adapted for either written or verbal communication, as required.
- The content of the notice includes:
 - The purpose and authority for the collection;
 - Any uses or disclosures that are consistent with the original purpose of collection;
 - Any legal or administrative consequences for refusing to provide the information;
 - The individual's rights of access and correct personal information under the *Privacy Act*;
 - Reference to the applicable PIB, as described in InfoSource; and
 - The right to file a complaint to the Privacy Commissioner of Canada regarding the College's handling of the individual's personal information.

4.6 Use of Personal Information

- Personal information may only be used:

- For the purpose for which the information was obtained or compiled by the College or for a use consistent with that purpose; or
- For a purpose for which the information may be disclosed to the College under subsection 8(2) of the *Privacy Act*. This includes any purpose in accordance with any Act of Parliament or a regulation made thereunder that authorizes its disclosure.
- Individuals subject to this policy must:
 - Only use the minimum amount of personal information required for the immediate, valid purpose identified; and
 - Access personal information only on a need-to-know basis. Individuals are only permitted to access and use personal information when it is necessary to carry out their role within the College.

4.7 Disclosure of Personal Information

- Personal information will not be disclosed unless consent of the individual is obtained, or if the disclosure is otherwise permitted or required under the *Privacy Act* or under the *CPATA Act*.
- For further clarity, and notwithstanding anything else to the contrary contained herein, personal information may be disclosed for the following purposes:
 - Maintaining the Registers of Patent Agents and Trademark Agents;
 - complying with a subpoena, warrant or court order;
 - if there is a risk of harm and the disclosure is in accordance with section 65(2)(e) of the *CPATA Act*;
 - For the purpose of adhering to the *Privacy Act* where, in the opinion of the CEO:
 - the public interest in disclosure clearly outweighs any invasion of privacy that could result from the disclosure, or
 - disclosure would clearly benefit the individual to whom the information relates; and
 - With the written consent of the individual to whom the information relates (such as disclosure to an intersectional regulator (e.g., provincial law society).
- Everyone subject to this policy must:

- Only disclose the minimum amount of personal information required to meet the valid purpose identified; and
- Consult with the Privacy Officer before disclosing any personal information outside of what is required for their role.

4.8 Retention and Disposition of Personal Information

- Personal information is retained for the period needed to fulfill the identified and authorized purposes, or to comply with a legal requirement, in compliance with the College's Records Retention Schedule and the *Library and Archives Canada Act*;
- Personal information used for an administrative purpose is retained for a minimum of two years unless the individual authorizes the disposal; and
- Personal information no longer required to be retained according to the College's Records Retention Schedule, will be securely destroyed, erased or de-identified such that contents are unreadable.

4.9 Accuracy

- The College takes reasonable steps to confirm that the personal information is accurate, complete, and up to date as is necessary for the purposes for which it is to be used, and to minimize the possibility that inaccurate or incomplete information may be used to make a decision that directly affects an individual.
- The College has documented procedures allowing individuals to request a correction of their personal information where the individual believes there has been an error or omission, in accordance with the College's Access to and Correction of Personal Information Procedure.

4.10 Safeguarding Personal Information

- The College is accountable to protect personal information in its custody and under its control against such risks as unauthorized access, collection, use, disclosure, or disposal using reasonable security arrangements. The security arrangements include a combination

of technical, administrative, and physical safeguards. The reasonableness of the security arrangements takes into consideration factors such as the sensitivity, amount, distribution, format and the method of storage of the information to be protected.

- When disclosing personal information, the College will implement reasonable safeguards before the information is shared.
- The College requires access to personal information to be role-based and limited to the minimum amount of information needed for the authorized purpose(s).
- The College monitors access to and use of personal information to provide timely identification of inappropriate or unauthorized access to or handling of personal information through such means as auditing.
- The College requires service providers to adhere to the College's legal obligations related to handling and safeguarding of personal information and service providers are required to comply with this privacy policy.
- College contracts with service providers that access, use or otherwise handle or store person information on the College's behalf include provisions to address:
 - obligations of the service provider acting on behalf of the College under applicable legislation and policies;
 - control over the personal information;
 - limitations on collection, use, disclosure, and retention of personal information;
 - secure disposition of the personal information;
 - administrative, technical and physical safeguards; and
 - providing the College with the right to review, assess, audit, or verify compliance with the service providers contractual obligations (as described above).

4.11 Privacy Breach

- The College has published a Privacy Breach Management Protocol to be followed for all known or suspected privacy breaches to provide for an effective and timely response to privacy breaches, in accordance with legal requirements.
- Individuals subject to this policy must immediately report any actual or suspected breach of privacy to the Privacy Officer.
- If the Privacy Officer becomes aware of a Privacy Breach, the Privacy Officer must notify the CEO.

4.12 Openness

- The College's practices for managing personal information are available to individuals, including members of the public and agents, through the College's Privacy Statements on its website. The Privacy Statements will be reviewed periodically and updated as needed based on changes in how the College collects, uses, discloses, or protects personal information.

4.13 Individual Access

- Individuals may request access to their personal information and may examine or will receive a copy of their personal information maintained by the College, subject to exceptions in the *Privacy Act*, by making a request to the College Privacy Officer in writing.
- The College has published an Access to and Correction of Personal Information Procedure compliance with the *Privacy Act* and TBS policies.
- Requests for access to personal information will be processed in accordance with the College's Procedure.
- Any requests for access to personal information must be immediately referred to the Privacy Officer.

4.14 Privacy Inquiries

- The College has published a Privacy Inquiries Procedure in compliance with the *Privacy Act* and TBS policies.
- All privacy inquiries (including privacy complaints) must be investigated by the College in accordance with its Privacy Inquiries Procedure.
- Upon receipt of a privacy inquiry, anyone subject to this policy must immediately refer the inquiry to the College's Privacy Officer.

4.15 Personal Information Bank (PIB)

- The College has registered one PIB with the TBS (*insert reference #, once registered*) related to Agent personal information.
- The College stores personal information in several standard PIBs including:

- Access to Information Act and Privacy Act Requests PSU 901
 - Employee Personnel Record PSE 901
 - Security Incidents and Privacy Breaches PSU 939
- The College will notify TBS of changes to PIBs and, where these changes are substantial, will provide TBS a privacy impact assessment as required by the Directive on Privacy Impact Assessments.
- The Privacy Commissioner of Canada will be notified if the College plans to use personal information for a new, consistent use not already identified in the relevant PIB.

5. POLICY GUIDELINES

To support the administration of this policy, the College may develop additional written procedures to provide guidance in specific areas, in alignment with the direction of this policy and the Privacy Management Program.

If written procedures or guidelines differ from this policy, this policy prevails.

6. ROLES AND RESPONSIBILITIES

a) Employees

All employees are required to:

- Sign the College Confidentially Agreement, upon hire or upon contract signing and prior to accessing personal information, that they have reviewed, understand and agree to comply with this Privacy Policy and any supporting privacy policies and procedures when collecting, using, accessing, storing, handling, retaining, or disposing of personal information;
- Respect the privacy rights of individuals and protect personal information, as required under this policy; and
- Complete the College's privacy training within the first month of employment with the College, and any additional training as may be required thereafter, as outlined in the College's Privacy Management Program and/or as directed by the CEO.

b) Chief Executive Officer (CEO)

In addition to the duties outlines above, the CEO is accountable to:

- Delegate appropriate authority under the *Privacy Act* to the College's Privacy Officer;
- Review and approve the College Privacy Policy and its Privacy Statement(s) and any significant changes, and recommend approval to the Board;
- Implement and oversee compliance with this policy and the Privacy Management Program within the College and report to the College's Board;
- Recommend approval of the Privacy Policy and Privacy Statements to the Board;
- Make available the College's information practices to the public; and
- Approve agreements and contracts related to service providers' handling of personal information.

c) Board of Directors

The Board is responsible to:

- Approve the College Privacy Policy, and Privacy Statements;
- Know and understand their obligations under this policy;
- Complete privacy training;
- Acknowledge the Board Code of Conduct, including the obligations to maintain confidentiality of all information (including personal information) received or reviewed during their time on the Board; and
- Receive and review periodic reports on the status of the Privacy Management Program and significant privacy risks as part of their role in overseeing organizational governance and risk.

d) Privacy Officer

The Privacy Officer is responsible to, in addition to the responsibilities of an employee:

- Provide advice and guidance to employees with respect to the management of personal information within the College;
- Monitor, assess and report to the CEO and through the CEO to the Board on the College's progress in implementing the Privacy Management Program;

- Maintain and update the Privacy Management Program (including the organization’s policies, procedures, training and other privacy controls) as needed based on:
 - Changes in the College’s legal or regulatory framework;
 - The outcome of PIAs, audits, or other privacy or security risk assessments;
 - Recommendations arising from privacy breach or complaints investigations; and
 - Emerging privacy risks and best practices.
- Identify the need for new or updated PIBs;
- Lead the process to complete or update PIAs as necessary, where required under this policy;
- Identify and assess privacy risks associated with projects, programs and services;
- Lead the College’s response to privacy breaches, complaints and access/correction requests, ensuring compliance with *Privacy Act*;
- Prepare annual reports for TBS and OPC under the *Privacy Act* and TBS policies; and
- Monitor the College’s response to privacy risks to mitigate them in an effective and timely manner.

7. COMPLIANCE AND MONITORING

- The College Privacy Officer with the support from the CEO, monitors compliance with this policy.
- In the College’s Annual Report to the Minister under the CPATA Act, a report on compliance with this policy will be included.
- Non-compliance with this policy may be subject to disciplinary action, including termination of employment or contract.

REFERENCES AND RELATED DOCUMENTS

- *Federal Privacy Act and Regulations*
- *College of Patent Agents and Trademark Agents Act*, Regulations and By-laws
- TBS Directive on Privacy Practices
- TBS Policy on Privacy Protection
- *Patent Act*
- *Trademark Act*

- *Library and Archives of Canada Act*
- Standard on Privacy and Web Analytics

MEMORANDUM

TO	Board of Directors
FROM	Darrel Pink
DATE	November 23, 2021
SUBJECT	Nomination and Elections – Bd. Policy No. 7

MESSAGE

Since adopting this policy on October 30, we have been engaged with the Department of Justice to address by-law amendments required to provide for staggered terms for elected Directors. Our hope is this will apply to appointed Directors as well, but this falls within the domain of the Minister.

To obtain by-law amendments requires that we go through a process with the Department of Justice. The urgency that existed prior to the Act combining into force does not exist.

We are advised that to have by-laws amended and published will not occur until March 2022.

I have therefore amended Board Policy No. 7 to:

- Advance the Nomination dates by 1 month (from Jan 15 – Feb 15) and the election date from the 3rd week of March to the second week of April;
- Provide for the staggered terms – the Patent and Trademark Agents with the most votes will serve 3 year terms while the others will serve 2 year terms;
- Provide a policy direction of a cooling off period of 2 years after serving 6 years on the Board.

**Darrel Pink**

CEO & Registrar

dpink@cpata-cabamc.ca

BOARD POLICY NO. 7 - NOMINATIONS AND ELECTIONS

NAME OF POLICY	Nominations & Elections		
APPLICABLE SECTIONS OF THE ACT, BY-LAWS AND REGULATIONS	Board By-Law – 31 ff		
APPROVED BY	EFFECTIVE	REVIEWED	REVISED
Board	October 30, 2021	Date	Date

Introduction

CPATA is the modern, risk-focused public interest regulator of patent agents and trademark agents in Canada, and our core mandate is to protect and promote the public interest in the delivery of patent and trademark services. CPATA supports and enforces standards of practice and professional responsibility through a variety of activities, including advisory and support services, and a complaints and discipline system if necessary.

The Board of Directors has overall responsibility to see that the College performs the role described in the Act. They do so by instructing the CEO, and then monitoring what the College is doing, and most important, what the College is accomplishing. The Board gives its primary instructions by enacting by-laws and policies; it adopts annual business plans and budgets, and a strategic plan and organizational values. The by-laws sort out who does what, and generally flesh out the business and governance rules. The Board has enacted core policies that set the tone for what we do and how we do it: [Regulatory Objectives, Regulatory Standards and Regulatory Principles](#). They are described in more detail later in this document. The Board's instructions are carried out by the CEO/Registrar and staff, and by 5 committees.¹

There are four (4) elected Directors – two to be filled by licensees who are trademark agents and two to be filled by licensees who are patent agents. Elected Directors will serve staggered terms. Those elected in 2022 will serve either 2 or 3 year terms. The Patent and Trademark Agents receiving the most votes will serve 3 year terms; the other elected Directors will serve 2 year terms.

Elected Directors may be Class 1 or Class 2 Licensees.

¹ See: [How CPATA works - Its Principled Approach to Regulation and Governance](#)

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Service on the College's Board of Directors requires an understanding of and commitment to public interest regulation of the Patent and Trademark professions. The Board's role is focused on public protection and the oversight of strategy and the CEO to enable effective regulation. Though elected Directors may bring the perspective of practitioners, they do not represent the interests of the profession.

Elections

Class 1, Class 2 and Class 3 Licensees, who are not suspended, may vote.

Elections are to be held during the 2nd week of April.

Voting will open at 8:00 am ET on the Monday of that week and will close at 5:00 pm ET on the Thursday of that week.

Elections are held electronically.

Each eligible licensee will receive a ballot, or an electronic message connected to a ballot, that lists only the candidates for whom the licensee may vote.

Trademark agents will vote for those seeking a director position reserved for trademark agents (the trademark election).

Patent agents will vote for those seeking a director position reserved for patent agents (the patent election).

Licensees who are both patent and trademark agents may vote in both elections.

The CEO will announce the results of the election as soon as they are tabulated by advising the candidates of the results, indicating the length of terms and publishing them on the College's website.

The results will indicate the number of eligible voters for each Director position, the name of the candidate, the number of votes for each candidate, and the names of candidates elected.

In the event of a tie vote between candidates, in the presence of the candidates, the CEO must draw a name from a repository that contains the candidates' names. The name drawn will be declared elected.

Nomination procedure

By January 15 the CEO must circulate to all licensees and post on the College's

website a notice regarding the election providing dates and processes for all aspects of the nomination and election process. The notice includes notice of the number of director positions to be filled by the trademark agent and patent agent elections,

Nominations

To be nominated to be an elected Director, a licensee submits a Nomination Form to the CEO

- a) signed by one licensee as a nominator and consented to by the licensee as nominee;
- b) confirming the licensee is not ineligible under Board By-law 32 (a) – (c);
- c) acknowledging that if elected the licensee will be able to comply with the Director's Conflict of Interest policy; and
- d) committing the licensee to attend an online orientation for prospective candidates, facilitated by the Governance and Nominating Committee².

Board By-law 32(c) states a person who has served on the Board for the previous 6 years may not run for a 3rd term. The College has adopted a policy that on completion of 6 years on the Board, a person must wait at least 2 years before seeking re-election to the Board.

Nomination Forms must be sent to ceo@cpata-cabamc.ca by 5:00 pm ET on February 15.

As soon as practicable after the close of the nomination period on February 15, the CEO will publish the names of the licensees who have been nominated ('candidates').

If at the end of the nomination period on February 15, the number of nominations equals the number of elected Director positions to be filled by the trademark or patent elections, and all licensees nominated are eligible for election, the CEO will advise the licensee nominees of that, declare the licensees elected and advise the profession.

If there are not enough nominations to fill the director positions to be filled by the trademark or patent elections, there will be a vacancy on the Board of Directors to be filled in accordance with Board By-law 41.³

Election Commissioner

A dispute about the eligibility of a licensee will be referred by the CEO to the Election Commissioner under Board By-law 33.

² In 2022 prior to the Appointment of the Governance & Nominating Committee, the CEO & Registrar, will host an orientation for nominated candidates on February 16, 2022 at 2:00 pm ET

³ **Vacancies on the Board** 41 If there is a vacancy on the Board for an elected director, the Board may appoint a person with the requisite qualifications to fill the vacancy for the remainder of the term.

Election Period

The College makes reasonable amount of space available on its website to all candidates to allow them to publish information about themselves and their reasons for seeking election.

If the CEO believes a candidate wishes to publish material the CEO considers inappropriate for the election and the Candidate does not withdraw the material, the issue will be referred to the Election Commissioner who will, within 48 hours, decide on whether publication is appropriate. The determination of the Election Commissioner is final and not subject to appeal.

Disputes

A dispute under Board By-laws 36 or 39 may be initiated by providing a written notice, outlining the basis for the dispute, to ceo@cpata-cabamc.ca.

A dispute under By-law 39 must be filed within 5 days of the announcement of the election results.

The CEO will immediately direct the issue to the appropriate decision maker. The Election Commissioner or the Governance and Nominating Committee may ask the candidate initiating the dispute for additional information before undertaking the processes prescribed by the By-law.

An inquiry and ruling on the dispute will be conducted in accordance with to requirements of [Board Policy No. 2 – Regulatory Objectives, Standards and Principles](#).

The Governance and Nominating Committee must advise the candidates who might be affected by the dispute under By-law 39 of the dispute and may allow them to make submissions on the issue to be determined by the Committee. The Committee may cause notice of the dispute to be published on the College's website.

Withdrawal of Nomination

A withdrawal of nomination under Board By-law 38 must be directed to ceo@cpata-cabamc.ca.

On receipt of a notice of withdrawal the CEO advises the other candidates and the profession. If possible, the name of the candidate who has withdrawn will be removed from the electronic ballot.

Appendix A

Nominations and Elections By-Laws

Determining need for elections

31(1) Each year, the Governance and Nominating Committee determines if, based on the terms of elected directors, an election is necessary.

Election required

(2) If an election is required, the Committee determines whether the position is to be filled by a patent agent, a trademark agent or either.

(3) The CEO must publish the dates on the College's website for all aspects of the election process. (4) The CEO is responsible for the administration of the election process.

Election commissioner

(5) The Board may appoint an election commissioner to address any issues arising in the election process.

Ineligibility

32 For the purposes of subparagraphs 14(f)(ii) and 17(h)(iii) of the Act, the ineligibility criteria are the following:

- (a) in the five years immediately preceding the election day, the individual
 - (i) has been found to have committed professional misconduct or been found to be incompetent by the Discipline Committee, or
 - (ii) has been found to have committed professional misconduct or been found to be incompetent by a tribunal of a body that has a statutory duty to regulate a profession;
- (b) the individual is the subject of an application by the Investigations Committee to the Discipline Committee under subsection 49(1) of the Act;

- (c) the individual has served as a director for the six years immediately preceding the election day;
- (d) the individual has not provided a declaration regarding conflicts of interest; and
- (e) the individual has not attended an orientation for prospective candidates, facilitated by the Governance and Nominating Committee.

Dispute

33 (1) The CEO must refer a dispute about the ineligibility of a nominee for a position as a board member to the Election Commissioner who, following receipt of the reasons for the CEO's determination regarding ineligibility and a submission from the prospective nominee, must rule on ineligibility.

No review by Board

(2) The ruling of the Election Commissioner is not subject to review by the Board.

Elections electronically

34 Elections for directors are to be held electronically.

Election policy

35 The Board must establish and publish on the College's website an election policy.

Dispute

36 (1) Any dispute that arises during the election period or regarding the election results are to be ruled on by the Election Commissioner.

Final decision

(2) The ruling of the Election Commissioner is not subject to review by the Board.

Eligibility to vote

37 A licensee whose licence is not suspended is eligible to vote in an election for directors.

Withdrawal of nominations

38 A candidate who withdraws from an election must give notice in writing to the CEO.

Dispute — validity of election

39 (1) If a candidate asserts that there are reasonable grounds to dispute the validity of the election process, the candidate may file a notice of dispute with the Governance and Nominating Committee.

Inquiry

(2) If the Committee finds that the notice gives reasonable grounds to doubt the validity of the election process, they must hold an inquiry into the validity of the election process.

Report and recommendations

(3) Following its inquiry, the Governance and Nominating Committee must make a report and recommendations to the Board.

Board may declare validity

40 (1) After reviewing the report and recommendation of the Governance and Nominating Committee, the Board may

- (a) declare the election result to be valid; or
- (b) declare the election result to be invalid and
 - (i) may disqualify an apparently successful candidate and declare another candidate to have been elected, or
 - (ii) direct that another election be held.

Minor irregularities

(2) The Board is not to declare an election result invalid based on a minor irregularity with respect to the election process.

MEMORANDUM

TO	Board of Directors
FROM	Darrel Pink
DATE	2021-11-29
SUBJECT	CEO Report

MESSAGE

Since the October Board Meeting and planning session we have been occupied.

Operational Plan

The Board will consider the draft plan we have developed from the Board's Planning Session. The Consultants (Don Thompson and Allan Fineblit) and all staff have been involved in fine tuning it. It is presented to the Board for its input. It is ambitious, though it is believed to be achievable. There are several developments slated for Q1 and 2 of 2022 that may slip, if other operational priorities arise, but if it is business as we expect it, then the goals can be accomplished.

We budgeted for policy/research assistance, and this will be required to undertake the consultations required before policy decision-making. I will look for someone for this position, after the Board's review.

Exams

The Trademark Exams were held in November and the Patent Exams will be held during the first week in December. Both were preceded by a Candidate Orientation Session, something we added to allow writers to better understand the exam. Based on the experience with the TM exam, we added an opportunity for writers to sign-in with a proctor before the exam to check their technology and have their set-up confirmed, which should reduce exam anxiety significantly.

Thentia

We reported concerns to the Board about our use of Thentia's software. Since October both the College and Thentia have devoted significant resources to re-calibrating the relationship and preparing for the 2022 renewal and the processes associated with it. These joint efforts have brought about a significant

improvement in the relationship, and we are much more confident about what lies ahead than we were in October.

Annual Renewal

The by-laws require fees to be paid by March 31. We have limited the renewal period to 6 weeks and will not process renewals until mid-February. That will allow adequate time for the upgrades we are doing to the Agent Portal and the other parts of the Thentia system to be implemented and tested.

Notice of these dates have been sent to the profession in our latest email communication and will be displayed on our website.

Annual Licensee Report

New requirements in 2022 will include, besides fee payments, an easy means for firms to pay fees for all licensees associated with them. WE are also introducing of the Annual Licensee Report (ALR).

The ALR will be how licensees confirm their Canadian residence and provide us with information about liability insurance. There will also be required questions that confirm information we require, such as their understanding of their obligations under the by-laws to report certain matters to the College. WE are also added optional questions that will enable us to gain a better understanding of the profession and what licensees do. We have been very mindful of privacy considerations in developing these questions, the results of which will be kept confidential vis-à-vis individuals and will be used only for statistical and analytical purposes.

Having the profession complete the ALR is a matter we will address through persuasion.

Bi-lingual Website

We have made considerable progress in having the College's web presence comply with the Official Languages Act. We have set a deadline of mid-December for that, and it appears we will meet it. We will then address the Agent Portal, so it is also available in both languages by the time of renewal.

Official Languages Complaint

Our written reply was filed well before the deadline. We advised of our ongoing work to meet our obligations under the Act and will work with the Commissioner's Office to obtain the training we require to do this.

One item we are investigating is whether the College's governance must be conducted in French and English. If so this will entail translation of Board materials and simultaneous translation of Board meetings.

Committee and Board Recruitment

I retained Boyden to help recruit the Governance & Nominating and the Risk & Audit committees. The work has begun with hopes will have names for appointment by the end of February or early March. This will make it difficult for the R&A Committee to participate in the 2021 Audit. When we have firmer dates, we can decide how to ensure the Board fulfills its fiduciary obligations relating to our audited financial statements and preparation of our first Annual Report.

Though I have discussed Board recruitment with the Department, there is nothing to report at this stage.

By-law Amendments

I have retained Elise Schissler, a former lawyer with several government departments, to assist us with the by-law amendment process. We have submitted a request for 3 amendments to enable liability insurance requirements, to allow for staggered terms for the elections and to add fees relating to foreign practitioners. The time frames for this process will not see the by-laws completed and published until March and this timing is subject to other government priorities that draw resources from the Department of Justice. To assist as much as we can, our drafting instructions have been presented in language that might be contained in the final by-law and all have been done on both languages. A copy of the instructions is included in the package.

Time will tell what the final timelines will be.

The Board Meeting

You will note I have amended the election timing is suggested revisions to the Board Policy on Nominations & Elections (on the Consent agenda). The delay in publishing the by-laws meant we should delay the elections slightly, while keeping the SGM in May. The changes reflect the introduction of staggered terms and the 'cooling-off' period after a director's term.

I prepared and Boyden has reviewed a draft skills matrix for the Board. I have shared the draft with ISED. The Board is asked to review and approve (amendments/improvements welcome).

I have pulled together, for your consideration, a set of Governance Policies, that addresses how you work. We have looked previously at a policy on 'minutes'. I created policies on two types of private meetings – 'Committee of the Whole' and 'In-camera Meetings', which I have differentiated. I have tried to strike the balance that provides decisions are made in public, after debate, but that there is also an opportunity for the Board to have confidential discussions when it is appropriate to do so. The material I reviewed draws a sharp distinction between 'confidentiality' – something necessary for effective Board functioning – and 'secrecy' which suggests a

Board is avoiding its obligations or blaming someone for something. Secrecy should never be allowed in a public Board. I look forward to the Board's input before we finalize these policies.

The other items on the agenda are noted elsewhere in this Report.

I will brief the Board during its in-camera meeting on developments.



Darrel Pink

CEO & Registrar
dpink@cpata-cabamc.ca

CPATA Discipline Committee

Skills Matrix

2021-06-21 draft v.6

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. 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.

For the Discipline Committee, this regulatory approach includes fair, efficient and effective adjudication of applications; adopting a restorative approach that strives to address harm, help agents be accountable for their actions, and, where appropriate in the public interest, foster learning from mistakes rather than merely punishing; and making decisions that are clear, concise, well-supported and balance all relevant interests.

Objects of Complaints 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 Complaints Process

The Registrar has primary responsibility for regulatory transactions with licensees, trainees and the public, including receiving inquiries about the conduct of licensees. Individuals may either file a complaint directly, or may first complete an Agent Conduct Inquiry Form to help assess whether their questions or concerns can be resolved or addressed at an early stage by the Registrar. If not, the result of the inquiry may be the filing of a complaint for referral to the Investigations Committee for direction, investigation or decision.

The Investigations Committee provides direction respecting investigations. If the Committee decides there is evidence of professional misconduct or incompetence, it must refer the matter to the Discipline Committee. Otherwise, the Committee may dispose of the complaint in accordance with the Act and Registrar's Policy on Complaint Investigations.

Role of Discipline Committee

The Discipline Committee is an essential component of the Complaints Process, which includes the Registrar, the Investigations Committee and the Discipline Committee.

The Discipline Committee is appointed under s. 21(1) of the Act and supports the College and Board's mandate to protect the public interest, by carrying out responsibilities assigned under ss. 51-63 of the Act, the Regulations, and the applicable Registrar's Policies.

Responsibilities

The Discipline Committee's specific responsibilities include:

- Hearing applications referred by the Investigations Committee in accordance with principles of fairness and natural justice, as well as the Regulatory Objectives, Standards and Principles
- Recommending revisions to by-laws, policies and procedures as needed to support an adjudications process that is efficient, effective, fair, transparent, consistent and accountable

Committee Composition

The Discipline 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 to effectively lead the Committee and carry out work delegated by the Discipline Committee to the Chair.

Specific Knowledge, Skills, Attributes and Experience

This Skills Matrix below is used to:

- i. Identify the specific knowledge, skills, attributes and experience¹ required of the Discipline Committee members and as a whole;

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

'Skills' include an ability to use the technology employed by the College, to communicate effectively both orally and in writing, and to discern and analyze ethical and evidentiary issues;

'Experience' includes professional discipline, committee or Board work, and engaging in effective debate and decision-making in an in-person and on-line environment;

'Attributes' include having a strong ethical foundation, being organized and meeting deadlines, collaborative decision-making, active listening skills, and behaving in a fair, respectful, culturally competent and courteous manner at all times.

- ii. Facilitate appointments to the Committee that will fill any 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 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 volunteers.

Knowledge	Skills	Experience in	Attributes
CPATA Act	Effective oral communications	Professional regulation & adjudication	Active listener strong communicator
Patent Act, Rules and practice	Effective, persuasive written communications	Federal Court and administrative tribunal procedures	Fair, impartial and open-minded
Trademark Act, Regulations and practice	Collaborative and effective decision making and writing in accordance with the Committee's Guidelines	Law relating to privacy & privilege	Courteous, respectful and patient
CPATA Regulations	Adjudicative hearings management	Administrative Law ²	Apply confidentiality and discretion
CPATA By-laws	Attention to detail	Patent Agent services	Cultural competence ³
CPATA Code of Professional Conduct	Organization & time management	Trademark Agent services	Ethical
Registrar's Policies for Hearing Committee	Statutory interpretation	Community service & volunteer leadership	Strong work ethic
Administrative & common law	Evaluation of factual evidence & credibility	Law of evidence	Professionalism & civility

² '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; to have unbiased decision-makers; those who hear the application decide the case; and adequate reasons for decisions. (Federation of Law Societies of Canada National Adjudicator Training Curriculum)

³ 'Cultural competence' refers to an ability to understand, communicate with and effectively interact with people across different cultures; to acknowledge the harmful effects of discriminatory thinking and behavior on human interaction; and to 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)

principles relevant to adjudication			
Charter & Human Rights and values	Conflict management	Conduct of adjudicative hearings	Competent to use the technology facilitating the Committee's work
Restorative justice & ADR principles ⁴	Applying sanctioning principles	Fitness to practice, ⁵ capacity and health impacts on professional practice	Respected by peers
Principles of equity, diversity and access to justice ⁶			

⁴ 'Restorative justice and ADR (alternate dispute resolution) principles focus on: early and informal resolution; effective conflict management; understanding context; identifying and addressing actual harms; encouraging accountability; being proactive, principled and proportionate rather than pursuing punishment; avoiding 'naming, shaming and blaming' and instead seeking collaborative solutions where possible and in the public interest

⁵ '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

⁶ 'Equity, diversity, inclusion and access to justice principles' are closely tied to cultural competence, and includes 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

DISCIPLINE COMMITTEE TERMS OF REFERENCE

ROLE

CPATA regulates the profession in accordance with Act, Regulations, by-laws, Registrar's 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.

For the Discipline Committee, this regulatory approach includes fair, efficient and effective adjudication of applications; adopting a restorative approach that strives to address harm, help agents be accountable for their actions, and, where appropriate in the public interest, foster learning from mistakes rather than merely punishing; and making decisions that are clear, concise, well-supported and balance all relevant interests.

Objects of Complaints 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.

Discipline Committee

The Discipline Committee is an essential component of the Complaints Process, which includes the Registrar, the Investigations Committee and the Discipline Committee.

The Discipline Committee supports the mandate of the College to regulate the profession in the public interest by carrying out its assigned responsibilities and advancing the College's Regulatory Objectives, Standards and Principles.

¹ Under ss. 51 – 63, the Regulations, and Registrar's Policies.

RESPONSIBILITIES

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

- Hears applications referred by the Investigations Committee;
- Conducts hearings in accordance with principles of fairness and natural justice; and
- Enhances an efficient, effective, fair, transparent and accountable adjudication process by considering, on its own or on request of the Registrar or the Board, revisions to by-laws and policies.

Confidentiality

- Committee members must maintain confidentiality of all information they acquire while discharging their duties, unless disclosure is authorized (s. 65).

MEMBERSHIP AND VOTING

The Discipline Committee will be comprised of at least five individuals, the majority being individuals who are not licensees and are otherwise qualified to serve under s. 21(1) and Regulation 2. The Committee as a whole will possess the knowledge, skills, experience and attributes set out in the Discipline Committee Skills Matrix.

Applications may be heard by the Chair alone under the Policy on Delegation to the Chair, or by panels of three or five Committee members, in the discretion of the Chair.

The Board, by a vote of two-thirds of those present, may at pleasure remove a member of the Committee, 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 Board².

CHAIR

The Chair will be appointed by the Board, and will possess the knowledge, skills, experience and attributes set out in the Discipline Committee Chair Skills Matrix.

FREQUENCY OF MEETINGS AND MANNER OF CALL

The Discipline Committee will meet as a whole at least annually, and will meet as needed for purposes of hearing applications. Meetings of the Committee, and the hearing of

² See Registrar's Policy on Committees

applications by the Chair or a panel of the Committee may be in person, or with the consent of the parties, by audio-visual means.

QUORUM

For purposes of hearing applications, quorum of the Discipline Committee will be:

- The Chair, for matters delegated to the Chair alone under the Policy; or
- A majority of panelists hearing an application.

For purposes of matters arising at meetings of the whole Committee, quorum is most of the Committee members.

RESOURCES

The Discipline Committee will have administrative support provided by the office of the Manager, Professional Conduct.

If the Discipline Committee requires legal advice, the CEO will retain independent counsel for the Committee.

REPORTING

Decisions

All decisions of the Discipline Committee and Chair will be prepared in writing and made public by the CEO in accordance with the Act, Regulations, by-laws, the Policy on Decisions, and the Registrar's Policy on Filing and Publication of Decisions.

APPROVED

2021-07-29

TO BE REVIEWED

4th Quarter 2022



College of Patent Agents and Trademark Agents

Board of Directors

Skills Matrix v. 5

2021-11 -15

Introduction

CPATA regulates the patent and trademark profession in accordance with the Act, Regulations, By-laws, Registrar's Policies, and the Regulatory Objectives, Standards and Principles. It is an independent and risk-focused public interest regulator.

CPATA is a risk focused regulator. It identifies regulatory and enterprise risks and proactively takes steps to mitigate them. Given that it is a new regulator, it is committed to gathering information that will allow it to understand the environment that influences the practices of licensees.

CPATA is committed to selecting Board and committee members based on a set of identified skills and attributes, to ensure the Board and committees have the knowledge and attributes to carry out the work effectively, are diverse in all respects, and who strive to attain the vision of CPATA for a modern regulator as outlined in Board Policy No 2, CPATA's Regulatory Objectives, Standards and Principles.

CPATA committees assist the Board to meet its governance and fiduciary obligations. Unless a specific authority is granted, a committee has no independent authority.

The Directors and Committee members subject to [Code of Conduct](#).

Specific Knowledge, Skills, Attributes and Experience

The Skills Matrix below is used to:

- i. identify the specific knowledge, skills, attributes, perspectives and experience required on the Board;
- 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.

As a whole, the Board's members must possess/demonstrate the following:

- Local, national, and international backgrounds and experiences that reflect the diverse education and knowledge of registrants and the public served by the College.
- Regional diversity, to reflect the reality that IP practice, and the public's knowledge and expectations of IP practice varies throughout the country.
- Viewpoints from diverse experiences (lived and work), various backgrounds and specialties to inform dialogue and decision-making and contribute to decisions that meet intended objectives, are practical and, ultimately, protect the public.
- Diverse leadership experience in the public, private, and not-for-profit sectors, to promote knowledge and the sharing of best practices.

Demographic Factors				
Gender/LGBTQI	Age	BIPOC	Canadian Region	First Language/Bilingual

The College is committed to the foundational principles of equity, diversity, and inclusion, and reconciliation with Canada's Indigenous Peoples which are reflected in the composition of committees and the level of cultural competence expected of committee members.

Knowledge	Skills	Experience	Attributes
<p><i>Knowledge goal:</i></p> <p>A Board that understands how CPATA operates in substance and principle, risk principles, the prosecution of patent and trademark applications, the use of patents and trademarks as business tools, litigation involving patents and trademarks, and the need for a clear and reliable IP legal framework</p>	<p><i>Skills goal:</i></p> <p>A Board that communicates effectively both orally and in writing, and through various channels and technologies, to discern and analyze a range of issues be they ethical, governance, strategic, regulatory, etc.</p>	<p><i>Experience goal:</i></p> <p>A Board that has relevant professional, committee, Board, and work or lived experience, to engage in effective debate and decision-making in an in-person and on-line environment.</p>	<p><i>Attributes goal:</i></p> <p>A Board that has a strong ethical foundation, is organized, and meets deadlines, is highly collaborative in its decision-making, demonstrates active listening skills, and behaves in a fair, respectful, culturally competent, and courteous manner.</p>
Knowledge of CPATA Act, Regulations and By-laws	Organizational and time management skills to prepare for, and participate at, Board and committee meetings.	Service on the Board of a regulator, community or NFP Board preferably with experience as committee chair or as CEO reporting to a Board.	Demonstrated integrity and high ethical standards both in personal and professional dealings
Legal knowledge as a senior lawyer with a broad range of clients and experience with complex transactions, preferably a leadership role within	Effective oral communications	Business & innovation at a senior executive level	Adaptable - recognizing plans change

a firm or senior executive in a large corporation with experience in large, complex matters			
Knowledge of the College's Regulatory Objectives, Standards and Principles	Financial literacy	Fiduciary duties, good governance principles, and the stewardship responsibilities	Leadership shown by prior actions, of taking into consideration all stakeholders as part of making sound business decisions, to set "tone at the top" and promote a positive culture
Compensation and Human Resource management	Capable of identifying key trends, assessing risks and opportunities, providing insight and suggestions for strategic decisions, including encouraging innovation and focusing CPATA's strategic vision.	Budgeting, financial reporting, financial oversight, and external audits	Objectivity - Decisions based on evidence/good information, to fulfil the College's mandate
Good governance principles	Collegial and effective decision making. Ability to facilitate superior Board and team performance by demonstrating respect for others, placing a premium value on collective achievement over individual performance	Patent and Trademark Agent services	Act ethically and with integrity and speak the truth
Risk management	Technological skills to facilitate the work of the Board and its Committee	Modern enterprise risk management and regulatory risk systems and programs	Strong work ethic
Accounting/Budgeting/ Investment/Risk management oversight	Attention to detail	Creating safe gathering spaces that welcome and	Professionalism & civility and high-performance

		support all who wish to connect, learn, share, belong, and grow	standards for self and others
Government relations			Takes full responsibility for decisions made
The Federal Government's IP Strategy and Innovation Agenda	Cultural competence ¹	Enterprise and regulatory risk management	Follow through on commitments.
Best practices in corporate management in complex, evolving business environments.			
Equity, diversity, inclusion ²			

¹ '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)

² 'Equity, diversity, inclusion' 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. Commitment to positively addressing issues affecting Canada's First Nations and the College's role in truth and reconciliation are a part of this.



BOARD POLICIES

NAME OF POLICY	Board Policy No. 8 - Governance		
APPLICABLE SECTIONS OF THE ACT, BY-LAWS AND REGULATIONS	Title		
APPROVED BY	EFFECTIVE	REVIEWED	REVISED
Name	Date	Date	Date



MANNER OF GOVERNANCE

1. The Board governs in a manner that emphasizes:
 - a proactive, future focused and outward vision;
 - encouragement of diversity of viewpoints;
 - strategic leadership;
 - the clear distinction of Board, committee, and staff roles; and
 - collective decision making through consensus where possible and votes only when a consensus cannot be achieved;
 - by
 - directing its energies toward CPATA's Regulatory Objectives, Standards and Principles;
 - guiding and inspiring CPATA's thinking and behaviour through the provision of and adherence to clearly stated policies
 - fostering a sense of group responsibility toward excellence and self-discipline in matters including attendance, decision-making principles, and respect for identified roles;
 - ensuring that the work of the Board and the College is communicated to licensees and to outside stakeholders; and
 - regularly assessing its process and performance.
 - Council's proceedings are governed by *Bourinot's Rules of Order*.¹

THE BOARD AGENDA

1. The Board maintains control of its own agenda.

¹ A summary is attached as Appendix A.
 Z:\Board\Meetings\2021-12-10 Meeting\3.4 2021-12-10 Bd. Policy No 8 Governance.docx

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2. It is the responsibility of the Chair, in consultation with the CEO, to develop the agenda for board meetings.
 3. Agenda items must always relate to the Board's role.
 4. The agenda is prepared jointly by the Chair and the CEO. The Board delegates to the Chair authority to fill in the details of meeting content.
 5. A Director who wishes to add an item to the Board's agenda or to be provided with additional information with respect to a Board matter (such as a legal opinion addressed to the Board) should speak with the Chair. If the Director and the Chair are not in agreement, then the Director may, on notice to the Chair, raise the request during the approval of the agenda at the opening of the meeting, and the matter shall be determined by the Board.
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MINUTES

1. Minutes are required for all meetings of the Board, committees² and Annual Meetings. Minutes form part of the permanent records of the College and are kept indefinitely.
2. Minutes, once approved, are signed by the Chair, and are considered to be evidence of the proceedings taken unless the contrary is proved.
3. Minutes are a summary of discussions not verbatim transcripts. They
 - reflect that the board deliberated before making a decision.
 - contain a brief summary of the options considered, or pros and cons raised, usually in point form.
 - identify that a vote was taken or consensus reached but not how the vote was split or how individuals voted (unless a director asks that the vote go on record)
4. Form and Content of Board Minutes
 - Date, time, place.
 - Name of chair and secretary.
 - Names of the directors present.
 - Names of absent directors.
 - Name of invited guests in attendance. Where the public attends, the names of the members of the public present would not usually be listed.
 - If conflicts were declared they should be noted.
 - Summary of the discussions including:

² There is a separate policy for committee minutes

- Rulings by the chair;
 - Motions with the name of the mover and seconder;
 - Matters discussed [not a recitation of comments made or the names of those making a comment, but an overview of the scope of discussions and the relevant questions and issues identified during discussion];
 - Results of the votes taken;
 - Record “no” votes and “abstentions” when requested to do so;
 - Note when directors arrive or leave during the meeting;
 - List of the important documents presented or relied upon during the discussion, copies of which should be in the meeting materials and may be appended to the minutes in their approved form.
5. Minutes are kept of committee of the whole meetings.
 6. Minutes are not kept of *in-camera* meetings.

MEETING OF COMMITTEE OF THE WHOLE

1. The Board may meet as a Committee of the Whole, which meeting is in private.
2. The purpose of a meeting of the Committee of the Whole is to allow the Board to consider matters, in an informal way, that will need to be decided by the Board in an open meeting. For example, in a Committee of the Whole the Board will conduct workshop to address strategic planning or it will consider CEO, Registrar or Chair recommendations for committee appointments, together with information about the candidates for consideration. The Committee will recommend to the Board the appointments, which will be made in open sessions.
3. Committee of the whole meetings are not a means to avoid meeting and deciding in public, but rather serve as a vehicle for the Board to address matters in a forum with less formality, in expectation that debate, and final decisions will be made in an open meeting.

IN CAMERA MEETINGS

1. The Board holds an *in camera* session at the conclusion of each Board meeting with the CEO, to allow for an oral evaluation of the meeting and without the CEO to allow the Board, among themselves to raise any matter with the Chair or each other they consider appropriate.

2. In general, no business is transacted at *in camera* sessions.
3. If any business is to be conducted or motions carried at an *in camera session*, the Chair will ensure there is a record the decision(s) for the minutes, and the item should be included in a confidential addendum to the minutes and brought to the next meeting of the Board for approval.
4. The Board may move *in camera* or hold board meetings that are not open to the public where it determines it is in the best interest of the College to do so. The Chair may order that the meeting move *in camera*. Any director may request a matter be dealt with *in camera* in which case a vote will be taken and if most of the board so decide, the matter will be dealt with *in camera*.
5. In camera sessions are designed “to address specific sensitive matters that are better initially discussed without notes being taken, or without the harsh light of observers glaring.”³
6. In determining when to consider a matter in camera, the Board is guided by the following policy: The benefits that come from open discussion (transparency, accountability and enhanced public confidence in the board) are outweighed by the harm of public disclosure of the matter at hand.
7. The following matters will be dealt with *in camera*:
 - Matters relating to an individual Directors or a prospective Directors;
 - CEO employment matters;
 - Any other matters where personal information about an individual will or may be revealed;
 - Litigation or potential litigation including administrative tribunal matters;
 - Receipt of advice that is subject to solicitor-client privilege including communications necessary for that purpose;
 - The security of property of the corporation;
 - Contract matters including review of contracts that exceed the CEO’s authority, negotiations or disputes;
 - The acquisition, disposition, lease, or expropriation of, or improvements to real or personal property, if the Board considers that disclosure might reasonably be expected to harm the interest of the College;
 - Board and committee self-evaluation;
 - Other matters that, in the opinion of most Directors, the disclosure of which might be prejudicial to an individual or to the best interests of the College; and
 - Consideration of whether an item is to be discussed *in camera*.

³ “In Camera Sessions,” Brown Governance Newsletter, October 2009.

8. The CEO will remain during an *in-camera* session, unless the matter involves the CEO's contract of employment, the CEO's evaluation, or other matters personal to the CEO.
9. Guests or counsel may remain during an *in-camera* session with the permission of the Chair or the consent of the meeting.

CEO PLANNING CALENDAR

The CEO must prepare for Board approval, a 12-month planning calendar that includes but is not limited to scheduled times for:

- orientation for new Directors;
- development of an annual activity plan and a budget to support the approved activity plan and CPATA's Regulatory Objectives;
- education related to the CPATA's purpose and Regulatory Objectives;
- review of and reporting on the Board policies and committee terms of reference by the Board and/or Governance & Nominating Committee;
- receipt of operational monitoring reports;
- receipt of work plans and reports from committees that accord with their terms of reference and approved strategic priorities, as appropriate;
- Board evaluation; and
- Such other matters as are required by the Board.

MEMORANDUM

TO	Board of Directors
FROM	Darrel Pink
DATE	Thursday, November 18, 2021
SUBJECT	Committee Recruitment process

MESSAGE

Following the October 30 Board meeting, I have retained Boyden to assist in the search for the Risk & Audit and the Governance & Nominating Committees.

The approximate schedule is noted below.

At this point the Directors should consider their individual interest in committee appointments on an interim basis – from March –May (Annual Meeting). The goal will be to get the committees launched and their work started. The process will then get regularized with appointments being made for all committees following the AGM.

Addendum: Project Plan

Activity	Who	DATE
1. Pre-Launch: <ul style="list-style-type: none">• Approve the timeline and project plan• Draft the Digital Brief to be provided to candidates, ad copy, and the Candidate Self-Assessment Questionnaire.• Translate and finalize documents.	Boyden & Search Committee	November/ December
2. Launch Public Call for Committee members: <ul style="list-style-type: none">• Place bilingual ad on the websites of CPATA, CNAR, and Boyden Canada.	Boyden	November/

Activity	Who	DATE
<ul style="list-style-type: none"> Gather information and recommendations (from ICD, the Search Committee, the Board of Directors, stakeholders, etc.) Research and generate list of prospective candidates as per the desired qualifications. Approach prospective candidates and referrals to garner interest. Interview high potential candidates. 		December
3. Candidate Report Presentation: <ul style="list-style-type: none"> Submit Report of high potential candidates to the Committee, review list with the Committee, and select a Short List of candidates to interview – usually two-three per seat. 	Boyden, Search Committee	January (date tbc)
4. Conduct Short List Interviews: <ul style="list-style-type: none"> Interview Short List candidates. Format to be determined in advance if virtual or in person. 	Boyden, Search Committee	February (date tbc)
5. Conduct Reference Checks: <ul style="list-style-type: none"> Contact the references of all candidates to be recommended. 	Boyden	February
6. Finalize Committee Selection <ul style="list-style-type: none"> Complete selection process with the Committee and approved nominees. 	Search Committee, Boyden	February-March
7. Appoint/Announce New Committee members	Board of Directors	March
8. Inform Unsuccessful Candidates	Boyden	February-March



Darrel Pink

CEO & Registrar

dpink@cpata-cabamc.ca

MEMORANDUM

TO	Jennifer Miler and Erin Campbell
FROM	Darrel Pink
COPY	Tom Conway, Chair
DATE	November 5, 2021
SUBJECT	Recruiting and Appointing the CPATA Board

MESSAGE

When we spoke a few weeks ago, I mentioned the Board was meeting on October 30. At that meeting they signed off on a Nominations and Elections process, that will allow us to start the ball rolling on advising the profession about elections and the need to elect four Board Members – 2 Patent Agents and 2 Trademark Agents.

Our plan is to hold elections in the spring of 2021 with a turnover of the Board occurring at the time of the Annual Meeting – currently planned for late May.

Our hope is that we can work with the Department and the Minister's Office to have the appointed Board members take office at the same time. That will allow for one orientation of all Directors and a smooth transition from the start-up Board.

There are several matters we would like to discuss with you in hopes of developing a process for Board recruitment, selection and appointment that will ensure the long term role of the College as an independent regulator.

Recruitment

The College has retained Boyden's Ottawa office (Mike Naufal) to assist us in the recruitment and selection of public members of our Governance & Nominating Committee and our Risk & Audit

Committee. For each we have developed a detailed skills and attributes matrix to guide the selection process. The matrices are consistent with ones we developed for the Investigation, Discipline and Registration Committees, so we are becoming quite comfortable with them and the role they play in guiding the selection of a committee.

CPATA would like to be fully involved with the Department in developing a list of candidates for the Board. My experience, as well as that of several Directors, support the principle an independent regulator must be fully engaged in the process of Board succession and that responsibility cannot be left solely to government, who has the appointment authority. The reasons are many – the College best knows what its requirements are; Board succession is a vital governance responsibility; government priorities change whereas the College will always be singly focused on its public interest role and the need for Directors to oversee that work. While the Minister has a vital responsibility in appointing and ensuring the public interest is promoted, ISED will never have the intimate understanding of the ongoing work and plans of the College that its directors have.

We propose to engage Boyden to assist with the process. We envision the College and ISED would jointly instruct Boyden, review potential candidates, interview them and make recommendations to the Minister. The number of names to be put forward requires discussion, but we foresee that there would be a pool of qualified candidates from which the Minister would choose. I understand this might be like how the Board of the Patent Collective was recently chosen.

To facilitate the process, I have developed a draft Skills and Attributes Matrix for the Board. The Directors have not signed off on it yet, but that will occur over the next while and we would share it with you for your input before it is finalized. The expectation is it would guide the selection of qualified candidates.

Continuation of Start-up Board

All members of the Board have expressed an interest in continuing from the start-up to the permanent Board. The two who are licensees intend to seek an elected position. The others propose to put their names forward for the appointment process. Though all Directors wish to be part of the transition, they may not want to serve full (three year) terms. That raises the next issue for discussion – staggered terms.

Staggered Terms

The Board favours an approach to Election and appointment of Board members that will result in a regular turnover of some Directors each year. They feel it will better ensure continuity and consistency of policy rather than a wholesale renewal of the Board every three years.

We would welcome a discussion on how best to achieve this. Because the current Directors are interested in continuing for some time, that affords an opportunity to work through the process. Though there is no assumption the current Directors will be re-appointed, their experience, perseverance and commitment will be factors the Minister will likely want to consider. A decision regarding them will also dictate, to some extent, the number of recruits needed.

Timing

Our hope is the permanent Board will assume office after the 2022 Annual Meeting. Adopting that as a transition point each year will allow the College to plan and implement orderly turn-over of committees, to conduct an annual orientation for new Directors and to allow retiring Directors to be part of the transition process. My experience is this works well and focuses the organization on the completion of plans, the identification of issues that continue and to build in the training required to accomplish that continuity.

I welcome an opportunity to discuss this. Whatever approach we adopt, we think it should be memorialized in a memorandum between the College and ISED so the arrangement will be clear when none of us are around to continue it.

A handwritten signature in black ink that reads 'Darrel Pink'.

Darrel Pink

CEO & Registrar
dpink@cpata-cabamc.ca

CPATA Business Plan – 2022-23

Stage 1 - Set up basic systems

	Status	Specific items	Tasks to complete	Completion	Notes
Transfer responsibilities from CIPO, such as exams, licensee registration, licensee list	Done	Ongoing relationship governed by MOU - involves regular reporting on licensee status -	MOU to be reviewed with some changes to address contact information and Class 2 licences	Q2 - 2022	This work will be done after we complete an upgrade of the Thentia software
Governance <ul style="list-style-type: none"> - By-laws - Board Policies - Board Succession and Orientation - CEO Succession, etc), 	Ongoing	Bd Policies No 1 (How CPATA Works, 2 (Reg. Objectives) , 3 (Code of Conduct) , 4 (Remuneration) , 5 (Exec Expectations CEO))	Board Policies – Board to consider a range of additional governance policies, including: <ul style="list-style-type: none"> • Manner of Governance • The Board Agenda • Minutes • In camera meetings • Committee of the Whole Meetings • The Planning Calendar • Board Evaluation and Performance • Role and Expectations <ul style="list-style-type: none"> ○ Board Chair ○ Committees and Committee Chairs 	Q1-2, 2022 March 22 Board Meeting	

CPATA Business Plan – 2022-23

	Status	Specific items	Tasks to complete	Completion	Notes
		<ul style="list-style-type: none"> Committee Recruitment Board Recruitment 	Approve skills/attributes Recruitment of Board of Directors	Q1-2,2022 AGM May 2022	Boyden recruiting Committees. Discussions ongoing with Minister's Office re process for appointment of Directors
		<ul style="list-style-type: none"> Board Elections 	Administer Elections Nomination, orientation and election of 4 Directors	Nominations in Jan-Feb 2022 Elections in April 2022	Announce timing in December Detailed project Plan to be developed by January.

CPATA Business Plan – 2022-23

	Status	Specific items	Tasks to complete	Completion	Notes
		By-laws – amend and review	New Board to approve By-laws Obtain advice on review of Regs and by-laws and develop plan for comprehensive review	Q3 2022 – New Board ¹	
Regulatory Policy Development	Ongoing	Develop/amend Registrar's and Regulatory Committee Policies	<p>Registration Policies</p> <ul style="list-style-type: none"> Review of Registrar Decisions (Registration Committee) Changing from Class 2 to Class 1*² Exam re-writing³ Policy on judicial officers as licensees* Maintaining Class 3 Registration Upon Completion of Training Maximum registration date/periods of registration for class 3 Registration Hearings <p>Discipline Committee</p>	<p>Q4 – 2021</p> <p>Q2 – 2022</p> <p>??</p> <p>Q1 - 2022</p> <p>Q1 - 2022</p> <p>Q1/2 – 2022</p> <p>Q4-2021 – Q1 - 2022</p>	With experience the Registrar's Policies will need to be regularly revised. Regulatory Committees will develop and evolve their policies over the next few months

¹ Act s.80 Any by-laws that are made by the Board before the first election is held under subsection 13(5) are repealed on the 180th day after the day on which the first election is held, unless they are confirmed by a resolution of the Board, as it is constituted after that election, before that 180th day.

² Policies noted with * will require consultation based on Regulatory Standard – 'In developing policies and advancing the College's objectives, we obtain expert advice as required, conduct research relevant to the matters under consideration and consult and work with interested stakeholders.'

³ This is connected to the Competence Initiative

CPATA Business Plan – 2022-23

	Status	Specific items	Tasks to complete	Completion	Notes
			<ul style="list-style-type: none"> DC Policies⁴ 	Q2-Q4 - 2022	
Finance (including budgets and short and long term reserve planning),	Ongoing	Multi-year budgeting	Develop template	Q4 - 2022	To be done as part of 2022-23 budgeting
		Reserve Policies	Assigned to Audit & Risk Committee	Q3 --2022	May 26 and July 7 Board meetings
		Finance Policies	Develop policies and supporting process documents	End 2021	Required for External Audit
		Enterprise Risk Management	Assigned to Audit & Risk	End 2022	
HR policies, payroll, taxation	Done	HR Consultant retained HR Manual including on-boarding and off-boarding employees Group RRSP established		Completed	Review of policies to be performed each year
IT (including managing the licensee list, as well as facilities for staff, contractors and board),	Ongoing	Establish bi-lingual Agent Portal	With Thentia	Q1 2022	Date to be determined based on agreements with Thentia
		Complete Thentia upgrade project	With Thentia	Q1 2022	Date to be determined based on

⁴ Will include Pre-hearing conferences, conduct of hearings, settlement agreements, delegation to Chair, interim suspension/conditions applications from IC, decision writing, publication bans and exclusion of public and publication of decisions

CPATA Business Plan – 2022-23

	Status	Specific items	Tasks to complete	Completion	Notes
					agreements with Thentia
Communications and Government Relations		Upgrade website to be bi-lingual	With IdeaZone and BG Communications	End 2021	
		Review and rationalize website		Q1 2022	Demo for Board – March 3, 2022
		Initiate newsletter	Turn email blasts into v.1 of a bilingual newsletter Content being developed to provide information about the College and other information of value to licensees (e.g., CPD info, ethics advice)	Q1 – 2022	Newsletter to be distributed about 10 days in advance of each Bd Meeting
		Communications Strategy and Plan		Q1-2022	For March 3 Board Meeting
		GR strategy and Plan (including retain GR consultant and identify GR needs)	Retain GR Consultant to address immediate needs Develop GR Policy and Strategy with GR Consultant	End of 2021 Q1-2022	GR Consultant to meet with Board on January 29, 2022
		Policy on Consultation		Q2 - 2022	For April 14, 2022, Board Meeting
Complaints and discipline		Policy framework complete		Q1-Q3-2022	January 20, 2022 Brief Board on IC and DC processes, including identified limitations and

CPATA Business Plan – 2022-23

	Status	Specific items	Tasks to complete	Completion	Notes
					impediments in legislation
Annual Report		Content and format of Annual Report ⁵	Requirements of ISED Board input	End of Q1 - 2022	Annual Report to Minister on March 31, 2022

Stage 2 - Design and develop regulatory programs consistent with the Regulatory Objectives, Standards and Principles

	Status	Specific items	Tasks to complete	Completion	Notes
Basic competence requirements	Ongoing	<ul style="list-style-type: none"> Develop a 'Competency Profile' for PAs and TMAs 		2022-2023	

⁵ Annual Report

On or before March 31 of each year, the College must provide the Minister its annual report required by s. 25⁵ that contains:

- The College's audited financial statements
- A report from the Board providing a corporate overview of the College and its activities in the previous year including a description on how it is advancing the College's regulatory objectives and the outcomes of its regulation
- A report from the CEO including, but not limited to, a report on demographic profile of the Patent and Trademark Agent profession, a report on the College's regulatory activities and any available analyses undertaken by the College and a description of the College's performance measures;
- An update on the College's strategic plan, how it is advancing strategy and any research undertaken by the College

CPATA Business Plan – 2022-23

		<ul style="list-style-type: none"> Detailed plan in place for Initiative 			
Licensee training		<ul style="list-style-type: none"> Develop Training Supervisor requirements and Training Agreement Research and discussion paper on Licensee Training Program/course 	<p>Consult with firms and TSs to better understand the range of relationships trainees have with firms/employers.</p> <p>Draft model 'Training Agreement' and consult before finalizing it.</p> <p>Licensee Training Program/Course discussion paper</p>	<p>Q1 – 2022</p> <p>Q2 – 2022</p> <p>Q3 – 2022</p> <p>Q4? - 2022</p>	
Licensee examinations		<ul style="list-style-type: none"> Evaluation and Report on 2021 exams Use initial Competence work to determine if a 'fundamentals' exam should be added in 2022 Set dates for 2022 exams Plan for 2023 exams and beyond 	<ul style="list-style-type: none"> Competency framework (technical), which involves developing and validating the technical competencies for patent agents and trademark agents; Transitional improvements, which entails making some incremental improvements to the defensibility of the transitional examinations to be delivered in fall 2022; "Fundamentals" examinations, which refers to the development of the two multiple-choice screening examinations (expected for spring 2023); and Update of the future qualifying examinations, which reflects additional improvements for the 		

CPATA Business Plan – 2022-23

			qualifying examinations to be delivered in the fall of 2023		
	Status	Specific Items	Tasks to Complete	Completion	Notes
Incorporate Code of Conduct into culture of the profession – Develop a Code education program		<ul style="list-style-type: none"> Developing an appreciation for and understanding of the ethical and professional obligations of licensees Develop education materials on Code and regulatory requirements for licensees Review/revise Code of Conduct 	<ul style="list-style-type: none"> Develop a plan to educate and provide support to individual licensees and firms re their ethical and professional responsibilities under the Code Develop online resources including FAQs and articles re ethics and PR Consider tools for measuring outcomes; e.g. survey at start and after one year of education <p>Retain assistance to produce education materials on Code obligations</p> <p>Project Plan for review of Code</p>	<p>Start Q1 - 2022</p> <p>Q2 – 2022</p> <p>Q4 - 2022</p>	

CPATA Business Plan – 2022-23

Continuing Professional Development		Nature of CPD requirements	Discussion paper on approaches to CPD followed by consultation – could usefully spell this out as: initial consultation, discussion paper consultation, adoption of policy, operationalize new program	Q1-2, 2023	

CPATA Business Plan – 2022-23

	Status	Specific Items	Tasks to Complete	Completion	Notes
Practice standards		<ul style="list-style-type: none"> Consideration of development of standards together with a Quality Assurance/audit capacity 	Engagement/consultation with the profession on the development of practice standards – likely initiated with a research paper (Likely initial consultation, discussion paper, consultation, adoption of policy, operationalize possible new program)	Q1 - 2023	
Risk evaluation and management		<ul style="list-style-type: none"> Enterprise Risk Management Regulatory Risk Framework 	Develop ERM plan – assign to R&A Committee Retain expertise to identify and develop Reg. Risk Framework, develop mechanism to identify and record reg risks. Work done in conjunction with ERM development	Q4– 2022 Start Q3 - 2022	R&A Committee to lead in the ERM work
Outcomes Measurement		<ul style="list-style-type: none"> The College has committed to measuring and reporting on its outcomes. Need to build the capacity and a regime in which to do so. 	Discussion paper on Outcomes measurement utilizing Ontario Health Regulators format – not clear what happens with this paper. Board? Consultation?	Q4- 2022	



CPATA Business Plan – 2022-23

Stage 3 - Continue to hone regulatory programs

The timing of this work will be set in the Fall of 2022. It will depend on the progress made on the Stage 1 and 2 items.

Explore and develop program activities related to replenishing the ranks of IP professionals		Initiate discussions with the law/11business faculties who are running IP clinics		
Equity and diversity				
TRC				
Innovation				
Consider CPATA's role in the IP environment and practice issues				

CEO Monitoring Reports

Monitoring Reports are a means by which the CEO & Registrar provides the Board with timely and relevant information about each aspect of the College's Regulation and Operations. It is one means to allow the Board to oversee the College's regulatory



CPATA Business Plan – 2022-23

activities without doing any of the regulation. The nature of Monitoring Reports will evolve, based on Board input, the extent of information required for the Board to fulfil their fiduciary duties and relevant public interest factors.

In 2022, the following Monitoring Reports will be delivered

March 3, 2022 – Registration

April 14, 2022 – Professional Responsibility

May 26, 2022 – Operations – including an initial analysis of Annual Licensee Reports

- Financial Monitoring Report



CPATA Business Plan – 2022-23

CPATA's Business Plan Timeline

	2022				2023			
	Q1	Q2	Q3	Q4	Q1	Q2	Q3	Q4
CEO		Review CIPO MOU	Regulatory Risk	Outcomes measurement	EDI/TRC			
							CPATA's role in the IP environment	
Board	Board Governance Policies		Review and approval of By-laws		EDI/TRC			
		Elections/Bd recruitment						
G&N C'tee		Board Orientation		Board/Committee Evaluation				
CFO		Reserve Policies		Multi-year budget	Update Finance Policies			
		Finances Monitoring Report (May 26)		Enterprise Risk Management				
CEO/Ops Mgr./Thentia	Bi-lingual Agent Portal	Operations Monitoring Report (May 26)						
	Thentia Upgrade							

CPATA Business Plan – 2022-23

2022					2023			
	Q1	Q2	Q3	Q4	Q1	Q2	Q3	Q4
CEO/Comms. Officer	Website Upgrade	Comms Strategy/Plan						
	Newsletter	Policy on Consultation						
	Initial GR assessment							
	Annual Report							
CEO/Manager PR/ Consultant		Code of Conduct Education Plan for review of Code – Q4 - 2022						
	Finalize Complaints/Discipline Policies	PR Monitoring Report (April 14)						
		Implement Thentia Module for Complaints						
CEO/Dir. Registration/ Consultant	Develop Competency Profile							
	Licensee Exams	Policy on Change from Class 2 to Class 1 licence		CPD Requirements	Practice Standards/QA			
	Review/revise Registrar’s Policies on Registration							
	Registration Monitoring Report							



CPATA Business Plan – 2022-23

BY-LAWS AMENDING THE BY-LAWS OF THE COLLEGE OF PATENT AGENTS AND TRADEMARK AGENTS (BOARD)	RÈGLEMENT ADMINISTRATIF MODIFIANT LE RÈGLEMENT ADMINISTRATIF DU COLLÈGE DES AGENTS DE BREVETS ET DES AGENTS DE MARQUES DE COMMERCE (CONSEIL)
The Board of Directors of the College of Patent Agents and Trademark Agents, pursuant to section 75 of the <i>College of Patent Agents and Trademark Agents Act</i> , makes the annexed <i>By-laws Amending the By-laws of the College of Patent Agents and Trademark Agents (Board)</i> .	En vertu de l'article 75 de la <i>Loi sur le Collège des agents de brevets et des agents de marques de commerce</i> , le conseil d'administration du Collège des agents de brevets et des agents de marques de commerce prend le <i>Règlement administratif modifiant le Règlement administratif du Collège des agents de brevets et des agents de marques de commerce (conseil)</i> , ci-joint.
<u>Authority for amendments (professional liability insurance):</u>	
<ul style="list-style-type: none"> s. 34 of the Act: (1) a licensee must be insured against professional liability; (3) A licensee may be exempted by the by-laws from the application of s. (1) 	
<ul style="list-style-type: none"> pars. 75(1)(q) and (r) of the Act: The Board may make by-laws respecting... (q) the professional liability insurance that licensees are required to maintain; (r) exempting licensees from the requirement to be insured against professional liability 	
<u>Authority for amendments (staggered terms of directors):</u>	
<ul style="list-style-type: none"> s. 13(5) of the Act: The remaining directors are to be licensees elected in accordance with the by-laws... 	

<ul style="list-style-type: none"> • s. 15 of the Act: (1) each director is to be elected for a term of not more than three years; (2) the length of a director's term is ... (b) determined in accordance with the by-laws, if the director is elected; (3) Staggered terms: It is not necessary that all directors hold office for terms that begin or end on the same day. 	
<ul style="list-style-type: none"> • par. 75(1)(a) of the Act: The Board may make by-laws...(a) respecting the election of directors, the terms of elected directors and their removal; 	
<u>Authority for amendments (non-resident agents):</u>	<u>Dispositions permettant l'apport de modifications (agents non résidents):</u>
<ul style="list-style-type: none"> • pars. 28(1)(f) and 31(1)(f) of the Act: The Register ... must include the following information: (f) any other information required by the regulations or by-laws. 	<ul style="list-style-type: none"> • Alinéas 28(1)f) et 31(1)f) de la Loi : Le registre [...] contient notamment les renseignements suivants : f) tout autre renseignement prévu par règlement ou règlement administratif.
<ul style="list-style-type: none"> • par. 75(1)(i) of the Act: The Board may make by-laws ... (i) respecting the maintenance of the Register(s)... and information that is required to be included in those Registers; 	<ul style="list-style-type: none"> • Alinéa 75(1)i) de la Loi : Le conseil peut prendre des règlements administratifs [...] : i) concernant le maintien du registre [...] et les renseignements à y inscrire;
<ul style="list-style-type: none"> • par. 75(1)(m) of the Act: The Board may make by-laws ... (m) establishing the time within which and the manner in which any fees or other amounts are to be paid; 	<ul style="list-style-type: none"> • Alinéa 75(1)m) de la Loi : Le conseil peut prendre des règlements administratifs [...] : m) établissant le délai dans lequel tout droit ou autre somme doit être payé et la manière de le faire;
Par. 75(1)(m) does not specify that these "other amounts" are payable only by licensees. The "other amounts" would be payable by non-resident agents described in ss. 19 and 20 of the Regulations, in	L'alinéa 75(1)m) ne précise pas que toute « autre somme » doit uniquement être payée par les titulaires de permis. Ainsi, toute « autre somme » s'entend des montants qui devraient être payés

<p>conjunction with the due diligence required to ensure that Canadians are protected and that individuals described in those sections are properly verified before being included on the Registers.</p>	<p>par des agents non résidents, tels que décrits aux articles 19 et 20 du <i>Règlement sur le Collège des agents de brevets et des agents de marques de commerce</i>, sous réserve que les personnes physiques décrites à ces articles fassent l'objet d'une vérification adéquate avant d'être inscrites aux registres et que l'on procède avec la diligence raisonnable requise pour assurer la protection des Canadiens et des Canadiennes.</p>
<ul style="list-style-type: none"> Regulations, ss. 19(1) and 20(1) and ss. 19(2) and 20(2): (1) The Registrar must include in the Register ... ; and (2) in order to maintain their name in the Register, an individual must continue to meet the requirements of par. (1)(a) (is resident and is authorized to act). Continuing authorization in the country of residence is required to be maintained on a Register. 	<ul style="list-style-type: none"> Paragaphes 19(1) et 20(1) et paragraphes 19(2) et 20(2) du Règlement : (1) [...] le registraire inclut au registre [...]; et (2) Pour maintenir son inscription au registre, la personne [...] doit continuer à satisfaire aux exigences prévues à l'alinéa (1)a) [personne résidente d'un pays étranger et autorisée à agir à titre d'agent]. L'autorisation d'exercice dans le pays de résidence doit être maintenue pour que l'inscription au registre soit conservée.
<p>1 (1) The definition <i>fees</i> in section 1 of the <i>By-laws of the College of Patent Agents and Trademark Agents (Board)</i> is replaced by the following:</p>	<p>1 (1) La définition de <i>droits</i>, à l'article 1 du <i>Règlement administratif du Collège des agents de brevets et des agents de marques de commerce (conseil)</i>, est remplacée par ce qui suit :</p>
<p><i>fees</i> means the fees that are set out in Schedule 1. (<i>droits</i>)</p>	<p><i>droits</i> Les droits prévus à l'annexe 1. (<i>fees</i>)</p>
<p>(2) Section 1 of the By-laws is amended by adding the following in alphabetical order:</p>	<p>(2) L'article 1 du même règlement administratif est modifié par adjonction, selon l'ordre alphabétique, de ce qui suit :</p>

non-resident patent agent means an individual who is described in subsection 19(1) of the Regulations. (<i>agent de brevets non résident</i>)	agent de brevets non résident Personne physique décrite au paragraphe 19(1) du Règlement. (<i>non-resident patent agent</i>)
non-resident trademark agent means an individual who is described in subsection 20(1) of the Regulations. (<i>agent de marques de commerce non résident</i>)	agent de marques de commerce non résident Personne physique décrite au paragraphe 20(1) du Règlement. (<i>non-resident trademark agent</i>)
Regulations means the <i>College of Patent Agents and Trademark Agents Regulations</i> . (<i>Règlement</i>)	Règlement Le <i>Règlement sur le Collège des agents de brevets et des agents de marques de commerce</i> . (<i>Regulations</i>)
2 Section 6 of the By-laws is replaced by the following:	2 L'article 6 du même règlement administratif est remplacé par ce qui suit :
Term of office — elected directors	
6 (1) The term of office of each elected director is three years, beginning on the day on which the Board first meets after the annual meeting.	6 (1)
Staggered terms	
(2) Despite subsection (1), for the purposes of subsection 15(3) of the Act, the Board may, at the time of the first election of directors, determine the term of office of each director to be either two or three years in order to achieve the staggered terms mentioned in that subsection, in the following way:	(2)
<p>(a) the term of the patent agent and of the trademark agent who receive the highest number of votes in the election is three years; and</p> <p>(b) the term of the remaining patent agent and trademark agent is two years.</p>	

3 Section 55 of the By-laws is replaced by the following:	3 L'article 55 du même règlement administratif est remplacé par ce qui suit :
Class 3 requirements	
55 On or before the anniversary of the commencement of their licence, licensees who hold a class 3 licence must	55
<p>(a) pay the annual class 3 licence fee set out in item 7 of Schedule 1; and</p> <p>(b) provide proof of professional liability insurance, including the insurer's name and the policy number, or proof of exemption from that insurance and the reason for the exemption.</p>	
4 The By-laws are amended by adding the following after section 55:	4
Professional liability insurance requirements	
55.1(1) For the purposes of subsection 34(1) of the Act, a licensee who holds a class 1 licence or a class 3 licence must have professional liability insurance that meets the following requirements:	55.1
<p>(a) it must be issued by a company licensed in Canada;</p> <p>(b) it must cover claims made in and outside Canada;</p> <p>(c) it must indemnify the licensee for any civil liability that arises from the licensee acting as a patent agent or trademark agent;</p>	

(d) it must have coverage limits of a minimum of \$1 million per claim and \$2 million aggregate per year.	
5 The By-laws are amended by adding the following after section 59:	5 Le même règlement administratif est modifié par adjonction, après l'article 59, de ce qui suit :
Obligations of Non-resident Patent Agents and Non-resident Trademark Agents	Obligations des agents de brevets non résidents et des agents de marques de commerce non résidents
Registration requirements	Exigences relatives à l'inscription
59.1 When the Registrar includes an individual's name and contact information on the Register of Patent Agents under subsection 19(1) of the Regulations or on the Register of Trademark Agents under subsection 20(1) of the Regulations, the individual must pay the amount set out in column 2 of item 1 or 2 of Schedule 2.	59.1 Lorsque le registraire inclut le nom et les coordonnées de toute personne physique au registre des agents de brevets en vertu du paragraphe 19(1) du Règlement ou au registre des agents de marques de commerce en vertu du paragraphe 20(1) du Règlement, la personne physique doit payer la somme prévue à la colonne 2 de l'article 1 ou 2 de l'annexe 2.
Registrar may extend	Report de la date limite par le registraire
59.2 The Registrar may, having regard to the specific circumstances of a non-resident patent agent or non-resident trademark agent, extend the deadline for payment of any amounts payable under these By-laws.	59.2 Le registraire peut, eu égard aux circonstances particulières d'un agent de brevets non résident ou d'un agent de marques de commerce non résident, reporter la date limite de paiement de toute somme payable en vertu du présent Règlement administratif.
Annual requirements	Exigences annuelles
59.3 For the purposes of subsections 19(2) and 20(2) of the Regulations, on or before March 31 of each year, a non-resident patent agent and a non-resident trademark agent must take the following actions:	59.3 Pour l'application des paragraphes 19(2) et 20(2) du Règlement, un agent de brevets non résident ou un agent de marques de commerce non résident doit prendre les mesures suivantes au plus tard le 31 mars de chaque année :

<p>(a) provide the Registrar with a signed statement that sets out their country of residence and declares that they are authorized to act as a patent agent or trademark agent, as the case may be, under the laws of that country;</p> <p>(b) include with the statement and declaration referred to in paragraph (a) proof, furnished by the relevant competent authority in that country of residence, that they are so authorized and are in good standing in that country;</p> <p>(c) pay the amount set out in column 2 of item 3 or 4 of Schedule 2 in respect of the annual renewal of their registration.</p>	<p>a) fournir au registraire une déclaration signée qui précise son pays de résidence et indique qu'il est autorisé, en vertu du droit de ce pays, à agir à titre d'agent de brevets ou d'agent de marques de commerce, selon le cas;</p> <p>b) joindre à la déclaration visée à l'alinéa a) une preuve, fournie par l'autorité compétente du pays de résidence, de son autorisation à pratiquer et de son statut de membre en règle dans ce pays;</p> <p>c) payer la somme prévue à la colonne 2 de l'article 3 ou 4 de l'annexe 2 pour le renouvellement annuel de son inscription.</p>
<p>(2) Despite subsection (1), a licensee who is employed by a corporation, trust, partnership, sole proprietorship, joint venture, association, agency or other entity that carries on business in Canada, whether or not for profit, and, for greater certainty including a municipal corporation, is not required to be insured against professional liability for work done as a licensee within the scope of that employment</p>	<p>(2) Malgré le paragraphe (1), un titulaire de permis qui est à l'emploi d'une société, d'une fiducie, d'une société de personnes, d'une entreprise individuelle, d'une coentreprise, d'une association, d'une agence ou d'une autre entité qui exerce ses activités au Canada, à but lucratif ou non, et, pour plus de certitude, y compris une corporation municipale, n'est pas tenu d'être assuré en matière de responsabilité professionnelle pour le travail qu'il effectue à titre de titulaire de permis dans le cadre de cet emploi.</p>
<p>Information to be provided</p>	<p>Renseignements à fournir</p>

<p>59.4 For the purposes of subsections 19(2) and 20(2) of the Regulations, a non-resident patent agent and a non-resident trademark agent must inform the Registrar in writing of any change in their status or authorization to act as such an agent in their country of residence, for any reason including for any reason set out in section 51 with necessary modifications, immediately after the change occurs.</p>	<p>59.4 Pour l'application des paragraphes 19(2) et 20(2) du Règlement, un agent de brevets non résident ou un agent de marques de commerce non résident doit informer le registraire par écrit de tout changement touchant son statut ou son autorisation à agir à ce titre dans son pays de résidence, pour toute raison, y compris les raisons énoncées à l'article 51 avec les modifications qui s'imposent, immédiatement après l'apport dudit changement.</p>
<p>Removal from Registers</p>	<p>Retrait des registres</p>
<p>59.5 The Registrar may remove the name of a non-resident patent agent from the Register of Patent Agents or of a non-resident trademark agent from the Register of Trademark Agents for either of the following reasons:</p>	<p>59.5 Le registraire peut retirer le nom d'un agent de brevets non résident du registre des agents de brevets ou le nom d'un agent de marques de commerce non résident du registre des agents de marques de commerce pour l'une des raisons suivantes :</p>
<p>(a) the non-resident agent does not pay any of the amounts as and when required by section 59.1;</p> <p>(b) the non-resident agent is no longer authorized under the laws of their country of residence to act as a patent agent or trademark agent, as the case may be.</p>	<p>a) l'agent non résident n'a payé aucune des sommes requises conformément aux modalités et aux délais prévus à l'article 59.1;</p> <p>b) l'agent non-résident n'est plus autorisé, en vertu du droit de son pays de résidence, à agir à titre d'agent de brevets ou d'agent de marques de commerce, selon le cas.</p>
<p>6 Section 61 of the By-laws is renumbered as subsection 61(1) and is amended by adding the following:</p>	<p>6 L'article 61 du même règlement administratif est</p>
<p>Professional liability insurance — 2022</p>	
<p>(2) Despite paragraphs 52(c) and 55(b), a licensee is not required to be insured against professional liability until the end of the year 2022, but must make all reasonable efforts to</p>	<p>(2)</p>

obtain the required insurance as early in that year as is reasonably possible.	
7 Section 62 of the By-laws is repealed.	7 L'article 62 du même règlement administratif est abrogé.
8 The schedule to the By-laws is renumbered as Schedule 1.	8 L'annexe du même règlement administratif devient l'annexe 1.
9 Items 3 and 4 of Schedule 1 to the By-laws are repealed.	9 Les articles 3 et 4 de l'annexe 1 du même règlement administratif sont abrogés.
10 The fee of \$200 set out in item 9 of Schedule 1 to the By-laws is replaced with \$350.	10 Les droits de 200 \$ prévus à l'article 9 de l'annexe 1 du même règlement administratif sont remplacés par des droits de 350 \$.
11 The fee of \$200 set out in item 10 of Schedule 1 to the By-laws is replaced with \$350.	11 Les droits de 200 \$ prévus à l'article 10 de l'annexe 1 du même règlement administratif sont remplacés par des droits de 350 \$.
12 The By-laws are amended by adding the following after Schedule 1:	12 Le même règlement administratif est modifié par adjonction, après l'annexe 1, de ce qui suit :

SCHEDULE 2
(Section 59.1)

OTHER AMOUNTS PAYABLE IN RESPECT OF REGISTRATION UNDER SECTIONS 19 AND 20 OF THE
REGULATIONS

Item	Column 1	Column 2
1	Non-resident patent agent, initial registration	250
2	Non-resident trademark agent, initial registration	250
3	Non-resident patent agent, annual renewal of registration	100

4	Non-resident trademark agent, annual renewal of registration	100

ANNEXE 2
(Article 59.1)

**AUTRES SOMMES À PAYER À L'ÉGARD DE L'INSCRIPTION EN VERTU DES ARTICLES 19 ET 20 DU
RÈGLEMENT**

Article	Colonne 1	Colonne 2
1	Agent de brevets non résident, inscription initiale	250
2	Agent de marques de commerce non résident, inscription initiale	250
3	Agent de brevets non résident, renouvellement annuel de l'inscription	100
4	Agent de marques de commerce non résident, renouvellement annuel de l'inscription	100

Coming into force	Entrée en vigueur
13 These By-laws come into force on the day on which they are registered.	13 Le présent règlement administratif entre en vigueur à la date de son enregistrement.

CONSEQUENTIAL AMENDMENTS TO THE BY-LAWS OF THE COLLEGE OF PATENT AGENTS AND TRADEMARK AGENTS (COLLEGE)	
1 The definition <i>fees</i> in section 1 of the <i>By-laws of the College of Patent Agents and Trademark Agents (College)</i> is replaced by the following:	1 La définition <i>droits</i> à l'article 1 du <i>Règlement administratif du Collège des agents de brevets et des agents de marques de commerce (Collège)</i> est remplacée par ce qui suit :
<i>fees</i> means the fees that are set out in Schedule 1 to the <i>By-laws of the College of Patent Agents and Trademark Agents (Board)</i> . (<i>droits</i>)	<i>droits</i> Les droits prévus à l'annexe 1 du <i>Règlement administratif du Collège des agents de brevets et des agents de marques de commerce (conseil)</i> . (<i>fees</i>)
2 The By-laws are amended by adding the following after section 27:	2 Le même règlement administratif est modifié par adjonction, après l'article 27, de ce qui suit :
Change from class 2 to class 3 licence	Changement de catégorie 2 à catégorie 3
27.1 A licensee who holds a class 2 licence may apply to the Registrar to change their class of licence to a class 3 licence if the licensee	27.1
(a) meets the applicable requirements of section 9 or 12, as the case may be; and (b) obtains professional liability insurance described in section 55.1 of the <i>By-laws of the College of Patent Agents and Trademark Agents (Board)</i> and provides the Registrar with proof of that insurance, including the name of the insurer and the policy number, or proof of exemption from that insurance and the reason for the exemption.	



College of Patent Agents and Trademark Agents

Statement of Operations

October 2021

	TOTAL	
	OCT. 2021	JAN - OCT., 2021 (YTD)
INCOME		
4000 Service/Fee Income		
4010 Licensee fees - CPATA fees	11,627.00	1,447,600.00
4015 Licensee Fees - Deferred portion	234,753.17	-482,533.33
Total 4010 Licensee fees - CPATA fees	246,380.17	965,066.67
4040 Licensee fees - CIPO Transfer (2020)		476,000.00
4060 Certificate & Letters Fees		300.00
4070 Application and Change fees	2,680.50	22,850.00
Total 4000 Service/Fee Income	249,060.67	1,464,216.67
Total Income	\$249,060.67	\$1,464,216.67
GROSS PROFIT	\$249,060.67	\$1,464,216.67
EXPENSES		
5500 Wages & Benefits		
5510 Wages	16,615.38	73,313.22
5520 Wages - Benefits	1,160.05	2,405.02
5530 Wages - CPP / EI	1,352.72	6,558.46
5550 RRSP Expenses	830.76	4,828.78
5600 Temporary staffing compensation	3,525.00	3,525.00
6000 Professional fees - Interim CEO	18,500.00	185,000.00
Total 5500 Wages & Benefits	41,983.91	275,630.48
6010 Professional fees - Accounting	7,160.00	77,394.00
6030 Professional fees - Legal	30,091.07	194,331.42
6050 Professional fees - Planning	20,950.00	33,619.50
6060 Professional fees - Translation	9,829.86	28,768.93
6200 Consulting - Admissions	20,999.00	69,903.00
6210 Consulting - Communications		34,030.00
6230 Consulting - Human Resources		97,420.39
6270 IT Consultants - Network & General	2,536.20	13,483.85
6280 IT Consultant - License Systems	2,500.00	25,000.00
6290 IT Consultant - Website	130.09	9,230.36
6295 Payroll provider Fees	36.00	171.07
6500 Board - Meeting expenses	2,240.86	2,240.86
6510 Board - Remuneration	10,125.00	36,143.15
6520 Board - Travel	10,124.38	10,124.38
7010 Bank fees and interest	85.60	20,496.16
7020 Credit Card Processing Fees	904.51	32,576.65
7130 Dues and memberships	299.00	1,822.00
7140 Insurance - D&O	3,465.00	21,656.05
7160 Insurance - Mandatory Liability	12,000.00	22,231.25
7210 Office - Furniture	288.15	867.94
7215 Office - General expenses	71.74	521.49
7300 Software costs - Administration	556.83	5,086.42



College of Patent Agents and Trademark Agents

Statement of Operations

October 2021

	TOTAL	
	OCT. 2021	JAN - OCT., 2021 (YTD)
7310 Software costs - Admissions		231.74
7320 Staff Travel	1,677.87	4,241.64
7325 Meals and entertainment	1,597.12	1,597.12
8000 Amortization	120.19	568.38
Total Expenses	\$179,772.38	\$1,019,388.23
PROFIT	\$69,288.29	\$444,828.44

Statement of Financial Position

As of October 31, 2021

	TOTAL	
	AS OF OCT. 31, 2021	AS OF DEC. 31, 2020 (PP)
Assets		
Current Assets		
Cash and Cash Equivalent		
1010 RBC Chequing Account	754,622.23	
Total Cash and Cash Equivalent	\$754,622.23	\$0.00
1230 Other current assets	0.00	
1400 Prepaid expenses	34,973.95	10,000.00
Total Current Assets	\$789,596.18	\$10,000.00
Non-current Assets		
Property, plant and equipment		
1600 Computer Equipment	9,610.78	
1605 Computer Equipment - Accum Amort	-568.38	
Total Property, plant and equipment	\$9,042.40	\$0.00
Total Non Current Assets	\$9,042.40	\$0.00
Total Assets	\$798,638.58	\$10,000.00
Liabilities and Equity		
Liabilities		
Current Liabilities		
Accounts Payable (A/P)		
2000 Accounts Payable (A/P)	158,700.56	406,980.77
Total Accounts Payable (A/P)	\$158,700.56	\$406,980.77
Credit Card		
2020 RBC Visa Credit Card	2,856.36	
2030 RBC Line of Credit	0.00	
Total Credit Card	\$2,856.36	\$0.00
2010 Accrued Payables	14,440.35	26,763.24
2050 GST/HST Payable	49,727.21	-34,813.09
Total Current Liabilities	\$225,724.48	\$398,930.92
Non-current Liabilities		
2200 Deferred Revenue - Payments Received	1,083.25	
2210 Deferred License Fees	482,533.33	
2250 Deferred Exam Fees	33,400.00	
Total Non-current Liabilities	\$517,016.58	\$0.00
Total Liabilities	\$742,741.06	\$398,930.92
Equity		
Retained Earnings	-388,930.92	
Profit for the year	444,828.44	-388,930.92
Total Equity	\$55,897.52	\$ -388,930.92
Total Liabilities and Equity	\$798,638.58	\$10,000.00

College of Patent Agents and Trademark Agents

Budget vs. Actuals: CPATA - Budget 2021 V1 - FY21 P&L Classes

January - October, 2021

	TOTAL			
	ACTUAL	BUDGET	OVER BUDGET	% OF BUDGET
Income				
4000 Service/Fee Income				
4010 Licensee fees - CPATA fees	1,447,600.00	1,109,968.00	337,632.00	130.42 %
4015 Licensee Fees - Deferred portion	-482,533.33		-482,533.33	
Total 4010 Licensee fees - CPATA fees	965,066.67	1,109,968.00	-144,901.33	86.95 %
4040 Licensee fees - CIPO Transfer (2020)	476,000.00	515,100.00	-39,100.00	92.41 %
4050 Exam fees		53,500.00	-53,500.00	
4060 Certificate & Letters Fees	300.00		300.00	
4070 Application and Change fees	22,850.00		22,850.00	
Total 4000 Service/Fee Income	1,464,216.67	1,678,568.00	-214,351.33	87.23 %
Total Income	\$1,464,216.67	\$1,678,568.00	\$ -214,351.33	87.23 %
GROSS PROFIT	\$1,464,216.67	\$1,678,568.00	\$ -214,351.33	87.23 %
Expenses				
5500 Wages & Benefits				
5510 Wages	73,313.22	292,332.98	-219,019.76	25.08 %
5520 Wages - Benefits	2,405.02		2,405.02	
5530 Wages - CPP / EI	6,558.46	36,724.00	-30,165.54	17.86 %
5550 RRSP Expenses	4,828.78		4,828.78	
5600 Temporary staffing compensation	3,525.00		3,525.00	
6000 Professional fees - Interim CEO	185,000.00	129,500.00	55,500.00	142.86 %
Total 5500 Wages & Benefits	275,630.48	458,556.98	-182,926.50	60.11 %
6010 Professional fees - Accounting	77,394.00	60,833.00	16,561.00	127.22 %
6020 Professional fees - Communications		22,500.00	-22,500.00	
6030 Professional fees - Legal	194,331.42	117,861.00	76,470.42	164.88 %
6050 Professional fees - Planning	33,619.50		33,619.50	
6060 Professional fees - Translation	28,768.93	23,333.00	5,435.93	123.30 %
6200 Consulting - Admissions	69,903.00	173,000.00	-103,097.00	40.41 %
6210 Consulting - Communications	34,030.00	27,333.00	6,697.00	124.50 %
6230 Consulting - Human Resources	97,420.39	146,000.00	-48,579.61	66.73 %
6240 Consulting - Policies		8,333.00	-8,333.00	
6250 Consulting - Regulation		42,611.00	-42,611.00	
6270 IT Consultants - Network & General	13,483.85	10,000.00	3,483.85	134.84 %
6280 IT Consultant - License Systems	25,000.00	25,000.00	0.00	100.00 %
6290 IT Consultant - Website	9,230.36	26,667.00	-17,436.64	34.61 %
6295 Payroll provider Fees	171.07		171.07	
6500 Board - Meeting expenses	2,240.86		2,240.86	
6510 Board - Remuneration	36,143.15	26,960.00	9,183.15	134.06 %
6520 Board - Travel	10,124.38		10,124.38	
6530 Board - Training		6,167.00	-6,167.00	
6600 Committee Expenses		11,667.00	-11,667.00	
7010 Bank fees and interest	20,496.16	25,000.00	-4,503.84	81.98 %
7020 Credit Card Processing Fees	32,576.65	30,000.00	2,576.65	108.59 %
7130 Dues and memberships	1,822.00	7,333.00	-5,511.00	24.85 %
7140 Insurance - D&O	21,656.05	25,438.00	-3,781.95	85.13 %
7150 Insurance - General Liability		16,667.00	-16,667.00	

College of Patent Agents and Trademark Agents

Budget vs. Actuals: CPATA - Budget 2021 V1 - FY21 P&L Classes

January - October, 2021

	TOTAL			
	ACTUAL	BUDGET	OVER BUDGET	% OF BUDGET
7160 Insurance - Mandatory Liability	22,231.25	8,333.00	13,898.25	266.79 %
7210 Office - Furniture	867.94	8,333.00	-7,465.06	10.42 %
7215 Office - General expenses	521.49		521.49	
7300 Software costs - Administration	5,086.42	832.00	4,254.42	611.35 %
7310 Software costs - Admissions	231.74		231.74	
7320 Staff Travel	4,241.64	8,333.00	-4,091.36	50.90 %
7325 Meals and entertainment	1,597.12		1,597.12	
7410 Contingency		0.00	0.00	
Total Expenses	\$1,018,819.85	\$1,317,090.98	\$ -298,271.13	77.35 %
NET OPERATING INCOME	\$445,396.82	\$361,477.02	\$83,919.80	123.22 %
Other Expenses				
8000 Amortization	568.38		568.38	
Total Other Expenses	\$568.38	\$0.00	\$568.38	0.00%
NET OTHER INCOME	\$ -568.38	\$0.00	\$ -568.38	0.00%
NET INCOME	\$444,828.44	\$361,477.02	\$83,351.42	123.06 %

College of Patent Agents and Trademark Agents

Statement of Operations by Department

January - October, 2021

	ADMINISTRATION & OPERATIONS	BOARD & GOVERNANCE	MARKETING & COMMUNICATIONS	REGULATIONS - COMPLAINTS	REGULATIONS - REGISTRATION	TOTAL
INCOME						
4000 Service/Fee Income						\$0.00
4010 Licensee fees - CPATA fees	1,447,600.00					\$1,447,600.00
4015 Licensee Fees - Deferred portion	-482,533.33					\$ -482,533.33
Total 4010 Licensee fees - CPATA fees	965,066.67					\$965,066.67
4040 Licensee fees - CIPO Transfer (2020)	476,000.00					\$476,000.00
4060 Certificate & Letters Fees	300.00					\$300.00
4070 Application and Change fees	22,850.00					\$22,850.00
Total 4000 Service/Fee Income	1,464,216.67					\$1,464,216.67
Total Income	\$1,464,216.67	\$0.00	\$0.00	\$0.00	\$0.00	\$1,464,216.67
GROSS PROFIT	\$1,464,216.67	\$0.00	\$0.00	\$0.00	\$0.00	\$1,464,216.67
EXPENSES						
5500 Wages & Benefits						\$0.00
5510 Wages	73,313.22					\$73,313.22
5520 Wages - Benefits	2,405.02					\$2,405.02
5530 Wages - CPP / EI	6,558.46					\$6,558.46
5550 RRSP Expenses	4,828.78					\$4,828.78
5600 Temporary staffing compensation	3,525.00					\$3,525.00
6000 Professional fees - Interim CEO	185,000.00					\$185,000.00
Total 5500 Wages & Benefits	275,630.48					\$275,630.48
6010 Professional fees - Accounting	77,394.00					\$77,394.00
6030 Professional fees - Legal	6,945.41			187,386.01		\$194,331.42
6050 Professional fees - Planning		17,569.50			16,050.00	\$33,619.50
6060 Professional fees - Translation	28,768.93					\$28,768.93
6200 Consulting - Admissions				16,800.00	53,103.00	\$69,903.00
6210 Consulting - Communications	1,380.00		32,650.00			\$34,030.00
6230 Consulting - Human Resources	97,420.39					\$97,420.39
6270 IT Consultants - Network & General	13,483.85					\$13,483.85
6280 IT Consultant - License Systems	25,000.00					\$25,000.00
6290 IT Consultant - Website	520.36		8,710.00			\$9,230.36
6295 Payroll provider Fees	171.07					\$171.07
6500 Board - Meeting expenses		2,240.86				\$2,240.86
6510 Board - Remuneration		36,143.15				\$36,143.15
6520 Board - Travel		10,124.38				\$10,124.38
7010 Bank fees and interest	20,496.16					\$20,496.16
7020 Credit Card Processing Fees	32,576.65					\$32,576.65
7130 Dues and memberships	1,822.00					\$1,822.00
7140 Insurance - D&O	21,656.05					\$21,656.05
7160 Insurance - Mandatory Liability		22,231.25				\$22,231.25
7210 Office - Furniture	867.94					\$867.94
7215 Office - General expenses	521.49					\$521.49
7300 Software costs - Administration	5,086.42					\$5,086.42
7310 Software costs - Admissions					231.74	\$231.74
7320 Staff Travel	4,241.64					\$4,241.64
7325 Meals and entertainment	162.38	1,434.74				\$1,597.12
8000 Amortization	568.38					\$568.38
Total Expenses	\$614,713.60	\$89,743.88	\$41,360.00	\$204,186.01	\$69,384.74	\$1,019,388.23
PROFIT	\$849,503.07	\$ -89,743.88	\$ -41,360.00	\$ -204,186.01	\$ -69,384.74	\$444,828.44

CPATA Board of Directors**December 1, 2021**

Re: Legislative Compliance Memo

This memo is written to the Board of Directors of the College of Patent Agents and Trademarks Agents to provide an update on the College's financial legislative compliance reporting and remittance requirements.

The Government of Canada enacted the College of Patent and Trademark Agents Act at the end of 2018, as part of its National Innovation Strategy. According to the Act the College has been established as a corporation without share capital.

GST/HST

The College has elected to charge GST/HST on the Annual License fees, application fees and Exam Registrations by completing and keeping on file the appropriate forms for CRA.¹ For 2020 and 2021 the College is an Annual filer for GST/HST. The 2020 filing was submitted in March 2021 and the filing for 2021 will be required to be submitted by the end of March 2022.

Payroll Statutory Deductions

The College has employees and Board members who receive remuneration for their positions on the Board. As a result, the College is required to withhold and remit statutory deductions from payroll for the various federal government programs. These include Canada Pension Plan (CPP), Employment Insurance (EI) and Income Tax. The College is a monthly remitter for these Statutory deductions and must remit to the Canada Revenue Agency (CRA) by the 15th of the month after the employees are paid.

The College is up to date with Payroll remittances as of the remittance received by CRA on November 9, 2021 for October's payroll remittances. The payments are remitted by the third party payroll provider (WagePoint).

Annual Federal filing requirements with CRA

The College will be required to file a Corporate Income Tax return (T2) for 2020 and 2021 and a Not-for-Profit Organization (NPO) Information Return (T1044) for 2021 with CRA within 6 months of the year ending December 31, 2021. The College is not a taxable entity so income tax will not be required, however, the returns must still be filed. The filing for 2020 is currently outstanding and will be completed along with the 2021 filing. There are no penalties for late filing as there is no tax owing. The decision was made to have

¹ The College has completed Form GST24 E (19) to elect to have GST/HST apply to professional memberships and Form GST29 E (20) to have GST/HST apply to Educational Services (Exams and training). The forms are stored electronically by the College and only required by CRA if asked to produce them. Both forms have an effective date of January 1, 2021.



both the Audit and Tax returns completed together for 2020 and 2021 after the College had officially come into force and begun formal operations.

Acknowledgement of Compliance

By signing below, Darrel Pink, CEO & Registrar and Sean Walker, CFO (outsourced) acknowledge that the statements made in this letter are accurate and that the College is in compliance with all statutory legislative requirements, with the potential exception of the 2020 annual CRA information return filing.

A handwritten signature in black ink that reads 'Darrel A. Pink'.

Darrel Pink
CEO & Registrar

A handwritten signature in blue ink that reads 'Sean Walker'.

Sean Walker, CPA, CGA, CIA
CFO (Outsourced)

M. Shvartsman
1535 Bernard, #23
Outremont, Quebec
Canada, H2V 1W7

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CANADA 1.30

Darrel I. Pink
Cpata-Cabamc
400-411 Roosevelt Avenue
Ottawa, ON
K2A 3X9

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CONWAY

Litigation/Litige

MILA SHVARTSMAN

Registered Patent Agent

M.A. Electronics

Patents, Industrial Designs, IC Topographies, Searches and related matters

Canada & U.S.A.

Associated with ABA and AIPPI

Darrel I. Pink
Cpata-Cabamc
400-411 Roosevelt Avenue
Ottawa, ON
K2A 3X9

RE: Official Complaint
Modernization of Canadian Intellectual Property Office Communication

Dear Mr. Pink,

November 10, 2021

I have been a practicing Patent Agent since 1989, and recently encountered serious problems with the Canadian Intellectual Property Office (CIPO).

Presently, when CIPO communicates with Patent Agents, they do so by mail. One of my pending cases (patent application No. 2856922) was Approved, but I did not receive any Notice advising me of this action by mail. That application was subsequently Abandoned due to no payment of the Final Fee, and CIPO issued a Notice of Abandonment, which I also did not receive by mail. The failure to receive either of these mailings is inexplicable.

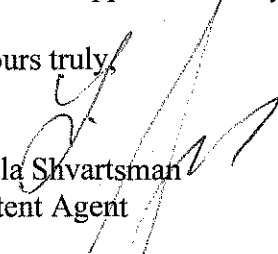
I now must revive this patent application by paying a fee and spend my billable time to rectify an error that could have been avoided with a simple email. This is prejudicial to the patent's Applicant and my firm. If this can happen to me, it can happen to any Agent. As a regulator of Patent and Trademark Agents in Canada, this should be a cause of concern to your College.

In this technology age, it is surprising that CIPO does not have a redundancy method of communication by email or an online web site. For your information, I also deal in patent matters with the USPTO, which implemented a sophisticated electronic portal (PAIR) in 2007, where I can constantly monitor all cases online.

Overall, CIPO is lagging behind other countries for Intellectual Property matters. The data infrastructure is still running on COBOL, a programming language first introduced in 1959. It is time to bring Canada into the twenty-first Century and implement an online resource for IP professionals to eliminate the failings described above.

I will be appreciative if you can contact me as soon as possible regarding this matter.

Yours truly,


Mila Shvartsman
Patent Agent

CC: François-Philippe Champagne, Minister of Innovation, Science and Industry of Canada
Rachel Bendayan, MP for Outremont
Konstantinos Georgaras, Commissioner of Patents