

**College of Patent Agents and Trademark Agents/  
Le Collège des agents de brevets et des agents de marques de commerce**

Board of Directors Meeting  
January 5, 2:00 ET

**Minutes**

Present: Tom Conway, Chair, Jeff Astle, Karima Bawa, Ruth McHugh, Doug Thompson, Darrel Pink, CEO/Recording Secretary,

Call to Order

The Chair called the meeting to order at 2:14 ET.

Agenda

The agenda was approved without additions.

Conflicts

No conflicts were declared.

Minutes

Minutes of the December 22 meeting were approved as corrected (Thompson/McHugh)

Introduction

The Chair noted the primary purpose of the meeting is to discuss the priority issues for meetings with the Deputy Minister, which are being scheduled at regular intervals.

Discussion

It was noted the College will assume expenses after operation or as part of the transfer that should be part of a discussion. For example, the poor quality of CIPO data and the fact it could not be used by the College without expending time and money, was not an anticipated expense. Or the fact the College must assume operational responsibility for the exams, and that CIPO will not (or they say cannot) continue to manage them for an additional year, results in both start up and additional expenses in year one.

On the large issue side there are three noted priorities:

- The timing of proclamation and the critical path that precedes it so there is sufficient time for regulation and by-law development, that involves communications and consultations. This timing also impacts the timing for hiring staff.
- Statutory immunity and whether and how the government will address the absence of provisions in the legislation. Initially the government must acknowledge that a long-

term solution is required. Then can an interim plan be established for financial support if the College's Board Members are sued or joined in an action? This could include paying for the requisite insurance policy or a form of financial support.

- Financial support for transition – given the delay in proclamation is costing additional start-up dollars, these costs should not properly be borne by the profession as the College must repay its start-up loan. How can the Department assist in minimizing those expenses?

It was agreed as part of this process, the CEO should work on developing a dashboard that illustrates the timing and delays of all aspects of the College's development and costs associated with them.

### Insurance Consultation

The Board had for review the proposed consultation paper regarding liability insurance. There was comfort with the direction. It was noted as part of this process, we must emphasize the role of the College as it relates to this.

Timing of the consultation will depend on the date fixed for proclamation so there is a connection to the College's operations when we engage with the profession on this.

### Board remuneration

The CEO noted that he has reflected on this issue since it was last discussed with the Board. He has spoken with Messrs. Fineblit and Thompson as well as the Chair. He thinks use of an expert consultant at this stage will not prove as useful as it will once the College is operational and there is information about work effort, risks and the extent and nature of Board member obligations. He proposes to present a recommendation to the Board on a rate of remuneration in keeping with Treasury Board Guidelines and some NFP boards.

The inherent conflict in the Board considering this issue is noted.

The CEO was asked to pursue this approach and report to the Board as soon as practicable.

### Privacy Impact Analysis

The CEO reported this is an issue which he is pursuing because the College will be subject to both the Privacy Act and the Access to Information Act. He is awaiting a proposal from a leading privacy lawyer. Members of the Board offered to provide additional possible sources for an analysis and introduce for the CEO.

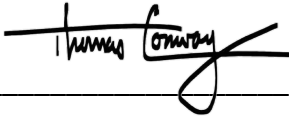
In this context it was suggested the CEO should also introduce the College to the Commissioner of Official Languages.

### Website Development

The CEO noted a priority for work once funding is in place is to establish the College's initial website using the services of IdeaZone of Victoria.

The meeting adjourned at 3:35.

Minutes Approved January 19, 2021



Thomas Conway

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