

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

Board of Directors Meeting
March 16, 2021, 2:00 ET

Minutes

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

Call to Order

The Chair called the meeting to order at 2:00 ET.

Agenda

The agenda was approved without additions.

Conflicts

No conflicts were declared.

Minutes

On motion (Thompson/McHugh) the minutes of the February 16, 2021 meeting were approved.

CEO Report

The CEO reviewed the major issues he continues to address as we get closer to Coming Into Force of the Act. He noted the Regulations have been published in the Canada Gazette and feedback is now being addressed.

There was Board discussion focusing on several key issues:

- The Regulations are not the College's. They have been developed by the Department without any necessity for alignment with the College's views of what proper regulation of the profession will entail. For example, the absence of 'firm regulation' is seen to be a significant gap.
- The Regulations move the College closer to operations while the key issue of statutory immunity has yet to be satisfactorily addressed. The Board is being asked to direct the College and provide guidance to the CEO as we come closer to operations, without any assurances individual directors are not creating risk by playing this role.
- The content and tone of the Regulations do not closely align with the College's vision.
- Several Patent Agents have sounded an alarm regarding the residence requirement, which is believed will impact reciprocity with the USPTO. The College has already identified the residence requirement is not necessary for effective regulation and

because it is not defined and there is no clear policy rationale for it, we have asked it to be removed.

The CEO noted we have insisted CPATA be party to all discussions through the consultation process. We are not just a stakeholder. WE will continue to emphasise our perspective is that of the regulator.

It was agreed the College will submit its comments to the Department making it clear, especially for the public, the regulations were not developed by the College and do not fully align with its vision for the College.

By-laws

The most recent draft of the By-laws was included in the Board package. Directors did not have adequate time to do a complete review but agreed to do so and provide comments to the CEO. However, there was agreement on the approach and philosophy outlined in the memo to the Board.

Though a complete review still needs to be done, the Board agreed to the process of consultation and distribution of the By-laws for further input.

Privacy Impact Analysis

The Board had a report for the CEO on undertaking a PIA s part of the College's set-up. On motion (Bawa/Astle) the Board authorized the CEO to enter into a contract with McInnes Cooper to undertake the PIA in accordance with their written proposal.

In Camera

The Board had a brief in camera discussion.

The meeting adjourned at 3:30.

Minutes Approved March 30, 2021.


