

**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 30, 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 March 16, 2021 meeting were approved.

**CEO Report**

The CEO reported on the meeting recently held to discuss the draft regulations. A consistent theme exists in opposition to several proposals. They center on: the requirement for 'residence' (except for Trainees), the language around 'mental fitness', the role of law schools in supervising training, the make-up of the College's committee responsible for the Qualifying Examinations.

The focus has been on the strongly held belief the residence requirement with the elimination of 'foreign agents' will threaten the reciprocity currently enjoyed by Canadian Patent Agents before the USPTO.

The Federation of Law Societies' concerns continue to focus on issues in the Act and some of the timing requirements when matters are referred to the Federal Court.

The CEO noted the initial communication with the profession will be sent shortly. It will introduce the College.

Website development is ongoing, with information for the sight being compiled.

We are looking at the suite of insurance the College will require for all its operations.

Discussions with CIPO on data transfer are progressing. It is expected Thentia can demonstrate its standards meet the requirements of CIPO and ISED that will allow for transfer of private information.

The privacy impact analysis will begin shortly.

The CEO is awaiting receipt of a signed MOU with IPIC regarding the exams.

### **Statutory Immunity**

The Board expressed its disappointment statutory immunity was not addressed head-on in the recent discussion paper received from the Department. The Board has concerns it is not being heard and the Department does not appreciate that the environment in which the College is being established constitutes one of real risk for individual Directors. This needs to be communicated to the Deputy. One Director described the risks as 'high' with 'high personal impact'.

It was reiterated through this discussion that some Directors feel they cannot serve on the College's Board absent adequate personal protection.

Following lengthy discussion, the Board, directed the Chair and CEO to communicate the Board's position to the Deputy Minister :

1. The senior leadership in the Department will commit to advocating for an amendment to the Act to include a provision establishing immunity for the Board and statutory committee members.
2. The Government/Department will indemnify Directors from costs associated with defending a claim against them personally because of their work as Board Members.
3. The Department will pay for increased insurance costs to acquire insurance, if it is available, that stands in the stead of an immunity provision.
4. The Department will communicate its position by April 9, 2021.

### **By-laws**

Time did not allow for a detailed discussion of the By-laws. The issue will return to the next Board meeting.

### **In Camera**

The Board had a brief in camera discussion.

The meeting adjourned at 3:30.

Minutes Approved April 13, 2021.



Thomas Conway