



Access to Information Act

Annual Report 2021-2022

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Introduction	2
Organizational Structure	4
Delegation Authority.....	4
Policies, Guidelines, Procedures, and Initiatives.....	5
Training and Awareness	5
Performance 2021-2022.....	6
Summary of Key Issues and Actions Taken on Complaints	6
Monitoring Compliance.....	6
Conclusion	6
Annex A – Delegation Authority	7
ANNEX B – Supplemental Statistical Report on the Access to Information Act and Privacy Act	8

Introduction

Through this inaugural Annual Report on the *Access to Information Act*, the new [College of Patent Agents and Trademark Agents \(CPATA\)](#) presents to Parliament a summary of its activities in accordance with section 94 of the *Access to Information Act* (the ATIA).

As a modern, risk-based professional regulator, CPATA values institutional transparency and accountability as a key ingredient of its public interest mandate. This philosophy is perfectly aligned with the purpose of the *Access to Information Act*, which gives Canadian citizens and permanent residents a broad right of access to information contained in government records, subject to certain specific and limited exceptions.

CPATA is one of only a few independent regulatory bodies subject to federal legislation such as the *Access to Information Act*. Upon its coming-into-force in June 2021, the College received no resources or training from the federal government regarding its obligations under this Act. During the first 12 months of its existence, CPATA has prioritized developing an understanding of its obligations and taking steps to build the foundation for compliance with all federal legislation to which it is subject.

This report describes the activities taken by CPATA to support compliance with the ATIA during its first year of existence, from June 28, 2021 to March 31, 2022.

Institutional Mandate

The Government of Canada enacted the [College of Patent and Trademark Agents \(CPATA\) Act](#) in 2018, as part of its National Innovation Strategy to position the country as a world leader in innovation. In 2019, an interim Board of Directors was appointed by the Government, with the purpose of building Canada's independent public interest regulator of patent agents and trademark agents. CPATA's first CEO was appointed by the Board in spring of 2020, and the College officially came into force on June 28, 2021.

CPATA is the regulator of patent agents and trademark agents in Canada. Anyone who wants to hold themselves out as a patent agent or trademark agent, or to act on behalf of clients in dealing with the [Canadian Intellectual Property Office](#) (where patents and trademarks are registered), they must be a licensee of CPATA. It is unique as a national regulator; there are no provincial regulators of patent agents and trademark agents¹.

CPATA operates in the public interest². All CPATA activities are required to promote and protect the public interest in the delivery of patent and trademark services in Canada. To support this statutory purpose, CPATA has adopted Regulatory Objectives, Standards and Principles³ that prescribe the way CPATA operates to achieve its public interest protection role.

The College is responsible for protecting the public interest by:

- Setting competence standards for the profession and administering entry requirements that address those standards;
- Implementing the Code of Professional Conduct established by the Minister of Innovation, Science and Industry;
- Administering a fair and open process to respond to concerns about the competence or conduct of agents;
- Establishing expectations for liability insurance, continuing professional development, and pro bono requirements; and,

¹ About 1/3 of the profession are lawyers and are therefore regulated in that sphere, an overlap the College recognizes and will address to avoid confusion for the public and licensees, or any gaps in public protection.

² *CPATA Act* s.6 The purpose of the College is to regulate patent agents and trademark agents in the public interest, in order to enhance the public's ability to secure the rights provided for under the [Patent Act](#) and the [Trademarks Act](#).

³ [Board Policy 2 - Regulatory Objectives, Standards and Principles - CPATA \(cpata-cabamc.ca\)](#)

- Promoting innovation in the delivery of patent and trademark services.

CPATA also plans to work with the profession to encourage equity, diversity and inclusion in the profession, to make the services of agents more widely available to stimulate innovation in the Canadian economy, and to support innovation in the way patent and trademark agents do their work and more broadly the way intellectual property rights are protected in Canada.

Organizational Structure

CPATA is a small organization that is still in development. CPATA has a Board of Directors, six committees, and a small team of less than ten employees led by a CEO/Registrar.

The Board has nine members, five of which are appointed by the Federal Minister and four of which are elected by the profession. The Board is responsible for ensuring that CPATA performs the role described in the *CPATA Act*. It does so by instructing the CEO/Registrar, and then monitoring what CPATA is doing and, more importantly, accomplishing.

Most of CPATA's daily operational work is done by the CEO/Registrar and six staff, who handle interactions with licensees, trainees, and members of the public.

All the ATIA work is conducted by one Privacy and Access Officer, with some support from the rest of the CPATA staff.

Delegation Authority

Delegation by Head of Corporation

The Delegation Order dated October 7, 2021 (the "2021 Delegation Order") designates the Access to Information and Privacy Officer to exercise certain powers and perform certain duties and functions of the CEO under the Act and is attached hereto and forms part of this annual report (see Annex A).

Policies, Guidelines, Procedures, and Initiatives

As a professional regulator, CPATA operates in a culture of institutional transparency and accountability, all the while safeguarding the confidentiality and personal data of licensees and members of the public. The following initiatives are in place to proactively provide public access to information regarding the College's decisions and functioning:

- All of CPATA's policies are available for public consultation on the College's website
- Board meetings, minutes and materials, along with quarterly financial statements, are available for public consultation on CPATA's website
- Registration and Discipline committee decisions are published on the College's website, social media and monthly newsletter
- The College publishes its Annual Report, Financial Statement as well as Operational Reports on its website
- CPATA engages with licensees and the profession on regular consultations regarding its major initiatives
- CPATA explains the rationale behind policies and key decisions so that licensees and the public understand the reasoning behind them
- The College is committed to service standards that provide information to the public in a timely manner and key staff are reachable for questions

A major initiative in the coming years to support compliance with the ATIA will be the development of a retention program for documentation.

Training and Awareness

Through its training activities, CPATA continues to work towards enhancing the institution-wide culture of respect for the ATIA.

CPATA's privacy and access awareness training for Board members included an introduction to the ATIA, including the importance of strong information and records management practices in order to meet the organization's obligations under the ATIA. The College plans to update all training materials to include content related to

management of records, to facilitate effective management of its operations under the ATIA.

Performance 2021-2022

No access to information requests were received during the reporting period.

Summary of Key Issues and Actions Taken on Complaints

No complaints were received or concluded during the reporting period.

Monitoring Compliance

No monitoring was conducted during the reporting period.

Conclusion

As a new regulator, CPATA operates in a transparent and open way, regardless of its obligations under federal legislation. As one of very few professional regulators subject to the ATIA, CPATA is committed to ATIA compliance, but is navigating uncharted territory. CPATA is not a governmental organization and does not benefit from the accrued expertise and resources of the federal network. CPATA welcomes advice regarding how to effectively meet its obligations under the ATIA.

In the coming years, the College will continue to dedicate resources and time to building the operational infrastructure necessary to promote public access to information, in accordance with its regulatory objectives, standards and principles, as well as its institutional values of transparency and accountability.

Annex A – Delegation Authority

Access to Information and Privacy Act Delegation Order

I, undersigned, CEO of CPATA, pursuant to section 73(1) of the *Privacy Act*, hereby designate the Access to Information and Privacy Officer, or person occupying that position on an acting basis, to exercise signing authorities or perform any of the CEO's powers, duties or functions as head of institution that are specified in the attached Schedule B. This designation replaces all previous delegation orders.

Original signed by

Darrel Pink

Chief Executive Officer of CPATA

Date: 2021-10-07

Schedule - Sections of the *Privacy Act and the Access to Information Act and Regulations* to be delegated

Position	Powers, Duties or Functions
Access to Information and Privacy Officer	Full Authority



ANNEX B – Supplemental Statistical Report on the Access to Information Act and Privacy Act

Name of institution: College of Patent Agents and Trademark Agents

Reporting period: 2021-04-01 to 2022-03-31

Section 1: Capacity to Receive Requests under the Access to Information Act and Privacy Act

Enter the number of weeks your institution was able to receive ATIP request through the different channels.

-	Number of Weeks
Able to receive requests by mail	0
Able to receive requests by email	35
Able to receive requests through the digital request service	0



Section 2: Capacity to Process Records under the Access to Information Act and Privacy Act

2.1 Enter the number of weeks your institution was able to process paper records in different classification levels.

-	No Capacity	Partial Capacity	Full Capacity	Total
Unclassified Paper Records	52	0	0	52
Protected B Paper Records	52	0	0	52
Secret and Top Secret Paper Records	52	0	0	52

2.2 Enter the number of weeks your institution was able to process electronic records in different classification levels.

-	No Capacity	Partial Capacity	Full Capacity	Total
Unclassified Electronic Records	0	0	52	52
Protected B Electronic Records	0	0	52	52
Secret and Top Secret Electronic Records	52	0	0	52