

**COLLEGE OF PATENT AGENTS AND TRADEMARK AGENTS/  
COLLÈGE DES AGENTS DE BREVETS ET DES AGENTS DE MARQUES DE COMMERCE  
DISCIPLINE COMMITTEE**

IN THE MATTER of a hearing of an application by the Investigations Committee of the College of Patent Agents and Trademark Agents/Collège des agents de brevets et des agents de marques de commerce ("**CPATA**") regarding the conduct of **ALPESH PATEL 2021-1516** to be held before the Discipline Committee according to the provisions of the *College of Patent Agents and Trademark Agents Act*, 2018, c 27, s 247 ("**Act**").

B E T W E E N:

College of Patent Agents and Trademark Agents/  
Collège des agents de brevets et des agents de marques de commerce  
(Applicant)

- and -

Alpesh Patel  
(Respondent)

**NOTICE OF APPLICATION**

**TO THE RESPONDENT:**

**THE INVESTIGATIONS COMMITTEE** of CPATA has applied to the Discipline Committee for a decision as to whether you have committed professional misconduct. The Discipline Committee will hold a hearing under the authority of sections 51 to 62 of the Act.

The Application appears on the following pages.

December 5, 2022

Date of Issue

*Darrel Pink*

Darrel Pink  
Interim CEO and Registrar  
College of Patent Agents and Trademark  
Agents/Collège des agents de brevets et  
des agents de marques de commerce

**TO: Alpesh Patel**  
LAWGIC IP  
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Toronto, ON M5V 3H5  
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NOVEMBER 28, 2022

## APPLICATION

The Investigations Committee of the College of Patent Agents and Trademark Agents (the “College”) is making this Application to the Discipline Committee of the College pursuant to s 49(1) of the *College of Patent Agents and Trademark Agents Act*, SC 2018, c 27, s 247 (“the Act”). The Discipline Committee is asked to consider the following allegations and determine if Alpesh Patel (“the Respondent”) has engaged in professional misconduct contrary to the Act, *Code of Professional Conduct for Patent Agents and Trademark Agents* (the “Code”) and/or *By-laws of the College of Patent Agents and Trademark Agents* (Board), SOR/2021-168 (the “By-laws”).

**1. The Respondent failed to respond promptly to the College contrary to the following provisions:**

**(a) Part 7 of the Code (Duties to the College, Members and Other Persons):**

**Rule 7(3):**

An agent must respond promptly and in a complete and appropriate manner to any communication from the College relating to their conduct.

**2. The Respondent failed to cooperate with the College in their investigation contrary to the following provision:**

**(a) Part 7 of the Code (Duties to the College, Members and Other Persons):**

**Rule 7(3):**

An agent must respond promptly and in a complete and appropriate manner to any communication from the College relating to their conduct.

**3. The Respondent failed to advise the Registrar in writing that he is charged with a criminal offence under the Criminal Code contrary to the following provisions:**

**(a) Section 51 of the By-laws (Obligations of Licensees):**

Information to be provided

**51** A licensee must advise the Registrar in writing if the licensee

...

**(d)** is charged with, pleads guilty to or is found guilty of any offence under the [Criminal Code](#), the [Controlled Drugs and Substances Act](#), the [Income Tax Act](#), the [Excise Tax Act](#) or under a provincial securities act

**(b) Section 2 of the Code (Fundamental Canon):**

The most important attribute of an agent is integrity. That principle is implicit in this Code and in each of the rules and commentaries set out in it. Irrespective of the possibility of formal sanction under any of the rules in this Code, an agent must at all times conduct themselves with integrity and competence in accordance with the highest standards of the profession in order to retain the trust, respect and confidence of members of the profession and the public.

**4. The Respondent failed to advise the Registrar in writing that he is the subject of an interim interlocutory suspension by the Law Society of Ontario contrary to the following provisions:**

**(a) Section 51 of the By-laws (Obligations of Licensees):**

Information to be provided

**51** A licensee must advise the Registrar in writing if the licensee

...

(e) 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) Section 2 of the Code (Fundamental Canon):**

The most important attribute of an agent is integrity. That principle is implicit in this Code and in each of the rules and commentaries set out in it. Irrespective of the possibility of formal sanction under any of the rules in this Code, an agent must at all times conduct themselves with integrity and competence in accordance with the highest standards of the profession in order to retain the trust, respect and confidence of members of the profession and the public.


**5. It is alleged that the Respondent is ungovernable.**

**6. The following are particulars of the allegations:**

- (a) On or about March 8, 2022, the College received an inquiry from AL, who identified himself as a client of the Respondent. Mr. L advised that the Respondent missed filing deadlines which caused his trademark application to be deemed abandoned. Mr. L also raised concerns about the quality of the work performed by the Respondent. He also advised the College that the Respondent offered to take steps to reinstate his trademark application or refund him the fees charged to date.
- (b) In fact, the Respondent's licence had been administratively suspended since at least June 28, 2021 for failing to submit a membership renewal and pay the required fees.
- (c) The College also subsequently learned that,
  - i. the Respondent had been suspended from the Law Society of Ontario since February 2022, and,
  - ii. on April 1, 2022, the Respondent was charged with fraud over \$5,000 under the *Criminal Code of Canada*.
- (d) The Respondent reported to the College neither the LSO suspension nor the criminal charges.
- (e) The College contacted the Respondent on April 4, 2022. Among other things, the College asked the Respondent if he intended to seek reinstatement as a trademark agent. The College also asked the Respondent about the status of the LSO matter and asked for the Respondent's response to Mr. L's concerns. The College requested a response by April 11, 2022. However, the Respondent did not respond.
- (f) On April 25, 2022, the LSO proceeded with an interim suspension hearing. During the hearing, the College became aware that the Respondent was the subject of seven different complaints, including allegations of: creating fraudulent court documents, practicing in trademark and IP matters while suspended (2020 and 2021), misleading a former employer, failing to cooperate with the Law Society's investigation and failing to report that he had been charged under the *Criminal Code*.
- (g) The Law Society Panel found "an abundance of compelling and credible evidence exists to show a risk of danger to the administration of justice and to the public interest" and ordered the Respondent's licence suspended on an interlocutory basis. The Respondent, through his counsel, consented to the continuation of his interim suspension. As noted, the Respondent did not advise the College of the continued interim interlocutory suspension.
- (h) On April 29, 2022, the Investigation Committee initiated an investigation of the Respondent. The Respondent was advised that this investigation involved the following issues:
  - failure to report the LSO suspension of his licence to practise law in Ontario;

- failure to respond to Mr. L's complaint;
  - offering to take steps to reinstate Mr. L's trademark application despite being suspended;
  - failing to respond to these matters by April 11, 2022 as requested.
- (i) The College's investigator attempted to follow up with the Respondent on a number of occasions and attempted to schedule an interview to discuss the above-noted matters. However, the Respondent has failed to respond either adequately or at all to the College's requests.

Respectfully,



C. Kristin Dangerfield, Chair

Investigations Committee

COLLEGE OF PATENT AGENTS AND TRADEMARK AGENTS/  
DE COLLÈGE DES AGENTS DE BREVETS ET DES AGENTS DE MARQUES DE COMMERCE  
Applicant

- and -

ALPESH PATEL

Respondent

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AGENTS/COLLÈGE DES AGENTS DE BREVETS ET  
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DISCIPLINE COMMITTEE**

**NOTICE OF APPLICATION**

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