

Discipline Committee: Policy on Pre-Hearing Conferences

NAME OF POLICY	Policy on Pre-Hearing Conferences		
APPLICABLE SECTIONS OF THE ACT, BY-LAWS AND REGULATIONS and/or PURPOSE	CPATA Act, ss. 51-63; Policy on Conduct of Digital Proceedings		
RESPONSIBILITY	Manager of Professional Responsibility		
APPROVED BY	EFFECTIVE	REVIEWED	REVISED
Discipline Committee	2022-11-28	-	-

1. Definitions

- 1.1 'Act' means the College of Patent Agents and Trademark Agents Act;
- 1.2 'Chair' means the Chair of the Discipline Committee or their designate from the Discipline Committee;
- 1.3 'Parties' means the Investigation Committee and its counsel, and the Licensee and their counsel.

2. Purpose

The purpose of this policy is to provide guidance to the Discipline Committee and Parties appearing before it, about matters that may be discussed and agreed upon before commencement of a proceeding, and directions that may be obtained from the Chair, to facilitate an expeditious proceeding. This policy applies to in-person, digital or telephone Pre-hearing Conferences.

3. Application

- 3.1 This policy applies to all proceedings before the CPATA Discipline Committee.
- 3.2 Discipline Committee proceedings are conducted pursuant to ss. 51-63 of the Act. Nothing in this policy is intended to replace the provisions of the Act, regulations or By-laws.
- 3.3 In the event of a conflict between this policy and the Act, the Act prevails.

4. Documents

- 4.1 The College's pre-hearing Memorandum must be filed at least 20 (twenty) days prior to the scheduled pre-hearing conference.
- 4.2 The Licensee's pre-hearing Memorandum must be filed at least 10 (ten) days prior to the scheduled pre-hearing conference.
- 4.3 All pre-hearing conference documents must be submitted as a text searchable PDF, with all documents partitioned by tabs and bookmarked.

5. Procedure

- 5.1 Pre-Hearing Conferences may be conducted by the Chair or their designate.
- 5.2 The Chair will contact the Parties within 30 (thirty) days of being served with notice of an application by the Investigations Committee, for the purpose of scheduling a Pre-hearing Conference.
- 5.3 The Chair and the Parties may hold one or more Pre-Hearing Conferences, as needed.

- 5.4 Unless determined otherwise by the Chair and the Parties, a Pre-Hearing Conference may be conducted digitally or by telephone.
- 5.5 Pre-hearing Conferences are closed to the public. Parties must ensure they are alone in a private room or space, and able to maintain privacy and confidentiality.
- 5.6 At a Pre-Hearing Conference the Chair must set the dates for the proceeding, after consulting with the Parties, and provide the schedule for document filing by the Parties.
- 5.7 At a Pre-Hearing Conference, the Chair may give directions regarding procedural matters to facilitate the expeditious hearing of an application in accordance with the Act, including:
 - 5.7.1 The official language of choice of the licensee;
 - 5.7.2 Identification of issues in the proceeding;
 - 5.7.3 Identification of witnesses;
 - 5.7.4 Deadlines for filing of expert and other reports;
 - 5.7.5 Issues with respect to disclosure;
 - 5.7.6 Issues with respect to confidentiality and privilege;
 - 5.7.7 The order of proceedings;
 - 5.7.8 The potential for agreed statements of fact with respect to contested and uncontested components of an application;
 - 5.7.9 Further Pre-Hearing Conferences, if necessary, the timing and content of which will be as directed by the Chair; and
 - 5.7.10 Any other matters that may expedite the proceeding.
- 5.8 When assessing the potential for agreed statements of fact under 5.7.8 and other matters that may expedite the hearing under 5.7.10 above, the Chair may encourage the Parties to explore any areas for potential resolution, including with respect to the facts, the Code citations in the Application, potential findings and disposition, costs and other relevant areas for potential resolution, and may assist the Parties in reaching resolution in these areas.

- 5.9 If a licensee fails to participate in a Pre-Hearing Conference after receiving notice of it, the Chair may proceed in the licensee's absence.
- 5.10 Within 10 (ten) days of a Pre-Hearing Conference, the Chair will issue directions in writing arising from the meeting, and a written record of any agreements reached under 5.7 and provide such directions and written record to the Parties. A copy of such directions and agreements will be also provided to the Chair of the Panel appointed to hear the proceeding prior to commencement of the proceeding.