

**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 **IMRAN SIDDIQUI 2021-2516** 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 -

Imran Siddiqui
(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.

November 21, 2023

Date of Issue



Juda Strawczynski
CEO and Registrar
College of Patent Agents and Trademark
Agents/Collège des agents de brevets et
des agents de marques de commerce

TO: Imran Siddiqui
Aurora, Ontario

NOVEMBER 16, 2023

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 **Imran Siddiqui** (“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 was concurrently employed with the Canadian Intellectual Property Office (‘CIPO’) and his supervising IP firm without the knowledge or authorization of either employer, and attempted to conceal this fact, contrary to the following provision 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 the highest standards of the profession in order to retain the trust, respect and confidence of the members of the profession and the public.

- 2. The Respondent commenced an office action on behalf of CIPO with regard to one of his IP firm’s client patent applications, contrary to the following provisions of the Code:**

Part 3 Conflicts**Principle**

In each matter, an agent’s judgment and loyalty to the client’s interest must be free from compromising influences.

Rule 3**Conflicts of Interest**

- (1) An agent must not act for a person if there is a substantial risk that the agent’s loyalty to or representation of that person would be materially and adversely affected by the agent’s own interest of the agent’s duties to another client, a former client or any other person (referred to in this Code as a “conflict of interest”), except as permitted under the Code.

3. The Respondent knowingly provided the College with inaccurate contact information for publishing on the College's public register, contrary to the following provision 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 the highest standards of the profession in order to retain the trust, respect and confidence of the members of the profession and the public.

4. The Respondent failed to respond to communications from the College, and failed to cooperate with the College in their investigation of this complaint, contrary to the following provisions of the Code:

Part 7

Duties to the College, Members and Other Persons

Principle

An agent must assist in maintaining the standards of the profession in dealings with the College and members of the profession generally. An agent's conduct toward other agents must be characterized by courtesy and good faith.

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.

5. The following are particulars of the allegations:

- i. The Respondent was an active Class 3 Patent Agent in Training (license number 2021-2516) until November 23, 2022 when his license was suspended for non-payment of fees.
- ii. On October 5, 2022 the College was contacted by the Respondent's training supervisors, who notified the College that they were withdrawing their letters of reference and support for the Respondent's application to become a Class 1 licensee because they could no longer attest to the Respondent's good character and fitness to practice.
- iii. The training supervisors reported that they had recently discovered that the Respondent had knowingly violated the terms of his employment agreement and had breached his ethical duties over a period of approximately 12-16 months. In particular, they reported that the Respondent, without their knowledge or consent, had been

working concurrently for their firm and for the Canadian Intellectual Property Office (“CIPO”) as a patent examiner. They further alleged that the Respondent had knowingly taken steps to conceal his conduct.

- iv. The College’s Investigations Committee subsequently initiated a complaint against the Respondent on October 24, 2022. The Respondent was advised of the complaint and given an opportunity to respond to it.
- v. In his written response dated November 8, 2022, the Respondent did not reply to the substance of the complaint but instead stated that the College had no authority to investigate a complaint against him as it was an employment matter, and he was already administratively suspended by the College.
- vi. The Investigations Committee subsequently determined that there was evidence of potential violations of the Act and the Code and appointed an investigator. The Investigations Committee wrote to the Respondent on November 30, 2022 to advise him of the appointment of an investigator and to request further information. However, the Respondent failed to respond to this letter.
- vii. Among other things, the Investigations Committee learned that the Respondent worked full time and concurrently as a Patent Examiner for CIPO and as a Class 3 Patent Agent in Training for a private law firm from approximately February 16, 2021 to September 29, 2022.
- viii. The Investigations Committee also learned that unbeknownst to either employer, the Respondent was the Patent Examiner for CIPO in respect of a patent application made by his other employer. The Respondent had issued correspondence on behalf of his employer, CIPO, on September 23, 2022 to his other employer with respect to their client’s Patent Application.
- ix. On December 20, 2021, when his employment contract with his private firm employer was renewed, the Respondent failed to disclose that he was concurrently employed with CIPO. The Respondent also signed the contract even though the contract contained a clause where the Respondent agreed to “faithfully and diligently perform your duties and further the interests of” his employer and “not engage in any other business activity or employment” during his employment with the firm without the firm’s prior written consent.
- x. During the course of the investigation, the investigator attempted to contact the Respondent by his email address and the phone number he had provided the College for its public register. The investigator subsequently determined that the number and the email address that the Respondent provided to the College was for an office in the CN Tower, but the Respondent’s name was not contained in the CN Tower company directory.

- x. On December 13, 2022, the College investigator sent an email to the Respondent and requested information and documents. The email was sent to the email address that the Respondent provided the College in an email the previous month. However, the Respondent failed to respond to the investigator's email or provide the documents requested in that email.
- xi. On March 14, 2023 the Respondent was offered an opportunity to respond to the allegations against him but he declined to do so.
- xii. The Respondent subsequently sent an email to the College on March 22, 2023. Among other things, the Respondent objected to the investigation process, claiming that it was not transparent, fair and principled nor in keeping with the College's policies. However, the Respondent did not make any submissions of substance addressing the five allegations that were being investigated. Instead, the Respondent urged the Investigations Committee to dismiss the complaint or in the alternative, that he be provided with a copy of the preliminary investigation report and given an opportunity to make submissions.
- xiii. After being provided with a copy of the investigation report, the Respondent responded on May 12, 2023. However, the Respondent again failed to provide a comprehensive response to the issues raised during the investigation.
- xiv. Between June and August, 2023, the investigator made further attempts to contact the Respondent and obtain further clarifying information but he declined to be interviewed and asked instead that he be permitted to respond to written questions. Subsequently, in response to written questions sent to him on August 8, 2023, the Respondent refused to respond to the investigator's requests, which were made on behalf of the Investigations Committee. He did so again on September 5, 2023.

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 -

IMRAN SIDDIQUI
Respondent

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NOTICE OF APPLICATION

STEINECKE MACIURA LEBLANC

Barristers & Solicitors
401 Bay Street, P.O. Box 23
Suite 2308
Toronto, ON M5H 2Y4

Bernard C. LeBlanc, LSO No. 32329L

Telephone: (416) 644-4780
Facsimile: (416) 593-7867
Email: bleblanc@sml-law.com

Lawyers for the Applicant, College of Patent
Agents and Trademark Agents/Collège des agents
de brevets et des agents de marques de commerce