

**INVESTIGATIONS COMMITTEE OF THE COLLEGE OF PATENT AGENTS AND TRADEMARKS
AGENTS/ COLLÈGE DES AGENTS BREVETS ET DES AGENTS DE MARQUES DE COMMERCE**

BETWEEN:

INVESTIGATIONS COMMITTEE OF THE
COLLEGE OF PATENT AGENTS AND TRADEMARK AGENTS/
COLLÈGE DES AGENTS DE BREVETS ET DES AGENTS DE MARQUES DE COMMERCE

-and-

NICHOLAS CARTEL

ACKNOWLEDGEMENT AND UNDERTAKING

Subject to the approval of the Investigations Committee (the “**IC**”) of the College of Patent Agents and Trademark Agents (the “**College**”), I, NICHOLAS CARTEL, 2021-0301 (the “**Licensee**”), hereby acknowledge and undertake as follows:

1. I registered with the College on February 23, 2023 as a Class 2 Trademark Agent. I completed an application form to transfer my license to Class 4 on or around February 9, 2024, but did not pay the required fees to have the form processed. My Class 2 license with the College became administratively suspended on or around April 15, 2024, for fee non-payment.
2. I acknowledge that the College is investigating me for allegations of professional misconduct arising out of, among other things, matters that are the subject of proceedings before the Law Society of Ontario, one of which involves me. The allegations relate to client trust accounts relating to real estate matters, alleged misappropriation of millions of dollars in trust funds, and failure to report the specific Law Society of Ontario proceeding against me regarding the matter to the College, in accordance with By-law 73 of the College.
3. I acknowledge that the IC is considering an order suspending my licence pursuant to section 37.1(1) of the *College of Patent Agents and Trademark Agents Act*, S.C. 2018, c. 27,

s. 47. However, by signing this Acknowledgement and Undertaking (the “**Undertaking**”), I am proposing that the IC accept the following conditions and restrictions to be placed on my licence rather than suspending my licence, understanding that this Undertaking in no way binds the IC’s discretion.

I undertake and agree as follows:

- i. I agree to immediately pay the fee to process my application to transfer my license to Class 4 (“C4”), and in any event, no later than 15 days from the IC’s decision;
- ii. I shall strictly adhere to all the undertakings on the C4 application form, as attached as **Appendix “A”**, until further order of the Investigations Committee (“IC”) or Discipline Committee (“DC”) or until the final disposition of the current matters, namely, that I:
 - a. shall not practise as a patent agent or trademark agent;
 - b. shall not hold myself out as an active patent or trademark agent;
 - c. confirm that I have completed or made arrangements to the satisfaction of my clients to have their files returned to them or transferred to one or more licensees whose class of licence permits them to proceed with the file or files being transferred;
 - d. Confirm that any matters in progress at the Patent Office or the Office of the Registrar of Trademarks have been assigned to one or more licensees and the appropriate office has been advised of this in writing of the successor licensee(s);
 - i. I confirm I do not currently have, and have not had, for a period of over a year since May 2023, IP and/or trademark files;
- iii. I will make no application to the Registrar to change my status to Class 1 or Class 2 until further notice by the IC or DC or until the final disposition of the current matters;
- iv. I shall fully cooperate in a timely and substantive manner with any investigation undertaken by the IC;
- v. I shall make an initial report, and provide regular updates thereafter, in accordance with By-law 73 of the College to the College’s General Counsel, Professional Regulation, respecting the status of my proceedings at the Law Society of Ontario (the “LSO”) as well as any and all criminal, civil or regulatory proceedings, and any new information, charges or findings;
- vi. I agree to waive any right I may have to argue delay in these proceedings if the IC decides to await the outcome of the LSO and/or any other proceedings before taking further steps to protect the public interest; and

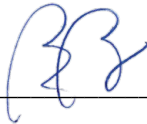
- vii. I agree that the College’s public register will be updated to reflect that my C4 license is subject to these consensual conditions and restrictions until further notice.

- 4. I acknowledge that if I breach any part of this Undertaking, the IC can prosecute me for a breach of this Undertaking as well as any other matter.

- 5. I acknowledge that this Undertaking is not binding on the IC.

- 6. I further understand, acknowledge, and agree that:
 - a. I fully understand the terms of this Undertaking;
 - b. I am signing this Undertaking voluntarily and without compulsion or duress; and
 - c. I have been advised by the IC to obtain independent legal advice prior to signing this Undertaking and I have either done so or had an adequate opportunity to do so.

DATE: July 18, 2024



Bernard LeBlanc

Lawyer for the Investigations Committee of the College of Patent Agents and Trademark Agents, Signed upon approval of the Undertaking by the Investigations Committee.

DATE: July 12, 2024



Nicholas Cartel

Licensee