

# Creating a College for the Future

No. 5

DECEMBER 2005

## Update to IPIC Members

Dear Members

*These are exciting times for the profession in Canada. The amount of work accomplished to date on the College project is staggering and real progress is now quantifiable. I am honoured to succeed IPIC presidents who've made, and continue to make, an important contribution to this project. I welcome the new members who join the Self-Governance Committee and IPIC Council. They join solid teams very committed to the success of the College.*

*Great attendance at the Q&A session in Mont Tremblant in October showed that members are interested in how the College is going to function. I'd like to thank everyone who expressed their opinion or commented so far, whether by email or in person. It's still not too late if you have something to say. Talk to us at college@ipic.ca.*

Cynthia Rowden  
President

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Intellectual Property Institute of Canada.

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# IPIC

## Points of Order

- **Thank you** to everybody who sent in the many comments we received on the draft legislation, the *Regulations* and the *Bylaws*. A few policy issues aside, the latter documents are now in sufficiently good shape for members and the government to understand how the College will function. Because the exact text will only be needed when the law comes into effect, we are now concentrating our efforts on finishing the draft legislation.
- In October, the Committee held a two-day retreat to study your comments and make changes to the draft legislation. We're working hard to finalize the text because CIPO needs it to press forward.
- **Transition** was a big topic at the retreat. How will the College handle prospective agents who have not finished their training by the time the legislation is passed? Which rules apply to them-old or new?

We will propose to the Government that, when the College comes into effect, candidates *who have already started their training* will have a five-year transition period in which to pass exams under the old rules. This means, for example, that a candidate who does not have a university degree, will be able to complete his or her training under the rules in place when he or she began that training. However, if the candidate does not pass the exams before the end of the five-year transition, then the new rules, including the university degree, will apply.

Under this system,

- candidates who have passed one or more patent agent exams under the old rules will be credited for those exams for five years from the date on which the legislation comes into force,
- patent agent exams already passed will be invalidated if the remaining exams are not completed within the five-year period. This however should not be a tremendous hurdle because a person ready to practice as an agent should be able to pass the exams again if required.

Says Joan Van Zant, Chair of the Committee, "As with all aspects of the College, our goal is to protect the public interest without creating undue limitations on the practice of the members of the College. In that regard, we believe that a five-year transition is a long enough period, especially if candidates already have an exam or two under their belt. Even in cases of prolonged illness or maternity, it's still plenty of time."

To contact IPIC about the College: college@ipic.ca

For more information:  
www.ipic.ca

New Terms:  
Our proposed legislation will create the terms “patent agent in training” and “trade-mark agent in training”. Agents in training will be non-voting members of the College.

*“The College is essential if we want protection of confidential communications for the clients of IP professionals. I’m very much in favour.”*

Raymond Eckersley  
Past President, IPIC

■ **Real-time Dialogue about the College.** The Q&A session held at the Annual Meeting in Mont Tremblant on October 14 was well-attended.

■ A summary of the discussion on **unauthorized practice** at the Q&A follows.

There are many firms and individuals performing honest services for inventors and who hire agents when the time comes to file. Other, less scrupulous people misrepresent their competence, do a poor job of writing the application themselves and ask the inventor to sign it. Not only is it poor moral conduct but the client sometimes ends up unprotected. Can these people be stopped?

In Canada, some professions such as medicine restrict *practice* without an appropriate title bestowed by an accredited university. Other professions restrict the use of a *title*. The type of work performed by agents, the type of clients, and comparisons with other professions indicate that the College legislation would restrict the use of *title*, not the practice. Further considerations that brought us to this conclusion include:

- it would be too complicated to prosecute an inventor’s neighbour who had helped out in good faith;
- the restriction of practice, even though it would be with the intent of protecting clients, could actually create a backlash from client groups, and therefore possibly from Government, who would see this change in the system as an increase to the costs of IP protection;
- unregistered pseudo-agents can’t deal with CIPO directly so their scope is limited anyway; and
- legal proceedings would tie up the College’s finances.

The College and IPIC will promote the use of qualified agents, the only people who would be authorized to use the term patent agent and trade-mark agent, as do other professional organizations which promote the hiring of qualified individuals in their areas of activity.

■ **Elections**

Because our College proposal has not yet been introduced to elected officials, we are not expecting the January 23rd federal election to cause any delays in our plans.