

Creating a College for the Future

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Update to IPIC Members

Dear Members

Following the consultations held in the spring by CIPO and Industry Canada, we have entered a brand new phase in creating a professional body for patent and trade-mark agents. I hope this newsletter keeps you up to date with developments and gives you ideas on how you can help shape your new college.

*Carol Hitchman
President*

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IPIC

Regulation – The Way Ahead

“This is exciting news,” enthuses Joan Van Zant, Chair of the Privilege and Self-Governance Committee. “The college has been eight years in the making and now we’re almost there.”

From Then Til Now

“To make a long story short,” continues Van Zant, “after NAFTA was signed, regulation of professions became a hot topic. Over the course of several reports, surveys and discussions, we realized we needed a higher profile with our own profession, the government, clients and the public. The IP profession is stand-alone in other countries — they have regimes in place that ensure accountability to the public, clients, the government and the profession. They have codes of ethics, discipline procedures and recognized professional bodies that deal with the management and development of the IP profession. That’s what we want in Canada.”

“Things really got moving in 2002 when IPIC presented a business case to CIPO for self-regulation and the creation of the college,” adds Michel Gérin, IPIC’s Executive Director. “Many industry organizations, corporations, law firms and individuals wrote to the Minister of Industry in support. This spring, Industry Canada and CIPO issued a discussion paper and held a public consultation. Reaction was mostly positive, including from lawyer-agents who are already regulated by the law societies. Based on this consultation, CIPO has offered to work with IPIC to develop a proposal for the creation of a new regulatory body and suggested that we move quickly to take advantage of the first window of opportunity in Parliament. Even though there are many steps left in the decision-making and legislative process, this is the most promising opportunity we’ve had.”

“And it’s coming together thanks to intensive lobbying efforts and lots of hard work by many people who’ve been quarterbacking for us over the years,” finishes Carol Hitchman, IPIC’s President.

Change Can Be a Good Thing

“At long last, patent and trade-mark professionals will get the recognition they deserve and an organization that supports and regulates their activities,” says Gérin. “Just like every other group of professionals in Canada.”

The college will be a distinct organization whose primary purpose is the protection of the public interest through examinations, continuing education and discipline. It will be responsible for the functions currently managed by CIPO. It will also give agents a new voice in the regulatory system through the election of the board of the college. Gérin predicts that the college will become a marketing tool by which agents can maintain credibility, attract clients and remain competitive on an international level. Membership will be mandatory to be on the register. On the other hand,

Creating a College for the Future

A PROFESSIONAL REGULATORY BODY FOR PATENT AND TRADE-MARK AGENTS

Over to You

Small Practice, Big Voice

Are you a sole proprietorship? A member of a small practice? Make sure that your point of view regarding the college is heard. Send us an email to comment or to join the Sole and Small Practices Committee.

What's in a Name?

So far, we've referred to this new organization the 'college', but it's an administrative headquarters not a bricks-and-mortar teaching college. It could be called 'society,' 'institute,' 'centre,' 'academy' or... Any ideas?

Now, Now, Now!

Do you have questions, comments or concerns about the college? Tell us. The Privilege and Self-Governance Committee wants to take members' opinions into account as it drafts the legislation. This is *your* opportunity to shape *your* college. Even more so if you join the committee.

SOS Volunteers

Getting the college off the ground is a massive project. Many hands make light work...

Down the Line

Come September, you'll have a chance to give feedback on each element of the college as the committee drafts it. Stay tuned.

We want to hear from you. The background on this project, including FAQ and the proposed discipline by-laws of the college, is available on IPIC's website. Check it out. Contact us at college@ipic.ca.

IPIC — with its more inclusive and voluntary membership — will continue to promote the profession through advocacy, public awareness mechanisms, training and conferences.

"From a lawyer's perspective," says Hitchman, "I see lots of positive things for the IP profession. There'll be a greater focus on continuing education for agents — something they will really benefit from. The law is in constant evolution, including changes in the law of other countries that impact Canadian practice. With standards in place, the level of education and, consequently, the quality of service can only increase. If, one day, we want to obtain privilege for clients of Canadian patent and trade-mark agents, we must have a better regulatory system."

Time Is Money

"Big or small, everyone is concerned about the cost of doing business," says Gérin. "The revenue that CIPO currently collects for the exams and from agents to remain on the register should be sufficient to fund the college instead. We'll keep members posted of any changes to our estimates."

"Clients want value for their money," says Van Zant. "They expect high-quality service and reliable, effective protection for their IP rights. Specialized software and qualified, competent professionals represent the fundamentals for an IP business. Maintaining the fundamentals is essential to cut risk. Standards form a key part of maintenance and provide insurance against disaster. Not to invest in the basics is penny wise, pound foolish."

As It Happens

- The Privilege and Self-Governance Committee is currently researching options for the various elements of the college as well as relevant legislation. It will then work on the substance of the legislation, taking member consultations into account.
- In September, members will be invited to send focused feedback on each element (admission, maintenance on the register, etc.).
- CIPO is working on the policy papers for senior officials and ministers. The goal is to submit these along with draft legislation in October.

"The best way to predict the future is to invent it."

Alan Kay

Milestones in Creating a College

