

# Creating a College for the Future

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Update to IPIC Members

*Dear Members,*

*It's been six months since our last College newsletter, but we haven't been sitting on our hands. We're beyond the planning phase now – as I write this, a draft of the legislation is sitting on my desk – and we're into the tangibles.*

*I'd like to thank the Privilege and Self-Governance Committee for the work they've done to date and the work yet to be done before we cross the finish line.*

*I'd also like to thank Carol Hitchman, our Past President, for continuing to provide both leadership and a relentless work ethic with respect to this project.*

*Our College is taking shape!*

*Steven Garland  
President*

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**IPIC**

## Where We're At

### Maelstrom of Activity

**Our activities are coming to a head.** Since the last newsletter, we received many comments from you on the various aspects of the College and the proposed operational details. We held the last two of five cross-Canada meetings and the AGM at which you expressed your support for the College, and provided questions and comments. In fact, the legislative drafter wrote the Act based, in part, on those questions and comments.

CIPO reaffirmed its commitment to the College at the IPIC Spring Meeting in April. David Tobin, Commissioner of Patents, Registrar of Trade-marks and CEO, said it was a key priority for CIPO in 2005-06 and that CIPO staff will work with us to produce the best possible documents.

"When IPIC is ready with its complete proposal, we'll sit together to sketch out action plans for our respective organizations to complement one another's," he said.

In confirmation of that, Jacques Hains (Special Advisor to the CEO, CIPO) is now dedicating most of his time to the College.

As well as the legislation, we're working on collateral documents: the Briefing Book (see explanation below), the outline of the Regulations and the Bylaws. We have collective writer's cramp and it's not over yet!

### Legislation

The Privilege and Self-Governance Committee completed its work on the administrative structure of the College. To speed up the process, CIPO suggested that IPIC prepare a first draft of the legislation to create the College. Working with the Committee, the legislative drafter hired by IPIC prepared the legislation using Acts passed for similar bodies as a model. "We know what we want to achieve," said Joan Van Zant, Chair of the Privilege and Self-Governance Committee, "but it's quite a painstaking exercise to find the exact words for a legislative text." The drafter is also helping IPIC write the Briefing Book, the Regulations and the Bylaws.

The draft legislation is now on IPIC's website ([www.ipic.ca](http://www.ipic.ca)). It may still evolve... Members can examine it and provide comments this summer, government officials have to review it (including drafters from the Department of Justice) and eventually Parliamentarians will debate it.

## It's Your College

We've been asking for your comments on many elements of the College. Here's what you have to say:

*"The College of Patent and Trade-mark Agents, including the self governance regime proposed by IPIC, provides the IP community in Canada with the opportunity to establish Patent and Trade-mark Agents on the same professional standing as other Canadian professions. In addition, the College and the self governance regime will provide effective means for the professions to act in the public interest in establishing and maintaining a standard of quality on which the public can rely in dealing with matters within the scope of practice of their members."*

**GLEN A. BLOOM**

**OSLER, HOSKIN AND HARCOURT LLP**

*"I fully and enthusiastically support the principle for a College of Patent and Trade-mark Agents. (...) Everyone should be encouraged to fully support this very necessary initiative."*

**JAMES D. KOKONIS**

**SMART & BIGGAR/FETHERSTONHAUGH**

If *your* College is going to do what *you* want it to do, you have to tell us exactly that. We need *your* input. Keep checking the website for updates and new information on each document. Send your comments to [college@ipic.ca](mailto:college@ipic.ca).

## Briefing Book

The Briefing Book is a section-by-section explanation of the draft Act. It separates out the proposed wording of each clause, provides the rationale for that clause and explains the consequential amendments to any current law. CIPO will use this document to inform government officials about the legislation and move the file forward. For us, it's a way to give you a clear understanding of every section of the Act. You can find it on IPIC's website. To help us improve this document, or if you have questions, please provide your comments by September 2, 2005, at [college@ipic.ca](mailto:college@ipic.ca).

## Outline of the Regulations and the Bylaws

Regulations aren't the same as Bylaws. They refer to aspects of the College that may be changed in the future but require a public process (such as publishing the changes in the Canada Gazette) to do so. Often, Regulations have to be approved by Cabinet. For example, the Regulations will state the qualifications required to practise as a trade-mark or patent agent, and that agents need to pass an exam as one step to being registered.

The Bylaws are more administrative than the Regulations. They include, for example, the guidelines for the exams. The membership of the College adopts the Bylaws. They can usually be changed by a vote at an AGM.

This summer we will complete our work on the outline of the Regulations and the Bylaws. We'll let you know and ask for your comments as soon as the outline is available on our web site.

## Next Steps

It's going to be a busy summer. We'll be working with CIPO on the legislation, the Regulations and the Bylaws. CIPO will make sure that the documents are "government-friendly." We'll meet to co-ordinate our messages before CIPO consults with decision-making federal officials.

As Jacques Hains explains, "In the fall, CIPO will continue to make the rounds within government and obtain support for the file. At some point, the draft Act will go before the Cabinet which will decide whether it goes forward in Parliament or not."

As we get closer to that point, IPIC will meet many stakeholders (such as groups representing clients), MPs and senators to brief them on the details of the legislation.