



Theme Number 2*
October 2004

Maintenance on the Registers

The College would manage the register of patent agents and the register of trade-mark agents. It would inform CIPO of the persons that have been added to or removed from the registers. After being admitted to the register, either by “grandfathering” or by the admission process (see Theme 1), agents will need to meet certain requirements to remain on the registers.

1. General Requirements

- Annual renewal fee would be unchanged (or substantially unchanged) from what is currently paid to CIPO (see thematic sheet on finances).
- Imposing an annual fee to foreign agents (they currently pay only a one-time fee) is under consideration.
- Must comply with Code of Ethics. It should be noted that members of IPIC are obligated to adhere to IPIC’s Code of Ethics but with the current situation, this is not an obligation to remain on the registers.
- Maintain and provide proof of professional errors and omissions insurance (with a possible exception for “in-house” agents employed by corporations).
- Filing of annual report of funds held in trust.
- Outcome of disciplinary procedures can affect status on the register (see thematic sheet on discipline).

* The purpose of these thematic sheets is to outline the operations of the College as proposed by IPIC and to seek feedback on these proposals.

2. Continuing Education

- Continuing Education (CE) will be on a voluntary basis (the “honour system”) for the first few years and slowly ramp up to mandatory once courses have been evaluated and accredited by the College. This will allow also time to determine what the appropriate and feasible requirements are.
- The College will set the standards and accredit the organizations that will deliver the education but will not supply training.
- CE will be delivered in a variety of ways, by IPIC and other organizations, to suit member needs. IPIC will work on developing new education offerings in addition to the existing Annual Meeting, Spring Meeting and other seminars. New offerings should include on-line education.
- Professional development activities from other organizations could include those from universities, other associations, private organizations and in-house programs within firms. These could be within or outside of Canada.

3. Summary

This proposal includes the following changes from the current practice to remain on the patent and trade-mark agent registers:

- Compulsory insurance
- Continuing education, beginning on a voluntary basis
- Adherence to the Code of Ethics
- Possibly an annual fee for foreign agents
- Report on funds held in trust

These changes to the practice requirements standards are consistent with what is generally expected from a profession and its regulatory body to protect the public interest. The committee has also considered practice (peer) review by the College but does not see a need at this time for such an activity given that new admission and continuing education requirements will be set and that a complaints system will be implemented.

Please send your comments to college@ipic.ca by October 29, 2004.