

Creating a College for the Future

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Update to IPIC Members

*We welcome your comments
and questions by October 29th*

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*Please visit www.ipic.ca for
more information.*

A Meeting of Minds

"I think you're doing this the right way," said Keith Christopher, Principal Consultant at Benchmark Management Consulting, in his role of facilitator at the Privilege and Self-Governance Committee meeting held on 10-11 September in Aylmer, Québec. "Having experts available to answer questions proved to be extremely worthwhile."

Christopher was referring to the presence of Gary Cole (exam expert, Royal College of Physicians and Surgeons), Martin Mason (administrative law expert, Gowlings), Rick Neugebauer (former Executive Director, Canadian Institute of Actuaries) and Jacques Hains (Acting Director, Corporate Strategies Branch and Special Advisor to the CEO, CIPO) who attended as an observer.

"These people have either been through the process themselves or had a role to play in a particular aspect of it," he continued. "They know what they would do differently or know how to put the elements together to help make sure we're getting the best process possible. It's a great opportunity for us to learn from others. I've been part of this process with other groups and I can tell you that yours is a superior approach. The chances of success are much higher."

"With the College, you'll have control of your own destiny. That's the real advantage. The critical variable right now is that the government can impose any changes it wants. The other compelling reason, of course, is that the College puts you in the club of regulated professionals."

Chaired by Joan Van Zant, the Privilege and Self-Governance Committee is made up of trade-mark and patent agents, lawyers and non-lawyers, and senior and junior practitioners from large and small firms. Such a broad representation of IPIC's membership has helped the committee see every issue from every point of view, right from the get-go. And if the committee has missed some, please raise them.

Onwards and Upwards

Here are some highlights of the conclusions at the 10-11 September meeting. Have a look at the Web site for more details on the actual themes.

- All trade-mark and patent agents who are currently on the register will be 'grandfathered' into the College.
- The College will manage the registers. The registers will include Canadian residents certified by the College and, in keeping with present practice, residents of other countries (appointment of an associate Canadian agent will still to be required) and firms.
- After a transition period, the admission requirements (certification) for all candidates will include a university degree, a two-year apprenticeship, proof of insurance and passing the exams. Non-lawyer candidates will also be required to write an exam on basic Canadian legal principles.

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IPIC

Themes to be posted on the Web site

- Admission
- Maintenance on the Register
- Code of Ethics, Discipline and Complaints
- Board of Governors and Accountability
- College Staffing and Financial Issues
- Indemnification
- College Relationship with IPIC and CIPO

Paper vs. Web site

Would you rather receive a paper copy of the documents IPIC will post on the Web site about the College?

Does IPIC have your current email address?

Tell us what you prefer so we can make it easy for you to give us your feedback by 29 October on the proposals for the College.

■ Continuing Legal Education (CLE) 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. It will be delivered in a variety of ways, by IPIC and other organizations, to suit member needs — through the IPIC AGM, in-house and institutional seminars (including those offered outside Canada) and via the Web.

■ The College will manage an appropriate complaints and discipline process where natural justice principles will be applied. When a complaint is made against an agent who is a member of another regulatory body (e.g. a law or engineering society), the College will meet with that body to decide which organization will apply its discipline process to avoid having two tribunals. Decisions will be shared with the other body.

■ The Board of Governors will be made up of nine individuals elected by College members and two lay people with a sound knowledge of IP issues.

■ The experts agreed that the proposed budget seemed reasonable. Additional costs to members are unlikely because the dues currently collected by CIPO will be collected by the College instead. The principal risk factor in the budget is the cost of disciplinary tribunals but solutions are envisaged so that a cash call would be a worse case solution.

Check the Web site!

"Well," said Joan Van Zant, "now the members really have their work cut out for them. We need to take their feedback on these discussions into account when we write the legislation."

Proposals for some of the themes have already been posted on the Web site. The others will be posted shortly. Check out www.ipic.ca and send your comments to college@ipic.ca by **29 October**, as we must get back to the government as promptly as possible.

Spreading the word

Following the meeting, members of IPIC Council and of the Committee went on a cross-country tour to promote the College. With the help of local IP groups, they met over 100 members in Vancouver, Calgary, Ottawa and Montreal. The proposals were very well received and the format of the meeting gave members the opportunity to ask questions and make suggestions. There will be similar consultations with members at the AGM in Banff and at a meeting in Toronto.



Carol Hitchman, IPIC President, speaking to members of IPIC and of the Patent and Trade-mark Association of British Columbia in Vancouver.