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GOVERNMENT OF CANADA ANNOUNCES THE CREATION OF A COLLEGE

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On April 26, 2018, during a World IP Day event in Ottawa, the Minister of Innovation, Science and Economic Development, the Honourable Navdeep Bains, unveiled further details of the IP Strategy, announced in part in the last federal budget.

One of the key components announced is the creation of a College of Patent and Trademark Agents. This is a project that the IP profession in Canada has been working on for the last 23 years, led by the Intellectual Property Institute of Canada, of which many if not most FICPI Canada members are also members.

In Canada, most professional orders, such as lawyers, doctors, nurses, etc., are regulated by each province. However, since the Patent Act and the Trademark Act are of federal jurisdiction, the provinces do not have the authority to regulate professionals under each of these statutes. There are currently very limited sections dealing with registration as an Agent, but no real framework for maintaining qualifications, for disciplining agents, and for establishing a Code of Ethics. In fact, IPIC voluntarily adopted a Code of Ethics a few years ago, in order to provide its members with guidance. This also created uncertainty as to which professional body would sanction an agent that was also a member of another professional body, such as a law society or an engineering society.

The government has moved forward with the creation of the College, providing a solid framework for increasing public confidence in the IP system, by providing a mandatory code of ethics, continuing education requirements and a discipline process. All of the above will continue to nurture a culture of innovation in Canada. This framework recognizes that patent and trademark agents are key players in obtaining IP rights in Canada, and will provide a robust, highly trained IP community of professionals to support the innovation agenda outlined by all levels of government.

The legislation enabling the creation of the College is expected in the Fall of 2018, as part of a *Budget Implementation Act (BIA2)*, and the transition from legislation to operation is expected to take 24 months.

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