

PROCEDURE FOR REQUESTING IPIC INTERVENTION PARTICIPATION

The Intellectual Property Institute of Canada (“IPIC”) is pleased to consider requests to review cases for possible intervention participation. This letter is an overview of Council’s and the Intervention Committee’s policies and procedures when evaluating requests for intervention.

All requests for intervention must be approved by Council or, if Council cannot act in time, by the Executive Officers. Requests for intervention are evaluated by the Intervention Committee who provides Council with a recommendation.

Requests for intervention and supporting documentation should be directed to the Chair of the Intervention Committee for review and evaluation by the Intervention Committee. An electronic copy of these materials should be forwarded by email, copying the Executive Director of IPIC.

In support of a request for intervention, the following materials must be submitted:

- (i) Intervention Request Letter (not more than 5 pages) succinctly outlining the following:
 - (a) Case name(s) and court file numbers in which intervention participation is requested;
 - (b) Statement of relevant facts giving rise to the matter at issue;
 - (c) Statement of each party’s position on the issues appealed;
 - (d) Potential material effect of the Court’s ruling on the state of the law or the intellectual property profession and practice;
 - (e) Statement on how the objectives, policies or principles of law warrants IPIC’s intervention before the Court; and
 - (f) Any addition information necessary for the Intervention Committee’s consideration of the request for intervention.
- (ii) All underlying Orders and Reasons for Order relating to the case in which intervention is requested;
- (iii) Where the request for intervention is in respect of an application for leave to appeal, appeal or reference the request must include:
 - (a) the date or proposed date of filing of the application for leave to appeal, factum of the appellant or proposed date of the Notice of Reference;
 - (b) a brief outline of the argument to be set out in the appellant’s or respondent’s materials; and
 - (c) in the case of a reference, a copy of the Order in Council authorizing the reference.

- (iv) Names and contact information for all parties and respective counsel of record involved in the proceeding(s) that is the subject of the request for intervention;
- (v) Names and contact information of all other organizations, agencies or otherwise that the requesting party has requested intervention participation;
- (vi) Any material specifically requested by Intervention Committee, Council, or the Executive Officers; and
- (vii) Any other materials (relevant pleadings, motion materials, etc.), essential to understanding the nature of the issues to be addressed on appeal. These materials should be listed in the Intervention Request Letter.

Given the timing requirements provided in the Supreme Court Rules, as well as the associated rules of civil procedure in the respective federal and provincial Courts of Appeal, it is critical that sufficient time is provided for the Intervention Committee to conduct a thorough evaluation of the issues. Counsel and requesting parties are advised to take the timing requirements in account when submitting a request for intervention.

The fact that IPIC is evaluating a request for intervention is not an admission that it believes that the Court or agency has made either an error or a correct decision, or that IPIC will eventually decide to seek intervention.

Once a request for intervention has been submitted, IPIC retains total control over its position in the motion for intervention or in the intervention even if that position is adverse to that of the requesting party.

For further information, please refer to the IPIC Intervention Policy found at www.ipic.ca or contact the Chair of the Intervention Committee.