

Annual Report 2022



Intellectual Property
Institute of Canada

The voice of intellectual
property professionals

IPIC at a glance



Our Team



ADAM KINGSLEY
Chief Executive Officer



ANNE-JOSÉE DELCORDE
Director of Education



LORETO LAMB
Director of EDI and
Stakeholder Relations



CHRISTINA LOCMELIS
Director of Communications
and Member Services



KIM ARIAL
Manager of Education & Events



ASHA LABRECQUE
Member Services Officer



JACILYN STETTNER
Education Officer



ROBYN O'NEILL
Design Officer



NATHALIE ETIENNE
Program Officer



CHARU BHARGAVA
Accountant

IPIC President & Chair of the Board

During IPIC's Annual General Meeting (AGM) on Thursday, September 29, 2022, in Whistler BC, IPIC's first in-person AGM since 2019, Tim Lowman of Aird & Berlis LLP was elected IPIC President and Chair of the Board for the 2022-2023 term. Tim previously served as IPIC's Vice-President from 2021-2022, Secretary from 2020-2021 and Treasurer from 2019-2020.



Throughout his over 35 years with IPIC Tim has contributed his time and expertise to numerous IPIC Committees and Communities providing his insights on various areas of importance to the IP profession. These include serving on IPIC's Continuing Professional Development Committee, Licensing Committee and as Chair and Board Liaison of IPIC's Insurance Committee since 1997. Tim has more than 40 years of experience as counsel in a broad range of commercial and intellectual property litigation, including patent, trademark, copyright, professional errors and omissions, trade secrets, invention ownership, product liability and employment law claims.

Over the last year IPIC made great strides in implementing and actioning its 2021-2023 Strategic Plan thanks to the great leadership of IPIC's immediate Past President Louis-Pierre Gravelle and IPIC looks forward to continuing this success under Tim's direction over the next year.

View our **2022 Year in Review video** highlighting our major successes and accomplishments over the past year.



Board of Directors

Along with the election of the new IPIC President and Chair of the Board at the 2022 AGM IPIC members also voted in a new IPIC Board of Directors for the 2022-2023 term. The IPIC Board is composed of nine members: four officers, the immediate past president and four directors. To take into account the diversity of roles existing in the profession, the Board is comprised of IP lawyers, patents agents, trademark agents, litigators and corporate practitioners.

New additions to the IPIC Board of Directors included Treasurer: Nathaniel Lipkus, Director: Jennifer Dove, and Director: Jordana Sanft.

2022-2023 IPIC Board of Directors





**PRESIDENT AND
CHAIR OF THE BOARD**
Tim Lowman



VICE PRESIDENT
Heather Mueller



SECRETARY
Paula Clancy



TREASURER
Nathaniel Lipkus

DIRECTORS



**Louis-Pierre
Gravelle**
(IMMEDIATE PAST PRESIDENT)



**Béatrice
Ngatcha**



**Jason
Markwell**



**Jennifer
Dove**



**Jordana
Sanft**

IPIC wishes to thank Past President Stephanie Chong and former Board Members Elizabeth Dipchand and Jonathan Auerbach who exited the Board this past fall for their invaluable contributions to IPIC and the Board over the years.

OUTGOING BOARD MEMBERS

Thank you
for your
great
contribution
to IPIC!



Jonathan Auerbach
Stikeman Elliott



Stephanie Chong
Hoffer Adler



Elizabeth S. Dipchand
Dipchand LLP



Strategic Plan

2022 marked the second year of implementation of IPIC's current 3-year strategic plan. The 2021-2023 plan includes four goal areas and objectives, three of which are the ongoing foundational pillars of the association. The fourth, is Equity, Diversity and Inclusion, a goal which IPIC believes stands on its own, as well as underlying and informing its other strategic goals.

The goals are:

- **Interconnected**
- **Mutually supporting**

Equity, Diversity & Inclusion

- Integrate Equity, Diversity and Inclusion Best Practices into IPIC's Governance
- Support Industry Best Practices in Equity, Diversity and Inclusion

IP Policy & Growth

Government Advocacy:

- Advise government on how IP-related legislation, regulations, and policies impact businesses in Canada
- Influence government legislation, regulations, and policies that affect the IP profession

Business and Public Awareness:

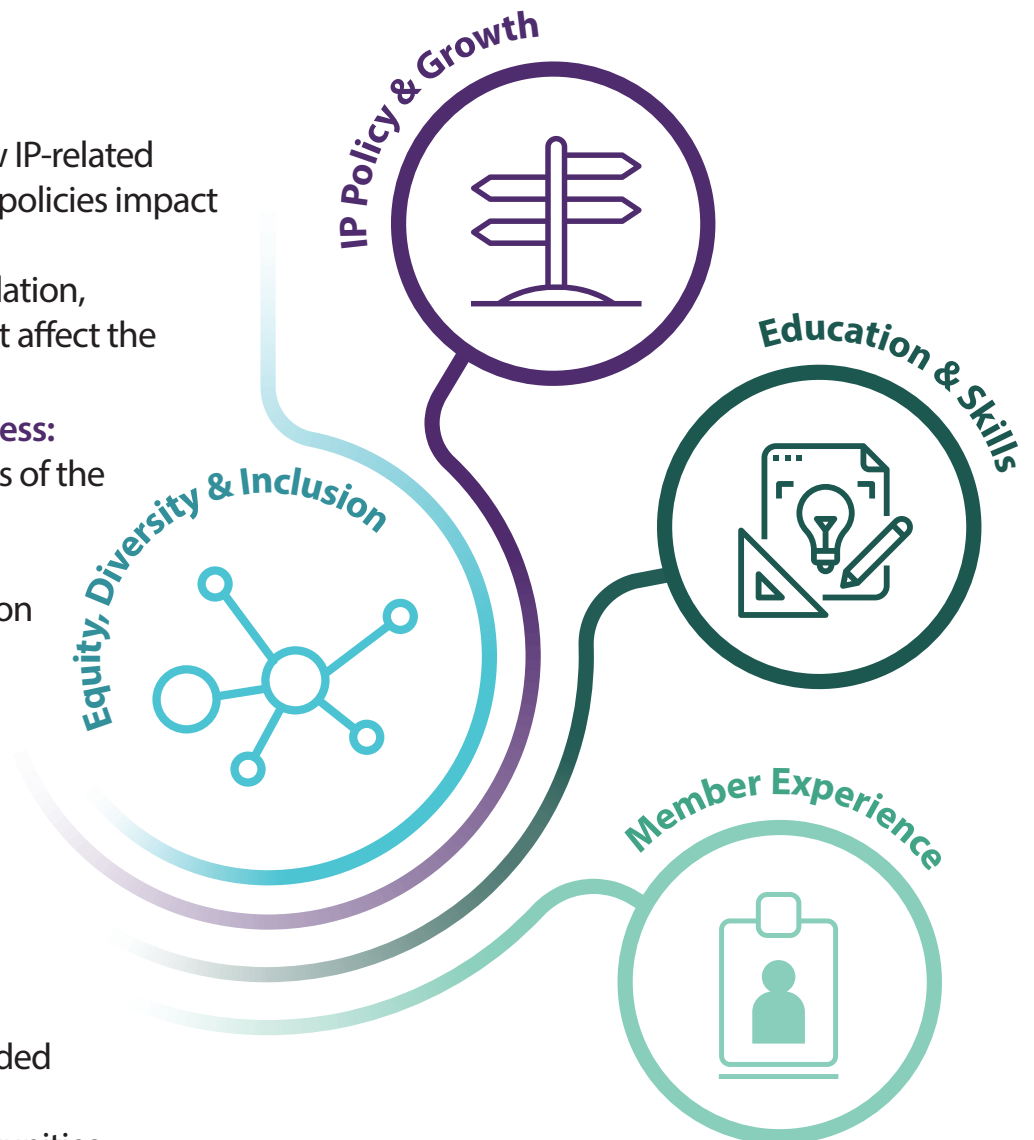
- Increase Business Awareness of the Value of IP
- Increase Knowledge and Awareness of the IP Profession

Education & Skills

- Educate new professionals
- Deliver relevant and cost-effective professional development for mid- to late-career professionals

Member Experience

- Explore additional value-added benefits for members
- Increase networking opportunities
- Strengthen French-language programming





Equity, Diversity & Inclusion

Equity, Diversity & Inclusion (EDI) is a key goal area in IPIC's 2021-2023 Strategic Plan. Additionally, with funding received from Women and Gender Equality Canada (WAGE), in early 2022 IPIC launched its EDI project titled *Building Back Through Innovation & Increasing Diversity in Canada's IP Sector*.

IPIC EDI Initiatives

Examples of IPIC's EDI initiatives in June alone include complimentary webinars for members, recognition of National Indigenous History Month and National Indigenous Peoples Day. Additionally, the Patent & Trademark Institute Educational Foundation (PTIEF), which is managed by the Executive Members of IPIC's Board of Directors, kicked off a concentrated fundraising effort in support of the PTIEF's Gordon Henderson Fund which promotes diversity and inclusion by helping to remove barriers for individuals from marginalized groups to access and pursue educational opportunities in the field of IP. This fundraising effort was done in line with CanadaHelps' national annual charitable initiative the *Great Canadian Giving Challenge* which takes place each year throughout the month of June.

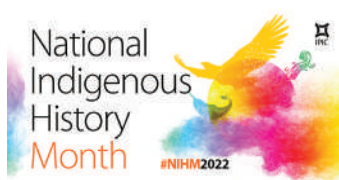
WAGE Project Initiatives

In support of the IPIC project funded by WAGE, IPIC designed a work plan that set out specific deliverables, objectives, and timelines. The initial phase of the project focused on information gathering and listening to Canadian IP professionals on EDI issues. Subsequently the project then entered its "action" phase with opportunities for members to engage in program delivery and outreach. Some key highlights from this project over the past year include:

- Hosting an EDI roundtable of government stakeholders and IP associations;
- Conducting IPIC's first-ever EDI survey in June 2022;
- Improving, promoting, and amplifying BIPOC visibility within the profession;
- Recognizing Pride Season through engagement with the UK's IP Inclusive *IP Out*;
- Providing webinars and sessions on IP for entrepreneurs from equity deserving groups;
- Conducting outreach to students about IP and careers in IP.

The overarching goal of both IPIC's Strategic Plan and its EDI project is to promote inclusivity and belonging. IPIC would like to thank each member that contributed their time helping IPIC achieve these goals including, for example, completing the EDI survey and engaging in outreach and programming activities.

 Women and Gender Equality Canada Femmes et Égalité des genres Canada



IP Policy & Growth

IPIIC attended over 40 meetings with government representatives and officials, a few of these noteworthy engagements included meetings with Member of Parliament (MP) Rick Perkins (Conservative Shadow Minister to Innovation, Science and Industry), quarterly meetings with Office of the Minister of Innovation, Science and Industry, and quarterly meetings with the CEO of the Canadian Intellectual Property Office (CIPO), Office of the Minister of Finance, among others.

Standing Committee on Finance (FINA) included IPIIC recommendations in Pre-Budget Report

IPIIC President Louis-Pierre Gravelle was invited to present IPIIC's thoughts on Pre-Budget 2022 for a FINA member Julie Dzerowicz. Following the consultations FINA released its Pre-Budget Report to Parliament titled *Considering the Path Forward*. IPIIC was pleased that each of its proposed recommendations, outlined below, were included within the report.

- Bolster IP generation in Canada by allowing IP-related costs to be recognized as eligible Scientific Research and Experimental Development expenses for income tax purposes.
- Establish a government action plan with the objective of fostering the commercialization of innovative technology in Canada and around the world.
- Implement a first patent program or patent incentive program similar to Quebec's Passeport Innovation, to cover both the initial searching and establishment of an intellectual property strategy as well as the drafting and filing of—at least—a first patent application on an invention.
- Fund the stimulus program directed to Canadian small and medium-sized enterprises for brand protection strategy to cover costs associated with clearance searches and trademark applications.
- Implement legislation or policy mandating that all federal government subsidies and research grants must earmark a small percentage of the funds to be used on intellectual property strategic advice and professional services to ensure our public investments in Canadian innovations are protected and commercialized by Canadian companies.
- Maximize the benefits of COVID-related research and development and address leakage of publicly funded intellectual property by expanding Canada's Intellectual Property Strategy.

Budget 2022 announced agreement to study possibility of introducing a Patent Box incentive

Honourable Chrystia Freeland, Deputy Prime Minister and Minister of Finance introduced the first comprehensive Budget in several years not to focus mainly on the COVID-19 pandemic and related relief/support measures. The Budget titled *A Plan to Grow Our Economy and Make Life More Affordable* reflects the recent confidence and supply agreement between the government Liberals and opposition New Democratic Party, including key planks to that agreement. While there wasn't much funding for intangibles, IPIIC was happy to see a commitment from the government to study IPIIC's recommendation for a Patent Box tax policy incentive to improve the regulatory environment for keeping IP rich companies in Canada.

Submissions & Interventions

With the support of its numerous dedicated and hard working Committees IPIC developed over 10 government briefs and submissions, including a brief on agent-client privilege, a brief on unauthorized practice submitted to the College of Patent Agents and Trademark Agents (CPATA), and a submission to Innovation, Science and Economic Development Canada (ISED) on substantive patent law harmonization.

Outreach & Awareness

IPIC continues to promote awareness of the value of IP, and to strengthen its relationship with stakeholders to promote IP awareness. In 2022 dozens of IPIC members presented on IP awareness at various stakeholder and partner events throughout Canada. Once again, IPIC members also participated in notable events such as World IP Day, Canadian Innovation Week, and National Indigenous History Month where numerous IPIC members delivered webinars, virtual and live sessions, and podcast presentations to mark the events.

This year 24 IPIC members participated in over 10 events dedicated to advancing IP awareness including podcasts, participation in the IP Village's IP Talks series, partnership with Trade Commissioners Services Canada and some in-person external conferences such as Weavesphere 2022 and Cooperathon 2022. IPIC proudly sponsored McGill University's IP Masterclass, which was re-introduced post pandemic.

IPIC has made a strong effort to advance knowledge of careers in IP, including participation at a Career Fair in Kingston Ontario. IPIC will be participating in more career fairs in 2023, keep up to date on these opportunities through IPIC's weekly IP Newsbreak.

IPIC intervention in *Benjamin Moore & Co. v. Canada (Attorney General)*

IPIC successfully intervened in *Benjamin Moore & Co. v. Canada (Attorney General)*, 2022 FC 923 which resulted in the Federal Court directing CIPO to apply IPIC's proposed test for the subject-matter patentability of computer-implemented inventions. Directed by its Board of Directors, IPIC's intervention counsel was Julie Desrosiers, Eliane Ellbogen, and Michael Shortt of Fasken supported by IPIC's Intervention *ad hoc* Committee with contribution from our Patent Committee and Litigation Committee.

Benjamin Moore sought judicial review of CIPO's denial of two patent applications for a computer-assisted method of choosing paint colours to match moods and emotions. The Attorney General of Canada conceded that CIPO had applied the wrong approach to claim construction but tried to prevent the Federal Court from issuing guidance about the approach that CIPO should follow when the case was remanded back to that body.

In contrast, IPIC argued that CIPO's systematic failure to follow the law as laid down by the Supreme Court, Federal Court of Appeal, and Federal Court meant that the Federal Court needed to offer explicit guidance now and for the future.

Associate Chief Justice Jocelyne Gagné of the Federal Court agreed that this test was in keeping with the Supreme Court's teachings, ensured consistency in the treatment of patents before CIPO and before the Courts, and ensured that computer-implemented inventions received the same treatment as any other invention. She accordingly directed CIPO to apply this test when re-assessing the patentability of Benjamin Moore's applications.



IP Assist

In the fall of 2022 IPIC finalized a partnership with the National Research Council's (NRC) Industrial Research Assistance Program (IRAP) that helps small and medium-sized enterprises (SMEs) better understand the key aspects of IP and how IP can support their business goals. **IP Assist** is a program that aims to provide IRAP unrepresented SMEs with access to experts in IP that can help them increase their IP Awareness (Level 1), develop an IP Strategy (Level 2) and implement IP Actions defined in their IP Strategies (Level 3).

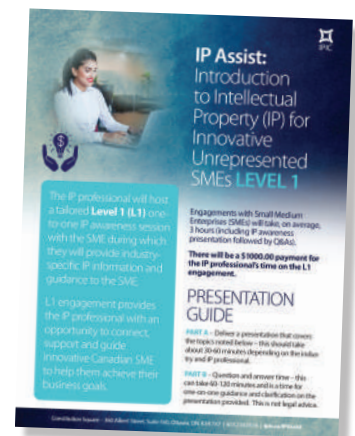
IP Assist is matching SMEs to experts in IP within IPIC's membership with expertise in areas relevant to their industries. IPIC members identify their expertise in two of the following industries to participate in this program: Advanced Manufacturing, Aerospace, Agri-Food, Biomedical, Bioproducts, Clean Tech, Construction, ICT, Mining and Branding Strategy.

Since September 2022 IPIC has received over 85 member requests to participate in the program. Over 60% SME requests have been matched and 6 IPIC members have completed Level 1 sessions (as of December 5, 2022).

For a detailed account of the process please see the outline provided below.

Level 1

The IP professional hosts a tailored one-to-one IP Awareness session with the SME during which they will provide industry-specific IP information and guidance to the SME. The engagement provides the IP professional with an opportunity to connect, support and guide the innovative Canadian SME to help them achieve their business goals. Engagements with SMEs will take, on average, 3 hours (including IP awareness presentation followed by Q&As).



There is a \$1000.00 payment for the IP professional's time on the L1 engagement.

Level 2

NRC IRAP will also be funding Level 2 for SMEs that have completed the Level 1 part of the program and wish to proceed further. Level 2 engagement provides connections and access to IP experts that can help build and develop an IP strategy that supports the firm's business goals. An IP Strategy developed through IP Assist can help the SME's answer some important questions and gain valuable insights relating to their technology, business, and IP.

The Level 2 IP Strategy will include a technology landscape search of published patent applications and technical literature relating to the described technology, a competitive market landscape search of competitor IP relating to the described technology; and an IP action plan that identifies IP gaps, itemize IP actions that will mitigate risks to IP, support commercial objectives, safeguards IP disclosures and assessments, includes IP management, IP best practices relating to the relevant industry, and any IP diligence actions that may benefit the IRAP SME.

There will be a \$18,000.00 payment for the IP professional's time on the L2 engagement.

Level 3

Currently not available: implementation of IP Actions defined in the Level 2 IP Strategies.

To participate in the program visit: ipic.ca/ipassist



Educations & Skills

Annual Conference

IPIC successfully held its first in-person conference in three years with a virtual component for members who were unable to attend in-person. Whistler, BC proved to be an exceptional location to host the long-awaited in-person conference **IPIC2022: Intersection of Environmental, Social and Governance (ESG) with Intellectual Property**. With over 220 registrants (in person and virtual), 50 speakers and moderators, 21 sponsors, 14 topics on EDI, ethics and substantive law, this year's conference received excellent feedback overall.



Informative sessions were presented on the importance of Indigenous IP and knowledge, on building the College as a Modern Regulator and honouring National Day for Truth & Reconciliation.

CPD for the Mid-to-Late Career Practitioner

CPD at a more advanced level of knowledge and skills on matters related to practice, professional regulation, legislation, litigation, ethics, EDI and practice management attracted a higher attendance this year. IPIC's high quality education continued to be recognized by Canadian law societies and American bars for mandatory CLE hours.

French-Language Programming

In a continued effort to strengthen its French-language services IPIC increased the number of webinars it offered in French on topics related to trademark practice, bilingual litigation in the Federal Court and the legal systems of common law and civil law, with the continued support of FORPIQ and LES Québec.



Equity Diversity and Inclusion (EDI) in Education

IPIC expanded its EDI educational opportunities with a focus on Indigenous truth & reconciliation, the protection of Indigenous property, mental health awareness, micro-inequities & their impact on organizational culture, and mentoring for diversity.

Patent and Trademark Case Law Review Series

IPIC presented its acclaimed IP case law review consisting in an in-depth discussion of key court decisions in Canadian IP law delivered by 30 experienced members of the IP bar. The series of 15 webinars was attended by an average of 150 participants per event.





IPIC-McGill Summer IP Courses

After pivoting to virtual delivery during the pandemic, the courses *Understanding Patents*, *Understanding Trademarks* and *Copyright Masterclass* successfully returned to in-person attendance at McGill's campus in Montreal over 3 weeks in July.

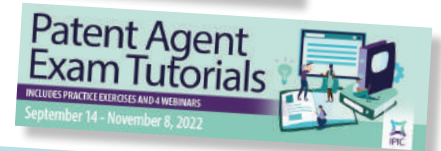
Agent Exam Training

IPIC effectively offered two modules of the Patent Agent Training Course, two offerings of the Trademark Agent Exam Prep Course, and the Patent and Trademark Agent Exam Tutorials in a shorter timeframe to accommodate the College setting exams a full month earlier than in past years.

Patent and Trademark Administrator Certification Programs

The certification programs for patent and trademark administrators to earn the professional designations Certified Canadian Trademark Administrator (CCTA) and Certified Canadian Patent Administrator (CCPA) continued to be offered on demand. Although CPD is not mandatory, IPIC introduced continuing education for these new professionals to maintain a high level of competencies.

Currently, 44 members hold the designation Certified Canadian Trademark Administrator (CCTA) and 38 members hold the designation Certified Canadian Patent Administrator (CCPA).



Mentorship Program

Almost sixty members were paired in the mentorship program based on areas of practice, educational background, goals, interests, and preferred language. In its 5th year, the program continued to be well received.



Member Experience

Awards

IPIC Member Awards honour outstanding contributions and leadership from outstanding members and are presented each year at the IPIC annual conference during the Gala, this year the **IPIC2022** Gala took place on September 30, 2022, at the spectacular Fairmont Chateau Whistler.

Member of Distinction Award

Leonora Hoicka for having made significant contributions to IPIC for over 20 years was presented with a *Member of Distinction Award*. Leonora is a past President of IPIC, has been involved in several Committees and has demonstrated significant leadership, commitment, and continuous dedication to increasing awareness of IPIC and the IP profession in Canada.



Outstanding Contribution Award

Paul V. Lomic for having gone above and beyond expectations of IPIC volunteers and for playing a key role in IPIC's education efforts as past Chair of the Conference Committee in 2018, formerly known as the Forum and Seminars Committee, and past Chair of the CPD Committee in 2017 Paul was presented with the *Outstanding Contribution Award*.



Roger T. Hughes Future Leader Award

Tamara Céline Winegust for her significant contributions to IPIC's Trademark Agent Training Committee and Anti-Counterfeiting Committee, to IPIC's Trademark courses and educational programming as an instructor, as well as a contributor for a new On Demand Course - Preparing Evidence in Trademark Office Proceedings Tamara was presented with the *Roger T. Hughes Future Leader Award*.



Tribute

Robert E. Mitchell

The 2022 AGM concluded with a special tribute to longstanding member of the Institute, Robert E. Mitchell, who achieved 56 years of membership with IPIC this year! Robert, a retired Patent Agent, Past President of IPIC and 2007 Member of Distinction Award recipient, was honoured and recognized for his remarkable achievements and for his incredible contributions to IPIC and to the IP profession in Canada throughout his extensive career.



Committees and Communities

IPIC has over 360 dedicated volunteers that support the association in various essential ways, the majority of these volunteers serve on IPIC’s 23 Committees and 6 Communities. With the help of these groups which are divided into various areas of expertise, IPIC continues to provide unmatched services to its members.

Your Profession. Our Purpose.

In October IPIC was honoured with an *Award of Distinction: Excellence* from the Canadian Society of Association Executives (CSAE) for its **‘Your profession. Our purpose.’** membership campaign.

IPIC’s **‘Your profession. Our purpose.’** campaign launched back in 2021 in line with the 2022 membership renewal cycle and highlighted all the many incredible benefits that an IPIC membership can provide to Intellectual Property (IP) professionals, and all those interested in IP in Canada and abroad.

The campaign included a custom member microsite: ourpurpose.ca, promotional video, GIFs, web and e-signature banners, social media posts and ads, member testimonials, e-marketing, IP Newsbreak posts, just to name a few. The ads alone garnered over 2.1M gross impressions in a short time frame with over 7K page views during that same time period, in fact the campaign website views “were almost 20% higher than a campaign with a similar objective,” according to Banfield Agency’s Media Director.

The campaign also featured actual IPIC members who helped to promote the value of an IPIC membership for various types of IP professional at various stages of their careers and we would like to extend a sincere thank you to them for their participation in this campaign: IPIC Past President Louis-Pierre Gravelle of Bereskin & Parr LLP, IPIC member since 1998; the Honourable Justice Janet M. Fuhrer of the Federal Court, IPIC member since 1988; former IPIC Board member Curtis Behmann of Borden Ladner Gervais LLP, IPIC member since 2000; and Jamie-Lynn Kraft of Smart & Biggar LLP, IPIC member since 2017. We extend our thanks to all IPIC members who helped make this campaign a success and for their continued and incredible dedication to IPIC and to the IP profession.



2022 IPIC Membership Overview

91.1% Retention rate

Recruitment
349 new members!

Communications



2.7K followers

411 tweets in 2022

3,575 engagements in 2022



5,183 followers

384 posts in 2022

9,957 engagements in 2022



423 followers

346 posts in 2022

563 engagements in 2022



IPIC's weekly IP Newsbreak has an email open rate of 78%. The average email open rate for non-profits is 27%.

Top 5 Most Visited Areas of **ipic.ca** in 2022 *(after landing on homepage)*

- 1 Committees/Communities
- 2 How to Become an Agent
- 3 Board of Directors
- 4 Member Benefits
- 5 Member Awards



Over 225,000 visitors to the IPIC website in the last year!

2021-2022 Financial Summary
total income \$1,528,863

55%

Professional Development

\$838,224

42%

Membership

\$647,748

3%

Advertising & Sponsorship

\$42,891