



**AIPPI Canada**

**Activity Report of the Canadian National Group  
For the Years 2017 and 2018**

**(May 2019)**

**A. Introduction**

This report will serve as a summary of the activities of the Canadian National Group for the years 2017 and 2018, namely during the Presidency of Alfred A. Macchione.

**B. AIPPI Canada Council (2017/18)**

For the years of my tenure as President in 2017 and 2018, the governing Council was composed of the following members:

Alfred A. Macchione – President

William P. Mayo – Vice-President

Fred Barbieri – Secretary

Fraser Rowand – Treasurer

Isabelle Chabot – Member of Council

Curtis Behmann – Member of Council

Matthew Zischka - Member of Council

France Cote – Past President

As of November 21, 2018, our new governing Council was elected at our Annual General Meeting with a two-year term is as follows:

William P. Mayo – President

Fred Barbieri – Vice-President

Fraser Rowand – Secretary

Curtis Behmann – Treasurer

Isabelle Chabot – Member of Council

Matthew Zischka - Member of Council

Nathalie Jodoin – Member of Council

Alfred A. Macchione – Past President

### **C. Governance Protocol of Canadian National Group**

The Canadian National Group has had longstanding practices and procedures in place to ensure that the leadership of the group is appropriately refreshed and renewed. Our group is governed by a Council which is composed of an Executive, namely a President, Vice-President, Secretary and Treasurer, and non-Executive council members consisting of a Past-President and two or three Councilors-at-large.

Joining the National Group's Council is accomplished by a nominations process that produces recommendations for new Council. This is achieved by a Nominations Committee that comprises the three Past-Presidents of the Canadian organization. Those nomination recommendations are brought to Council, approved by Council and then ultimately approved by the members of the Canadian Group at our Annual General Meeting. In looking for appropriate candidates for Council, the Canadian Group has sought to balance representation on Council over the years along geographic, gender, language and patent attorney versus lawyer lines.

Once on Council, a new Council member-at-large serves for two two-year terms before becoming a member of the Executive. Each Executive member serves their positions for a two-year term, beginning with Treasurer and moving successively to Secretary, Vice-President, President and Past-President.

### **D. Governance Reform Project**

The foregoing governance procedures have served the Canadian Group very well over the period of many years, ensuring a renewal of leadership with fresh ideas and approaches. However, some have raised the concern that the residency within the governing Council of the national group may be too long – in the neighborhood of 14 years from Councilor-at-large to Past-President. The length of service required for our organization produces experienced and committed leadership at the National Group level, but there are also concerns that this level of commitment may dissuade good candidates from becoming involved or even create a barrier to attracting new members into our organization.

Accordingly, in order to create a broader interest in our membership one of the initiatives taken during my Presidency has been to strike a committee of Council to look at possible reforms in our governance structure and the timelines involved. Curtis Behmann was appointed in 2018 to lead this initiative and report his findings and recommendations to Council.

### **E. Meetings of AIPPI Council**

Meetings of Council are generally held monthly throughout the year, with our meeting during the month of the Congress being held on location at the Congress venue, as is the case with our meeting during the month we hold our Annual General Meeting, which is likewise held on site.

### **F. Annual General Meetings of the Canadian Group**

The Annual General meeting our national group takes place in November. We have rotated the meeting in each of the cities of Toronto, Montreal and Ottawa, where the majority of the IP Community in Canada resides. The Canadian Group is contemplating whether to hold one of our Annual General Meetings in Vancouver as a means to increase interest in our organization from that part of Canada.

## **G. Membership Levels**

Our membership numbers were at their highest leading up to the Toronto Congress in 2014, with a peak of 168 members. Since that time, we have seen a steady attrition of membership over the years to a low at one point of only 80 members. As described below, the Canadian Group took various initiatives under my tenure as President to increase our outreach to the Canadian profession and to increase the engagement of our members, such that our membership numbers have improved to beyond the level of 100 members.

Notwithstanding the size of our national group, we are very proud that our members serve either in the leadership or as active members-at-large of a very large number of statutory, Bureau advisory and standing committees of the International Group. Moreover, our Council member Isabelle Chabot has been a member of the Bureau leadership during the years 2017 and 2018.

## **H. Conversion from Corporation Status to Association Status**

Due to the organization and execution of the Toronto Congress in 2014, Council at the time decided to incorporate the Canadian Group as a Canadian federal not-for-profit corporation. This was deemed advisable to insulate the Canadian organization and its leadership and member from any potential legal liability arising from the commercial aspects of organizing and running the Congress.

During my term as President, the Canadian Group took steps to revert the organization from its corporate status back to its original association status. This decision was arrived at in order to avoid unnecessary operating expenses such as the additional accounting, legal and tax filing expenses that are associated annually with the maintenance of a corporation. The conversion to association status was approved by our membership at our Annual General Meeting and it was duly completed. The Canadian Group is now organized as an unincorporated association.

## **I. Overhaul of AIPPI Canada Website**

With the initiative and hard work of our Council member Fraser Rowand, our website was overhauled and modernized.

## **J. Ongoing Activities and Special Initiatives to Increase Membership and Engagement**

The Canadian Group's activities and initiatives during my term as President in the years 2017 and 2018 have included the following:

### **(a) Congress Study Questions and Availability of Chair Positions to Ordinary Members**

During my term as President, the Canadian National Group opened the positions of Chair of the domestic Canadian Working Committees for each Study Question to members at large of our organization. Previously, these Chair positions had been held by Council members. The idea behind this

initiative was to increase engagement in our organization by providing meaningful opportunities for our members to participate domestically and at Congresses of our organization.

While fostering a more committed membership in our organization domestically, one challenge which has appeared with this initiative is that some of the Committee Chairs were unable to attend Congresses regularly, with the result that this at times had the unintended effect of having the Canadian Group's expressed positions at recent Congresses not being perfectly aligned with the Group's official positions.

We have sought to address this challenge in two ways. First, our new Working Committee Chairs are now selected from members who have committed to Council that they plan to attend Congresses during their terms in office. Second, our national Vice-President will now assume the role of liaising with our Working Committee chairs and organizing our official delegates at each Congress to express our Group's official positions on each Study Question.

(b) Outreach Initiatives to other Canadian IP Organizations

During the calendar years 2017 and 2018, the Canadian Group engaged with a number of other IP organizations with a view to increasing the visibility and profile of AIPPI Canada.

In April of 2017, the Canadian Group staged a booth at the Montreal meeting of FORPIQ, where materials concerning AIPPI were distributed to attendees of that organization. FORPIQ is a local IP organization with strong representation from industry which operates in Quebec. Curtis Behmann and Isabelle Chabot of our Council represented the Canadian Group at the event. The Canadian Group also provided a monetary contribution in support of this organization during the same calendar year.

Also in April of 2017, we attended the Toronto Intellectual Property Group (TIPG) meeting where Alfred Macchione, Fraser Rowand and Matt Zischka of our Council spoke on the benefits and rewards of AIPPI membership.

In June of 2017, the Canadian Group participated with AIPPI U.S. in holding a panel session with the U.S. Group on the activities of AIPPI and the Study Questions for that year's Congress. The panel session was held during the Electronic and Computer Law Summit of the AIPLA which took place in Toronto. The Canadian Group panel members were Alfred Macchione and Fraser Rowand, who also submitted a paper at the Summit which described the history, governance structure, aims and activities of AIPPI. This initiative was organized with the assistance of Matthew Zischka.

In July of 2017, our Council member Matthew Zischka attended the AIPPI U.S. Global IP Education Forum, where he delivered and presented a paper on the patent eligibility of CII in Canada.

In November of 2017, Alfred Macchione as then Canadian group President met with the President and Executive Director of the Intellectual Property Institute of Canada (IPIC), as well as with the Canadian President of FICPI to discuss coordination and collaboration among the three organizations.

In September of 2018, Alfred Macchione and Isabelle Chabot were invited by IPIC to attend as observers at their Annual General Meeting held in Vancouver, B.C.

(c) Formation of New Canadian Communications Committee

As a further effort to increase the engagement of our current members and foster interest in new members of our organization, a new Communications Committee was struck in the Canadian group. The first Chair of the group, Natalie Raffoul, was recommended by Council and ratified by members at the 2018 Annual General Meeting of AIIPI Canada.

(d) Lunch N' Learn Seminars

In June of 2018, a lunchtime seminar on pharmaceutical patent law and the obviousness standard was organized and held in Toronto with two speakers - David Tait and Marcus Klee, and a moderator – Tony Prenol. The event was organized by Alfred Macchione and Bill Mayo.

Lunch N Learn seminars are also held at each of our Annual General Meetings. At the 2017 AGM, our speakers were Yoon Kang on the Canadian Supreme Court of Canada NEXIUM decision and Fred Barbieri on the IT3/Group B+ harmonization. At the 2018 AGM, our speakers were Cynthia Rowden and Beverley Moore, who spoke on Canadian legislative reforms to IP law.

(e) Advisory Meetings with the Canadian Intellectual Property Office (CIPO)

Together with members of IPIC and FICPI, we are regularly invited by CIPO to comment on legislative and regulatory initiatives involving IP. During my term as President, this has included participating in a review session of proposed new Patent Rules by Alfred Macchione and involvement in CIPO's IT3/Group B+ harmonization discussions by Fred Barbieri.

(f) Annual Reception for Canadian Members at Congresses

During every Congress, the Canadian Group hosts a reception for its members as a way of further fostering communication with our membership and expressing our thanks to them for their participation and commitment.

**Respectfully Submitted,**

**Alfred A. Macchione**  
**Past-President, AIPPI Canada**

**May 27, 2019**