

# Limited liability protection for Patent and Trade-mark Agents

Or why an LLP does not work for  
Agents

# Background

- Law firms are forming new partnerships called Limited Liability Partnerships or LLP
- Some firms are also Multi Disciplinary Partnerships
- Most IP firms in Canada have a mix of lawyer-agents and non-lawyer agents.

# LLP

- An LLP is an exception to a general partnership
- Regulation of Partnerships is the jurisdiction of the Provinces in Canada
- Lawyers are regulated under Provincial jurisdiction
- Patent and Trade-mark agents are regulated by Federal law

# Multi-discipline Partnerships

- MDPs are also created under Provincial jurisdiction
- Ontario
- Québec *Professional Code*
- British Columbia

# MDP and LLP

- Agents cannot form LLP
- Upper Canada Law Society allows MDP and LLP
- Québec Professional Code

# Limited Liability for Agents

- Incorporation with share holders
- Section 15 (c) of the Rules under the Patent Act
- Section 21 (d) of the Rules under Trade-marks Act

# Bill on Self Regulation of Patent and Trade-mark Agents

- LLP exception
- Define Firm to include incorporated corporation