

November 9, 2015

IMPORTANT INFORMATION!

An Important Message from APPI President Misty Sklar RPP, MCIP

It has recently come to APPI's attention that in November 2013, OPPI made an application to Industry Canada to trade-mark the certification title "RPP". The trade-mark application was advertised by Industry Canada on September 9, 2015, however, APPI only become aware of this action by the Ontario Professional Planners Institute (OPPI) on October 10, 2015 and the deadline to oppose it is November 9, 2015.

According to section 20 of the Trade-marks Act (R.S.C., 1985, c. T-13), the owner of a valid registered trade mark has the exclusive right to the mark's use throughout Canada in respect of the wares or services for which it is registered. Section 20 provides that no unapproved person may sell, distribute, or advertise wares or services in association with a confusing trademark or trade name.

Upon acquiring this information APPI immediately contacted OPPI to inquire about the intent behind the application. OPPI's response was that the RPP designation is important to the planning profession in Canada, and that they are committed to exploring tools to ensure that all Provincial and Territorial Institutes and Association (PTIAs) have access to the RPP trademark. While a dialogue with OPPI to explore access to the RPP trademark is ongoing, OPPI has declined to suspend their application until options could be explored and an agreement could be negotiated.

This matter comes at a very difficult time as we as planners are still working to diffuse the near collapse of our national organization that has represented us for 96 years. The actions taken by OPPI were unfortunately not taken with the consideration or consultation of any of the PTIAs, although OPPI has acknowledged that this was a communication error. With an impending deadline for APPI and any other PTIAs to oppose the trademark, APPI was given legal advice to collectively organize ourselves and all like-minded PTIAs to register our collective opposition prior to November 9, 2015.

On October 23, 2015, a letter was issued to the Registrar of Trade-Marks requesting a three month extension for the filing of a Statement of Opposition to OPPI's Trade-Mark application of RPP, on behalf of the Alberta Professional Planners Institute, Planning Institute of British Columbia and the Saskatchewan Professional Planners Institute. Since that time, the following PTIAs have formally requested to be named on the extension request and pending formal opposition: the Canadian Institute of Planners, the Atlantic Planners Institute, the New Brunswick Association of Planners, the Prince Edward Island Association of Planners, the Manitoba

Professional Planners Institute and the Newfoundland and Labrador Branch of the Atlantic Planners Institute. With the exception of the Ordre des Urbanistes du Québec (which does not use the RPP designation), this opposition to OPPI's trade-mark application is unanimous across the country. To pool PTIA resources and because APPI's legislation allows sufficient flexibility to pursue this type of action, APPI agreed to take the lead on this process.

On November 6, 2015, we received notice from the Trademark Opposition Board that the request for an extension to oppose the application had been granted and we now have until February 9, 2016 to file the Statement of Opposition. This action does not exclude or limit our ability to have continued and ongoing dialogue with OPPI, in fact it strengthens it by giving us all substantially more time to discuss and pursue potential solutions without such a critical impending deadline hanging over us.

Under the Professional and Occupation Associations Registration Act and the Professional Planner Regulation, APPI is responsible for the certification and regulation of its members and protection of the "Registered Professional Planner, RPP" title for exclusive use by fully certified members of APPI. Individuals found to be in contravention of POARA may face severe fines and prosecution. As a self-regulated profession in Alberta, there is an expectation from the Government of Alberta, the public and our members that APPI will take whatever responsible action is necessary to protect and enforce the RPP title.

APPI will continue to work with OPPI and the other PTIAs to explore options to remedy this situation and ensure the RPP title is held in the appropriate hands for all Canadian planners. APPI Council and staff are committed to keeping APPI's membership informed on this matter of significant importance to the planning profession in Canada.

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