



VIA EMAIL (james.rajotte@parl.gc.ca)

June 4, 2015

James Rajotte, M.P.
Chair
Standing Committee on Finance
131 Queen Street, Sixth Floor
House of Commons
Ottawa, ON K1A 0A6

Subject: Bill C-59, *Economic Action Plan 2015 Act, No. 1*

Dear Mr. Rajotte:

I am writing on behalf of the Law Society of New Brunswick (Law Society) with respect to the study by the Standing Committee on Finance of Bill C-59, the *Economic Action Plan 2015 Act, No. 1* ("Bill C-59").

The Law Society is an independent regulator of New Brunswick's 1,600 lawyers. We wish to raise concerns with respect to the proposed amendments to the *Patent Act* and the *Trade-marks Act* contained in Bill C-59 that would grant statutory privilege to confidential communications between patent and trade-mark agents and their clients.

We are of the view that the proposed amendments have significant implications for the administration of justice, the patent and trade-mark system, the legal profession and other professions.

The Law Society is very concerned about the proposed amendments and believes that they are an unnecessary and an unwarranted extension of solicitor-client privilege.

The Supreme Court of Canada has held that solicitor-client privilege is essential to the proper functioning of our legal system. It has also recognized that the privilege is an exception to the principle of full disclosure in the pursuit of the truth and is justified only by the greater public interest it protects.

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In our view, there is no evidence of a similarly compelling public interest in protecting communications between patent or trade-mark agents and their clients. We are of the opinion that extending solicitor-client privilege in the manner contemplated by the proposed amendments is unwarranted.

It is our understanding that Industry Canada intended to complete consultations related to patent and trade-mark agent privilege this year, but that this apparently did not occur. Until full consultation has been undertaken and the full implications of extending solicitor-client privilege have been carefully studied, it would be inappropriate to proceed with the proposed legislative amendments.

The Law Society of New Brunswick urges members of the Committee to remove the proposed amendments to the *Patent Act* and *Trade-marks Act* in Division 3 of Part 3 of Bill C-59 and refer them for a comprehensive study and consultation process with all stakeholders and other groups directly impacted by these proposed amendments.

Yours truly,



Robert M. Creamer, Q.C.
Vice-President

CC: Christine Lafrance, Clerk of the Committee (fena@parl.gc.ca)