



College of
Medical Radiation
Technologists of
Ontario

Ordre des
technologues en
radiation médicale
de l'Ontario

Agenda

Meeting of Council

Tuesday, July 16, 2019
1000 hours — 1100 hours
CMRTO Council Room

Or by teleconference
Local call: (416) 343-2651
Long distance call: 1(866) 440-8926
Conference ID: 5178646#

NOTE: In reviewing the material for this meeting, if you become aware that you have a conflict of interest with any item on the agenda or are concerned that you may have a conflict of interest with any item on the agenda, you are asked to please contact Linda Gough or the Chair of the Committee immediately.



Agenda

Meeting of Council

Tuesday, July 16, 2019

1000 hours — 1100 hours

CMRTO Council Room/Teleconference

Item	By	Page#	Time
1. Call to Order	W. Rabbie		1000 hrs
a. Approval of the agenda			
2. Declaration of Conflict of Interest			
3. CMRTO new website and visual identity proposal	W. Rabbie		
i. Briefing note to Council from Linda Gough, Registrar & CEO, dated July 8, 2019, regarding 'CMRTO New Website', with attachments			
4. Legal review			
It is anticipated that Council will exclude the public from this part of the meeting pursuant to Section 7(2)(e) of the HPPC, that instructions will be given to or opinions received from the solicitors for the College.			
i. Briefing note to Council from Linda Gough, Registrar & CEO, dated July 9, 2019, regarding 'Advice from the external counsel'			
ii. Memo to Linda Gough, Registrar & CEO from Debbie Tarshis, WeirFoulds LLP, dated July 5, 2019, regarding 'Advice regarding the use of logo prior to the proclamation of the <i>Medical Radiation and Imaging Technology Act, 2017</i>			

Item	By	Page#	Time
5. Decision and direction to staff			
6. Termination of meeting			



College of
Medical Radiation
Technologists of
Ontario

Ordre des
technologues en
radiation médicale
de l'Ontario

Briefing Note

To: Council

From: Linda Gough, Registrar & CEO **Date:** July 8, 2019

Subject: Proposal for CMRTO new website and visual identity

This agenda item is for:

- Decision
- Direction to staff
- Discussion
- Review

Background:

- CMRTO was asked by the Ministry of Health and Long-Term Care to regulate diagnostic medical sonographers (DMSs) as a fifth specialty in August 2017
- The necessary regulations providing CMRTO with the authority to register DMSs came into effect on January 1, 2018, and to regulate DMSs on January 1, 2019
- The *Medical Radiation and Imaging Technology Act* (MRIT Act), which repeals and replaces the *Medical Radiation Technology Act* (MRT Act), will change the name of CMRTO to the College of Medical Radiation and Imaging Technologists of Ontario (CMRITO) and the name of the profession to medical radiation and imaging technology. The MRIT Act also adds the application of soundwaves as part of the scope of practice statement in the Act (there is currently a regulation which lists soundwaves as a form of energy for the scope of practice statement) and creates the protected title of medical radiation and imaging technology
- The MRIT Act received Royal Assent December 31, 2017 and has not yet been proclaimed in force. It was hoped that the MRIT Act would come into force on January 1, 2019 to coincide with the commencement of the regulation of DMSs, and then again on the common regulatory implementation date of July 1, 2019. There is no indication from the government when the MRIT Act will be proclaimed in force
- CMRTO has been preparing for the MRIT Act coming into force – Council approved a new logo and visual identity in June 2018, By-law 60 was approved and came into force on January 1, 2019, the composition of Council has been changed to include a DMS Councillor and to decrease the number of professional Councillors so that there will be an equal number of public and professional Councillors. We have built a new easy-to-

navigate website with our new visual identity and name which was ready for release on January 1, 2019 and again on July 1, 2019

- At the June 14, 2019 meeting, Council considered how to manage the release of the new website should the MRIT Act not be proclaimed in force in the near future. It was noted that there are technical reasons to release the new website and decommission the existing website related to the Member & Applicant Portal. Council directed staff to remove 'and Imaging' from the new logo if the MRIT Act is not proclaimed in force, update the new website with the existing name and legislative framework and to release the new website in August 2019
- Recent reviews of health regulatory frameworks (Cayton report, McMaster Forum) identify a lack of transparency and misunderstanding by the public created by the use of the name 'College' for the regulator – the public and members understandably assume that the College is an educational institution. The term 'College' is set out in the *Regulated Health Professions Act*, and the name of CMRTO is set out in the MRT Act. This issue will not change under the MRIT Act
- Another issue identified in the Cayton report and the McMaster Forum, is the use of the term 'member' to describe regulated health professionals. Again, this term is set out in the RHPA. The term member leads to public mistrust of the regulator as it can infer that the Colleges protect their members rather than acting in the public interest. The regulated health professionals themselves often misunderstand the term 'member' as it implies that the College is a club and they will get a benefit for membership, rather than their being accountable to the regulator for their practice as a registrant

Issue:

- The *MRIT Act* has not yet been proclaimed in force, despite many written requests to the Minister of Health and verbal requests to Ministry staff. CMRTO has now been regulating DMSs by regulation only for over six months, and 18 months since the MRIT Act received Royal Assent. It is unknown when, or if, the MRIT Act will be proclaimed in force
- CMRTO is unable to release the new visual identity and website in its prepared version until such time that the name of the CMRTO changes in legislation
- Without a name change to include 'and imaging' it is not transparent to the public or members that CMRTO regulates medical radiation and imaging technologists including diagnostic medical sonographers
- CMRTO has technical reasons to release the new website within the next few months to improve the Member Applicant Portal and to resolve some compatibility issues from the old system
- Over the past few months, Council has recognized and expressed concern regarding the lack of transparency and confusion created with the use of the name 'College' and the term 'member' as set out in the legislation

Proposal:

1. That the CMRTO improve transparency to the public and its members by developing a new visual identity that includes the new logo, the legal name, and the role and purpose of the College

- This can be achieved by integrating the descriptor ‘Regulator of Medical Radiation and Imaging Technologists of Ontario’ or the role ‘we regulate medical radiation and imaging technologists in Ontario’ into the visual identity - four options using the proposed new visual identity elements are attached for your consideration
 - At such time that the *MRIT Act* comes into force, the abbreviation CMRTO in the visual identity can be easily changed to CMRITO and the new name used for all formal matters
 - The full legal name of the College would continue to be used for all formal matters and appear in the footer of the website and communications
2. That the CMRTO improve transparency and clarify its purpose to the public and its members by changing the term ‘member’ to ‘registrant’
 - The term ‘registrant’ would be used in place of ‘member’ on the website, in general communication and all future publications
 - The term member would still be used in processes set out in regulation and statute: The Standards of Practice and Code of Ethics, registration, complaints and discipline, and quality assurance
 3. That the new website, visual identity and use of term ‘registrant’ be released at the same time in early September 2019
 - The new visual identity and terminology changes need to be included in the new website and the Member and Applicant Portal, or Registrant and Applicant Portal (RAP). This will require additional work and time
 - It is preferable to release all the changes and updates (with the exception of the MRIT Act) simultaneously for maximum impact
 - The month of September is preferred over August to launch the new website and visual identity

Legal review:

I have asked the College’s external legal counsel, Debbie Tarshis, WeirFoulds LLP, to provide advice on this matter. Counsel’s advice will be provided to Council in an in camera session of the Council meeting on July 16, 2019.

Next steps:

Council to determine whether:

1. To include the role of the College in the visual identity and if so, decide on one of the four options presented
2. To change the term ‘member’ to ‘registrant’ for general communication purposes
3. To direct staff to prepare the new website with the amendments for release early September 2019

Version # 1



**College of Medical
Radiation Technologists
of Ontario**

**Regulator of Medical
Radiation & Imaging
Technologists of Ontario**

Version # 2



C M R T O

**Regulator of Medical
Radiation & Imaging
Technologists of Ontario**

Version # 3



**Regulator of Medical
Radiation & Imaging
Technologists of Ontario**

C M R T O

Version # 4



C M R T O

**We regulate medical
radiation and imaging
technologists in Ontario**



College of
Medical Radiation
Technologists of
Ontario

Ordre des
technologues en
radiation médicale
de l'Ontario

Briefing Note

To: Council

From: Linda Gough, Registrar & CEO **Date:** July 9, 2019

Subject: Advice from the external counsel

This section of the meeting will be held in an in camera session in order that Council can receive advice on the use of the logo prior to the proclamation of the MRIT Act, from external legal counsel. The memorandum from Debbie Tarshis, WeirFoulds LLP, is enclosed in this section of the agenda material for Council's use only.

The memorandum is a solicitor/client privileged communication and as such a copy of it (or portions of it) should not be provided to anyone who is not a Council member nor should it be the subject matter of communications among Council members other than at the in camera session to be held at the Council meeting. The reason for that is that the privilege can be waived by the client and the College would not want to do that unintentionally.

MEMORANDUM

	SOLICITOR-CLIENT PRIVILEGED COMMUNICATION	Page 1
TO	Linda Gough, Registrar of the College of Medical Radiation Technologists of Ontario	
FROM	Debbie S. Tarshis	
DATE	July 5, 2019	
FILE	00331.00003	
RE	Advice regarding the Use of Logo prior to the Proclamation of the Medical Radiation and Imaging Technology Act, 2017	

INTRODUCTION

You have asked us to provide you with advice on the CMRTO’s proposed use of a new visual identity that includes a new logo and either a tag line “Regulator of Medical & Imaging Technologists of Ontario” or “We regulate medical radiation and imaging technologists in Ontario”, in combination with the legal name of the College (in this memorandum, the “College”) or its acronym, CMRTO, on its website.

It is our understanding that there are four options for its visual identity that Council will be considering at a meeting to be organized in July:

1. College of Medical Radiation Technologists of Ontario + “Regulator of Medical Radiation & Imaging Technologists of Ontario” + new logo;
2. CMRTO + “Regulator of Medical Radiation & Imaging Technologists of Ontario” + new logo;
3. “Regulator of Medical Radiation & Imaging Technologists of Ontario” + CMRTO + new logo; or
4. CMRTO + “We regulate medical radiation and imaging technologists in Ontario” + new logo.

We have already provided you with advice on whether the use by CMRTO of either of the proposed tag-lines “Regulator of Medical Radiation & Imaging Technologists of Ontario” or “We regulate medical radiation and imaging technologists in Ontario” infringes on the rights of any other person in Canada as a result of applications or registrations by such persons under the federal *Trade-marks Act* by email sent to you on July 3, 2019, a copy of which is attached as Schedule “A”.

The purpose of this memorandum is to provide you with our advice on whether there are restrictions on the CMRTO from using the tag line in light of the following: the *Medical Radiation Technology Act, 1991* (“MRT Act”) governs the CMRTO; the title restricted to its members under the MRT Act is “medical radiation technologist”; the *Medical Radiation and Imaging Technology Act, 2017* (“MRITA”) has been enacted but is not yet in force (with the exception of certain provisions¹); and one of the titles restricted to the members of the College of Medical Radiation and Imaging Technologists of Ontario under the MRITA is “medical radiation and imaging technologist”.

For purposes of this opinion, we have reviewed the following:

1. Your briefing note to Council dated July 3, 2019 on the CMRTO New Website (marked “draft”) sent to the President, Wendy Rabbie, and the Vice-President, Jay Neadles, on which we were copied;
2. The four options for the visual identity described above;
3. The MRT Act;
4. The MRITA;
5. The Legislation Act, 2006; and
6. Chapter 24 titled Temporal Operation of *Sullivan on the Construction of Statutes* (6th edition) by Ruth Sullivan.

We also conducted an exact word search of consolidated statutes and regulations of e-Laws (currency date of June 6, 2019) with respect to the following phrases: “medical radiation and imaging technologist”, “medical radiation and imaging technology”, “medical radiation technologist”, “medical radiation technology”, “medical imaging technologist” and “medical imaging technology”.

In accordance with your direction, we have not conducted any legal research including, without limitation, any review of case law.

¹ The following provisions of the MRITA have been proclaimed in force: subsection 14(4) (the power of the Council of the CMRTO to make by-laws and regulations under the MRITA); section 18 commencement of the MRITA; and section 19 (short title of the MRITA).

For purposes of this opinion, we have made the assumption that the phrase “medical radiation and imaging technologists” is considered to be an accurate, commonly used description of health professionals who are employed in hospitals in medical imaging departments and/or radiation therapy departments of hospitals and/or in independent health facilities that provide diagnostic imaging services; and/or who are educated and trained at universities and colleges of applied arts and technology in Ontario to become such health professionals (herein defined as “Health Professionals”).

CONCLUSION

Subject to the assumption that the phrase “medical radiation and imaging technologists” is an accurate, commonly used description of Health Professionals (as defined in this memorandum), the advice set out in our email to you sent on July 3, 2019 (a copy of which is attached as Schedule “A”), and the limited research we were instructed to perform, in our opinion, the College is not restricted from using the phrase “medical radiation and imaging technologists” or one of the variations referred to above as part of its visual identity for the following reasons:

1. the College regulates those Health Professionals who are members of the College;
2. the relevant provisions of the MRITA are not yet in force (section 9 in particular);
3. there are currently no provisions of Ontario legislation in force that restricts the persons who are authorized to use the title “medical radiation and imaging technologist”.

ANALYSIS

(a) Role of the College

The College is established by the MRT Act.² One of its objects is to regulate the practice of the profession of medical radiation technology and to govern its members in accordance with the MRT Act, the Health Professions Procedural Code (which is incorporated by

² MRT Act, s. 6

reference into the MRT Act) and the *Regulated Health Professions Act, 1991* and the regulations and by-laws.³

The practice of the profession of medical radiation technology is the use of ionizing radiation, electromagnetism and other prescribed forms of energy for the purposes of diagnostic and therapeutic procedures, the evaluation of images and data relating to the procedures and the assessment of an individual before, during and after the procedures.⁴ Soundwaves for diagnostic ultrasound are prescribed as a form of energy for purposes of the practice of the profession.⁵ The title restricted to the members of the College is “medical radiation technologist”.⁶

Under O. Reg. 866/93 made under the MRT Act, the College is authorized to issue specialty certificates of registration in one or more of five specialties: radiography, radiation therapy, nuclear medicine, magnetic resonance, and diagnostic medical sonography.⁷ In other words, the College regulates the members of all five specialties – the regulated health professionals in Ontario who apply various forms of energy (ionizing radiation, electromagnetism and soundwaves for diagnostic ultrasound) for diagnostic and therapeutic purposes.

(b) Relevant Provisions of the MRITA are not yet in force

The MRT Act is still in force and will continue to be in force until it is repealed if and when section 15 of the MRITA is proclaimed in force.

Except for certain provisions⁸, the MRITA has not yet been proclaimed in force. Specifically, the following sections are not yet in force:

6 The College of Medical Radiation Technologists of Ontario is continued under the name College of Medical Radiation and Imaging Technologists of Ontario in English and *Ordre des technologues en radiation médicale et en imagerie médicale de l’Ontario* in French.

³ Health Professions Procedural Code, s. 3(1)1; MRT Act, ss. 2(2)

⁴ MRT Act, s.3

⁵ O. Reg. 226/03 made under the MRT Act, s. 1

⁶ MRT Act, ss 9(1)

⁷ O. Reg. 866/93 made under the MRT Act, ss. 1(2)

⁸ *Supra*, footnote 1

9 (1) No person other than a member shall use the title “**medical radiation and imaging technologist**”, “diagnostic medical sonographer”, “radiological technologist”, “radiation therapist”, “nuclear medicine technologist”, “magnetic resonance technologist”, a variation or abbreviation or an equivalent in another language. (emphasis added)

15 The *Medical Radiation Technology Act, 1991* is repealed.

Subsection 34(1) of the *Legislation Act, 2006* provides as follows:

34 (1) A bill that receives Royal Assent and is endorsed by the Clerk of the Assembly as having received Royal Assent is official law.

In the text *Sullivan on the Construction of Statutes*, Ruth Sullivan explains the legal effect of the enactment of a statute, such as the MRITA⁹ as follows:

The enactment of a statute occurs at the completion of the formal enactment process when a bill is assented to by the sovereign. At this point the statute becomes law in the sense that it forms part of the body of rules that are recognized by the courts as law. The meaning of the statute is determined as of this day and the statute may be taken into account in interpreting other legislation from this day on. However, unless the statute has commenced or come into force, it is not binding on the public nor is it able to produce beneficial legal effects.³ It is also incapable of conflicting with other legislation.¹⁰

She also explains the legal effect of commencement as follows:

The key inaugural event in the operation of legislation is commencement. Upon commencement legislation becomes binding and can be applied with legal effect to whatever facts come within its description.¹¹

If section 9 of the MRITA were in force, which it is not, only persons who are members of the College of Medical Radiation and Imaging Technologists of Ontario would be authorized to

⁹ The *Strengthening Quality and Accountability for Patients Act, 2017*, of which the MRITA was Schedule 6, received Royal Assent on December 12, 2017

¹⁰ *Sullivan on the Construction of Statutes* (Sixth Edition), Ruth Sullivan, ch. 24, page 725, paragraph 24.13

¹¹ *Ibid*, page 727, paragraph 24.18

use the title “medical radiation and imaging technologist”. In other words, since section 9 of the MRITA is not yet in force, it is not binding on the public.

In addition, the results of our exact word search of consolidated statutes and regulations of e-Laws (currency date of June 6, 2019) with respect to the six (6) phrases referred to above indicated references to those phrases in only the MRT Act and its regulations, the *Regulated Health Professions Act, 1991*, and the MRITA. In other words, based on an exact word search of e-Laws current as of June 6, 2019, there are no other Ontario statutes or regulations that refer to the phrase “medical radiation and imaging technologist”. Therefore, subject to the limited scope of our review of legislation and limited exact word search of e-Laws, there are currently no legislative provisions in force in Ontario that restrict the persons who are authorized to use the phrase “medical radiation and imaging technologist” in Ontario.

Subject to the assumption that the phrase “medical radiation and imaging technologists” is an accurate, commonly used description of Health Professionals (as defined in this memorandum), the advice set out in our email to you sent on July 3, 2019 (a copy of which is attached as Schedule “A”), and the limited research we were instructed to perform, in our opinion, the College is not restricted from using the phrase “medical radiation and imaging technologists” or one of the variations referred to above as part of its visual identity for the following reasons:

1. the College regulates those Health Professionals who are members of the College;
2. the relevant provisions of the MRITA are not yet in force (section 9 in particular);
3. there are currently no provisions of Ontario legislation in force that restricts the persons who are authorized to use the phrase “medical radiation and imaging technologist” in Ontario.

ADDITIONAL COMMENTS

1. We recommend that the College add a footnote, after “medical radiation and imaging technologists” (or after whichever variation is used) to the effect that the CMRTO expects that section 9(1) of the *Medical Radiation and Imaging Technology Act, 2017* will be proclaimed in force shortly.

2. The legal name of the College is the College of Medical Radiation Technologists of Ontario. CMRTO is an acronym of the legal name of the College. We reviewed the websites of five (5) health regulatory Colleges and of one (1) non-health regulatory College¹². Only one of them (CPSO) uses an acronym in the place of their legal name as part of their logo.

3. There is a possibility that the balance of the MRITA is never proclaimed in force. In the *Legislation Act, 2006*, there is a provision to the effect that if an Act or a provision of an Act has not been proclaimed in force after nine (9) years, the Act or provision is repealed on December 31 of the following year unless certain steps are taken in that year.¹³ With this in mind, the College may wish to consider engaging a government relations firm to lobby the government for proclamation.

4. The Registrar's briefing note to Council dated July 3, 2019 refers to the use of the term "registrant" instead of "member" and that the term "registrant" would be used in the place of "member" on the website, Standards of Practice and the Code of Ethics ("SOP and COE") and all future publications. The Registrar's briefing note also states that the term "member" would still be used in processes set out in regulation and statute: registration, complaints and discipline, and quality assurance. In implementing such a change, should it be approved by Council, we recommend that the College keep in mind that the SOP and COE may be used in the decisions of the Inquiries, Complaints and Reports Committee ("ICRC") that could be appealed to the Health Professions Appeal and Review Board, in referrals of specified allegations by the ICRC for a hearing and in proceedings before the Discipline Committee, as well as the other contexts that the SOP and COE are used by members and others. Given the different contexts in which the SOP and COE are used by the College and its members, we recommend that the replacement of "member" with "registrant" in the SOP and COE be drafted in such a way that takes into these different contexts.

Please let us know if you have any questions on this opinion.

¹² College of Medical Laboratory Technologists, College of Physiotherapists of Ontario, College of Nurses of Ontario, College of Physicians and Surgeons, College of Chiropractors of Ontario and Ontario College of Teachers

¹³ *Legislation Act, 2006*, s. 10.1

SCHEDULE "A"

Copy of Text of Email sent by Debbie Tarshis to Linda Gough on July 3, 2019, with a copy to John Wilkinson
Subject: CMRTO - Use of Logo - PRIVILEGED AND CONFIDENTIAL

Dear Linda:

You have asked us to provide advice on the CMRTO's proposed use of a new visual identity that includes a new logo and either a tag line "Regulator of Medical & Imaging Technologists of Ontario" or "We regulate medical radiation and imaging technologists in Ontario", in combination with the legal name of the College (in this email, the "CMRTO") on its website.

There are four options that Council will be considering at a meeting to be organized in July:

5. College of Medical Radiation Technologists of Ontario + "Regulator of Medical Radiation & Imaging Technologists of Ontario";
6. CMRTO + "Regulator of Medical Radiation & Imaging Technologists of Ontario";
7. "Regulator of Medical Radiation & Imaging Technologists of Ontario" + CMRTO; or
8. CMRTO + "We regulate medical radiation and imaging technologists in Ontario".

In order to provide you with advice, we have considered or will be considering two issues.

The first issue is whether the use by CMRTO of either of the proposed tag-lines "Regulator of Medical Radiation & Imaging Technologists of Ontario" or "We regulate medical radiation and imaging technologists in Ontario" infringes on the rights of any other person in Canada as a result of applications or registrations by such persons under the federal *Trade-marks Act*.

The second issue is whether there are restrictions on the CMRTO from using the tag line in light of the following: the *Medical Radiation Technology Act, 1991* ("MRT Act") governs the CMRTO; the title restricted to its members under the MRT Act is "medical radiation technologist"; the *Medical Radiation and Imaging Technology Act, 2017* ("MRITA") has been enacted but is not yet in force (with the exception of: subsection 14(4) [the power of the Council of the CMRTO to make by-laws and regulations under the MRITA to come into force on or after section 15 [the repeal of the MRT Act] comes into force; and sections 18 and 19 [commencement and short title of the MRITA]); and one of the titles restricted to the members of the College of Medical Radiation and Imaging Technologists of Ontario under the MRITA is "medical radiation and imaging technologist".

The purpose of this email is to provide you with advice on the first issue. We will send you another email on or before Friday to address the second issue.

Regarding the first issue, we have conducted limited trade-mark searches with respect to the two (2) proposed 'tag lines' set out in quotation marks above. As stated above, the

purpose of the searches is to provide information about whether the use by CMRTO of either of the proposed tag-lines infringes on the rights of any other person in Canada as a result of applications or registrations by such persons under the federal *Trade-marks Act*.

The limited searches we have conducted were done through the online database available through the Canadian Intellectual Property Office (CIPO) (please see the notes set out after the following table) as follows:

TERM SEARCHED	# OF SEARCH RESULTS	DETAILS OF SEARCH RESULTS	COMMENTS
MEDICAL RADIATION	1	Abandoned	in 1989
IMAGING TECHNOLOGIST	0		
RADIATION AND IMAGING	0		
RADIATION & IMAGING	0		
RADIATION	13	Please see attached PDF	in my view, none confusingly similar with either of the proposed 'tag-lines'
MEDICAL IMAGING	17	Please see attached PDF	in my view, none confusingly similar with either of the proposed 'tag-lines' one registration "CLARKE MEDICAL IMAGING CENTER" (1872368) is apparently an official mark – but, in my view, it is unlikely that consent would be needed from the owner of that mark for use or registration by CMRTO of either of the proposed 'tag-lines'
IMAGING	195	Please see attached PDF	in my view, none confusingly similar with either of the

			proposed 'tag-lines' one registration "CLARKE MEDICAL IMAGING CENTER" (1872368) is apparently an official mark – but, in my view, it is unlikely that consent would be needed from the owner of that mark for the use or registration by CMRTO of either of the proposed 'tag- lines'
IMAGING TECH	0		
REGULATOR OF MEDICAL RADIATION & IMAGING TECHNOLOGISTS OF ONTARIO	0		Searched with "&"
REGULATOR OF MEDICAL RADIATION AND IMAGING TECHNOLOGISTS OF ONTARIO	0		Searched with "AND"
WE REGULATE MEDICAL RADIATION AND IMAGING TECHNOLOGISTS IN ONTARIO	0		

Please note the following:

1. that the CIPO online database was last updated on June 11, 2019. This is an unusually long period and you will see on the attached search results a 'Service Interruption' notice;
2. other searches can be done that would show the use of certain terms in databases other than CIPO's database. Such searches involve disbursements ranging from approximately CAD\$100 to CAD \$1500 for each search depending on the scope of and third party provider for each search; and

3. these searches do not provide any information regarding rights at common law that a person may have acquired.

We have attached the details of the search results other than those that had zero (0) search results. You may wish to review the attached search results in the context that, although, in our view, none of the applications or registrations appear to be confusingly similar with either of the proposed “tag-lines”, you may have a different view given your knowledge of the profession, the stakeholders and the practice environment of CMRTO members.

As an additional matter, you may wish to consider in the future applying under the *Trade-marks Act* for protection of the logo itself and/or either or both of the taglines. The advantages of doing so and the related costs are matters that we can discuss in the future after Council has decided how it wants to proceed.

Please contact John Wilkinson (416-947-5010) with any questions or comments you may have regarding the preceding.

DEBBIE TARSHIS | Counsel | T. 416-947-5037 | C. 416-399-2258 | DTARSHIS@weirfoulds.com

WeirFoulds ^{LLP}

66 Wellington Street West, Suite 4100, P.O. Box 35, TD Bank Tower, Toronto, Ontario, Canada. M5K 1B7 | T. 416-365-1110 | F. 416-365-1876 | www.weirfoulds.com

WeirFoulds is proud to once again be recognized as one of the top regional law firms in Ontario in Canadian Lawyer's Top 10 Ontario Regional Firm survey.

This e-mail contains information from the law firm of WeirFoulds ^{LLP} which may be confidential or privileged. This e-mail is intended initially for the information of only the person to whom it is addressed. Be aware that any disclosure, copying, distribution or use of the contents of this e-mail, without the consent of such person, is prohibited.