

BACKGROUND INFORMATION REGARDING THE USE OF RESTRICTED WORDS IN CORPORATE NAMES

1. The Canadian Council of Professional Engineers (CPPE) under Section 9(1)(n)(iii) of the *Trade Marks Act* has the following words registered as official marks for wares and services:

*Engineer, ing., Engineering, Consulting Engineer, Professional Engineer, P.Eng.
Ingénieur, Ingénierie, Ingénieur Conseil*

CCPE has been granted these rights under the *Trade Marks Act* because it is in the best interests of the public that unqualified persons should not be able to pass themselves off as Professional Engineers. As a constituent member of CCPE, The Association of Professional Engineers and Geoscientists of the Province of British Columbia (the Association) has the responsibility to support CCPE in endeavouring to prevent unauthorized use of the official marks.

2. Section 22 of the *Engineers and Geoscientists Act* restricts:
 - the assumption, verbally or otherwise, of the title of professional engineer or professional geoscientist;
 - any word, name, title or designation mentioned in the definition of *Practice of professional engineering* or *Practice of professional geoscience* or any combination or abbreviation of them; or
 - others

which could lead the public to believe that an individual or a corporation is engaged in the practice of professional engineering unless the corporation has on its active staff members or licensees who directly supervise and assume responsibility for such work undertaken by the corporation.

3. The Registrar of Companies, Ministry of Finance and Corporate Relations (British Columbia), advises any applicant that wishes to use a Restricted Word (as defined in paragraph (1) of the Policy hereinafter included) in their corporate title to contact the Association for consent to avoid the problems that could arise through misleading the public, and the attendant expense if a name change becomes necessary.
4. The Association carefully regulates the use of the Restricted Words in corporate names for the following reasons:
 - (a) **Engineering** is a much overused word and many companies and associations who are not practising professional engineering have used this word for many years. This unauthorized use could be a detriment to the public, who might mistakenly believe that they are dealing with properly qualified Professional Engineers.
 - (b) There is concern that if use of a Restricted Word is allowed for a firm, whose business includes the practice of professional engineering, at some later date, the firm may cease practising professional engineering. They would then be in default of Section 22 of the *Engineers and Geoscientists Act* and they might be using the word in breach of rights granted under the *Trade Marks Act* and misleading the public.

POLICY REGARDING THE USE OF RESTRICTED WORDS IN CORPORATE NAMES

1. Use of the words registered as official marks for wares and services for the Canadian Council of Professional Engineers under the *Trade Marks Act* and words, in accordance with Section 22 of the *Engineers and Geoscientists Act*, R.S.B.C. Chapter 116, as amended, which would lead any person to believe that the Corporation is practising professional engineering or they are dealing with Professional Engineers, (Restricted Words) will not be allowed in corporate names where the practice of professional engineering is not normally part of the corporation activities, and use of the Restricted Words may induce the public to mistakenly believe they are dealing with Professional Engineers.
2. Use of Restricted Words in corporate names will be consented to where the practice of professional engineering is a principal activity of the corporation. This is the case if a corporation has a distinct engineering department having on its active staff, members or licensees of the Association who directly supervise and assume responsibility for the practice of professional engineering.

The permission to use Restricted Words will be given only when the persons causing the company to be incorporated provide in writing:

- (a) a statement certifying that the practice of professional engineering will be a principal activity of the corporation which would have a distinct engineering department having on its active staff, members or licensees of the Association who will directly supervise and assume responsibility for the practice of professional engineering;
 - (b) their agreement to cause the company, immediately upon incorporation, to agree in writing with the Association to:
 - (i) advise the Association if the practice of professional engineering ceases to be a principal activity of the company, and/or if the company ceases to employ Professional Engineers who directly supervise and assume responsibility for the practice of professional engineering within the corporation;
 - (ii) agree with the Association to change its name to remove any Restricted Words if the practice of professional engineering ceases to be a principal activity of the company, and/or if the company ceases to employ Professional Engineers who directly supervise and assume responsibility for the practice of professional engineering within the corporation.
3. Use of Restricted Words in corporate names will be consented to where, in the opinion of the Association, their use will not lead to the public mistakenly believing that they are dealing with Professional Engineers.

