

TITLES CASE SUMMARIES 2020

CASE #16-06

STATEMENT OF COMPLAINT:

That the Respondent was using the 'CSO' designation when they were not registered as a Construction Safety Officer (CSO) with ASTTBC.

INVESTIGATION:

The Respondent was sent a Cease and Desist letter, advising that using the title 'CSO' in this unauthorized manner was a violation of ASTT Act section 15 Prohibition of using titles. The Respondent was requested to make arrangements to remove the 'CSO' descriptor, or any title or designation that was likely to be mistaken as an indication that they were a Construction Safety Officer registered with ASTTBC from their website and any other communications media including but not limited to, e-mail signatures, business cards and promotional material.

The Respondent challenged ASTTBC's Cease and Desist letter and the matter was referred to ASTTBC's Legal Counsel for Titles and Trademarks, who subsequently followed up with the Respondent; however, they continued to use the CSO designation.

ASTTBC proceeded with court action, and the Respondent provided a response but did not file a proper defence. Therefore, ASTTBC's Legal Counsel filed a requisition for default judgment with the Supreme Court of British Columbia which was subsequently granted. The injunctive relief included the type of injunction against use of a protected title contemplated by section 16 of the ASTT Act, as well as injunctive relief against trademark infringement. ASTTBC's Legal Counsel served the Respondent with the Court Order.

ASTTBC monitored the Respondent's compliance with the Court order and found no evidence of them using the CSO designation.

PRACTICE REVIEW BOARD RECOMMENDATIONS:

The PRB reviewed the complaint and concluded that as there was no further evidence to substantiate a misrepresentation of the CSO designation on the part of the Respondent, no further action was required.

OUTCOME:

The file was closed.