

## The Ordre des ingénieurs du Québec satisfied by the Quebec Court judgment: Microsoft Canada has contravened the Québec Professional Code

**Montréal, April 6, 2004** – In a judgment dated April 5, 2004, Justice Claude Millette of the Court of Québec accepted the arguments of the Ordre des ingénieurs du Québec in its penal proceedings against Microsoft Canada. The OIQ had charged Microsoft Canada for knowingly causing a person who is not a member of the Ordre des ingénieurs du Québec, by authorization or encouragement, to use the title of engineer, thereby committing an offense under section 188.1 of the *Professional Code*, R.S.Q., c. C-26.

The dispute dates back to 2001. After pressure had been applied by groups that included the Canadian Council of Professional Engineers, Microsoft Corporation announced in May 2001 its intention to stop using the term *engineer* in Canada in the title *Microsoft Certified System Engineers - MCSE*. However, in July 2002, Microsoft Canada reversed its position and notified the 35,000 people it had certified in Canada that they could “continue to use the title engineer as part of the title Microsoft Certified System Engineer.” In response, the Ordre des ingénieurs du Québec issued a press release denouncing Microsoft Canada’s action.

As part of its campaign against unlawful practice, specifically the unlawful use of the title of engineer, the OIQ then began the inquiry that led to these penal proceedings.

As Gaétan Lefebvre, Eng., President of the OIQ noted, “the OIQ is very satisfied with the Court judgment, which confirms that the title *engineer*, alone or with descriptors, is reserved by the *Engineers Act* exclusively for our members. Combating the unlawful use of the title **at its source** is one of the ways preferred by the OIQ to ensure application of the *Engineers Act* and the *Professional Code*. Both laws are entirely unambiguous and the OIQ has the responsibility of ensuring their application as part of its mission to protect the public.”

Parallel to its proceedings against Microsoft Canada, the OIQ is also continuing to oppose the unlawful use of the engineer title by individuals who are not members of the OIQ, in accordance with section 22 of the *Engineers Act* and section 32 of the *Professional Code*. To date, a number of persons using the title “systems engineer” have been charged by the OIQ, and all have been found guilty. The OIQ president concluded: “When the OIQ learns of people who violate the *Engineers Act* by not being registered on the roll of members, we file penal proceedings against them. They are not authorized to use the title engineer, which is strictly reserved for OIQ members.”

Founded in 1920, the Ordre des ingénieurs du Québec consists of more than 48,000 professionals in every field of engineering except forest engineering. The title *engineer* designates any member of the OIQ who has a permit to practice and thus the exclusive right to perform professional acts. The role of the OIQ is to supervise the practice of engineering, in order to ensure the quality of the services rendered by its members and the protection of the public.

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