College of Patent Agents and Trademark Agents
Le Collège des agents de brevets et des agents de marques de commerce
400 - 411 Roosevelt Avenue, Ottawa ON   K2A 3X9
www.cpata-cabamc.ca

REGISTRAR POLICIES

NAME OF POLICY	Language Proficiency		
APPLICABLE SECTIONS OF THE ACT, BY-LAWS AND REGULATIONS	Registration By-laws 9(c), 12(c)		
APPROVED BY	EFFECTIVE	REVIEWED	REVISED
Registrar	June 28, 2021		July 8, 2021

In this policy:

   a. "Applicant" means an individual who has applied to the College to be a Patent Agent or Trademark in Training;

   b. "Agent" means an individual who is registered as a Patent Agent or Trademark Agent;

Policy

Practice as a patent or Trademark Agent requires proficiency in one of Canada's two official languages as a core competency.

The College's registration program ensures individuals applying to be an Agent in Training meet the requirement to be proficient in English or French.

To meet the registration requirements, an applicant whose first language is English or French, and/or their education was taught in English or French, is considered to have demonstrated language proficiency in either language.

An applicant whose first language is not English or French or did not complete their education in English or French, must demonstrate language proficiency either through a test of language proficiency or by providing non-objective evidence of language proficiency at the time of application to be an Agent in Training.

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PROCEDURES

1. <u>Demonstrating Language Proficiency</u>:

   An applicant who does not meet the language proficiency requirements based on their first language or language of academic instruction, is required to either:

   a) Complete a standardized language proficiency test administered by a recognized 3rd party testing agency and meet or exceed the minimum cut-off score for that test (Appendix A).
   The cut-off scores required in the approved language tests reflect the minimum level of English or French language proficiency necessary for a prospective applicant to function successfully as an Agent in Training and as an Agent, once registered.
   Applicants are responsible for the cost of language proficiency tests. Test results are valid for 2 years from the date the test was administered. They must be sent directly from the language testing agency to the College.

   OR

   b) Provide non-objective evidence of language proficiency. The College accepts alternatives to a standardized language proficiency test. An applicant may meet the language proficiency registration requirement through non-objective evidence (NOE) of their language proficiency by submitting at least TWO of the following:

   1. Successful completion of relevant professional education in a majority English or French-speaking country;
   2. Relevant employment in a majority English or French-speaking country in a role similar to that of an Agent in Training or registered Agent;
   3. Successful completion of the four final years of school in Canada that establishes eligibility to apply for university or college;
   4. Successful completion of a Canadian college or university degree or diploma; or
   5. Successful completion of one or more parts or papers of a qualifying examination in a related field.

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2. Extending the Period of Validity of Language Proficiency Test Scores

The College may extend the validity of an applicant's language proficiency test scores when the applicant meets the following:

> 1. The applicant is engaged in or has recently successfully completed the 24-month training required to establish eligibility for the Qualifying Examinations;
> 2. The original test scores meet the language proficiency requirements outlined in Appendix A;
> 3. The original test scores have expired within the past two years; and
> 4. In the opinion of the Registrar, there is no evidence to suggest the applicant is not sufficiently proficient in English or French.

An extension is valid for a period of up to one year. A second extension of up to one year following the end of the first extension period may be requested. When an applicant's request for extension of the period of validity of language proficiency test scores is denied, the applicant can appeal the decision to the Registration Committee.

3. The Registrar will consider the evidence submitted by the applicant to determine if the language proficiency requirement has been met and will make a decision.

4. Registration staff will communicate the Registrar's decision to the applicant in writing and will provide instructions for appealing the decision to the Registration Committee should the Registrar deem the language proficiency requirement unmet or denies a request to extend the validity of language proficiency test scores.

REFERENCES

CPATA Regulations

CPATA By-laws

CPATA Regulatory Objectives, Standards and Principles

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APPENDIX A

Language Proficiency Test	Minimum Score
Test of English as a Foreign Language (TOEFL) (Internet-based & Paper-based) http://www.ets.org/toefl/	Overall minimum of 96 Including a minimum of Reading 24/30 Listening 24/30 Speaking 24/30 Writing 24/30
International English Language Testing System (IELTS) Academic Module http://www.ieltscanada.ca/	Overall minimum of 8.0 (academic module) Including a minimum of Reading 8.0 Listening 8.0 Speaking 8.0 Writing 8.0
CanTEST http://www.cantest.uottawa.ca/	Overall minimum of 5.0 Including at least: Reading 5.0 Listening 5.0 Speaking 5.0 Writing 5.0
TESTCan (French Language Proficiency) http://www.testcan.uottawa.ca/	Overall minimum of 5.0 Including at least: Reading 5.0 Listening 5.0 Speaking 5.0 Writing 5.0
Canadian Language Benchmark Placement Test (CLBPT) https://www.language.ca/resourcesexpertise/for-language-learners/	Reading 11.0 Listening 11.0 Speaking 11.0 Writing 11.0

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Language Proficiency Test	Minimum Score
Canadian Academic English Language Test, Computer Edition (CAEL CE) https://www.cael.ca/	Reading 80 Listening 80 Speaking 80 Writing 80
Canadian English Language Proficiency Index Program (CELPIP) https://www.celpip.ca/	Reading 11.0 Listening 11.0 Speaking 11.0 Writing 11.0