

## FOREIGN PRACTITIONERS

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The new College regulations allow every individual resident of a country other than Canada who is authorized to act as a patent/trademark agent under the law of that country (“Foreign Practitioners”) to apply to the Registrar to be added to the appropriate Register. Foreign Practitioners on the register would be entitled to the same practice rights before CIPO that they currently enjoy by being on the register of patent agents or trademark agent list and can continue to demonstrate that their name appears on the register of patent agents or register of trademark agents in Canada.

Individuals who are Foreign Practitioners who are already listed on CIPO’s register of patent agents or list of trademark agents will be transferred automatically to the respective CPATA register. To remain on the register, each year Foreign Practitioners will be required to provide a signed statement to CPATA setting out their country of residence and declare that they are authorized to act as a patent agent or trademark agent under the law of that country. Additional information regarding the annual declaration process will be communicated as soon as it becomes available.

Foreign Practitioners listed on the Register of Patent Agents would be entitled to:

- Appoint a patent agent to represent an applicant or patentee on the applicant or patentee’s behalf, and revoke the existing appointment of a patent agent on the applicant or patentee’s behalf;
- Sign a small entity declaration on behalf of the applicant or patentee; and
- Participate in an interview with an examiner at the Patent Office, with the permission of the licensee on the file.

Foreign Practitioners listed on the Register of Trademark Agents would be entitled to:

- Appoint a Trademark Agent to represent a person in any business before the Office of the Registrar of Trademarks or give notice of the revocation of such an appointment.

In addition to the above, persons authorized by the applicant (including a foreign practitioner) will also be able to perform the following actions for trademarks:

- filing an application for the registration of a trademark, an application for international registration or a transformation application;
- paying a fee;
- renewing the registration of a trademark; or
- making a request or providing evidence with respect to the transfer of an application or a registration under section 48 of the Trademarks Act

In addition to the above, persons authorized by the applicant (including a foreign practitioner) will also be able to perform the following actions for patent applications:

- File a new application or a request for national phase entry if authorized in accordance with subsection 36(2) of the *Patent Rules*
- Pay a maintenance fee if authorized in accordance with subsection 36(2) or 37(1) of the *Patent Rules*
- Submit a request for examination
- Submit a request to record a transfer if authorized in accordance with subsection 36(3) or 37(1) of the *Patent Rules*
- Submit a request to record a name change if authorized in accordance with subsection 36(4) or 37(1) of the *Patent Rules*
- Take any action to represent a patentee, excluding those outlined in subsection 37(2) of the *Patent Rules*, if authorized in accordance with subsection 37(1) of the *Patent Rules*