

REGISTRAR POLICIES

NAME OF POLICY	Canadian Residence		
APPLICABLE SECTIONS OF THE ACT, BY-LAWS AND REGULATIONS	Regulation 4(a), 5(a), 6(a), 7(a), 8(a), 9(a), 10(a), 11(a) Registration By-laws 9, 12, 23		
APPROVED BY	EFFECTIVE	REVIEWED	REVISED
Registrar	June 28, 2021		

In this policy:

- a. “Applicant” means an individual who has applied to the College to be a Patent Agent or Trademark in Training, or an individual who has applied to the College to be a Patent Agent or Trademark Agent;
- b. “Agent” means an individual registered with the College as a Patent Agent or Trademark Agent;

Policy

The College’s registration program ensures individuals applying to be an Agent in Training, individuals applying to be an Agent, and Agents, as a condition of their ongoing registration, meet the Canadian residence requirement.

For the purposes of meeting the registration requirements, the College will consider a variety of factors indicative of residence. Primary consideration is given to an applicant’s or Agent’s domestic or business address.

If an applicant or Agent does not meet the definition of Canadian residency by means of their domestic or business address, the College will consider their residence status on a case-by-case basis by taking in account of a variety of considerations referred to here as ‘secondary residential ties’.

PROCEDURES

1. An applicant or Agent who does not meet the definition of Canadian residency by means of their domestic or business address, will be required to provide to the Registrar supporting documentation demonstrating secondary residential ties¹, which may include notarized proof of:
 - personal property in Canada (such as furniture, clothing, automobiles, and recreational vehicles);
 - social ties with Canada (such as memberships in Canadian recreational or religious organizations);
 - economic ties with Canada (such as employment with a Canadian employer and active involvement in a Canadian business, and Canadian bank accounts, retirement savings plans, credit cards, and securities accounts);
 - landed immigrant status or work permits in Canada;
 - hospitalization and medical insurance coverage from a province or territory of Canada;
 - a driver’s license from a province or territory of Canada;
 - a vehicle registered in a province or territory of Canada;
 - a seasonal dwelling place in Canada or a leased dwelling place;
 - a Canadian passport;
 - memberships in Canadian unions or professional organizations;
 - the retention of a Canadian mailing address, post office box, or safety deposit box; and/or
 - personal stationery (including business cards) showing a Canadian address.
2. The Registrar will consider the evidence submitted by the applicant or Agent to determine if the Canadian residency requirement has been met.

¹ These factors are adapted from criteria used by the Canada Revenue Agency in determining residence

3. The Registrar’s decision will be communicated to the applicant or Agent in writing, and instructions will be provided for appealing the decision to the Registration Committee should the Registrar deem the Canadian residence requirement unmet for any reason.

REFERENCES

CPATA Regulations

CPATA By-laws

CPATA Regulatory Objectives, Standards and Principles