

CANDIDATE GUIDE TO WRITING **THE CANADIAN TRADEMARK AGENT EXAMINATION**

The Trademark Agent Examination is a certification exam leading to the designation of Registered Trademark Agent. It is designed to assess the candidate's knowledge of the *Trademarks Act*, the *Trademarks Regulations*, case law and Canadian Intellectual Property Office (CIPO) practice required to practise independently as a trademark agent. The examination tests candidates' analytical and problem-solving skills as well as their skills in communicating with the client and with CIPO.

Candidates may write the examination in English or French. Please note that the English and French versions of the examination may contain language differences because of the specialized subject matter.

Examination Content

The examination consists of two parts as follows:

Part A focuses primarily on issues that may be raised prior to advertisement of the application in the *Trademarks Journal*.

Part B focuses primarily on issues that may be raised after advertisement of the application in the *Trademarks Journal*.

The majority of the questions in the examination focus on a core group of tasks, which must be addressed in the day-to-day practice of a trademark agent. The tasks are as follows:

1. Availability
2. Registrability
3. Applications
4. Prosecution
5. Opposition proceedings
6. Post-registration (Section 45 proceedings, renewals, transfers etc.)

Within the scope of examining competency in these core tasks, candidates are expected to be knowledgeable about pertinent issues such as:

1. Official marks
2. Certification marks
3. Non-traditional marks

4. International trademark system (Madrid Protocol)
5. Chain of title
6. Licensing
7. Transfers
8. Ethics and conflicts of interest

Candidates should have a general knowledge of the Madrid Protocol and the International Registration System and should know where to look for relevant provisions of the *Trademarks Act* and *Regulations*, but they will not be required to reference specific sections of the Common Regulations. Candidates will be expected to cite specific sections and subsections of the Trademarks Act and Trademark Regulations as requested.

In addition to questions related to the core tasks, the exam may contain some questions related to issues which should be within the general knowledge of a trademark agent, such as infringement and/or passing-off and other intellectual property rights.

The College's Code of Conduct found at <https://cpata-cabamc.ca/regulation/code-of-professional-conduct/> is used by the Examining Board as guidance in setting questions dealing with ethics and conflicts of interest.

The Examining Board draws from the *Trademarks Examination Manual*, Practice Notices (not already incorporated in the *Trademarks Examination Manual*, such as those relating to oppositions and Section 45 proceedings), and recent and leading trademark-related Opposition Board and Court decisions as guidance in setting questions dealing with case law. The *Trademarks Examination Manual*, Practice Notices, and recent Opposition Board decisions are available on the Canadian Intellectual Property Office website, and recent Court decisions are available through the websites of the Federal Court of Canada, the Federal Court of Appeal and/or the Supreme Court of Canada.

Standards Required for Passing the Examination

To pass the examination, a candidate must obtain at least 65% of the marks for each part of the exam. Part B of the examination will generally not be marked unless the candidate obtains at least 65% on Part A.

Examination Rules

The link to access the examination will be sent to you via e-mail at the date and time specified in the Admission e-mail. Unless you specify an alternate e-mail address, the exam will be sent electronically to the e-mail address provided on your Class 3 Licence Agent Application Form.

It is your responsibility to ensure that your environment is adequate for testing (see below).

The exam will be provided in both official languages. The exam will be administered in the official language as selected by you on the exam registration form.

You are responsible for managing your time accordingly when answering the questions. Any time missed due to late start will be deducted from the total examination time.

As this is an individual exam, you are strictly forbidden from consulting any other individuals. It is strongly recommended that you isolate yourself to complete your exam. **Your exam will be remotely proctored by a live proctor through the MonitorEDU exam platform (see below).**

The **only resources allowed** while completing the written exam are:

- the [Trademarks Act](#);
- the [Trademarks Regulations](#); and
- a dictionary (English, French, English/French).

You are NOT allowed to consult any other resource. A secure browser will prevent you from accessing other resources on your computer.

You are **allowed to copy and paste** information from:

- the [Trademarks Act](#);
- the [Trademarks Regulations](#);
- excerpts from the examination questionnaire.

You are NOT allowed to copy and paste information from any other resource.

All information and data disclosed to you by the College of Patent Agents and Trademark Agents in this written examination shall be treated as confidential and shall not be disclosed or made known to any other person or entity. All written or recorded materials provided to you or prepared by you pursuant to this written examination are deemed the property of the College of Patent Agents and Trademark Agents of Canada.

Logistics

The 2021 Trademark Agent Qualifying Examination will be electronically administered and remotely proctored by MonitorEDU/Paradigm Testing. Please review the following information to ensure that your computer systems meet the requirements. Additional detailed information regarding the protocol for logging in will be provided to exam candidates closer to the exam dates. Exam candidates will also be able to login prior to the exam and practise with a few previous exam questions to become familiar with the system.



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To become familiar with the process please watch this video below:

<https://youtu.be/cInMjEaHIq0>

To test your equipment and to see frequently asked questions please visit:

<https://monitoredu.com/faq>

A few additional notes:

For your exam we recommend you use the internet browser Google Chrome for the best experience. If your computer does not already have this browser, you may download it here: <https://www.google.com/chrome/>

Please make sure you have disabled all popup blockers.

Chrome Mac

- 1) Click on the 3 Dots in the Upper-Right Hand Corner
- 2) Click on "Settings" on the dropdown menu
- 3) Click on "Privacy and security" on the left side menu
- 4) Click on "Site Settings" in the center menu
- 5) Click on "Pop-ups and redirects" in the center menu (May need to scroll)
- 6) Ensure the first radial button is selected "Sites can send pop-ups and redirects"
- 7) Click on "Add"
- 8) Copy this URL: <https://paradigmtesting.excelindia.com/> and paste it into the box

Chrome PC

- 1) Click on the 3 Dots in the Upper-Right Hand Corner
- 2) Click on "Settings" on the dropdown menu
- 3) Click on "Privacy and security" on the left side menu
- 4) Click on "Site Settings" in the center menu
- 5) Click on "Pop-ups and redirects" in the center menu (May need to scroll)
- 6) Ensure the first radial button is selected "Sites can send pop-ups and redirects"

If you are testing on a Mac computer, please have the most up to date OS operating system on your device. We require High Sierra 10.13 or higher for your exam.

If you have tested with them before please delete and reinstall the newest version of the secure browser:

<https://clients.paradigmtesting.com/remote-proctoring-files/>



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Before connecting with your proctor please make sure the following programs are not running in the background on your computer.

- 1) Skype
- 2) Microsoft Teams
- 3) Slack
- 4) GoToMeeting
- 5) Zoom Meeting
- 6) Cisco Webex
- 7) Team Viewer