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CANADIAN PATENT AGENT QUALIFYING EXAMINATION

GUIDE TO WRITING THE PATENT AGENT EXAM

PAPER C – PATENT OFFICE PRACTICE

These guidelines describe in a general manner the contents and criteria for the Patent Agent Examination - Paper C. Specific content and rating is the responsibility of the Examining Board, based on their considered judgement.

The actual contents of the Examination may change without notice and may differ from the contents of this general guidance document.

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1.0   Introduction

Paper C (Patent Office Practice) of the Patent Agent Qualifying Examination measures the basic competencies necessary for a patent agent to deal with rejections/objections raised during prosecution of a patent application in Canada and basic skills for patent agency practice. Candidates should adhere to the general layout of a response to an office action. Emphasis is placed on demonstrating a working knowledge of Patent Office practice.

The examination is four (4) hours in length.

2.0   Examination Content

The examination consists of two (2) parts:

PART A consists of a "long answer question" which tests a candidate's ability to deal with rejections/objections typically raised in an official action/examiner's report issued by a patent examiner of the Canadian Intellectual Property Office (CIPO).

PART B consists of "short answer questions" and tests a candidate's general patent practice-based knowledge necessary to practice as a patent agent.

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2.1   PART A – Long Answer Questions

What is tested and rated:

IN PART A, candidates are rated on two categories of competencies:

(1)   <u>Analytical</u> competencies that require the candidate to exhibit understanding of the question-specific subject matter and the application of the *Patent Act* and *Patent Rules* in addressing the issues – for example: reference citability, anticipation, obviousness, indefiniteness, ambiguity, support, etc., and;

(2)   <u>Knowledge</u> competencies that require the candidate to exhibit understanding of general patent prosecution issues governed by the *Patent Act*, *Patent Rules*, the *Manual of Patent Office Practice (MOPOP)* , and case law – for example, designation of trademarks, incorporation by reference statements, and proper reference to external documents, proper claim dependency structure, etc.

Contents of PART A

Part A contains questions relating to specific patent office practice issues or scenarios. Questions elicit responses that require demonstration of the above two competencies.

<u>INSTRUCTIONS TO CANDIDATES</u>

You will be asked to prepare an appropriate response to each question/issue. Consider each question separately and independently of the other questions. Note that description and claim amendments together with arguments may be required to adequately address each issue. Case law may be cited if needed to support an argument or position.

Appendix A provides a list of examples of issues that may be tested.
Appendix A is **NOT** comprehensive.

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2.2   PART B – Short Answer Questions

What is tested and rated:

For the short answers component, the examination tests knowledge-based issues that are not linked or associated with the long answers component. Consider each question separately and independently of the other questions. Case law may be cited if needed to support an argument or position.

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3.0   Mark Distribution

PART A   The long answer component represents 70-80% of the overall grade.

PART B   The short answer component represents 20-30% of the overall grade.

4.0   Scoring

PART A

Candidates are awarded marks for:

- dealing correctly with key issue(s)
- dealing correctly with all other issues
- clarity of response/answers
- organization and appropriate presentation of arguments
- professionalism
- appropriate statutory or case law citation.

PART B

Candidates are rated on the correctness and clarity of the answer and appropriate statutory or case law citation, when appropriate to the answer.

5.0 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.

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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 Patent Act;
- the Patent Rules; and
- a hardcopy 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.

All information and data disclosed to you by the College of Patent Agents and Trademark Agents in this <u>written examination</u> 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 <u>written examination</u> are deemed the property of the College of Patent Agents and Trademark Agents of Canada.

<u>Logistics</u>

The 2021 Patent 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/cInMjEaH1q0

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.

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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/

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

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APPENDIX A

Examples of Examination Content Issues

The following are examples of issues that may be tested.

Appendix A is NOT comprehensive.

ISSUE
Prior Art – citability of references
Prior Art – Anticipation/Novelty
Prior Art – Obviousness
Case Law
Basic claim structure
Statutory subject matter
Claim types
Preambles
Elements within claims
Steps (method/process)
Article of manufacture
Product-by-process
Use of workpiece or Environmental element
Negative limitations
Claim support
Antecedent
Indefiniteness/ambiguity
Dependent claim errors
Miscellaneous

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