CANDIDATE GUIDE TO WRITING
THE CANADIAN TRADEMARK AGENT EXAMINATION

The Trademark Agent Examination is a licensing 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.   Prohibited 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, including knowledge of member jurisdictions, and the International Registration System and should know where to look for relevant provisions of the _Trademarks Act_ and _Regulations_, Candidates will be expected to cite specific sections and subsections of the _Trademarks Act_ and _Trademark Regulations or the title of a Practice notice_ as requested.

Candidates can use short-form to identify specific Practice Notice topics. The following list of examples for citing a Practice Notice is not exhaustive but is being provided for illustrative purposes.

- Practice Notice – Trademark Opposition Board → PN TMOB
- Practice Notice – Section 45 → PN S45
- Practice Notice – Transfer/Change Name → PN TRANS/CHANGE NAME
- Practice Notice – Licence Agreement → PN LIC AGMT

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_, the Nice Classification system, 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.

NEW FOR 2022 ONLY: Candidates who receive the minimum passing mark of 65% on either Part A or Part B will be able to carry forward the successful part to 2023 ONLY. Therefore, both Parts A and B will be marked for all candidates.

Candidates who are not successful with both Parts A and B in 2022 and 2023 will be required to start the new qualifying examination process in 2024. There will be NO carry forward of incomplete examination results once the new exam process starts in 2024. For more information on the new exam process, please review our website: https://cpata-cabamc.ca/en/become-an-agent/exam-redevelopment-for-2024/

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 <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 2022 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.

Live Proctor Check-Ins: During the week of October 10-14, 2022, candidates will be able to connect with a live proctor to test their login and systems. The practice exams questions (from the 2021 exams) will be available in the platform during this check-in so that candidates can also test the response functionality. The intent of these sessions is to confirm your set up and familiarize yourself with the platform, navigation, responding to questions etc. It is NOT a full mock exam experience.

Incident Reports: MonitorEDU will now be using Google Meets to support their proctoring services (see instructions for downloading the applications below). This will now allow exam sessions to be recorded. The recordings will be saved with MonitorEDU for finite period of time. Therefore, if something occurs during your exam that you think CPATA should be aware of, please send a request to schedule@monitoredu.com with your name, candidate number and the date of the exam when the incident occurred, to request that they share the exam recording with CPATA for further investigation. These requests must be submitted to MonitorEDU prior to the release of the examination results.

Use of Reference Materials: You may print, tabulate or highlight the attached versions of the Trademark Act and Trademark Regulations beforehand, and keep them with you as reference documents during examinations. Nothing can be written on these documents except the page or section numbers in the table of contents or on the tabs themselves. They can be stapled or connected by spiral or metal rings. The invigilator will check your documents before the exam begins. The Law and Rules will still be available in the Exam Aids section of the platform.

Multiple Monitors: You can only use one monitor but you can choose which monitor you use – so if you have a laptop and a 2nd screen, if you can make it work so that only your 2nd screen is on, then you can use that instead of the laptop screen. The key is that only 1 monitor is being used.

Snacks and Water: You may have a drink with you but it must be in a **clear vessel** (clear bottle, cup, glass etc.) with no labels (i.e. if you have a bottle with a label on it, you must remove the label). You may also have snacks with you but they must be in a clear ziplock style bag so that the proctor can see what is in the bag. Also, please tell the proctor at the beginning when you are checking in that you would like to have snacks during the exam so they are aware.

Privacy Policies: MonitorEDU does have their privacy policies available in both English and French:
English: https://monitoredu.com/privacy
French: https://monitoredu.com/privacy-fr

Legend: The exam board members have agreed to accept the following standard abbreviations for the exam so that you don't have to write out the legend for your responses:
- TMA – Trademarks Act/LMC - Loi sur les marques de commerce
- TMR – Trademark Regulations/RMC- Règlement sur les marques de commerce
- TEM – Trademark Exam Manual/MEMC- Manuel d'examen des marques de commerce
- TMOB – Trademark Opposition Board/COMC – Commission des oppositions des marques de commerce
- PN – Practice Notice/EN-Énoncé de pratique

Email confirmation from MonitorEDU: You will receive an email confirmation from MonitorEDU about a week before the exams that will provide you with the protocol for the exam days and some system set up information.

Ear Plugs: If you wish to wear ear plugs during the exam, they will need to be new foam ones that are still in the package. Candidates must open them up in front of the proctor. Candidates must advise CPATA if they wish to use ear plugs prior to the start of the exam so that the proctors can be informed.

Jewelry: To support the integrity of the exam security, you will be asked to remove any jewelry before the exam (i.e. earrings, necklace, bracelet etc.).

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:
You will need to have the Google Meets application pre-downloaded on your cell phone or tablet.

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.

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COLLEGE OF PATENT
AGENTS & TRADEMARK AGENTS

COLLÈGE DES AGENTS DE BREVETS ET
DES AGENTS DE MARQUES DE COMMERCE

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://securebrowser.paradigmtesting.com/

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