

# 2021 Qualifying Examination Report

June 21, 2022

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## Overview

The following report provides an overview of the 2021 Qualifying Examination administrations.

	<b>Trademark Agent Qualifying Examination</b>	<b>Patent Agent Qualifying Examination</b>
Exam Dates	November 9, 2021 – Part A November 10, 2021 – Part B	December 7, 2021 – Paper A December 8, 2021 – Paper B December 9, 2021 – Paper C December 10, 2021 – Paper D
# Registered	70	127
# No-Shows	3	0
# Withdrawn for Technical Issues	1	1
# French Writers	5	2
# of Accommodations Approved	3	10
# of Accommodations – Passed	0	2
# of Total Writers	66	124

## Content Development

- CPATA's coming into force date only provided approximately 4 months to complete the following for 6 test forms (Parts A and B for the TMAQE; Papers A, B, C and D for the PAQE)
  - develop the exam content with the exam board members
  - test it with test writers and/or IPIC Standards Committee
  - translate into French
  - configure and test on the online exam platform (in English and French)
  - administer to candidates
- Typically, a lead for each team on the Boards of Examiners is appointed. For the 2021 TMAQE administration, there were no leads appointed so staff provided project management support.

## Candidate Support and Resources

- Exam guides, past exams, and system requirements for the online exam platform were posted on the website.
- Candidates were encouraged to test their systems prior to the exams and exam provider live agents were available for support.
- Candidates were informed of IPIC exam preparation courses. These courses are of longstanding though CPATA has no knowledge of their content, pedagogy or value to exam writers.
- Candidate orientation sessions co-hosted by subject matter experts were presented approximately 3 weeks prior to the exam administrations. These sessions provided information regarding types of questions, marks breakdown, reference materials, exam platform requirements, exam day instructions, results and scoring, and live demonstrations of the exam platform including navigation and functionality were presented. Approximately 80% of TMAQE writers and 90% of PAQE writers took advantage of these sessions.
- TMAQE candidates were provided an opportunity to test the exam platform using the text exam for the Law Society of Ontario. There was not enough time to develop and provide access to a test exam with TMAQE-specific questions.
- PAQE candidates were provided an opportunity to test the live proctoring service and exam platform using parts of the 2020 PAQE. The live proctoring test service was an additional charge of approximately \$7.50 USD per candidate.
- Candidates were permitted to print and pre-highlight/pre-tab reference materials before the exam started (i.e., the Acts, Regulations, Rules etc.).
- Candidates were provided the mark breakdown ahead of time so they could plan their time better.
- Screensharing functionality was used to allow live proctors to invigilate the PAQE while allowing candidates to open the exam materials in a separate pdf window on their computer. This was particularly important to mitigate the likelihood of candidates losing time due to excessive scrolling or exam platform navigation and was due to the extensive length of the background materials.
- The PAQE background materials (not questions) were circulated to the candidates via email before the exam started so materials could be printed and used for reference during the exam.
- If candidates lost time on the exam due to technical issues that were outside of their control, the lost time was added back so there were no disadvantages.

## Accommodation Requests

- Accommodation requests were made on medical, religious, and personal grounds.
- On the exam platform, candidates could increase the size of the font as needed without a special accommodation request.
- Candidates could wear foam ear plugs during the exam as long as they were individually packaged and the package was opened in front of the live proctor prior to starting the exam.

## Bilingual Administration

- The exam information and registration forms were provided in both official languages.
- The candidate orientation was only presented in English.
- The exam platform was provided in English and French. The language displayed was selected by the candidate at the time of registration.
- Candidates could request French-speaking proctors.

## Issues

The following summary provides an overview of issues candidates experienced during the TMAQE:

- The matching question in Part A was difficult to use.
- The exam platform requires a word limit to be set for each question. This threw some of the candidates off during Part A, even though the word limit was set to higher than what was an expected response based on the marking guide. The word limits for Part B were increased to provide reassurance to candidates that they had enough space to type their responses.
- Some candidates reported there was too much scrolling, navigating or remaining connected to the platform was challenging, and that camera issues resulted in a loss of exam time. As mentioned above, any exam time lost as a result of a technical issue that was outside of the candidate's control was added back.
- Some candidates reported issues with the highlight function and their cursor.

The following summary provides an overview of issues candidates experienced during the PAQE:

- All papers: Copy and paste functionality caused a spacing issue between words when some candidates navigated between screens on the exam platform. Candidates were advised not to worry about fixing this and that they would not be penalized for this issue.
- Paper A: The exam provider experienced a system issue resulting from an outage from one of its 3<sup>rd</sup> party providers. The exam provider had a contingency plan in place and this issue did not impact candidates.
- Paper D: The lead of Paper D advised there was an error on the French translation that was not caught in the review process. As a result, one of the claim limitations that was to be construed in question A1B(iv) was incorrectly stated (it was not in fact a feature that was in the claims at all, so there was no way for the candidates to construe it). Recommendations from Principia Assessments were sought. To demonstrate fairness to all candidates regardless of which version they attempted, the question was removed from the exam.

The following provides a summary of general issues:

- The number of hours of exam board member involvement with each stage of administering the exams is unknown. Exam Boards have been asked to track the amount of time spent on content development, platform testing, and marking (including providing reasons for re-correction decisions). The workload, at its current level, may not be sustainable into the future (board member burnout, inability to fill open positions etc.). Opportunities to outsource marking should be considered if possible.
- The new requirement for exam board members to provide reasons for re-corrections added significantly more time to the re-correction process and their overall obligations to CPATA. Initially, some exam board members expressed concern over whether they could be personally liable for the outcomes for re-correction decisions and commented that it was not their role to “teach” candidates. Others agreed with the need to provide reasons as a way to improve transparency and defensibility of the examination process overall.

## Results

- 24 candidates were successful in the TMAQE after the initial marking.
- 24 candidates were successful in the PAQE after the initial marking.
- The training offices with the most successful candidates were IP firms or law firms with significant IP departments.
- The results of the TMAQE are similar to previous years, and in some cases slightly better. The average Part A score for 2021 was the highest since 2013 and 4% higher than the average Part A score from 2013–2021. The global pass rate was 42%: the same as 2020, the second highest since 2013 and 7% higher than the average global pass rate from 2013–2021. 82% of first-time writers passed the exam in 2021 as compared to 51% in 2020.
- The results of the PAQE are lower than the last three years but similar to longer-term trends. The first try pass rate in 2021 was 8% and 4% higher than the average from 2005–2021. The overall pass rate in 2021 was 23% and 2.5% higher than the average from 2005–2021. The average for Papers A, B and C were lower in 2021 than 2020, and slightly higher for Paper D<sup>1</sup>. The average for Paper A was the same as the average from 2005–2021; the average for Paper B was 3.5% lower in 2021 than the average from 2005–2021; the average for Paper C was 3% higher in 2021 than the average from 2005–2021; and the average from Paper D was 4.5% higher in 2021 than the average from 2005–2021<sup>2</sup>.
- The results reflect previous inconsistency in pass rates.
  - This inconsistency may be related to the findings of the Legacy Test Specifications Report, which highlighted the examinations may not be testing the right content in correct and consistent proportions, at consistent cognitive levels, and using formats that are appropriate for the content and cognitive level.
  - The low pass rates may also be related to deficiencies and inconsistencies in agent training programs.
  - It will be important to track how the introduction to and integration of competency profiles, development of an agent training course, and implementation of the redesigned examinations impact the results over the next five years.

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<sup>1</sup> This is likely due to the rescoring calculation required for Paper D.

<sup>2</sup> Same as above.

- The platform change could have contributed to the lower pass rates on the PAQE as compared to the previous three years. However, all eligible class 3 candidates were required to attempt all papers. Additionally, candidates were advised that the process was changing so carrying forward successful Papers past 2022 was unknown. It could be that several candidates chose to write as a result of these policy changes, further pushing down the averages and pass rates because they wrote without adequate preparation.

## Re-Corrections

Similar review and re-correction policies and procedures were followed from previous administrations with one major difference – candidates received *reasons* for why their requests for additional marks were denied, as applicable.

The objects of the registration process are to protect and promote the public interest and preserve the integrity of the patent and trademark profession, in a manner consistent with the College's Regulatory Objectives, Standards and Principles. This includes applying policies in a principled manner, proportionately, fairly, and efficiently with decisions clearly explained, including their public interest rationale, and making fair decisions supported by appropriate evidence.

CPATA's Decision Making Principles require that decisions by the Registrar and Regulatory Committees be informed by appropriate knowledge and expertise to provide a complete analysis of the matters at issue.

Therefore, we were transparent and explained the process and rationale for all re-correction decisions that did not result in a successful result for the candidate.

TMAQE:

	2021	2020
# Passed Parts A and B at Initial Correction	<b>24/66</b>	38/102
# of Requests for Review	<b>15</b>	19
Part A	<b>3</b>	5
Part B	<b>15</b>	14
# of Additional Candidates Passing as a result of review	<b>4</b>	5
Final # of Candidates who passed	<b>28</b>	43

- 2 re-correction decisions were based on calculation errors and are reflected as outliers in the variance analysis in Appendix A
- The most common result for Part B re-corrections was to add 1 or 2 marks.

PAQE:

	2021	2020
# of Candidates who requested exam materials	<b>84 (67%)</b>	94 (81%)
# of Candidates who requested a re-correction	<b>33 (26.6%)</b>	36 (38%)

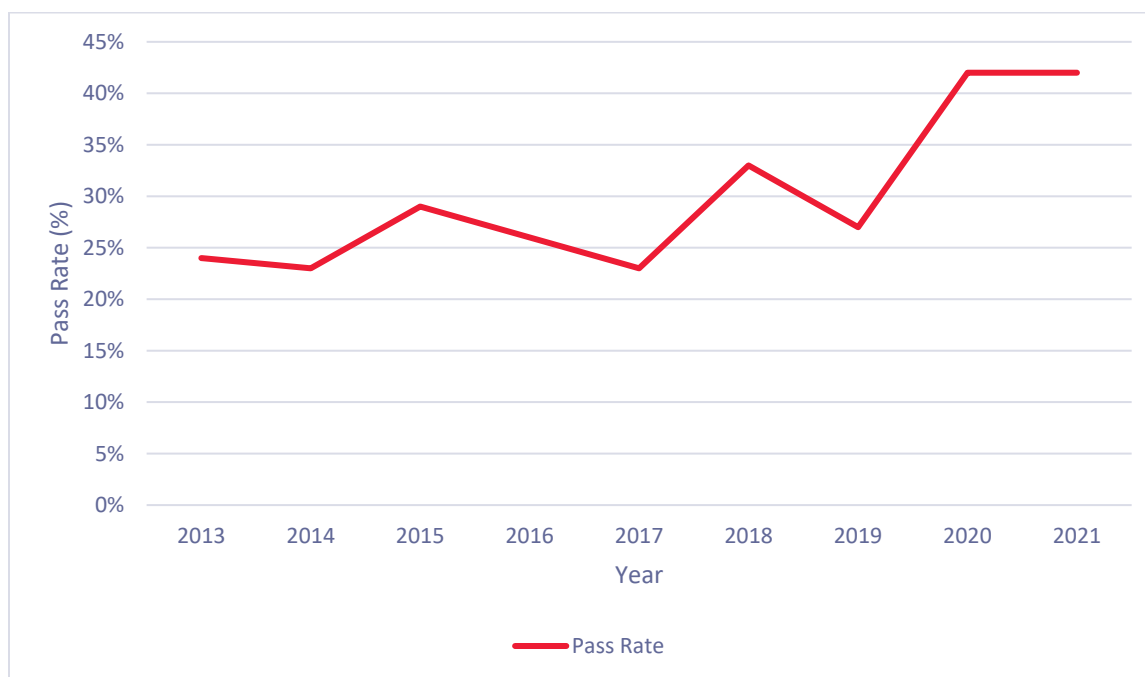
	2021	2020
Re-Correction Decisions	<b>June 2022</b>	April 2021
Re-Correction Requests Considered: Paper A	<b>13 (13%)</b>	18 (22%)
Re-Correction Requests Considered: Paper B	<b>16 (16%)</b>	17 (20%)
Re-Correction Requests Considered: Paper C	<b>4 (6%)</b>	9 (13%)
Re-Correction Requests Considered: Paper D	<b>11 (10%)</b>	20 (21%)

- 3 candidates received a global pass as a result of the re-correction review, accounting for 4 of the 44 papers reviewed (2 Paper A, 2 Paper B)
- 30 candidates remained unsuccessful as a result of the review
  - 3 of the papers reviewed resulted in a pass for that paper (1 Paper C, 2 Paper D)
  - 37 of the papers reviewed resulted in a failure for that paper (11 Paper A, 14 Paper B, 3 Paper C, 9 Paper D)
- Paper A had the most variance ranging from deducting 3 marks to adding 5.5 marks. The most common result was no change to the score (31% of requests). Paper A was also the only Paper that deducted marks from the initial score.
- Paper B variance ranged from unchanged to adding 4 marks. The most common results for Paper B re-corrections were to not change the mark or to add 0.5 marks (50% of requests).
- Paper C had the least variance ranging from unchanged to adding 2 marks. The most common result was to add 2 marks (50% of requests)
- Paper D variance ranged from unchanged to adding 2.5 marks. The most common result for Paper D re-corrections was to add 1 mark.

## Appendix A – TMAQE Statistics

	2021	2020
# of candidates registered	<b>74</b>	115
# of candidates withdrawn/no show		
Part A	<b>7</b>	13
Part B	<b>8</b>	14
# Attempted Part A	<b>66</b>	102
# Attempted Part B	<b>65</b>	101
# French Writers	<b>5</b>	11
# English Writers	<b>61</b>	91
# Candidates – First Attempt	<b>65%</b> <b>(43/66)</b>	50% (51/102)
# of Candidates that Passed	<b>28</b>	43
Passed after first attempt	<b>82%</b> <b>(23/28)</b>	51% (22/43)
Passed after 2-4 attempts	<b>18%</b> <b>(5/28)</b>	47% (20/43)
Passed after 5+ attempts	<b>n/a</b>	2% (1/43)
Global Pass Rate	<b>42%</b>	42%

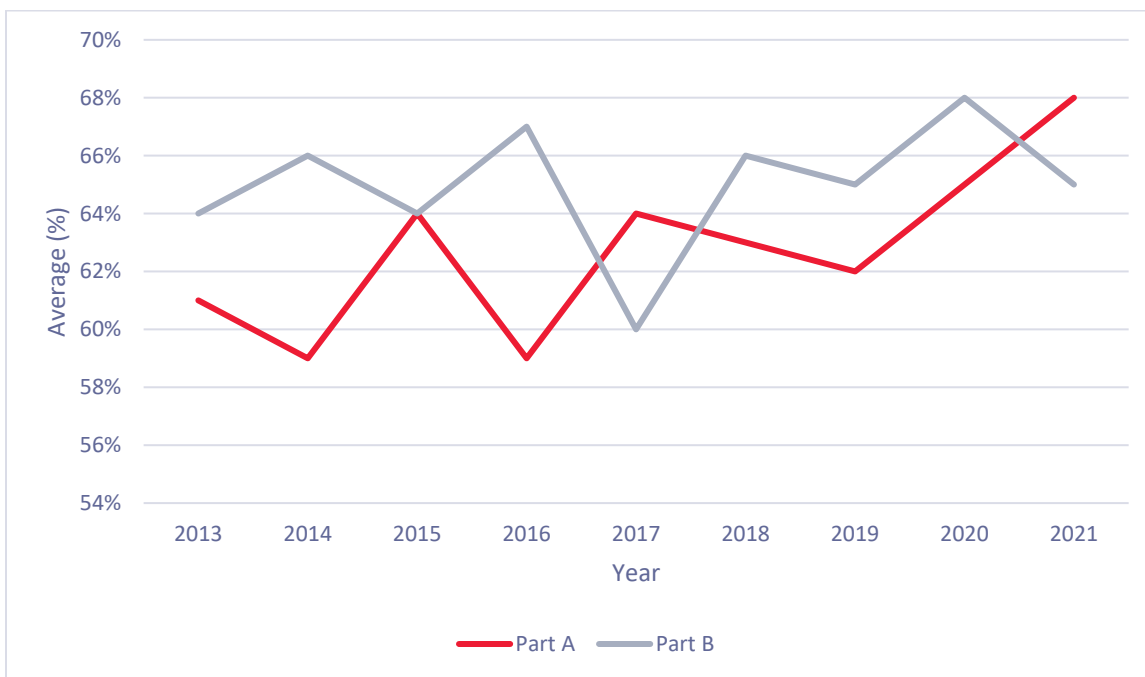
## Pass Rates by Year



Year	Exams Written	Exams Passed	Pass Rate
2013	67	16	24%
2014	65	15	23%
2015	72	21	29%
2016	91	23	26%
2017	121	28	23%
2018	98	32	33%
2019	96	26	27%
2020	102	43	42%
<b>2021</b>	<b>66</b>	<b>28</b>	<b>42%</b>
Average (2013-2021)	86	25	30%



### Average Marks (%) by Year



Year	Part A	Part B
2013	61%	64%
2014	59%	66%
2015	64%	64%
2016	59%	67%
2017	64%	60%
2018	63%	66%
2019	62%	65%
2020	65%	68%
<b>2021</b>	<b>68%</b>	<b>65%</b>
Average (2013-2021)	63%	65%

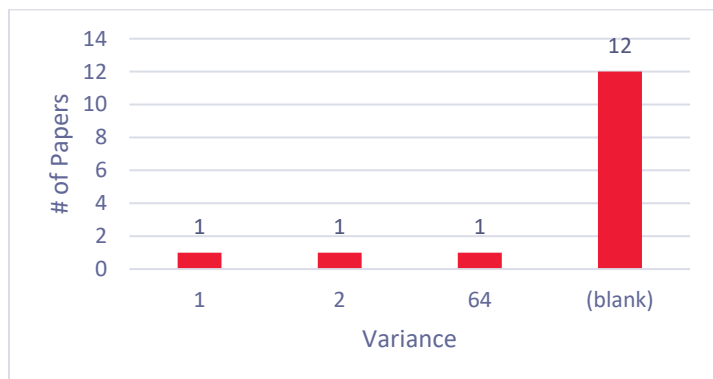
	<b>Part A 2021</b>	Part A 2020
# of Exams Corrected	<b>66</b>	102
Average Mark	<b>68%</b>	65%
97+ (2020 = 96+)	<b>47</b>	63
82-96	<b>13</b>	21
68-81	<b>6</b>	8
54-67	<b>0</b>	9
40-53	<b>0</b>	1
<40	<b>0</b>	0
Highest	<b>83%</b>	85%
Lowest	<b>46%</b>	30%
	<b>Part B 2021</b>	Part B 2020
# of Exams Corrected	<b>53</b>	63
Average Mark	<b>65%</b>	68%
97+	<b>28</b>	43
92-96	<b>8</b>	7
81-91	<b>12</b>	11
70-80	<b>3</b>	2
<70	<b>3</b>	0
Highest	<b>80%</b>	87%
Lowest	<b>41%</b>	48%

#### Re-corrections:

	<b>2021</b>	2020
# Passed Parts A and B at Initial Correction	<b>24/66</b>	38/102
# of Requests for Review	<b>15</b>	19
Part A	<b>3</b>	5
Part B	<b>15</b>	14
# of Additional Candidates Passing as a result of review	<b>4</b>	5
Final # of Candidates who passed	<b>28</b>	43

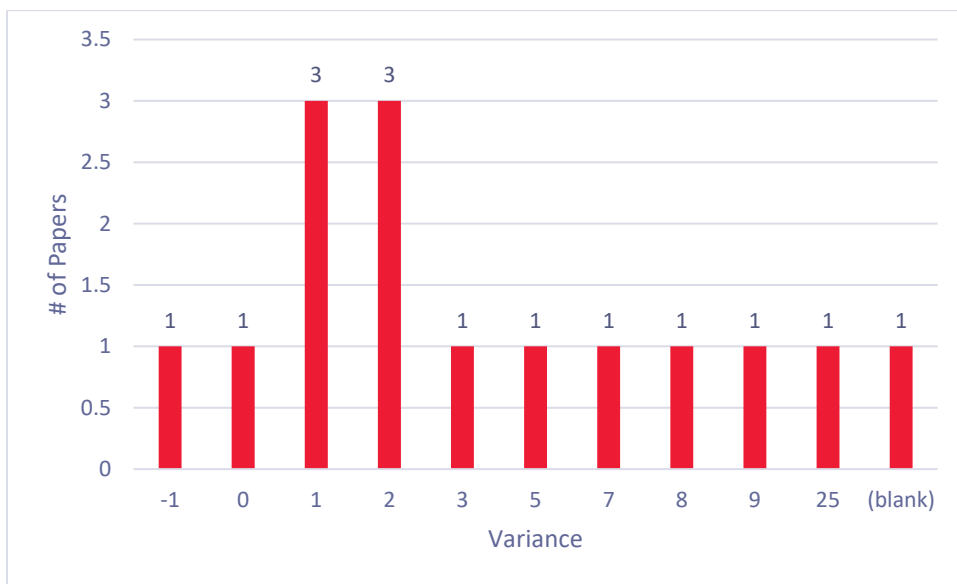
## Re-Correction Variance Analysis

### Part A



Row Labels	Count of Part A Updated
1	1
2	1
64	1
(blank)	12
<b>Grand Total</b>	<b>15</b>

Part B:



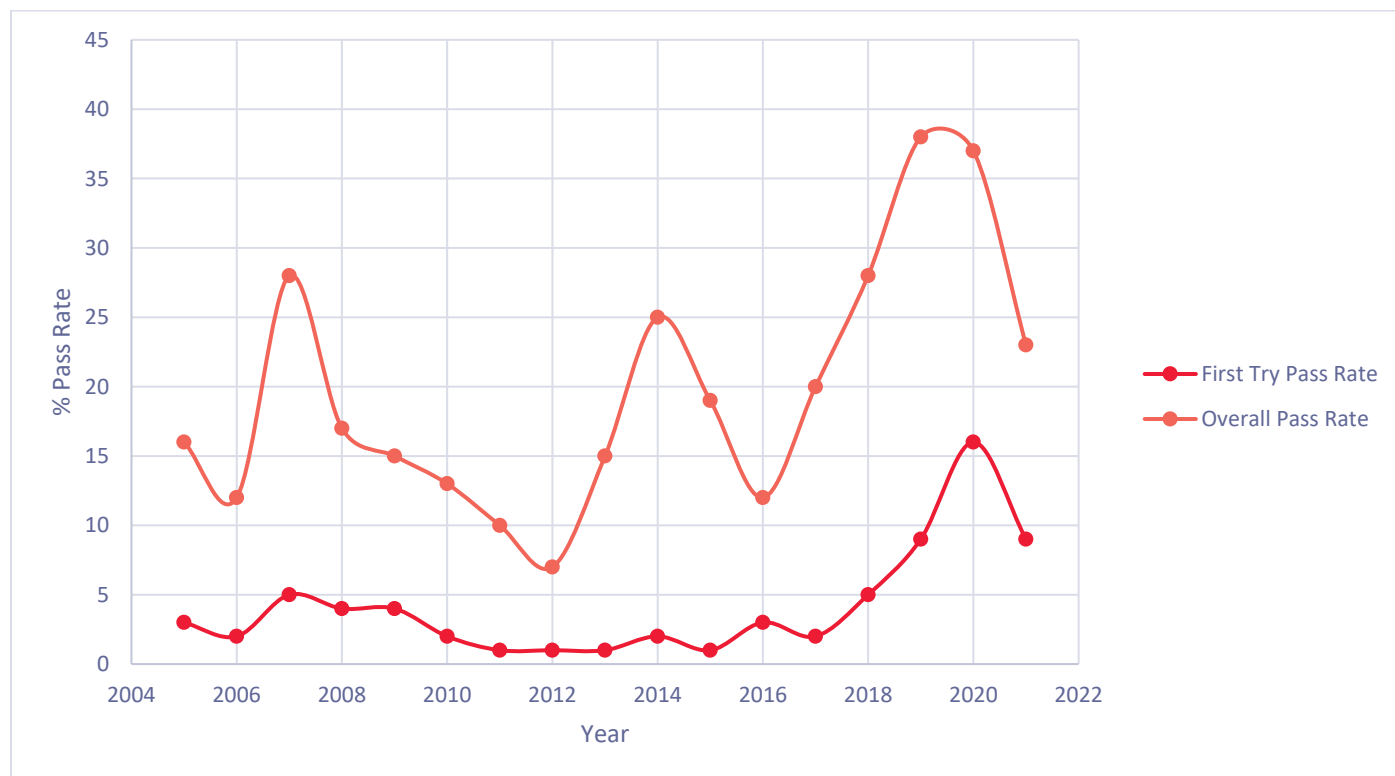
Row Labels	Count of Part B Updated
-1	1
0	1
1	3
2	3
3	1
5	1
7	1
8	1
9	1
25	1
(blank)	1
<b>Grand Total</b>	<b>15</b>

## Appendix B – PAQE Statistics

2021	2020
124 candidates wrote exam papers	116 candidates wrote exam papers
380 papers were written	328 papers were written
2 candidates wrote in French and 122 in English	2 candidates wrote in French and 114 in English
27 received an overall pass as a result of writing and passing at least 1 paper	36 received an overall pass as a result of writing and passing at least 1 paper
116 candidates were writing all outstanding papers, hence could achieve an overall pass of the exam	98 candidates were writing all outstanding papers, hence could achieve an overall pass of the exam
27 candidates received an overall pass, the global pass rate is therefore <b>23%</b> (27/116)	36 candidates received an overall pass, the global pass rate is therefore <b>37%</b> (36/98).
53 candidates (43%) wrote the exam for the first time.	41 candidates (35%) wrote the exam for the first time

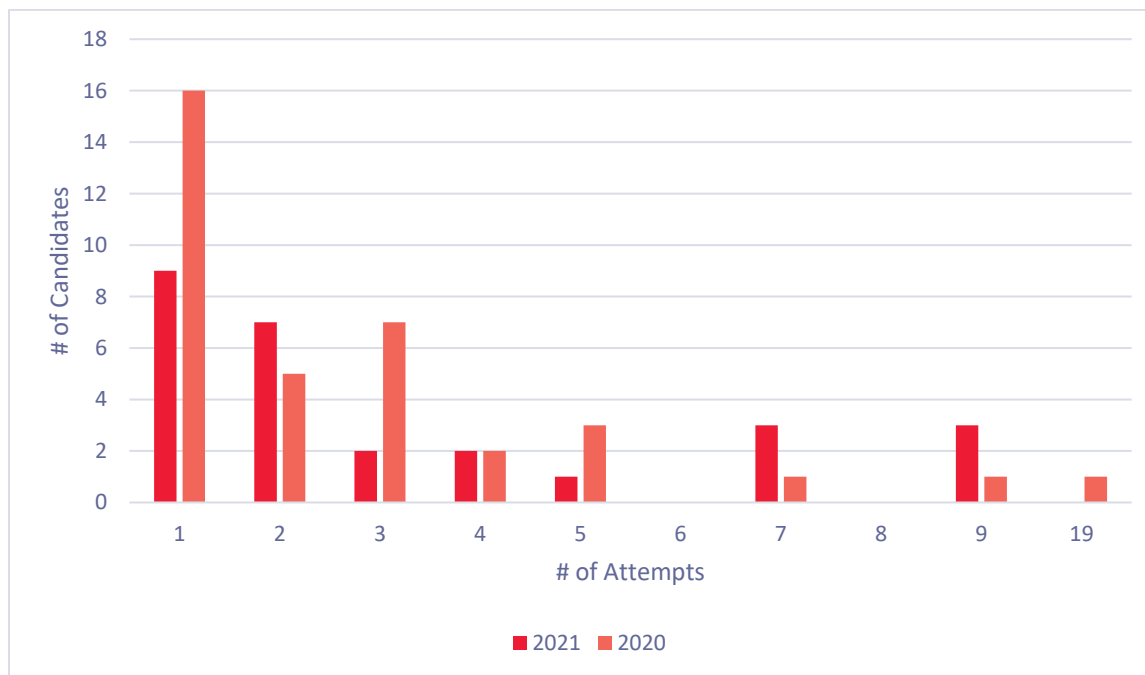
2021	2020
27 candidates passed the exam	36 candidates passed the exam
33% (9/27) wrote all exam papers on their first attempt and passed	44% (16/36) wrote all exam papers on their first attempt and passed
44% (12/27) of candidates achieved an overall pass after 2-5 attempts	47% (17/36) of candidates achieved an overall pass after 2-5 attempts
22% (6/27) of candidates achieved an overall pass after 6 or more attempts (3 @7 and 3 @9)	8% (3/36) of candidates achieved an overall pass after 6 or more attempts (7, 9 and 19)

## Overall and First Try Pass Rate



Year	First Try Pass Rate %	Overall Pass Rate %
2005	3	16
2006	2	12
2007	5	28
2008	4	17
2009	4	15
2010	2	13
2011	1	10
2012	1	7
2013	1	15
2014	2	25
2015	1	19
2016	3	12
2017	2	20
2018	5	28
2019	9	38
2020	16	37
<b>2021</b>	<b>8</b>	<b>23</b>
Average (2005-2021)	4	19.70

## # of Candidates Achieving Overall Pass



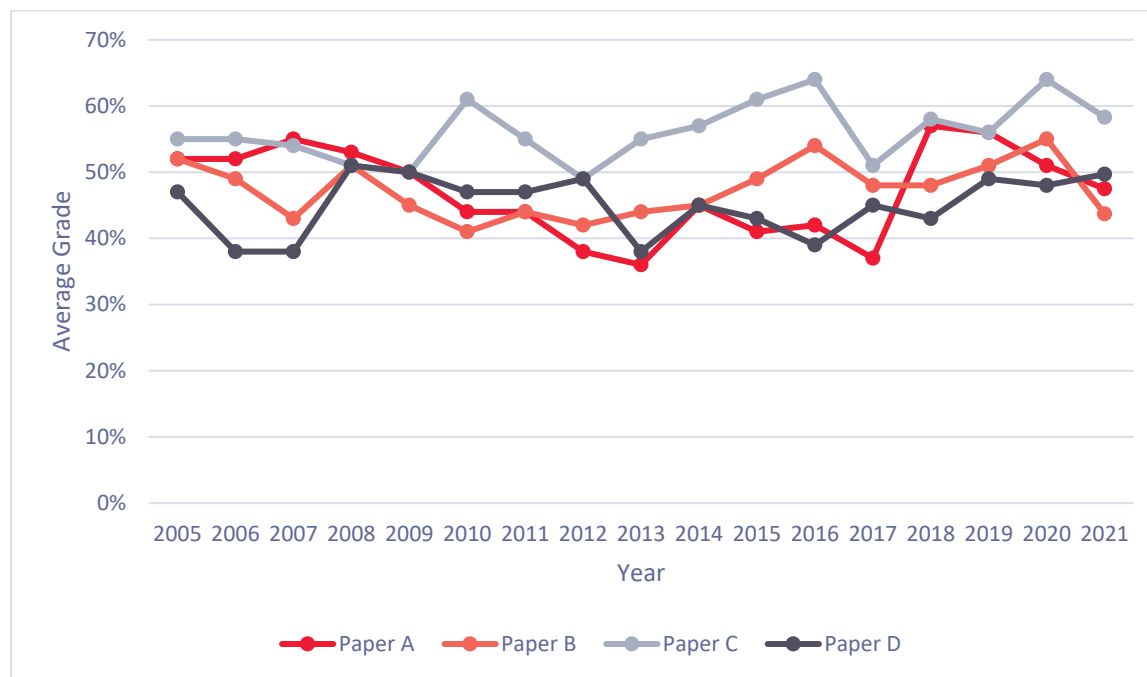
# of Attempts	# of Candidates	
	2021	2020
1	9	16
2	7	5
3	2	7
4	2	2
5	1	3
6	0	0
7	3	1
8	0	0
9	3	1
19	0	1

## Statistics by Exam Paper:

	Paper A		Paper B		Paper C		Paper D	
	2021	2020	2021	2020	2021	2020	2021	2020
# of papers	94	81	102	84	70	68	114	95
average mark	47.5% ↓	51%	43.7% ↓	55%	58.3% ↓	64%	49.7% ↑	48%
marks 60 +	16	24	10	29	37	48	38	15
50 to 59	24	20	29	32	19	10	26	37
40 to 49	29	13	33	14	12	7	18	21
under 40	25	24	30	9	3	3	33	22
Highest	84% ↓	93%	70% ↓	80%	89% ↓	93%	80.5% ↑	73%
Lowest	7% ↑	2%	2.5% ↓	19.5%	0% ↓	23%	9% ↓	12.5%



## Average Grades by Year:



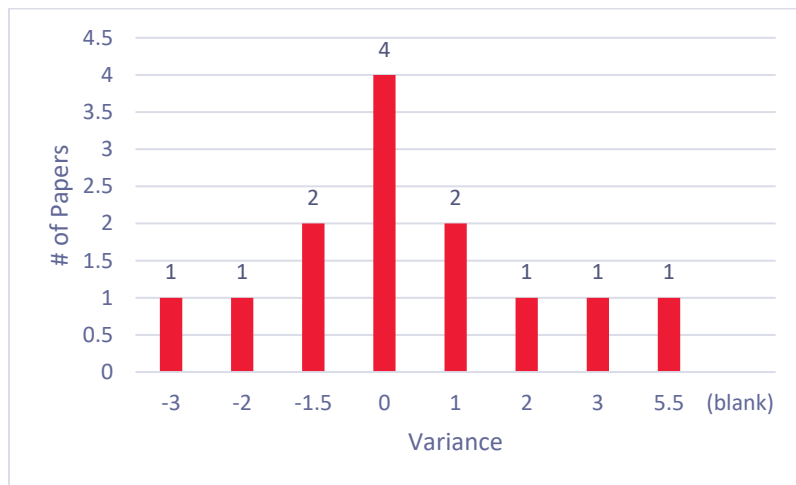
Year	Paper A	Paper B	Paper C	Paper D
2005	52%	52%	55%	47%
2006	52%	49%	55%	38%
2007	55%	43%	54%	38%
2008	53%	51%	51%	51%
2009	50%	45%	50%	50%
2010	44%	41%	61%	47%
2011	44%	44%	55%	47%
2012	38%	42%	49%	49%
2013	36%	44%	55%	38%
2014	45%	45%	57%	45%
2015	41%	49%	61%	43%
2016	42%	54%	64%	39%
2017	37%	48%	51%	45%
2018	57%	48%	58%	43%
2019	56%	51%	56%	49%
2020	51%	55%	64%	48%
<b>2021</b>	<b>47.5%</b>	<b>43.7%</b>	<b>58.3%</b>	<b>49.7%</b>
Average (2005-2021)	47%	47%	56%	45%

## Requests for Material & Re-Correction:

	2021	2020
# of Candidates who requested exam materials	<b>84 (67%)</b>	94 (81%)
# of Candidates who requested a re-correction	<b>33 (26.6%)</b>	36 (38%)
Re-Correction Decisions	<b>June 2022</b>	April 2021
Re-Correction Requests Considered: Paper A	<b>13 (13%)</b>	18 (22%)
Re-Correction Requests Considered: Paper B	<b>16 (16%)</b>	17 (20%)
Re-Correction Requests Considered: Paper C	<b>4 (6%)</b>	9 (13%)
Re-Correction Requests Considered: Paper D	<b>11 (10%)</b>	20 (21%)

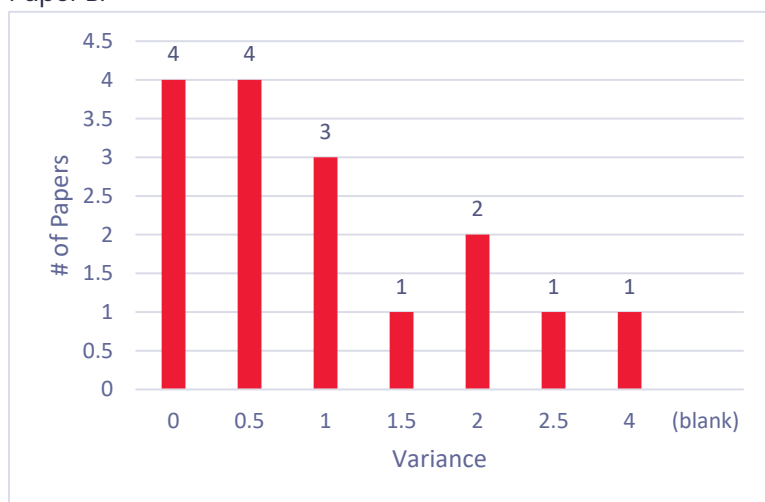
## Re-Correction Variance Analysis :

Paper A:



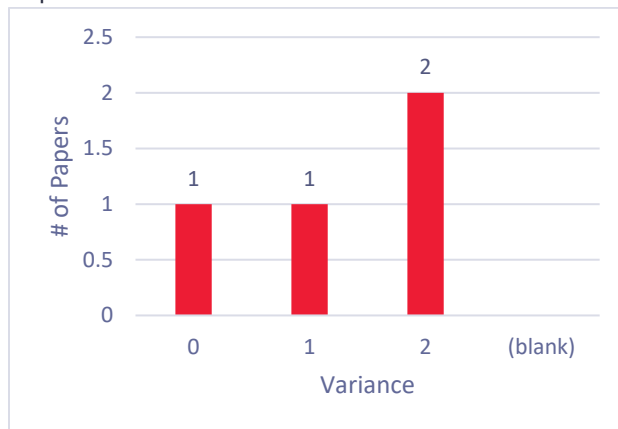
Row Labels	Count of Paper A Updated Score
-3	1
-2	1
-1.5	2
0	4
1	2
2	1
3	1
5.5	1
(blank)	
<b>Grand Total</b>	<b>13</b>

Paper B:



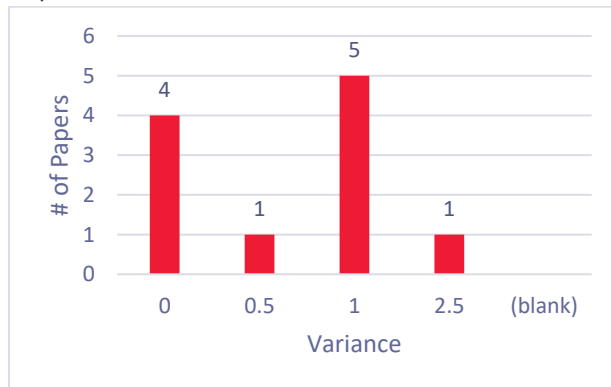
Row Labels	Count of Paper B Updated Score
0	4
0.5	4
1	3
1.5	1
2	2
2.5	1
4	1
(blank)	
<b>Grand Total</b>	<b>16</b>

Paper C:



Count of Paper C Updated	
Row Labels	Score
0	1
1	1
2	2
(blank)	
<b>Grand Total</b>	<b>4</b>

Paper D:



Count of Paper D Updated Score	
Row Labels	Score
0	4
0.5	1
1	5
2.5	1
(blank)	
<b>Grand Total</b>	<b>11</b>