

## Patent Knowledge Examination

The *Patent Knowledge Examination* assesses the patent-related knowledge concepts specified in the [College of Patent Agents and Trademark Agents Technical Competencies](#) document. The table below specifies the percentage of questions by area and lists the knowledge concepts from the Technical Competency profile associated with each area. Agents in training can use the information below to assist with their preparation for the Patent Knowledge Examination, but should review the [College of Patent Agents and Trademark Agents Technical Competencies](#) and the approved Test Specifications for additional information:

Knowledge area	% of marks	Knowledge Sources and Concepts
Foundational patent knowledge <sup>1</sup>	34% (+/-5%)	<p>Sources:</p> <p>Primary sources</p> <ul style="list-style-type: none"> <li>• Patent Act, RSC 1985, c P-4 [Patent Act]</li> <li>• Patent Rules, SOR/2019-251 [Patent Rules]</li> <li>• Manual of Patent Office Practice [MOPOP]</li> <li>• Patent Cooperation Treaty, June 19, 1970, [1990] Can. T.S. No. 22 [PCT] and Regulations SOR/89-453</li> <li>• PCT Applicant's Guide: The PCT Applicant's Guide (wipo.int)</li> <li>• Leading Canadian cases and seminal international cases in patent law</li> </ul> <p>Secondary sources</p> <ul style="list-style-type: none"> <li>• Paris Convention for the Protection of Industrial Property, as amended September 28, 1979</li> <li>• Patent Law Treaty (PLT), as adopted by the Diplomatic Conference on June 1, 2000</li> <li>• Patent Cooperation Treaty (PCT) PCT International Search and Preliminary Examination Guidelines (Guidelines for the Processing by International Searching and Preliminary Examining Authorities of International Applications Under the Patent Cooperation Treaty) as in force July 1, 2022</li> <li>• PCT Receiving Office Guidelines (wipo.int)</li> <li>• CIPO Patent Practice Notices, available online</li> <li>• United Nations Declaration on the Rights of Indigenous Peoples, Articles 24 and 31</li> </ul> <p>Professional sources</p> <ul style="list-style-type: none"> <li>• College of Patent Agents and Trademark Agents Act, SC 2018, c 27, s 247 [CPATA Act]</li> </ul>

<sup>1</sup> Foundational patent knowledge includes knowledge broadly applicable to multiple areas, including to strategy, drafting, prosecution, validity, and infringement.

		<ul style="list-style-type: none"> <li>• College of Patent Agents and Trademark Agents Regulations, SOR/2021-129 [CPATA Regulations]</li> <li>• By-laws of the College of Patent Agents and Trademark Agents, SOR/2021-167 [CPATA Bylaws]</li> <li>• Code of Professional Conduct for Patent Agents and Trademark Agents [Code of Professional Conduct]</li> </ul> <p>Concepts:</p> <ul style="list-style-type: none"> <li>• Types of intellectual property protection</li> <li>• Scope of the monopoly granted under a patent, i.e., exclusive rights granted to a patentee</li> <li>• Patent claims, namely:             <ul style="list-style-type: none"> <li>○ Claim types</li> <li>○ Claim construction principles</li> </ul> </li> <li>• Patent requirements, namely:             <ul style="list-style-type: none"> <li>○ Statutory patent subject matter eligibility</li> <li>○ Anticipation / novelty</li> <li>○ Obviousness / inventive step</li> <li>○ Entitlement to priority</li> <li>○ Utility</li> <li>○ Double patenting, unity of invention, and divisional applications</li> <li>○ <i>Patent Act</i>, s. 53</li> <li>○ Disclosure and enablement requirements</li> </ul> </li> <li>• Patent process, namely:             <ul style="list-style-type: none"> <li>○ Inventorship and ownership</li> <li>○ Claim construction (including <i>Improver</i> criteria)</li> <li>○ Patent application requirements for Canada and Patent Cooperation Treaty (PCT) practice</li> <li>○ Key patent office activities and statutory deadlines for Canadian and PCT practice</li> <li>○ Effect of key patent treaties and international programs</li> <li>○ Applicable courts and appeal routes</li> </ul> </li> <li>• Registration and recording of documents and events affecting title</li> <li>• Professional responsibilities</li> </ul>
<p>Knowledge specific to strategy</p>	<p>11% (+/-5%)</p>	<ul style="list-style-type: none"> <li>• Issues in patentability requirements in different countries (especially in the United States)</li> <li>• Commercially valuable claims</li> <li>• Actor analysis</li> <li>• Detectability of innovation</li> <li>• Benefits of available protection</li> <li>• Costs, including patent application and maintenance fees</li> <li>• Searches, including search result limitations</li> <li>• Risks of patent protection</li> </ul>

<p>Knowledge specific to drafting</p>	<p>12% (+/-5%)</p>	<ul style="list-style-type: none"> <li>• Application of actor and jurisdictional analysis to draft claims</li> <li>• Cascading claim scope</li> <li>• Disclosure elements, including title, background, summary, brief description of the drawings, detailed description, and abstracts</li> <li>• Formal rules of claim drafting</li> <li>• Mirroring of claim language in disclosure</li> <li>• Practice for drafting claims of multiple claim types</li> <li>• International drafting requirements</li> <li>• Procedural rules respecting acceptable drawings and labels</li> </ul>
<p>Knowledge specific to prosecution</p>	<p>31% (+/-5%)</p>	<ul style="list-style-type: none"> <li>• Abandonment and reinstatement</li> <li>• Affidavit practice</li> <li>• Allowance, final fee, and issuance</li> <li>• Appeals, including Patent Appeal Board</li> <li>• Authorized representative and common representative</li> <li>• Best practice in making submissions to CIPO</li> <li>• Deemed expiry and reversal</li> <li>• Disclosure of prior art</li> <li>• Divisional practice</li> <li>• Due care</li> <li>• Examiner interview process</li> <li>• Expediting or advancing examination</li> <li>• Fee payment requirements, including small entity, claims, and maintenance</li> <li>• Filing electronically with CIPO and WIPO</li> <li>• Final action practice</li> <li>• Patent prosecution process</li> <li>• Patent Register listing requirements</li> <li>• PCT filing and prosecution procedure</li> <li>• Post grant prosecution</li> <li>• Priority</li> <li>• Protests and filings of prior art prior to grant</li> <li>• Registration of documents</li> <li>• Request for Examination</li> <li>• Requirements for CIPO communications</li> <li>• Requirements to obtain a filing date</li> <li>• Third party rights</li> <li>• Transfers and changes of name</li> <li>• Verification of the administrative status of a patent application or a patent</li> </ul>

<p>Knowledge specific to validity or infringement</p>	<p>12% (+/-5%)</p>	<ul style="list-style-type: none"> <li>• Claim dates</li> <li>• Effect of representations in prosecution or in the petition</li> <li>• Proper forums for impeaching a patent</li> <li>• Re-examination, disclaimer, and reissue</li> <li>• Acts of infringement, including:             <ul style="list-style-type: none"> <li>○ Making, using, or selling</li> <li>○ Importation, <i>Saccharin</i> doctrine</li> <li>○ Repair or remanufacture</li> <li>○ Contributory infringement</li> <li>○ Inducing infringement</li> </ul> </li> <li>• Exceptions and defenses to infringement, including:             <ul style="list-style-type: none"> <li>○ Experimental use and regulatory use</li> <li>○ Prior use, Gillette defense</li> <li>○ Dedication to the public</li> <li>○ Third-party rights</li> <li>○ Exhaustion (e.g., licensed supplier)</li> <li>○ Abuse of patent rights</li> <li>○ Compulsory licence</li> </ul> </li> <li>• Proper plaintiff(s), potential defendants, and onus of proof</li> <li>• Patent term and extension</li> <li>• Patented medicines regime</li> <li>• Remedies</li> <li>• Limitation periods</li> </ul>
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