

## Trademark Knowledge Examination

The *Trademark Knowledge Examination* assesses the trademark-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 Trademark 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	Sources and Knowledge Concepts
Foundational trademark knowledge <sup>1</sup>	50% (+/-5%)	<p>Sources</p> <p>Primary sources</p> <ul style="list-style-type: none"> <li>• Trademarks Act, RSC 1985, c T-13 [Trademarks Act]</li> <li>• Trademarks Regulations, SOR/2018-227 [Trademarks Regulations]</li> <li>• Trademarks Examination Manual, RG42-4/1996 [Trademarks Examination Manual]</li> <li>• CIPO Trademark Practice Notices, available online</li> <li>• CIPO Goods and Services Manual, available online</li> <li>• Leading Canadian cases in trademark law</li> </ul> <p>Secondary sources</p> <ul style="list-style-type: none"> <li>• Madrid Agreement Concerning the International Registration of Marks (1891) and the Protocol Relating to that Agreement (1989)</li> <li>• Nice Classification (wipo.int)</li> <li>• Paris Convention for the Protection of Industrial Property, as amended September 28, 1979</li> <li>• Singapore treaty (wipo.int)</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> <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>

<sup>1</sup> Foundational trademark knowledge includes knowledge broadly applicable to multiple areas, including to registrability, strategy, prosecution, and opposition and s. 45 proceedings.

		<p>Concepts</p> <ul style="list-style-type: none"> <li>• Confusion</li> <li>• Definition of a trademark</li> <li>• Descriptiveness</li> <li>• Depreciation of goodwill</li> <li>• Distinctiveness (inherent and acquired)</li> <li>• Entitlement to registration</li> <li>• Entitlement to use</li> <li>• History of the trademark protection system</li> <li>• Formal and technical requirements</li> <li>• Fundamentals of statutory interpretation</li> <li>• Infringement</li> <li>• Madrid Protocol in Canada</li> <li>• Ownership</li> <li>• Passing off</li> <li>• Professional responsibilities</li> <li>• Prohibited marks</li> <li>• Registrability</li> <li>• Technical objections</li> <li>• Trade names</li> <li>• Trademark agent privilege</li> <li>• Trademark timelines and deadlines</li> <li>• Types of intellectual property protection</li> <li>• Types of trademarks</li> <li>• Use in association with goods or services</li> </ul>
Knowledge specific to registrability and strategy	15% (+/-5%)	<ul style="list-style-type: none"> <li>• Registrable trademarks</li> <li>• Searches including trademark status and search result limitations</li> <li>• Rights that exist in the absence of registration</li> <li>• Cross-border intellectual property fraud and cross-border protection resources</li> <li>• Official fees and fee structure</li> <li>• Licensing and licensed use</li> <li>• Marking (e.g., TM, MC, ®, MD), including on labeling and packaging</li> <li>• Monitoring and enforcing trademark rights and use</li> <li>• Other trademark-related limitations</li> </ul>
Knowledge specific to prosecution	19% (+/-5%)	<ul style="list-style-type: none"> <li>• Application and filing requirements</li> <li>• Classifications of good and services (according to Nice Classification)</li> <li>• Consent and co-existence agreements</li> <li>• Divisional applications and merger of registrations</li> </ul>

		<ul style="list-style-type: none"> <li>• Geographical indications</li> <li>• Notification of Third-Party Rights (including process and criteria)</li> <li>• Office actions (including deficiencies and objections by the Registrar of Trademarks)</li> <li>• Office practice</li> <li>• Ownership issues</li> <li>• Registration and registered rights</li> <li>• Requirements for a statement of goods or services</li> <li>• Requirements to be a person entitled to trademark registration</li> </ul>
<p>Knowledge specific to opposition and s. 45 proceedings</p>	<p>16% (+/-5%)</p>	<ul style="list-style-type: none"> <li>• Cross-examination (including requirements and best practices)</li> <li>• Elements of a written argument</li> <li>• Evidentiary rules and requirements</li> <li>• Extension requests</li> <li>• Grounds of opposition</li> <li>• Interlocutory ruling requests</li> <li>• Opposition strategy</li> <li>• Requirements for filing a Statement of Opposition or preparing a counterstatement (including amendments)</li> <li>• Service rules and requirements</li> <li>• Summary cancellation (s. 45) proceedings and related law and procedure</li> </ul>