First name: _	 	 	 	
Last name: _	 	 	 	

Prior Experience Assessment Form Patent Agent (Technical)

Overview

CPATA recognizes specific competencies as vital for safe, effective, and sustainable practice by IP agents. These competencies are organized into Patent Agent (Technical) competencies and Trademark Agent (Technical) competencies:

A Canadian Patent Agent can:

- A. Demonstrate foundational knowledge
- B. Develop a client-centred patent strategy
- C. Draft a patent application
- D. Prosecute a patent application
- E. Assess validity
- F. Assess infringement

For more information on CPATA's competency initiative and the Technical Competency Profiles for Patent Agents and Trademark Agents, including additional explanatory information on some of the sources, knowledge concepts, and performance criteria, please click here.

Please complete this form and include it with your class 3 agent in training application package. Submissions should be made electronically to registration-inscription@cpata-cabamc.ca. For additional details on supporting documentation, please review the Prior Experience Assessment Policy.





Competencies	I have received training and/or education in this competency	Sources (i.e transcript courses, letter of attestation)	Please indicate if any areas were partially, and not completely, covered
Sources Demonstrate familiarity with the following sources: a) Primary sources			
Patent Act, RSC 1985, c P-4 [Patent Act]	□ Training□ Education		
Patent Rules, SOR/2019-251 [Patent Rules]	☐ Training ☐ Education		
Manual of Patent Office Practice [MOPOP]	□ Training □ Education		
 Patent Cooperation Treaty, June 19, 1970, [1990] Can. T.S. No. 22 [PCT] and Regulations SOR/89-453 	□ Training □ Education		
PCT Applicant's Guide: The PCT Applicant's Guide (wipo.int)	□ Training □ Education		
Leading Canadian cases and seminal international cases in patent law	□ Training□ Education		
b) Secondary sources			
Paris Convention for the Protection of Industrial Property, as amended September 28, 1979	□ Training □ Education		
 Patent Law Treaty (PLT), as adopted by the Diplomatic Conference on June 1, 2000 	□ Training □ Education		
 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 	□ Training □ Education		
PCT Receiving Office Guidelines (wipo.int) (wipo.int)	□ Training□ Education		
CIPO Patent Practice Notices, available online	□ Training □ Education		
 United Nations Declaration on the Rights of Indigenous Peoples, Articles 24 and 31 	□ Training □ Education		



c) Professional sources		
 College of Patent Agents and Trademark Agents Act, SC 2018, c27, s 247 [CPATA Act] 	□ Training □ Education	
 College of Patent Agents and Trademark Agents Regulations, SOR/2021-129 [CPATA Regulations] 	□ Training □ Education	
By-laws of the College of Patent Agents and Trademark Agents, SOR/2021-167 [CPATA Bylaws]	□ Training □ Education	

 Code of Professional Conduct for Patent Agents and Trademark

Registration and recording of documents and events affecting title	□ Training	
	□ Education	
Professional responsibilities	□ Training	
	□ Education	

B. Élaborer une stratégie en matière de brevets axée sur le client [stratégie]

Competencies	I have received training and/or education in this competency	Sources (i.e transcript courses, letter of attestation)	Please indicate if any areas were partially, and not completely, covered
1) Performance criteria			
Identify a client's needs and goals	□ Training □ Education		
Assess the innovation context	□ Training □ Education		
Identify, given a set of facts, available types of intellectual property protection	□ Training □ Education		
Plan a patent search	□ Training □ Education		
Interpret search results	□ Training □ Education		
Define the scope and breadth of protection available in view of the prior art	□ Training □ Education		
Outline, given a set of facts, the costs, and benefits of patent protection	□ Training □ Education		
Outline, given a set of facts, practical and strategic timelines	□ Training □ Education		
Plan strategies for protection outside of Canada	□ Training □ Education		
Identify, given a set of facts, limits on patent agent privilege	□ Training □ Education		
Knowledge concepts In addition to the foundational knowledge concepts, understand the following:			

 Issues in patentability requirements in different countries (especially in the United States) 	□ Training □ Education	
Commercially valuable claims	□ Training	
	□ Education	
Actor analysis	□ Training	
• Actor dilarysis	□ Education	
Data dali ilita afi ina mantina	□ Training	
Detectability of innovation	□ Education	
Benefits of available protection	□ Training	
Beriefits of dvalidble protection	□ Education	
Costs, including patent application and maintenance fees	□ Training	
• Costs, including patent application and maintenance lees	□ Education	
- Cograhas including cograh result limitations	□ Training	
Searches, including search result limitations	□ Education	
Dicks of patent protection	□ Training	
Risks of patent protection	□ Education	

C. Draft a patent application [Drafting]

Competencies	I have received training and/or education in this competency	Sources (i.e transcript courses, letter of attestation)	Please indicate if any areas were partially, and not completely, covered
1) Performance criteria			
Identify, given a set of facts, claim drafting objectives	□ Training □ Education		
Draft claims, of multiple claim types, with proper scope, characteristics, and structure	□ Training □ Education		
Describe an invention, including its embodiments and alternatives	□ Training □ Education		
Plan the drawings that illustrate the features of an invention	□ Training□ Education		
2) Knowledge concepts In addition to the foundational knowledge concepts, understand the following:			

Application of actor and jurisdictional analysis to draft claims	□ Training	
	☐ Education	
Cascading claim scope	□ Training	
• Cascading claim scope	☐ Education	
Disclosure elements, including title, background, summary, brief	☐ Training	
description of the drawings, detailed description, and abstracts	□Education	
Formal rules of claim drafting	□ Training	
• Formartales of claim draiting	☐ Education	
Mirroring of claim language in disclosure	☐ Training	
• Militoring of claim language in disclosure	☐ Education	
Practice for drafting claims of multiple claim types	☐ Training	
Fractice for drafting claims of multiple claim types	☐ Education	
a International drafting requirements	□ Training	
International drafting requirements	☐ Education	
a Propodural rules respecting accontable drawings and labels	□ Training	
Procedural rules respecting acceptable drawings and labels	☐ Education	

D. Prosecute a patent application [Prosecution]

Competencies	I have received training and/or education in this competency	Sources (i.e transcript courses, letter of attestation)	Please indicate if any areas were partially, and not completely, covered
1) Performance criteria			
Analyze a patent family file history	□ Training □ Education		
Assess the citability of prior art for anticipation and obviousness	□ Training □ Education		
Respond to an office action	□ Training □ Education		
Prepare substantive submissions to CIPO other than in response to an office action	□ Training □ Education		
Amend independent or dependent claims, as appropriate	□ Training □ Education		
Manage Canadian prosecution in the context of a global portfolio	□ Training □ Education		

In addition to the foundational knowledge concepts, understand the following: Abandonment and reinstatement Affidavit practice Affidavit practice Allowance, final fee, and issuance Appeals, including Patent Appeal Board Authorized representative and common representative Best practice in making submissions to CIPO Best practice in making submissions to CIPO Deemed expiry and reversal Disclosure of prior art Divisional practice Due care Examiner interview process Examiner interview process Expediting or advancing examination Expediting or advancing examination Final action practice Final action practice Patent Register listing requirements Patent Register listing and prosecution procedure	2) Knowledge concepts		
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E. Assess validity [validity]

Competencies	I have received training and/or education in this competency	Sources (i.e transcript courses, letter of attestation)	Please indicate if any areas were partially, and not completely, covered
1) Performance criteria			
Identify, given a set of facts, validity issues beyond claim validity issues	□ Training □ Education		
Construe claim terms for the purpose of assessing validity	□ Training □ Education		
Assess the citability of a document or disclosure event for anticipation and obviousness	□ Training □ Education		
Assess whether a claim is anticipated, given the prior art	□ Training □ Education		

Assess whether a claim is obvious, given the prior art	□ Training	
	□ Education	
Assess the validity of a claim, for reasons other than anticipation or	□ Training	
obviousness	□ Education	
2) Knowledge concepts		
In addition to the foundational knowledge concepts, understand the		
following:		
Claim dates	□ Training	
	□ Education	
Effect of representations in prosecution or in the petition	□ Training	
	□ Education	
Proper forums for impeaching a patent	□ Training	
	□ Education	
Re-examination, disclaimer, and reissue	□ Training	
	□ Education	

F. Assess Infringement [Infringement]

Competencies	I have received training and/or education in this competency	Sources (i.e transcript courses, letter of attestation)	Please indicate if any areas were partially, and not completely, covered
1) Performance criteria			
Construe claim terms for the purpose of assessing infringement	□ Training □ Education		
Identify, given a set of facts, potential acts of infringement	□ Training □ Education		
Analyze a claim to determine infringement	□ Training □ Education		
Identify, given a set of facts, who can or must assert infringement	□ Training □ Education		
Assess whether one or more parties are liable for infringement	□ Training □ Education		
Assess whether a party is liable for inducing infringement	□ Training □ Education		
Identify, given a set of facts, defenses to an allegation of infringement	□ Training □ Education		



Outline potentially available remedies for infringement	□ Training □ Education	
Knowledge concepts In addition to the foundational knowledge concepts, understand the following:		
 Acts of infringement, including: Making, using, or selling Importation, Saccharin doctrine Repair or remanufacture Contributory infringement Inducing infringement 	□ Training □ Education	
Exceptions and defenses to infringement, including: Experimental use and regulatory use Prior use, Gillette defense Dedication to the public Third-party rights Exhaustion (e.g., licensed supplier) Abuse of patent rights Compulsory licence	□ Training □ Education	
Proper plaintiff(s), potential defendants, and onus of proof	□ Training □ Education	
Patent term and extension	□ Training □ Education	
Patented medicines regime	□ Training □ Education	
Remedies	□ Training □ Education	
Limitation periods	□ Training □ Education	

Date: Signature: