

Invalidating an Examination Result

2024-02-23

APPLICABLE SECTIONS OF THE ACT, BY-LAWS AND REGULATIONS and/or PURPOSE	CPATA By-laws s. 38(a), and 52(d)		
RESPONSIBILITY	Registrar		
APPROVED BY	EFFECTIVE	REVIEWED	REVISED
Registrar	February 23, 2024		

In this policy:

- a. "College" and "CPATA" means the College of Patent Agents and Trademark Agents
- b. "Candidate" means a class 3 agent in training who has attempted an examination administered by CPATA;
- c. "Committee", means the "Registration Committee".
- d. "Days" means a business day.

Policy

CPATA's registration framework is designed to be transparent, fair, principled and proportionate¹, and the Registrar's policies are developed to promote the objects of the licensing process².

To establish and maintain high standards for the profession, patent and trademark agents are, among other things, required to be competent, of good character and fit to practice. Under CPATA's By-laws, the Registrar has authority to make determinations whether applicants for patent agent or trademark agent licenses meet the registration requirements established under the Act, Regulations and By-laws.

¹ *Transparent* reflects how we do our work, make decisions, and address license applications in the public interest. *Fair* means obtaining and considering information in an objective, unbiased way, and making decisions that are clear, concise and consistent. *Principled and proportionate* mean applying the right 'regulatory touch' when balancing interests

² The objects of the licensing 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 policy outlines the circumstances under which an examination result may be invalidated and applies to all exams administered by CPATA. Nullifications for extenuating circumstances are addressed in the [Registrar's Policy on Maximum Number of Attempts and Remedial Training](#).

An examination result may be invalidated if any of the following circumstances are found to exist:

- The examination was compromised in any way.
- The examination was not administered in accordance with CPATA's policies and procedures.
- The examination was not administered in accordance with the examination vendor's policies and procedures.
- The candidate violated the Candidate Agreement³.

Examination results invalidated as a result of the candidate's actions: The attempt will count toward the maximum number of attempts for that candidate.

Examination results invalidated for a reason other than the candidate's actions: The attempt will **not** count toward the maximum number of attempts for the affected candidate(s)⁴.

When determining whether an examination result should be invalidated, the following types of information may be considered by the Registrar, but are not limited to:

- Incident reports filed by candidates during or immediately after the examination administration;
- Proctor reports;
- Examination recordings;
- Interviews with relevant parties; and/or
- Statistical and/or forensic investigation reports.

Procedures

1. If there are reasonable grounds to believe that examination result(s) should be invalidated, the Director of Registration will identify the circumstances and reason(s) for the proposed invalidation based on information gathered as described above and will provide a report to the Registrar, as soon as possible.
2. The Registrar will review the report and determine whether an examination result should be invalidated.
3. If the Registrar determines that the examination result is valid, no further action will be taken.

³ The Candidate Agreement must be electronically accepted by the candidate during the examination start protocol in order for the examination window to launch and for the examination to begin.

⁴ See the [Registrar's Policy on Maximum Number of Attempts and Remedial Training](#)

4. If the Registrar is considering invalidating the examination result as a result of the candidate's actions, the candidate will be advised in writing and will be provided with a copy of the report within 15 days of receiving the report.
5. The candidate will have 30 days to provide a written response to the report. The response must be submitted to the Director of Registration at registration-inscription@cpata-cabamc.ca. Requests for an extension of time to make submissions must be made in writing to the Director of Registration before the submission deadline.
6. The Registrar will review the submissions and decide within 30 days of receiving a written response to the report, whether to proceed with invalidating the examination result.
 - i. If the Registrar decides the examination result is valid, no further action will be taken, and the candidate will receive that decision in writing.
 - ii. If the Registrar decides the examination result is invalid, the candidate will be provided with reasons for the decision, and instructions for requesting a review of the decision by the Registration Committee in accordance with the by-laws.
If there are reasonable grounds to believe the candidates' actions may have constituted professional misconduct, the Registrar will refer the matter to the Investigations Committee for consideration, in accordance with the CPATA Act and by-laws.
7. If the Registrar determines that the examination result is invalidated for a reason other than the candidate's actions, the candidate(s) affected will be advised in writing with reasons within 30 days of the Registrar's determination. Candidate(s) will be provided with information about any remedial actions that will be taken, which may include but are not limited to refunding of examination fees, not counting the examination attempt toward the maximum number of attempts, and/or discounting fees for a future examination administration. The candidate will be provided with reasons for the Registrar's decision, and instructions for requesting a review of the decision by the Registration Committee in accordance with the by-laws.

References

[CPATA Regulations](#)

[CPATA College By-laws](#)

[CPATA Act](#)

[CPATA Regulatory Objectives, Standards and Principles](#)