

Request for Delayed Examinations

2024-02-23

APPLICABLE SECTIONS OF THE ACT, BY-LAWS AND REGULATIONS and/or PURPOSE	CPATA By-laws s. 57, 59, and 60		
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. "Agent in Training" means a class 3 agent in training.
- c. "Committee", means the "Registration Committee".
- d. "Days" means a business day.
- e. "Licensee" means a class 3 agent in training.

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.

It is in the public interest for a licensee to write the examinations within applicable deadlines, subject to extenuating circumstances, since the examinations assess the licensee's entry-to-practice competencies.

To this end, the By-laws require licensees to write examinations at the first sitting that follows the completion of their training program³.

However, if a licensee is not able to write the examinations as required, for a reason beyond their control, the Registrar may, on request of the licensee, allow them to write the examinations at the next administration⁴.

This policy outlines the criteria against which a request to delay writing the examinations will be reviewed. It applies to the first sitting that follows the completion of the training period as well as any subsequent sittings.

It is the responsibility of licensees to request to delay writing the examinations if they become aware of imminent extenuating circumstances preventing them from making an examination attempt at the first sitting of the examinations after the completion of their training program.

A request must be made in writing and supported by evidence.

A request must be made before the examination registration deadline.

Late requests will only be considered if the licensee provides evidence that they only became aware of extenuating circumstances after the examination registration deadline, or that extenuating circumstances prevented them from submitting the request sooner.

Licensees can file a request for delayed examination based on following circumstances:

Incomplete training program:

Licensees may submit a request if they are actively pursuing the completion of the 24-month training program. The licensee's estimated date of completion of the training requirements will be used as evidence to support this request. If the estimated date of completion of the training program has passed, the licensee's training supervisor must advise the College when the licensee is expected to be ready to attempt the examinations.

Medical reasons:

Licensees may submit a request to delay examinations due to medical reasons. Medical documentation is required to demonstrate how the injury, or physical or mental illness impacts their ability to write the examination within the deadlines.

³ s. 55(1)

⁴ s. 55(2)

Compassionate consideration:

Compassionate consideration may be given where the licensee has provided evidence that unforeseen circumstances outside their control may impact their ability to write the examination within the deadline. Compassionate consideration may involve, for example:

- bereavement of a close relative or spouse;
- personal or family emergency;
- being victim to a crime; or
- personal crisis or other extenuating circumstances that impact the licensee's ability to cope with additional responsibilities.

Documentation in support of a request will depend on the situation, and may include an employer letter, doctor's letter speaking to the impact of the circumstances on the licensee, notice of death, plane ticket for travel related to extenuating circumstances.

Parental and caregiver leave:

Registrants may request an extension due to parental or caregiver leave impacting the registrant's ability to write the examination within the deadlines. Documentation must be provided to demonstrate the registrant is, or will be, on leave related to parental or caregiver responsibilities (e.g., letter from employer, doctor's letter confirming due date/child's date of birth, evidence of caregiving duties).

Procedures

1. The licensee will submit a request to delay sitting the examinations based on the grounds described above, along with the required supporting documentation, prior to the examination registration deadline to registration-inscription@cpata-cabamc.ca.
2. The Registrar will review the request, along with any supporting documentation, and will make a decision to approve or deny the request within 7 days from receipt of the request.
3. If the Registrar approves the request, the licensee will be notified in writing and will be provided with information regarding the next available examination administration.
4. If the Registrar denies the request, the licensee will be notified of the decision, in writing, with reasons, and with information about requesting a review of the decision by the Registration Committee.

[CPATA College By-laws](#)

[CPATA Act](#)

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