

Trademark Agent Skills Examination

The *Trademark Agent Skills Examination* assesses the skills required of Trademark Agents 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 performance criteria 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 Agent Skills Examination, but should review the [College of Patent Agents and Trademark Agents Technical Competencies](#) and the [approved Test Specifications](#) for additional information:

Skills area	% of marks	Performance Criteria
Registrability	25% (+/-7%)	<ul style="list-style-type: none"> Plan a trademark search Interpret search results Assess distinctiveness Assess likelihood of confusion Assess descriptiveness Assess entitlement to registration Identify, given a set of facts, potential areas of conflict with third parties Identify, given a set of facts, prohibited marks Identify, given a set of facts, potential technical objections
Strategy	25% (+/-7%)	<ul style="list-style-type: none"> Identify a client's needs and goals Identify, given a set of facts, available types of intellectual property protection, including types of trademarks Outline, given a set of facts, the costs and benefits of trademark protection Outline, given a set of facts, practical and strategic timelines Analyze situations involving trademark use Analyze situations involving trademark ownership, licensing, or transfer of rights Assess a registration's vulnerability to invalidation Identify, given a set of facts, when a new application or an application to extend a statement of goods or services is advisable Identify, given a set of facts, strategies for rendering a mark registrable

Skills area	% of marks	Performance Criteria
		<ul style="list-style-type: none"> Identify, given a set of facts, practical ways to manage a portfolio for domestic and international protection Identify, given a set of facts, limits on agent privilege
Prosecution	25% (+/-7%)	<ul style="list-style-type: none"> Analyze a trademark file history Classify goods and services Draft a statement of goods and services Respond to an office action Support the preparation and negotiation of consent and co-existence agreements Manage Canadian prosecution in the context of a global portfolio
Opposition and s. 45 proceedings	25% (+/-7%)	<ul style="list-style-type: none"> Assess whether a registration is likely to be expunged or amended for lack of use Assess grounds of opposition Identify, given a set of facts, deficiencies in evidence Prepare formal requests Manage the collection, assessment, and preparation of evidence⁸⁰ Conduct cross-examinations, as appropriate Conduct oral hearings, as appropriate Prepare representations Negotiate settlements, as appropriate