

# College of Patent Agents & Trademark Agents

*PROFESSIONAL FOUNDATIONS*

2024

## COLLEGE OF PATENT AGENTS AND TRADEMARK AGENTS – PROFESSIONAL FOUNDATIONS

This document outlines the professional competencies (knowledge, skills, and attributes) Canadian Patent Agents and Canadian Trademark Agents need to practise safely, effectively, and sustainably.

It includes information about the purpose of these competencies, how they were developed, key competencies, and more detailed competency information.

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# About CPATA's Competency Initiative

CPATA's competency initiative is one of the most significant projects undertaken in Canada to modernize, define, and standardize qualifications for patent agents and trademark agents. This ambitious venture provides assurance that the competencies assessed during the training and examination processes are empirically linked to future agents' ability to provide quality services to the public.

The first step in this process was the creation of technical competency profiles, which appear in the College of Patent Agents and Trademark Agents *Technical Competencies* document. The next step in this process was the adoption of the professional competencies found in this document. Together, the technical competencies and professional foundations, along with necessary domain knowledge, capture the knowledge and skills agents need to provide competent IP services to their clients.

The establishment of clear expectations for practitioners will protect the public interest by ensuring that all new and current licensees have the skills necessary to serve their clients in a competent and ethical manner. Together, these profiles represent an important step towards competency-based licensure in the patent agent and trademark agent professions.

This document represents the professional foundations for patent agents and for trademark agents approved by CPATA's Registration Committee in December 2024 and by CPATA's Board of Directors in March 2025.

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# Purpose

The College of Patent Agents and Trademark Agents (CPATA) intends its competency framework (comprising both the technical competencies and the professional foundations) to:

- Establish the entry-level competencies for IP assessments, including for entry-to-practice examinations and other parts of the patent agent and trademark agent licensing process
- Guide Canadian patent agents and trademark agents in understanding the competencies associated with safe, effective, and sustainable practice
- Support Canadian patent agents and trademark agents in their self-assessment and ongoing learning, including their identification of priorities for professional development
- Define 'competence' in a manner that guides future regulatory and educational activities
- Inform intellectual property educators about priorities for learning
- Guide employers and training supervisors to develop experiences and practices that support competence training
- Advance CPATA's Regulatory Objective that licensees deliver ethical and competent services

CPATA does not intend for this profile to:

- Include every competency that a patent agent and trademark agent in Canada might need
- Create any obligations or requirements of patent agents and trademarks agents in Canada with respect to any third party

This competency framework and related documentation are intended to be "living documents"; they will evolve and change as the practices of patent agents and trademark agents in Canada evolve and change.

# Development

To adopt these competencies, CPATA engaged a wide range of professionals. Key steps in this competency work included:

- **Concept specification.** A concept specification for competency development and a vision for a longer-term assessment regime provided clarity on some key policy decisions.
- **Competency profile curation.** CPATA, with its consultant, reviewed multiple professional competency profiles in general and related areas. CPATA selected the *21<sup>st</sup> Century Professional Foundations Competency Profile* from Principia Assessments Ltd. as the starting point for its work.
- **Competency review.** Two groups of subject matter experts (professional foundations working groups) reviewed and offered feedback on the draft competencies. The groups met jointly for introductory and closing meetings, separately for 2 two-hour independent sessions each, and completed multiple surveys.
- **Translation and translation review.** A professional translation team translated the draft profile into French. Because the initial development process had taken place in English, CPATA recruited an additional group of Francophone subject matter experts to provide feedback on the bilingual profile.
- **Pre-validation review.** CPATA conducted additional consultation, considering feedback from CPATA's Board of Directors, Registration Committee, Investigations Committee, Discipline Committee, Audit & Risk Committee, and Governance Committee.
- **Large-scale validation.** Under the oversight of a professional competence consultant and a PhD-level psychometrician, CPATA's consultant conducted a large-scale validation survey of the Canadian patent agent and trademark agent professions to gather and analyze criticality evidence.

CPATA is grateful to the contributors to this work, including:

- Principia Assessments Ltd., a social enterprise dedicated to tackling complex challenges in professional competence, for the use of its *21<sup>st</sup> Century Professional Foundations Competency Profile* as the starting point for its profile.

Note: The *21<sup>st</sup> Century Professional Foundations Competency Profile* is openly licensed via [CC BY-NC-ND 4.0](#). Principia Assessments Ltd. extended written permission for the adaptation of this profile by the College of Patent Agents and Trademark Agents.

- The Patent Agent Professional Foundations Working Group comprising Jeffrey Astle, Junyi Chen, Philip Swain, and Gavin Zealey.
- The Trademark Agent Professional Foundations Working Group comprising Steven Andrews, Kimberley Baillie, Heather Boyd, Mihaela Dumitrean, Allison Miller, and Sri Dhevi Santhana Dass.
- The Translation Review Group comprising Valmi Dufour-Lussier, Sébastien Lapointe, Béatrice Ngatcha, and Karine Pommier.
- The Board of Directors, Registration Committee, Registration Committee, Investigations Committee, Discipline Committee, Audit & Risk Committee, and Governance Committee members who provided feedback and additional review support.

To complete this work, CPATA was supported by an independent social enterprise (Principia Assessments Ltd.). The project team was led by Jennifer Flynn, with support from Dr. Michaela Geddes and Daniel García.

CPATA also retained a professional translation team, Nations Translation Group, to provide translation and linguistic services.

# Overview

Canadian patent agents should possess the requisite Patent Agent (Technical) competencies, the Intellectual Property (IP) Professional Foundations that are critical to their specific context, and necessary domain knowledge. Canadian trademark agents should possess the requisite Trademark Agent (Technical) competencies, the IP Professional Foundations that are critical to their specific context, and necessary domain knowledge.

**A. Patent Agent (Technical).** A Canadian patent agent can:

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

**B. Trademark Agent (Technical).** A Canadian trademark agent can:

- A. Demonstrate foundational knowledge (Trademarks)
- B. Assess the registrability of a trademark
- C. Develop a client-centred trademark strategy
- D. Prosecute a trademark application
- E. Represent a client before the Trademarks Opposition Board

**C. IP Professional Foundations.** A Canadian patent agent or trademark agent can, to the degree required by their practice environment:

- A. Act professionally
- B. Learn
- C. Communicate
- D. Work with others
- E. Work with information
- F. Solve problems
- G. Manage work



# IP Professional Foundations

## Definition

The Intellectual Property (IP) Professional Foundations sets out the more universal professional competencies of patent agents and trademark agents practising in Canada. These IP professional foundations, together with the relevant technical competencies and domain-specific technical knowledge, support patent agents and trademark agents in Canada in practising safely, effectively, and sustainably. For a list of technical competencies, refer to the College of Patent Agents and Trademark Agents *Technical Competencies* document.

## Description

Patent agents and trademark agents, like other professionals, should be able to act professionally, learn, communicate, work with others, work with information, solve problems, and manage work.

The degree to which patent agents and trademark agents use these different competencies, and the complexity of the related tasks they perform, will inevitably differ depending on the type of work undertaken, the practice context, the types of clients served, and other factors. Many patent agents and trademark agents will have other competencies that they bring to their practices, not listed here. Nonetheless, all patent agents and trademark agents should demonstrate a level of competence appropriate to their practice context in each of the listed competencies.

For more information about these professional foundations, refer to the following pages. These outline specific behaviours that an individual is expected to engage in to demonstrate their competence in the relevant area (each a “performance criterion”). For each performance criterion, there is also a bulleted list of specific indicators that help define what is meant by competent performance. In addition, various terms that appear in the profile have specific clarifications (denoted by a “soft” underline), which may supply helpful information. Refer to the Glossary for details. Tips for using this profile also appear on the following page.

### Using these professional competencies

This document is intended to capture a flexible set of professional competencies that can be adapted to specific contexts. Consider, for any specific practice environment, how important each competency is for safe, effective, and sustainable practice, as well as how often it is used.

Different end-users may find different uses for these competencies. For example:

- **Prospective patent agents or trademark agents** may use this document as a guide to help understand the competencies (beyond technical competencies and domain-specific knowledge) needed to embark on a successful career as a patent agent or trademark agent, enabling them to better self-assess for professional growth.
- **Training supervisors** may use this document to support their trainees, using it as a guide to provide feedback and guidance in high-criticality competency areas.
- **Current patent agents or trademark agents** may refer to this document to self-assess and enhance their own competencies, ensuring they remain effective and up to date in their practice over the long term.
- **Employers of patent agents or trademark agents** may find this document useful in identifying key competencies required for various roles within their organization and to support professional development initiatives.
- **Educators in the IP sector** may choose to integrate high-criticality competencies from this document into their curricula to better prepare learners for careers in intellectual property.

## A. Act professionally

### Performance criteria

#### 1. Self-manage

- Take responsibility for one's actions and effects
- Reframe challenging situations
- Manage disruptive emotions and impulses
- Adapt to novel situations and challenges
- Persist in pursuing goals despite obstacles
- Work autonomously when needed

#### 2. Act ethically

- Comply with laws and codes of conduct
- Detect ethical issues
- Employ ethical decision-making frameworks
- Support development of ethical infrastructure

#### 3. Serve client interests

- Discover what clients need and expect
- Develop plans with clients to pursue their goals
- Confirm client expectations in recorded form, as appropriate
- Design a quality client experience
- Confirm that work product meets client needs
- Measure the quality of client experience
- Promote access to professional services

#### 4. Foster well-being

- Assess one's level of well-being
- Practise behaviours linked to improved well-being
- Maintain health and safety in work interactions
- Devise responses for common well-being risks
- Mitigate the effects of stress or trauma

## B. Learn

### Performance criteria

#### 1. Plan for development

- Identify relevant competencies
- Self-assess strengths and areas for development
- Set defined learning goals
- Select beneficial development opportunities
- Overcome obstacles to learning

#### 2. Develop competencies

- Distinguish discomfort from distress
- Seek actionable feedback from reliable sources
- Engage in development opportunities
- Try new ways of doing things
- Engage in deliberate practice

#### 3. Reflect

- Describe an experience under reflection
- Describe a response to an experience
- Assess a response to an experience
- Use insights to plan for future action

#### 4. Integrate learning

- Connect formal education and experience
- Transfer competencies across contexts

## C. Communicate

### Performance criteria

#### 1. Elicit information from others

- Listen mindfully to others
- Ask open-ended questions
- Seek clarification when needed
- Infer meaning from nonverbal or paraverbal cues

#### 2. Express ideas

- Employ clear, correct, and expressive language
- Present information to enhance understanding
- Supply supporting contextual information
- Use persuasive techniques when needed

#### 3. Communicate as and when needed

- Evaluate stakeholder information needs
- Update stakeholders proactively
- Respond promptly to inquiries and concerns
- Initiate challenging conversations when needed

#### 4. Customize communications

- Adapt style to audience and context
- Choose suitable communication channels
- Tailor messages for cultural, social, or personal factors
- Simplify complex or technical language
- Use sensitive language for complex topics

## D. Work with others

### Performance criteria

#### 1. Develop interpersonal relationships

- Exhibit thoughtfulness and consideration
- Establish trust with others
- Demonstrate empathy and understanding
- Manage conflict

#### 2. Bridge across difference

- Foster belonging, inclusion, and respect for diversity.
- Seek to learn from different perspectives
- Show sensitivity to diverse cultural norms and customs
- Adapt to others' cultural contexts when needed

#### 3. Work with groups and teams

- Foster a cooperative environment
- Contribute to collective discussions and processes
- Facilitate communication and collaboration
- Mediate group or team disputes
- Show accountability for collective commitments

#### 4. Build a network

- Assess a network for gaps or unmet needs
- Take part in networking activities, as able
- Cultivate diversity within a professional network
- Build reciprocal relationships for mutual benefit
- Engage in communities of interest and of practice
- Nurture professional relationships over time

## E. Work with information

### Performance criteria

#### 1. Access relevant information

- Specify information needs
- Select information sources
- Select search strategies or methodologies
- Obtain information legally and ethically

#### 2. Construct meaning

- Comprehend the literal meaning of information
- Analyze arguments' logical structures
- Apply interpretive strategies to deepen understanding
- Synthesize insights across multiple sources
- Formulate reasoned, evidence-based inferences

#### 3. Evaluate information

- Specify relevant assessment criteria
- Assess the value of an information source
- Appraise information for relevance and accuracy
- Identify relevant limitations and assumptions
- Draw conclusions about information

#### 4. Manage information

- Direct the information lifecycle
- Employ digital tools for information management
- Adhere to data security and privacy best practices
- Adapt to relevant technological advancements

## F. Solve problems

### Performance criteria

#### 1. Define a problem or task

- Identify relevant facts, issues, and problems
- Gather information about a problem or task
- Determine a root cause or central focus
- Refine a problem or task statement
- Set timeframes for problem-solving or task completion

#### 2. Generate options

- Generate ideas
- Explore potential solutions or ways forward
- Identify potential improvements or alternatives
- Seek perspectives of others, as appropriate

#### 3. Make decisions

- Apply assessment criteria
- Weigh outcomes considering risks and benefits
- Select an optimal solution or path
- Explain a decision and its rationale
- Deliver results under pressure when needed

#### 4. Evaluate outcomes

- Monitor the effectiveness of a solution or path
- Modify a solution or task, as required
- Reflect on the problem-solving process

## G. Manage work

### Performance criteria

#### 1. Plan work activities

- Set goals and objectives
- Create detailed action plans
- Prioritize tasks
- Set deadlines
- Plan for potential challenges or obstacles

#### 2. Organize work activities

- Define roles and responsibilities
- Optimize work processes and systems
- Allocate resources and materials
- Maintain documentation

#### 3. Manage others

- Foster a safe and inclusive work environment
- Model desired behaviours and values
- Offer guidance and direction to team members
- Motivate team members

#### 4. Evaluate performance

- Define performance metrics
- Track deadlines
- Assess quality
- Monitor financial performance
- Identify achievements and opportunities
- Provide constructive feedback

### Additional areas

There are several behaviours that are not necessarily critical at an individual level, but which are vital for the collective competence and sustainability of the professional community. These include the ability to:

- **Lead strategic initiatives**
  - Analyze trends in the professional context
  - Apply principles of strategic leadership
  - Align people toward a common aim
- **Elevate others**
  - Teach, coach and mentor others
  - Champion others
  - Amplify the voices of others
- **Foster innovation**
  - Think creatively
  - Cultivate a culture of innovation
  - Drive change
- **Champion social responsibility**
  - Connect with communities
  - Advance reconciliation
  - Promote sustainable practices

While these competencies do not form part of the IP Professional Foundations, development in the above areas may be beneficial. Notably, the presence of leadership competence within a professional population helps ensure a well-rounded, forward-thinking, and socially responsible profession.

# Glossary

## A

**Assessment criteria** are the standards or requirements used to evaluate performance, outcomes, or success in a particular context. (*Les critères d'évaluation*)

## B

**Behaviours linked to improved well-being** include getting adequate sleep, exercise, mindfulness, meditation, connecting with others, savoring experiences, expressing gratitude, and being kind. (*Les comportements liés à l'amélioration du bien-être*)

**Belonging** refers to the sense of acceptance and inclusion in a group or community, which leads one to feel valued, respected, and able to be their authentic self. (*L'appartenance*)

## C

**Client** includes an individual, group, or organization external to a firm or other professional service organization, as well as internal teams or colleagues who rely on a professional's services, products, or support to fulfill their objectives. (*Client(e)*)

**Coaching** refers to personalized guidance and support provided by a coach to help individuals clarify goals, develop skills, and maximize their potential. Coaching focuses on facilitating self-discovery, empowering individuals to find their own solutions, and supporting them in achieving their objectives. (*Encadrement*)

**Codes of conduct** are authoritative documents that establish ethical standards, professional responsibilities, and expected behaviours within a specific profession or organization. For Canadian patent agents and trademark agents, this includes CPATA's Code of Professional Conduct. (*Les codes de déontologie*)

**Cognitive biases** are systematic errors in thinking that affect decisions and judgments; these may include confirmation bias, the Dunning-Kruger effect (overestimation of competence by unskilled individuals and underestimation by skilled individuals), and anchoring bias. (*Les biais cognitifs*)

**Common well-being risks** may vary by profession but may include distress, trauma, vicarious trauma, compassion fatigue, burnout, and repetitive stress injuries. (*Les risques communs pour le bien-être*)

**Communication channels** are the methods or mediums used to convey information, such as email, social media, or face-to-face conversation. (*Les voies de communication*)

**Communities of interest and of practice** are groups where individuals come together based on shared interest (e.g., to exchange ideas about a common topic) or professional practice (e.g., to improve within a field through collective learning). (*Les communautés d'intérêt et de pratique*)

**Constructive feedback** is feedback that is specific, objective, and focused, delivered using a respectful tone, and intended to support growth, development, and positive change. (*Les commentaires constructifs*)

**Contextual information** may include assumptions, background information, rationale, examples, and evidence to support understanding of the key messaging. (*Les renseignements contextuels*)

**Cultural, social, and personal factors** refer to variables such as cultural background, social context, and personal attributes (e.g., personality, preferences, disabilities) that influence behaviour, perspectives, and communication needs. (*Les facteurs culturels, sociaux et personnels*)

## D

**Deliberate practice** refers to a structured approach to learning involving targeted efforts to improve specific skills. (*Pratique délibérée*)

**Digital tools** relevant to professional practice will vary by profession but may include technology that uses digital or electronic components to store, process, and transmit information, including forms of information technology and artificial intelligence (AI). Examples include accounting packages, analytics, communication tools, compliance software, content authoring tools, content management platforms, client relationship management software, decision support systems, document management systems, ecommerce services, incident management software, information security software, knowledge management technologies, large language models, office productivity suites, reminder or diary tools, reporting tools, search applications, statistical analysis packages, and time-tracking tools. (*Les outils numériques*)

**Discomfort**, in the context of learning, refers to the unease felt when facing new or challenging learning experiences; learning and development is frequently maximized in this “zone of learning” (in contrast being in one’s comfort zone or, alternatively, being in distress, where minimal learning may be taking place). (*Inconfort*)

**Diversity** refers to the various aspects of human difference, including (but not limited to) racialization, Indigeneity, ethnicity, gender, neurodiversity, sexual orientation, socio-economic status, age, social class, physical abilities or attributes, religious beliefs or ethical values systems, national origin, political beliefs, or other ideologies that contribute to an individual’s intersectionality. (*Diversité*)

## E

**Equity** refers to the fair treatment, access, opportunity, and advancement of all people. (*Équité*)

**Ethical infrastructure** refers to the system of formal and informal mechanisms (e.g., policies, procedures, codes of conduct, ethical training programs, accountability measures, and organizational culture) that supports and promotes ethical behaviour within an organization. (*Infrastructure éthique*)

## H

**Health and safety**, in the context of work interactions, include occupational or workplace health and safety and extends beyond physical safety to psychological safety, cultural safety, and related concepts of equity, diversity, and inclusion. (*La santé et la sécurité*)

## I

**Inclusion** refers to the act of creating environments in which any individual or group can be and feel welcomed, respected, supported, and valued to fully participate. (*Inclusion*)



**Information lifecycle** is a concept used to describe the stages through which information passes, typically characterized as creation or collection, storage, use, sharing, archiving, and disposal. (*Le cycle de vie de l'information*)

**Interpretive strategies** involve building contextual knowledge, asking clarifying questions, challenging assumptions or claims, comparing and contrasting, monitoring for bias, considering multiple perspectives, and applying past knowledge or experience. (*Les stratégies d'interprétation*)

## K

**Knowledge management** is the process of identifying, creating, sharing, and using knowledge and information within an organization or community. It involves various strategies, practices, and technologies that are designed to capture and distribute knowledge, thereby helping individuals and organizations make better use of it. (*La gestion des connaissances*)

## L

**Learning goals** describe what a learner seeks to achieve in terms that are, ideally, specific, measurable, achievable, relevant, and include a timeline for expected results. (*Les objectifs d'apprentissage*)

**Listening mindfully** refers to being fully present in an interaction, cultivating empathy, and listening to one's own cues. (*L'écoute attentive*)

**Logical structures** include propositions, premises, conclusions, and the identification of potential logical inconsistencies or fallacies. This encompasses concepts related to deduction, induction, validity, soundness, logical fallacies, and syllogisms. (*Les structures logiques*)

## M

**Mentoring** refers to a supportive relationship where a more experienced individual (a mentor) provides guidance and advice to support the growth and development of a less experienced individual (a mentee). Mentoring involves sharing personal experiences, career guidance, and support. (*Mentorat*)

## N

**Necessary domain knowledge** refers to knowledge of any relevant underlying technology, discipline, or industry that is needed for competent practice, beyond the technical competencies and professional foundations. (*Les connaissances nécessaires du domaine*)

**Nonverbal and paraverbal cues** include indicators such as body language, tone of voice, and facial expressions that communicate information, recognizing that these cues can vary across cultures and may hold different meanings or significance in different cultural settings. (*Les indices non verbaux et paraverbaux*)

## O

**Obstacles to learning** refer to factors that hinder competency development, such as cognitive biases, distractions (internal and external), the presence of a fixed mindset (the belief that talent and intelligence are static and innate), and other barriers. (*Les obstacles à l'apprentissage*)

## P

**Persuasive techniques** include the principles of influence (e.g., reciprocity, scarcity, authority, consistency, liking, consensus). (*Les techniques de persuasion*)

## R

**Reconciliation** refers to the process of repairing and healing relationships that have been damaged by historical injustices and conflicts, often rooted in colonialism and its enduring effects. It is associated with efforts to address injustices against Indigenous Peoples. (*Réconciliation*)

**Relevant competencies** include the knowledge, skills, and attributes pertinent to a particular profession or task, especially those that are used frequently or the absence of which introduces risk to a professional practice. (*Les compétences pertinentes*)

**Response to an experience** includes intellectual, emotional, and behavioural reactions; an assessment of such a response includes analysis of those thoughts, feelings, and behaviours. (*La réponse à une expérience*)

**Root cause** refers to a fundamental, underlying reason for a problem or issue. By extension, a root cause analysis is a problem-solving method used to pinpoint root cause(s) in order to prevent a problem or issue from recurring. (*La cause principale*)

## S

**Strategic leadership** includes the ability to define a clear and compelling vision, think adaptively to navigate complex challenges, engage stakeholders to build alignment and support, and align people around a common purpose. (*La direction stratégique*)

## T

**Teaching** refers to the facilitation of learning and development by imparting knowledge and skills to learners through various instructional methods. Teaching emphasizes knowledge transfer. (*L'enseignement*)