

Accommodations for Examinations

2025-06-16

APPLICABLE SECTIONS OF THE ACT, BY-LAWS AND REGULATIONS and/or PURPOSE	CPATA By-law 63		
RESPONSIBILITY	Registrar		
APPROVED BY	EFFECTIVE	REVIEWED	REVISED
Registrar	July 1, 2025		

In this policy:

- "Accommodation" means adjustments or modifications provided to enable candidates to participate in the examinations on an equal basis with others;
- "Candidate" means an individual who is registered as a Class 3 Patent Agent in Training or Class 3 Trademark Agent in Training and who submits an accommodation request for either the Knowledge or the Skills Examination(s);
- "CPATA" means the College of Patent Agents and Trademark Agents;
- "Disability" means any physical or mental impairment, that, in interaction with the CPATA qualifying examinations, hinders a person's full and equal participation;
- "Protected ground" means a personal characteristic that may give rise to an accommodation request under the *Canadian Human Rights Act*, including disability, religion, sex (including pregnancy), and family status;
- "Everyday life" means the ordinary, typical, or usual parts of life, or of the life of a particular person or group.

Policy

Policy Statement

The purpose of accommodation for qualifying examinations is to provide otherwise qualified candidates with an equal opportunity to meet legitimate professional standards. CPATA is committed to providing reasonable accommodations to candidates, as needed, in compliance with applicable laws and regulations. CPATA is committed to treating all with dignity and respect and to meeting its human rights obligations under the Canadian Human Rights Act. CPATA recognizes that it has a duty to accommodate under Canadian human rights law up to the point of undue hardship, and this policy

sets out how CPATA will address the accommodation process for examinations. CPATA considers each request for accommodations on a case-by-case basis.

Examination accommodations are a modification to the standard administration of an examination to address a functional limitation related to protected ground(s). Candidates may be able to receive accommodations depending on the nature of their functional limitations and associated accommodation needs, the documentation provided, and the requirements of the examination.

The duty to accommodate is a collective responsibility, requiring all parties to collaborate, exchange information, and explore possible solutions. While accommodation requests are generally presumed to be made in good faith, the duty to accommodate is not without limits. Such requests are evaluated considering CPATA's overarching statutory mandate, which includes safeguarding the public interest and ensuring that those entering the professions possess the necessary competence to practice as patent and/or trademark agents, along with other relevant factors, such as the costs associated with an accommodation.

For requests relating to medical/disability issues, it is important to note that having a valid diagnosis does not automatically mean that a person is entitled to all and/or any accommodations they request. Candidates must be able to articulate specific barriers to access they face in relation to the qualifying examination for which they are seeking accommodation. To assist in this assessment, candidates may provide or be asked to provide information about the barriers they face in their everyday life.

It is also important to recognize that accommodations in a professional regulatory setting may differ from those provided in other settings. Accommodations for examinations in a licensing setting are based on providing equal opportunity to meet professional standards while maintaining the duty of public protection and certification of minimum practice standards. This is a different approach from accommodations in certain other settings, such as workplace accommodations, or in a school environment where accommodations may be provided for the purpose of maximizing a student's learning.

Proof of prior accommodation is not a guarantee that the same accommodation will be provided to write CPATA's qualifying examinations, as all requests are assessed in relation to the specific conditions and requirements of the examinations. However, information regarding any prior accommodation a candidate may have received for a similar protected ground from another organization or institution may assist the Registrar in determining if any accommodation request should be granted and, if so, the most appropriate accommodation.

CPATA may retain subject matter experts to assist in the review of documentation and the evaluation of accommodation requests.

Responsibilities:

- Candidates: Articulate barriers and submit requests and documentation in a timely manner.
- Registrar: Review requests and provide decisions in a fair and timely manner.
- Exam Administrators: Implement approved accommodations on exam days.

Grounds for Accommodation:

Grounds for requesting an accommodation may include, but are not limited to:

- Disability due to a neurodevelopmental, cognitive and/or psychological condition
- Disability due to a physical impairment or condition
- Pregnancy or maternity related needs
- Religion
- Family status

Types of Accommodations:

Accommodations may include, but are not limited to:

- Extended time
- Additional breaks
- Assistive technology (e.g., screen readers, magnifiers)
- Alternative formats (e.g., Braille, large print)

Acceptable Documentation to Support Accommodation Requests:For all requests:

Candidates must submit a completed Request for Accommodation Form.

Candidates must provide one (1) piece of objective evidence to support their request. The documentation provided must clearly articulate the candidate's actual functional limitations and barriers to access in relation to the examination(s) and the accommodation requested, and provide a

rationale for the accommodation. Candidates may be asked to submit a further evidence or information to support their request.

If applicable, candidates may also provide documentation from academic institutions, other regulators and/or their employer or HR representative describing the accommodations they receive(d), or documentation from a supervisor/mentor who knows them well and can provide information about actual functioning, functional challenges, and barriers to access regularly faced.

All documentation from a third-party (e.g., a psychologist) submitted to support a candidate's request must include the third-party's credentials and contact information.

For requests relating to medical/disability and pregnancy/maternity matters:

Candidates who request an accommodation related to a disability, an illness, an injury, a medical condition, or a pregnancy- or maternity-related need will be asked to provide a completed Health Care Professional Recommendation for Qualifying Examination Accommodation Form as the one (1) piece of objective evidence in support of their request. This form must be completed by an appropriate registered health practitioner who is qualified to evaluate/treat the candidate's condition and provide information regarding anticipated functional limitations related to the condition in the CPATA examination setting. This may include therapists (for mental health) and physical therapists. Additionally, and if applicable, documentation to support the functional limitations must be provided and may include results from previous evaluations (Psychoeducational, Psychological, and Neuropsychological Assessments) and consultation notes from medical specialists.

For documentation dated more than two (2) years ago, a statement from the current health care provider regarding the stability and/or changes to the candidate's limitations must be provided, to determine the impact of any changes on the candidate's accommodation needs for the examination(s).

For requests relating to other protected grounds:

Other circumstances relating to any other protected ground – The candidate must provide all relevant supporting documents to demonstrate the functional limitations as a result of the protected ground and aid the Registrar in assessing potential accommodations.

Confidentiality

All information and documentation submitted for an accommodation request is only accessible by authorized individuals, which may include but are not limited to registration staff and subject matter

experts retained by CPATA. Please review CPATA's Privacy Statement for more information on our privacy practices and privacy rights.

Procedures

1. The candidate submits the Request for Accommodation Form, and all required supporting documentation. If applicable, the candidate requests that their health care provider complete and submit the Health Care Professional Recommendation for Qualifying Examination Accommodation Form, and requests supporting documentation from others be sent directly to CPATA. All documentation must be submitted by the request deadline identified on the CPATA website.
2. Registration staff will review the documentation for completion and follow-up with the candidate if the request is incomplete.
3. The Registrar will review the request and supporting documentation within two (2) weeks of receiving a completed submission and will advise the candidate of what accommodations they are proposing to approve, if any.
4. The candidate will be asked to review the proposed accommodations and provide any additional information or documentation to support their request by a deadline specified by the Registrar.
5. The Registrar will review any additional information or documentation provided by the candidate, and will make a final decision within one (1) week after all additional information and documentation has been received.
6. The final decision will be communicated to the candidate via email along with instructions for requesting a review of the Registrar's decision to the Registration Committee should the Registrar decide to deny the request.
7. Where accommodation is approved and accepted by the candidate, the Director of Registration will prepare an examination accommodation agreement for the candidate to sign. The candidate must sign and return the accommodation agreement at least one (1) week before the date of the examination. The signed examination accommodation agreement will be shared with the examination administrators to arrange for the implementation of the accommodation.

References

[CPATA By-laws](#)

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