

Maintaining Registration Upon Completion of Training Period

2023-08-08

APPLICABLE SECTIONS OF THE ACT, BY-LAWS AND REGULATIONS and/or PURPOSE	CPATA Act 35(1)(2) Regulations 7, 11, 27 By-laws s. 49, 57, 58, 64		
RESPONSIBILITY	Registrar		
APPROVED BY	EFFECTIVE	REVIEWED	REVISED
Registrar	May 9, 2022	August 8, 2023	August 17, 2022 August 8, 2023

In this policy:

- a. "Agent in Training" means an individual who is registered as a Class 3 licensee and is in progress with the requirements to become licensed as a patent agent or trademark agent.
- b. "Days" means a calendar day.

Policy

Agents in Training have practice status before the Canadian Intellectual Property Office. One condition of registration is to work under the supervision of a Class 1 or Class 2 Licensee whose license is not suspended or a representative of the Patent Office of the Office of the Registrar of Trademarks (and who has been approved by the Registrar per the training agreement).

Recognizing the timing of the administration and marking of the qualifying examinations, and that not all candidates are successful with the qualifying examinations on their first attempt, there will be time between completion of the 24-month training period (as contemplated by the training agreement) and passing the qualifying examinations. However, even if the term for the training agreement has ended, Agents in Training cannot represent any person in the presentation or prosecution of an application for the registration of a patent or trademark, or in other business before CIPO without the requisite supervision.

Accordingly, Agents in Training who have completed the 24-month training requirement but did not pass or have not yet been advised if they passed the qualifying examinations have the following options:

1. Provide confirmation of continued supervision to maintain registration as a Class 3 licensee until they successfully complete the qualifying examinations and apply for a Class 1 licence.
2. Sign an Agreement Not to Practice, valid for three years, to not present or prosecute patent and/or trademark applications before the Canadian Intellectual Property Office, and to comply with all other ongoing requirements imposed on licensees. This will allow the class 3 licensee to proceed with the qualifying examinations, upon the establishment of their eligibility. If the Agent in Training secures another approved supervised training position, they can apply to the Registrar to terminate the agreement described in this paragraph.
3. Voluntarily surrender the class 3 licence. If the Agent in Training secures another approved supervised training position in the future, they can apply for a class 3 licence, and recognition of prior experience, at that time.

Failure to comply with the above would result in a failure to comply with the conditions set out in sections 49 and 58 of the Bylaws.

Procedures

1. Agents in Training currently in progress with the training requirement will submit written notification to CPATA that they have completed their required training period and all terms of the Training Agreement within 30 days of its completion. The Training Supervisor will confirm in writing that the required training is complete, and if they agree to continue to supervise the Agent in Training until the qualifying examination requirement is met.
2. Agents in Training who have already completed the training requirement will
 - a. submit written confirmation that their work is being supervised by an approved Training Supervisor and provide the supervisor's name and contact information. The Training Supervisor will confirm in writing that they agree to supervise the Agent in Training until the qualifying examination requirement is completed; or
 - b. sign an Agreement Not to Practice as described above; or
 - c. voluntarily surrender their class 3 licence via the [Request to Surrender a Licence Application Form](#).
3. Registration staff will notify the Registrar of the Agents in Training who do not comply with 2a, 2b or 2c.
 - a. The Registrar will provide written notification of their intent to suspend the licence at least 7 days in advance of the suspension and will provide the reasons for the suspension.
 - b. If the matter is not resolved by the deadline specified in the notice, the Registrar will suspend the licence.
4. The Registrar will reinstate a person whose licence has been suspended if the person corrects the matter that resulted in the suspension and pays the fee for reinstatement within two years from the day of the suspension.

5. A person whose licence has been suspended for more than two years may apply to have their licence reinstated if they
 - a. correct the matter that resulted in the suspension;
 - b. pay the fee for reinstatement; and
 - c. complete the required continuing professional development requirements.
6. The Registrar will revoke a licence that has been suspended for at least five consecutive years by providing notice to the licensee's last known email address 30 days before the day on which the revocation takes effect.

References

[CPATA Regulations](#)

[CPATA College By-laws](#)

[CPATA Act](#)

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