

Prior experience assessment

2023-08-08

APPLICABLE SECTIONS OF THE ACT, BY-LAWS AND REGULATIONS and/or PURPOSE	Regulation 4(b)(i), 5(b)(i), 7(b)(i), 8(b)(i), 9(b)(i), 11(b)(i) CPATA By-laws s. 54		
RESPONSIBILITY	Registrar		
APPROVED BY	EFFECTIVE	REVIEWED	REVISED
Registrar	June 28, 2021	March 17 2022 August 8, 2023	July 14, 2021 March 17, 2022 August 8, 2023 July 8, 2026

In this policy:

- "Applicant" means an individual who has applied to the College to be a Patent Agent or Trademark in Training.
- "Agent" means an individual registered with the College as a Patent Agent or Trademark Agent.
- "Days" means a business day.

Policy

The College's registration program ensures individuals applying to write the qualifying examinations have completed the required approved training requirement.

Experience Outside of Canada:

Applicants who have not completed their training in Canada may apply to the Registrar to have some or all of their prior training and/or education recognized toward the approved training requirement. Applicants must demonstrate how their prior experience and/or education¹ provided them with the competencies required to practise as a patent agent and/or trademark agent before the Canadian Intellectual Property Office ("CIPO").

To be eligible for consideration, prior experience and/or education must have been completed:

- Under the supervision of a registered patent or trademark agent/attorney who is engaged in or has substantial experience in preparing, presenting and prosecuting patent or trademark applications in the jurisdiction in which they are registered, if the applicant was not registered themselves in that jurisdiction;

¹ Only courses or programs that include experiential learning components will be considered.

- b. As a registered patent or trademark agent/attorney in another jurisdiction; or
- c. Through an academic institution authorized by the laws of that jurisdiction to administer academic course and/or programs.

Experience Within Canada:

Applicants who have completed training with a class 1 or class 2 agent licensed with CPATA, or under the supervision of a representative from CIPO, prior to submitting their class 3 application, can apply for retroactive recognition toward the 24-month training requirement, for supervised training time completed.

For all requests:

When evaluating an applicant's request, the Registrar will consider:

- The length, recency, nature, scope, complexity, level of responsibility and diversity of the applicant's experience;
- The effect of employment interruptions or changing assignments on the applicant's retention of, and ability to build upon, the experience gained;
- The degree of supervision by, and guidance of registered patent or trademark agents/attorneys; and
- The relevance of non-Canadian experience to the competencies required to prepare, present and prosecute applications before the Canadian Intellectual Property Office.

Upon reviewing the prior experience, the Registrar may take one of the following actions:

1. Grant full or partial credit towards the approved training requirement. If full recognition is not granted, a decision with reasons will be provided, which will specify the areas of training/education that are required, and will include instructions for requesting a review of the decision to the Registration Committee; or
2. Deny recognition toward the approved training requirement. In this case, a decision with reasons will be provided with instructions for requesting a review of the decision to the Registration Committee; or
3. Request additional information if the Registrar was unable to render a decision based on the information provided. Upon receipt the Registrar will reconsider the application.

Procedures

1. An individual seeking credit for prior experience and/or education will submit a request for the recognition with their Agent in Training (Class 3) Application form and the following supporting documentation:
 - a. A completed [Patent Agent Prior Experience Assessment Form](#) and/or [Trademark Agent Prior Experience Assessment Form](#)
 - b. A letter from the applicant, setting out:

- i. the specific period of the applicant's practice experience;
 - ii. a description of each practice setting;
 - iii. the relevance of the applicant's practice experience to the competencies identified in the [Technical Competency Profiles for Patent Agents and Trademark Agents](#) ;
 - iv. names and addresses of all employers, position titles, and technical outlines of the nature of the duties and responsibilities associated with each position;
 - v. Periods of absence from employment and the reasons for them.
 - c. If registered with another jurisdiction, an original Certificate of Standing from the governing body sent directly from the governing body to the Director of Registration².
 - d. Original letters of attestation from one or more referees, sent directly to the Director of Registration³, verifying the applicant's experience and how it relates to the competencies identified in the [Technical Competency Profiles for Patent Agents and Trademark Agents](#). A template for the Letter of Attestation is available here.
 - e. Official transcripts from any post-secondary institutions where the applicant obtained training in the areas listed in the [Technical Competency Profiles for Patent Agents and Trademark Agents](#), if applicable. The transcript must be sent directly from the academic institution to the Director of Registration¹. If available, the applicant should also request that the academic institution submit course outlines or syllabi that demonstrate learning the competencies in the [Technical Competency Profiles for Patent Agents and Trademark Agents](#). If the applicant is unable to request an original transcript be sent directly from the academic institution to the Director of Registration, a credential authentication report must be sent directly from an approved organization⁴ to the Director of Registration.
 - f. If the applicant is unable to provide official documentation due to exceptional circumstances such as war, natural disaster or personal prosecution, but who demonstrates efforts, although unsuccessful, to obtain official documentation may provide alternative evidence to the Registrar, which may include but is not limited to signed affidavits and documentary evidence from academic instructors.
2. Registration staff will acknowledge receipt of the request and will follow up with applicants if documentation or information is missing from their submission, or if additional documentation or information is required for the Registrar's review.

² Any documents that are not in English or French must be translated by a Certified Translator. The Certified Translator must send both the original and translated copies to the Director of Registration.

³ Letters of attestation should be in English or French or translated into one of those languages by a Certified Translator. The Certified Translator must send both the original and translated copies to the Director of Registration and sent as an email attachment to registration-inscription@cpata-cabamc.ca

⁴ Approved organizations must be members of the Alliance of Credential Evaluation Services of Canada. Visit <https://canalliance.org/en/> for a list of approved organizations.

3. Registration staff will prepare the request for the Registrar's review and decision.
4. The Registrar will consider the application and render a decision.
5. The College will provide the Registrar's written decision to the applicant and will provide instructions for requesting a review of the decision to the Registration Committee should the Registrar decide to deny the recognition of prior experience or grant partial recognition of prior experience.

References

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

[CPATA Regulations](#)

[CPATA College By-laws](#)

[Technical Competency Profiles for Patent Agents and Trademark Agents](#)