

Patent Agent Skills Examination

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

Part I:

Skills area	% of marks	Performance Criteria
Strategy	33% (+/-10%)	- Identify a client's needs and goals - Assess the innovation context - Identify, given a set of facts, available types of intellectual property protection - Plan a patent search - Interpret search results - Define the scope and breadth of protection available in view of the prior art - Outline, given a set of facts, the costs and benefits of patent protection - Outline, given a set of facts, practical and strategic timelines - Plan strategies for protection outside of Canada - Identify, given a set of facts, limits on patent agent privilege
Drafting	67% (+/-10%)	- Identify, given a set of facts, claim drafting objectives - Draft claims, of multiple claim types, with proper scope, characteristics, and structure - Describe an invention, including its embodiments and alternatives - Plan the drawings that illustrate the features of an invention

Part 2:

Skills area	% of marks	Performance Criteria
Prosecution	50% (+/-10%)	- Analyze a patent family file history - Assess the citability of prior art for anticipation and obviousness - Respond to an office action - Prepare substantive submissions to CIPO other than in response to an office action - Amend independent or dependent claims, as appropriate - Manage Canadian prosecution in the context of a global portfolio
Validity	25% (+/-10%)	- Identify, given a set of facts, validity issues beyond claim validity issues - Construe claim terms for the purpose of assessing validity - Assess the citability of a document or disclosure event for anticipation and obviousness - Assess whether a claim is anticipated, given the prior art - Assess whether a claim is obvious, given the prior art - Assess the validity of a claim, for reasons other than anticipation or obviousness
Infringement	25% (+/-10%)	- Construe claim terms for the purpose of assessing infringement - Identify, given a set of facts, potential acts of infringement - Analyze a claim to determine infringement - Identify, given a set of facts, who can or must assert infringement - Assess whether one or more parties are liable for infringement - Assess whether a party is liable for inducing infringement - Identify, given a set of facts, defenses to an allegation of infringement - Outline potentially available remedies for infringement