

**CANDIDATE GUIDE TO WRITING**  
**THE CANADIAN TRADEMARK AGENT EXAMINATION**

The Trademark Agent Examination is a certification exam designed to assess the candidate's knowledge of the *Trade-marks Act*, the *Trade-marks Regulations*, case law and Canadian Intellectual Property Office (CIPO) practice required in order to practice independently as a trademark agent. The examination tests candidates' analytical and problem solving skills as well as their skills in drafting and communication with the client.

The examination is provided in both Official Languages. Candidates may write the examination in English or French. Please note that the English and French versions of the examination may contain language differences because of the specialized subject matter.

**Examination Content**

The examination consists of two parts as follows:

- a) Part A focuses primarily on pre-advertisement issues
- b) Part B focuses primarily on post-advertisement issues

The majority of the questions in the examination focus on a core group of tasks, which must be addressed in the day-to-day practice of a trademark agent. The tasks are as follows:

1. Availability
2. Registrability
3. Applications
4. Prosecution
5. Opposition proceedings
6. Post-registration (Section 45 proceedings, renewals, transfers etc.)

Within the scope of examining competency in these core tasks, candidates are expected to be knowledgeable about pertinent issues such as:

1. Official marks
2. Associated trademarks
3. Certification marks
4. Distinguishing guise
5. Chain of title
6. Licensing
7. Transfers
8. Ethics and conflicts of interest

In addition to questions related to the core tasks, the exam may contain some questions related to issues which should be within the general knowledge of a trademark agent, such as infringement

and/or passing off and other intellectual property rights.

The Intellectual Property Institute of Canada's *Code of Ethics* is used by the Examining Board as guidance in setting questions dealing with ethics and conflicts of interest. The guide is available at [www.ipic.ca](http://www.ipic.ca).

### **Identification of Candidates**

Candidates may only identify themselves by their candidate number. The Examining Board follows rules of procedure to maintain strict secrecy as to the identity of all candidates. No member of the Board may, at any time, discuss the marks or standing obtained by a candidate with anyone other than a member of the Board.

### **Standards Required for Passing the Examination**

To pass the examination, a candidate must obtain at least 65% of the marks for each part of the exam. Part B of the examination will generally not be marked unless the candidate obtains at least 65% on Part A.

### **Scoring**

Marks will be provided for an answer (or a part of an answer) that:

- clearly identifies the question being answered, BY NUMBER;
- is written LEGIBLY, IN INK, double-spaced within the indicated margins in THE ANSWER BOOK;
- is provided on the right-hand pages of the answer book ONLY;
- and provides the most precise reference possible when asked to cite the relevant provision(s) of the *Trade-marks Act* or *Trade-marks Regulations* (i.e. section, sub-section and/or paragraph).

Marks will NOT be given for:

- anything written on a left-hand page of the answer book or on the examination itself; and
- anything that cannot be deciphered with a reasonable degree of certainty.

### **Logistics**

The Trademark Agent Examination is administered by CIPO and is held at least once per year.

CIPO announces the date of the examination about five months prior to the exam and as per paragraph 18 (b) of the *Trade-marks Regulations*, provides a two-month period for candidates to submit applications to write the examination.

Both parts of the exam are written on the same day, with candidates allowed three hours for each part (typically, Part A is written from 9:00 to 12:00 and Part B from 13:00 to 16:00).

Candidates must provide their own pen with which to write the examination.

Subsequent to the examination, papers are marked and the results are communicated to candidates about three months after the examination date.

Candidates are given a two-week period within which to request their examination materials (questions, answer papers, answer guides, marks), and have one month from the date on which examination materials are sent to request a review of their marks.

Reviews are completed and the results are communicated to candidates about two months after the deadline to submit requests for review.

### **Invigilation**

1. At the beginning of each session, each candidate receives the examination paper, answer book(s) and an envelope, and is responsible for indicating the assigned candidate number on each of these. No other form of identification is permitted on any material submitted.
2. At the conclusion of the 3-hour examination session, it is the candidate's responsibility to insert the examination paper together with the answer book(s) into the envelope and to seal the envelope.
3. The only aids permitted are the copies of the *Trade-marks Act* and *Trade-mark Regulations* provided by CIPO and an unmarked dictionary (English or French or French/English).
4. Cell phones, smart phones, and any device that allows for wireless communication or the retrieval of information from memory may not be used during the examination.

***Failure to abide by the rules may result in a candidate being given a mark of zero.***

### **Top Four Tips When Taking the Examination**

#### **1. Allocate your time**

The marks referred to throughout the paper are provided to show the relative weight attributed to each question. Allocate your time accordingly, to avoid running out of time. Recognize that writing extensively on questions that are worth few marks may prevent you from fully answering more substantive questions worth more marks.

## **2. Write efficiently**

Salutations, signatures and other formalities of correspondence are not required in your answers; substance is important. Marks are awarded for analytical and problem solving skills, communication skills, drafting skills, prioritizing and judgment skills in addition to knowledge demonstrated in your answers. Answers given in point form are acceptable except where the question specifically asks you to draft or write your answer.

## **3. Read the questions carefully**

Read the questions carefully before answering and answer the questions as asked, based on the facts presented. In drafting the questions, the Examining Board attempts to ensure that all necessary information required to respond to the question is included in the fact situation as set out.

## **4. Write legibly**

It is important to write as legibly as possible. If the Examining Board member is unable to read the response, it will not be marked. All papers are scanned and candidates' writing must be reproduced by scanning or photocopying. The ink should be black or dark blue and should make consistently dark lines. Please do not use markers or fountain pens, as these often do not scan clearly.

## **Preparing for the Examination**

Candidates may wish to review previous years' papers, which are available via the CIPO web site.

## **Requests for Review**

Please clearly identify the paper (Part A or Part B) and question (by number) for which the review is being requested.

Please identify both the original mark assigned as well as the requested mark.

For each question, please clearly identify the rationale as to why a higher mark should be assigned.

The request for review should be typewritten.

*Revised June 15, 2015*