

CANDIDATE GUIDE TO WRITING
THE CANADIAN TRADEMARK AGENT EXAMINATION

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

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:

Part A focuses primarily on issues that may be raised prior to advertisement of the application in the *Trademarks Journal*.

Part B focuses primarily on issues that may be raised after advertisement of the application in the *Trademarks Journal*.

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 – both Canadian and International (Madrid Protocol)
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. Certification marks
3. Non-traditional marks
4. Chain of title
5. Licensing

6. Transfers
7. 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 Examining Board draws from the *Trademarks Examination Manual*, Practice Notices (not already incorporated in the *Trademarks Examination Manual*, such as those relating to oppositions and Section 45 proceedings), and recent trademark-related Opposition Board and Court decisions as guidance in setting questions dealing with case law. The *Trademarks Examination Manual*, Practice Notices, and recent Opposition Board decisions are available on the Canadian Intellectual Property Office website, and recent Court decisions are available through the websites of the Federal Court of Canada, the Federal Court of Appeal and/or the Supreme Court of Canada.

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 awarded 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 *Trademarks Act* or *Trademarks Regulations* (i.e. section, subsection and/or paragraph).

Marks will NOT be awarded 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.

Preparing for the Examination

IPIC offers a course and tutorials to prepare for the examination:

- [The Trademark Agent Examination Prep Course](#)

The course is offered in the spring and in the fall.

- The Trademark Agent Tutorials

The Tutorials are offered in the fall.

Please communicate with Kim Arial for information about the courses: karial@ipic.ca

Candidates may wish to review previous years' exams, which are available via the CIPO web site: [Archived Exams](#)

The Resources column in the Trademarks section of the Canadian Intellectual Property Office website offers numerous helpful resources.

Registration for the Exam and 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 provides a two-month period for candidates to submit applications to write the examination.

Please consult the CIPO website to learn about the pre-requisites and to register: [Become a Registered Trademark Agent](#)

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). This schedule is subject to change.

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.

The results of the review are communicated to candidates about two months after the deadline to submit requests for review.

Examination Rules

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 copies of the *Trademarks Act* and *Trademark 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.

Revised June 17, 2019