

TRADE-MARK AGENT EXAMINATION

CANDIDATE GUIDE

The Trade-mark Agent Examination is a certification examination designed to assess the candidate's familiarity with the *Trade-marks Act* and the knowledge and skills required in order to practice independently as a trade-mark agent. The examination will allow candidates to demonstrate their analytical and problem solving skills as well as their skills in drafting and communication with the client. The primary purpose of this guide is to provide candidates taking the Trade-mark Agent Examination with information that will assist them in preparing for and writing the exam.

Exam Content

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 trade-mark 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 examination on these core tasks, it is expected that candidates will be able to handle pertinent issues such as:

1. Official marks
2. Associated trade-marks
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 trade-mark agent, such as infringement and/or passing off, other intellectual property rights and foreign trade-marks.

The examination is comprised of two separate parts, Part A and Part B, each worth 150 marks. While Part A focuses primarily on advising the client prior to application and Part B focuses primarily on issues which arise after advertisement, each part can cover a broad range of tasks and issues.

Standards Required for Passing the Examination

The candidate must obtain a minimum mark of 65% on each of the two parts of the examination.

Scoring

Each part of the examination is independently marked by at least two members of the Trade-mark Agent Examining Board. For the scoring of the papers, candidates are identified by number only.

Three Top Tips When Taking the Exam

1. Check the number of marks which are allotted to the question. If the question is only worth a few marks, then a brief point form response is appropriate. On questions which have a higher value, a more extensive and comprehensive response is to be expected. Writing extensively on questions which are worth fewer marks often results in candidates being unable to tackle more substantive questions, or running out of time.
2. Read the questions carefully. In drafting the questions, the Board has attempted to ensure that all necessary information required to respond to the question is included in the fact situation as set out. Before responding, make sure that you understand the exact nature of the question being asked. Do not speculate on an answer that might be correct, if additional facts were given or if the fact situation were different.
3. It is important to write as legibly as possible. If the Examiner is unable to read the response, it is very difficult to give credit.