



Theme Number 1*
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Admission

Following a transition period, the new College would fulfil two major functions relating to the admission of patent and trade-mark agents on the registers:

- **certification** of Canadian residents
- **licensing** of all who are entitled to practice before CIPO.

1. Transition Period

- All trade-mark and patent agents who are currently on the register will be 'grandfathered' into the College.
- There will be a transition period for people currently working toward writing the patent or trade-mark exams.

2. Certification

2.1 Requirements for Canadian Resident Patent Agents

With regard to certification of patent agents, the following elements will be required:

- A Canadian resident;
- With a university degree in pure or applied science or equivalent university degree;
- Two-year membership as a student in College;
- Two year full-time apprenticeship or an Examiner with the Patent Office;
- Successfully passing exams on patent law and practice and, if not a lawyer, on basic Canadian legal principles,
- Who has agreed to be bound by code of ethics; and
- Who has professional errors and omissions insurance.

* The purpose of these thematic sheets is to outline the operations of the College as proposed by IPIC and to seek feedback on these proposals.

2.2 Requirements for Canadian Resident Trade-mark Agents:

With regard to certification of trade-mark agents, the following elements will be required:

- A Canadian resident;
- With a university degree;
- Lawyer practicing or a person with two-year membership as a student in College and two year full-time apprenticeship;
- Successfully passing exams on trade-mark law and practice and, if not a lawyer, on basic Canadian legal principles;
- Who has agreed to be bound by code of ethics; and
- Who has professional errors and omissions insurance.

2.3 Requirements Relating to Student Members

The certification process will begin when the candidate becomes a student member of College:

- Students apply with mentor to the College at the beginning of their apprenticeship
- Mentor ensures that the apprentice will meet the College training guidelines.
- Student members are bound by the Code of Ethics.

3. Licensing

With regard to licensing, the college will maintain the registers of who can practice before CIPO. The College will have control over all policy relating to admission, maintenance on the registers and discipline over those entitled to practice before CIPO.

3.1 Entitlement to Practice

The following people will be entitled to practice before CIPO:

- Canadian residents who have met the certification standards of the college;
- In keeping with current practice, residents of other countries who are on their own country's register of agents; and
- Firms with at least one member who falls within the above two categories

3.2 Requirement for Foreign Agents

- They must prove their entitlement to practice before their own Intellectual Property Office;
- They must abide by the College's Code of Ethics;
- Foreign resident agents will still be required to appoint an associate Canadian agent.

4. Summary

This proposal includes the following changes from the current practice for those entering the patent and trade-mark agent professions:

- Requirement for university degree
- More structured apprenticeship: two-year period, clear start date by becoming a student member and clear guidelines for the mentors.
- All candidates must pass the exams.
- There will be a requirement for non-lawyers to understand basic Canadian legal principles.
- Foreign agents will have to abide by the Code of Ethics.

These changes to admission standards are consistent with what is generally expected from a profession and its regulatory body to protect the public interest.

Please send your comments to college@ipic.ca by October 29, 2004.