



INFORMATION FOR INTERNATIONAL INTELLECTUAL PROPERTY PROFESSIONAL WANTING TO PRACTICE IN BC

OVERVIEW

There are four types of intellectual property rights (IP) - patents, trademarks, copyrights, and trade secrets – that can be serviced by an intellectual property (IP) professional, such as a patent agent or a trademark agent. Each can help a client identify and file their IP, develop a strategy and make a budget to protect and enforce the IP in Canada and around the world. They can also advise on the proper use of intellectual property to maintain rights, marking, licensing, assignment and other strategies to maximize the value of the IP.

Intellectual property comes with legal rights and regardless of its merit or commercial value, Canadian law considers all original creative works to be copyright material.

A **patent** protects new products, processes, machines, chemical compositions and improvements to any of these. Most patents today are new and useful improvements of existing inventions. Patents allow inventors to profit financially from their creativity, an attractive incentive for research and development from which all Canadians ultimately benefit. Without the possibility of protection, many people might not take the risk of investing the time or money needed to create or improve new products.

Registering the **trademark** provides the exclusive right to use the mark across Canada for 10 years. Registration is renewable every 10 years after that. A trademark that is not registered still offers some protection but can be challenging to enforce.

Unlike with other IP rights, a person owns the **copyright** to their work as soon as they create it. In Canada, a certificate of registration of copyright can be used as evidence that copyright exists and that the person who registered it is the owner.

An **industrial design** protects the visual appearance of a product—its ornament, shape, pattern or configuration, or any combination of these features applied to a finished article.

In Canada, only licensed patent agents or trademark agents are legally allowed to represent third parties (inventors, companies) in the acquisition of patents. Lawyers are not allowed to provide this representation at the Canadian Intellectual Property Office (CIPO) unless also registered as a patent agent.

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THE COLLEGE OF PATENT AGENTS AND TRADEMARK AGENTS (CPATA)

In April 2018 the federal government announced the creation of the College of Patent and Trademark Agents (CPATA) that provides the profession with a modern governance structure including a mandatory code of ethics, continuing education requirements, or a discipline process. The College of Patent Agents and Trademark Agents (CPATA) is the independent public interest regulator of Patent and Trademark agents in Canada.

CPATA is a national regulator, there are no provincial regulatory colleges. A person must be licensed with CPATA to work as a patent or trademark agent or to act on behalf of clients dealing with the Canadian Intellectual Property Office (CIPO) where patents and trademarks are registered.

The College of Patent and Trademark Agents (CPATA) maintains a [National Patent Agent Registry](#). To become a registered patent agent or trademark agent in Canada requires successful completion of [four very difficult exams](#) that constitute the Patent Agent Qualifying Exam or Trademark Agent Qualifying Exam.

The College has established a new category of licence for those who are training to be a Patent or Trademark Agent. Registration as a [Patent Agent or Trademark Agent in Training](#) (a Class 3 Licensee) requires an application to the Registrar and the applicant must demonstrate Canadian residency, good character, fitness to practice and [language proficiency in English or French](#). The training period is 24 months and the trainee must have a signed agreement with the trainee supervisor, who has been approved by the College.

EDUCATION, TRAINING AND QUALIFICATIONS

At present there are no formal education requirements to become a patent agent or trademark agent. The education must be obtained by working as a trainee (a form of apprenticeship) for 24 months. An engineering or science degree is typically required to obtain a position as a trainee.

As the College is new, there may be changes to education requirements in future.

The Canadian Intellectual Property Office (CIPO) provides a series of [online learning modules](#).

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CANADIAN INTELLECTUAL PROPERTY OFFICE (CIPO)

The Canadian Intellectual Property Office (CIPO) is a department within the Innovation, Science and Economic Development Canada and maintains a list of registered Canadian patent and trademark agents. Only the individuals and firms listed on CIPO's website are qualified and entitled to act on clients' behalf with CIPO. These agents often have access to an extensive network in foreign jurisdictions to better assist, and they can also help clients avoid any misleading services or scams.

CIPO offers a wide range of education, tools and resources including an IP Academy with online learning modules. Publications are available and one can [subscribe](#) to their newsletter.

Additional information for IP agents is available on this [Government of Canada](#) website.

INTELLECTUAL PROPERTY INSTITUTE OF CANADA (IPIC)

The Intellectual Property Institute of Canada (IPIC) is the professional association representing patent agents, trademark agents and lawyers practicing in all areas of intellectual property law. Members include law firm and agency practitioners, sole practitioners, inhouse corporate IP professionals, government personnel and academics. Member clients include virtually all Canadian businesses, universities and other institutions with an interest in intellectual property in Canada and internationally, including foreign companies who hold IP rights in Canada.

IPIC offers an affiliate membership for those interested in the objectives of the Institute. An associate membership requires 24-months of full-time work in the field. Membership categories and fees can be found [here](#). IPIC also offers online [courses and events](#) for members.

RESOURCES

ATMAC - <https://atmac.ca/patent-agent-vs-patent-lawyer-need>

Government of Canada – Intellectual Property and Copyright - https://www.canada.ca/en/services/business/ip.html?utm_campaign=not-applicable&utm_source=intellectualproperty_vanity-url&utm_medium=vanity-url

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Canadian Intellectual Property Office (CIPO) - <https://www.ic.gc.ca/eic/site/cipointernet-internetopic.nsf/eng/home>

College of Patent and Trademark Agents Act - <https://laws-lois.justice.gc.ca/eng/acts/C-33.7/FullText.html#:~:text=6%20The%20purpose%20of%20the,Act%20and%20the%20Trademarks%20Act%20.>

Government of Canada (CIPO)- <https://www.ic.gc.ca/eic/site/cipointernet-internetopic.nsf/eng/wr04547.html>

Government of Canada - Intellectual Property and Copyright - <https://www.canada.ca/en/services/business/ip.html>

Intellectual Property Institute of Canada (IPIC) - <https://ipic.ca/>

Intellectual Property Institute of Canada (IPIC) How to become an agent - <https://ipic.ca/english/the-profession/the-profession.html/how-to-become-an-agent#:~:text=If%20you%20are%20a%20resident,the%20Patent%20Agent%20Qualifying%20Examination.>

The Legal 500 (IP law firms and lawyers in Canada) - <https://www.legal500.com/c/canada/intellectual-property/>

JOB BOARDS

Glassdoor - https://www.glassdoor.ca/Job/vancouver-intellectual-property-jobs-SRCH_IL.0,9_IC2278756_KE10,31.htm

Indeed.ca - <https://ca.indeed.com/jobs?q=Intellectual+Property&l=Vancouver%2C+BC>

IPIC Employment Opportunities - <https://ipic.ca/english/the-profession/employment-opportunities>

Neuvoo - https://neuvoo.ca/jobs/?k=Intellectual+Property&l=Vancouver%2C+BC&p=1&date=&field=&company=&source_type=&radius=&from=&test=&iam=&is_category=no

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