



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, a trademark agent or an IP lawyer. 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.

Just like other types of property a person owns, intellectual property comes with legal rights. Regardless of their 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.



INTELLECTUAL PROPERTY LAWYERS

International intellectual property law is a patchwork area of intersecting multilateral and bilateral agreements and their resulting harmonization of national laws. It has become an increasingly important and frequently litigated area, particularly in the patent, copyright, and trademark areas.

IP specialist solicitors may be the best option when it comes to IP issues as with specialist knowledge and expertise as they can identify and put in place solutions that are more legally strong and tailored to exactly what the client needs. Specialties are areas of particular experience and expertise, and may include IP disputes, brand protection, international trade, IP strategy and IP commercialisation.

IP specialists can identify problems and opportunities faster than generalists meaning solutions can be put in place at a faster rate, stopping damage to a business, or increasing incoming revenue. IP specialists are highly familiar with the processes of the IP courts (e.g. IPEC and High Court) as well as those in the IPO (UK IPO, EUIPO, WIPO etc.).

INTELLECTUAL PROPERTY PROFESSIONAL (PATENTS AND TRADEMARKS AGENTS)

An IP professional, such as a patent agent, or a trademark agent, can also help clients in similar ways to an IP lawyer. A registered trademark is a way of protecting a corporate or brand identity. Everything that sets a business apart—its name, product and service names, slogans, logos, taglines, modes of packaging, moving images, holograms, colours, scents, tastes, textures and even sounds—produces a brand image that customers come to know.

EDUCATION, TRAINING AND QUALIFICATIONS

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

With the formation of the College of Patent and Trademark Agents it is not yet determined if there will be any changes to education requirements in future.



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.

BECOMING AN IP PATENT AGENT WITH CIPO

To become a registered patent agent, applicants are required to pass a qualifying examination that CIPO holds at least once a year. Applications must be submitted by the deadline published on the CIPO website. To take the examination, applicants must show CIPO how they meet the qualifications set out in [subsection 19\(a\) of the Patent Rules](#). There is a fee for the examination.

Details on becoming an IP patent agent with CIPO can be found [here](#). The website also provides links to useful references (sample examination, tips on writing the exam, Acts, etc.)

BECOMING AN IP TRADEMARK AGENT WITH CIPO

To become a registered trademark agent, applicants are required to pass a qualifying examination that CIPO holds at least once a year. Applications must be submitted by the deadline published on the CIPO website. To take the examination, applicants must show CIPO how they meet the qualifications set out in [section 16 of the Trademarks Regulations](#). There is a fee for the examination.

Details on becoming an IP trademark agent with CIPO can be found [here](#). The website also provides links to useful references (sample examination, tips on writing the exam, Acts, etc.) as well as the steps to applying to write the examination. Inquiries for either the patent or trademark examination can be directed to IC.CIPOAgentExams-OPICExamenAgent.IC@canada.ca.

Additional information on becoming either a patent or trademark agent can also be found at this [Government of Canada](#) website.



IP AGENT FEES

IP agent costs vary, based on the complexity of the work and the experience of the agent. Most agent work is charged hourly.

- **Trademark:** \$500 to \$2,000
- **Patent:** \$5,000 to \$25,000
- **Industrial design:** \$500 to \$2,000
- **Copyright:** \$0 to \$500

The IP agent fees cover services such as searching, drafting, preparing and filing your application, refining and resubmitting the application, and preparing and filing formal documentation.

INTELLECTUAL PROPERTY INSTITUTE OF CANADA (IPIC)

In April 2018 the federal government announced the creation of the [College of Patent and Trademark Agents](#). Although the profession has demonstrated a tradition of excellence, it lacks a modern governance structure and foundations of a professional regulatory system including a mandatory code of ethics, continuing education requirements or a discipline process. In August 2019 members of the inaugural College Board was announced and they are charged with establishing the College. The transition timeline can be found [here](#).

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

Canada.ca/intellectualproperty -

https://www.canada.ca/en/services/business/ip.html?utm_campaign=not-applicable&utm_source=intellectualproperty_vanity-url&utm_medium=vanity-url

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>

Intellectual Property and Copyright (Government of Canada) -

<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

© 2018-2021 British Columbia's Prior Learning Action Network

This document is protected by applicable Canadian copyright laws and regulations. Except as otherwise provided for under Canadian copyright law, this document and its content may not be reproduced, published, distributed, or otherwise stored, transmitted or converted, in any form or by any means, without the prior written permission of the copyright owner.