

## **The Declaration of Entitlement**

- Necessity:** All applicants for a Canadian patent must file a Declaration of Entitlement.
- Deadline:** The applicant must file a Declaration of Entitlement within 15 months of the applications priority date.
- Extension:** The deadline for filing a Declaration of Entitlement can be extended on payment of an additional fee.
- Content:** The Declaration of Entitlement must contain a declaration in accordance with either subsection 3(1) or (2). 3(1) is applicable where the applicant is the inventor. If the applicant is not the inventor, a subsection 3(2) declaration required, in which the applicant declares how it became entitled to file the application in lieu of the inventor. The potential grounds of entitlement listed in 3(2) are likely not all applicable, and can be re-ordered, deleted, and repeated as applicable to establish the applicants entitlement. If there has been a succession of transfers from the inventor, the order in which transfers are listed should follow the actual succession of transfers, and items may be included more than once, as necessary to explain the applicant's entitlement. ***If you are uncertain, please consult us for assistance completing the 3(2) declaration.***

Patent Number: \_\_\_\_\_

Name of Applicant: \_\_\_\_\_

### **Declaration of Entitlement**

3. (1) The applicant is the sole inventor.

(2) The applicant is entitled to apply for and be granted a patent by virtue of the following:

(i) \_\_\_\_\_ (name) of \_\_\_\_\_ (complete address) is the inventor of the subject matter for which protection is sought by way of this application,

(ii) \_\_\_\_\_ (name) [is] [was] entitled as employer of the inventor, \_\_\_\_\_ (inventor's name),

(iii) an agreement between \_\_\_\_\_ (name) and \_\_\_\_\_ (name), dated \_\_\_\_\_,

(iv) an assignment from \_\_\_\_\_ (name) to \_\_\_\_\_ (name), dated \_\_\_\_\_,

(v) consent from \_\_\_\_\_ (name) in favour of \_\_\_\_\_ (name), dated \_\_\_\_\_,

(vi) a court order issued by \_\_\_\_\_ (name of court), effecting a transfer from \_\_\_\_\_ (name) to \_\_\_\_\_ (name), dated \_\_\_\_\_,

(vii) transfer of entitlement from \_\_\_\_\_ (name) to \_\_\_\_\_ (name) by way of \_\_\_\_\_ (specify kind of transfer), dated \_\_\_\_\_,

(viii) the applicant's name changed from \_\_\_\_\_ (name) to \_\_\_\_\_ (name) on \_\_\_\_\_ (date).

On behalf of the applicant:

Name: \_\_\_\_\_

Title: \_\_\_\_\_