

Approximate costs for filing and prosecution of a national entry in Canada

	Our Fee	Gov't Fee (Large/small)
Filing the application	\$650.00*	\$400.00/\$200.00
Reporting Office Actions	\$200.00*	--
Responding to an Office Action	\$275.00+	--
Filing Declaration of Entitlement, or Small Entity Declaration	\$200.00	-
Requesting examination	\$200.00	\$800.00/\$400.00
Accelerated Examination	\$250.00*	\$500.00
Maintenance fees Years 2-4	\$150.00*	\$100.00/\$50.00

All amounts in CDN dollars
*Volume discounts available

Patentable subject matter – key differences from US

- Restricted to 'statutory grounds'
- Restrictive with respect to
 - o life forms
 - o business process patents
 - o 'software' patents
 - o methods of medical treatment

Information and documentation required for filing

- Name and address of the Applicant;
- The Application in PCT form
- Declaration of Entitlement

Canadian patent practice

- All applicants must designate a domestic registered Canadian patent agent. We provide a representation service, for non-Canadians who wish to retain primary responsibility for Canadian applications.
- Widespread use of grace periods - relatively easy to recover from missed deadlines upon payment of re-instatement fees.
- Government fees lower for all "small entities".
- Little correspondence with CIPO can currently be done electronically, or by fax.

Patent applications in Canada

Maintenance Fees

- Maintenance fees payable annually
- First is due 24 months from international filing date
- Prior to grant, must be paid by agent
- After grant, can be paid by anyone

Examination

- Commences when requested by applicant
- In general, claims allowed tend to be broader than before USPTO.

Deferred Examination

- Up to 5 years from filing date.
- No additional cost.

Accelerated Examination

- Upon request – assertion of 'commercial prejudice' sufficient, evidence not required.

Patent Prosecution Highway

- Useful for accelerated issuance of a Canadian based on allowed US claims.
- When coupled with accelerated examination in Canada, useful tool for accelerated issuance of a US patent based on allowed CDN claims.

Declaration of Entitlement

- Due within 15 months of Priority Date
- If the applicant is not the inventor, sets out the basis upon which applicant is entitled to file patent in lieu of the inventor

Small entity status criteria

- Fewer than 50 employees or university
- Must not be under 'control' of large entity, or have transferred the invention by license to large entity
- Risk if claimed incorrectly is invalidity of patent

Our expertise

- Trademark prosecution
- Patent drafting & prosecution
- Industrial Designs
- Intellectual Property litigation
- IP licensing; IP transactions

Contact us for assistance protecting and enforcing intellectual property rights in Canada.