



Innovation, Science and
Economic Development Canada
Canadian Intellectual Property Office

Innovation, Sciences et
Développement économique Canada
Office de la propriété intellectuelle du Canada

Canada

Expedited Examination in Canada

Responsive to SCP/33/4
WIPO SCP 34, Sept 26-30, 2022

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Canadian Intellectual Property Office

Overview

- Canadian Intellectual Property Office (CIPO) and Patents in Canada
- Expedited examination programs
 - Special Order
 - Green Technology
 - Patent Prosecution Highway (PPH)
- Facilitating expedited examination
- Other initiatives to increase efficiency

Canadian Intellectual Property Office

Mandate:

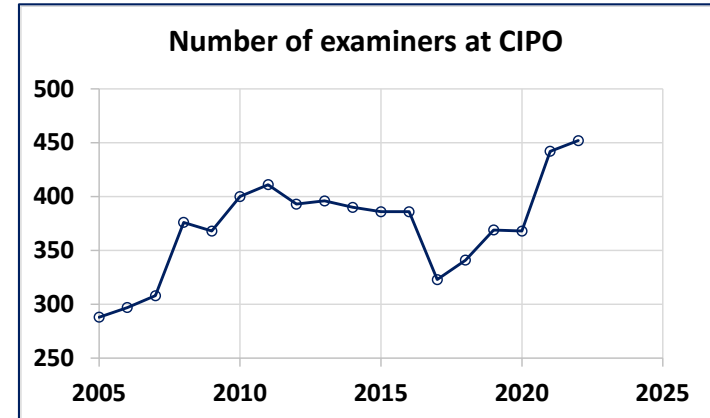
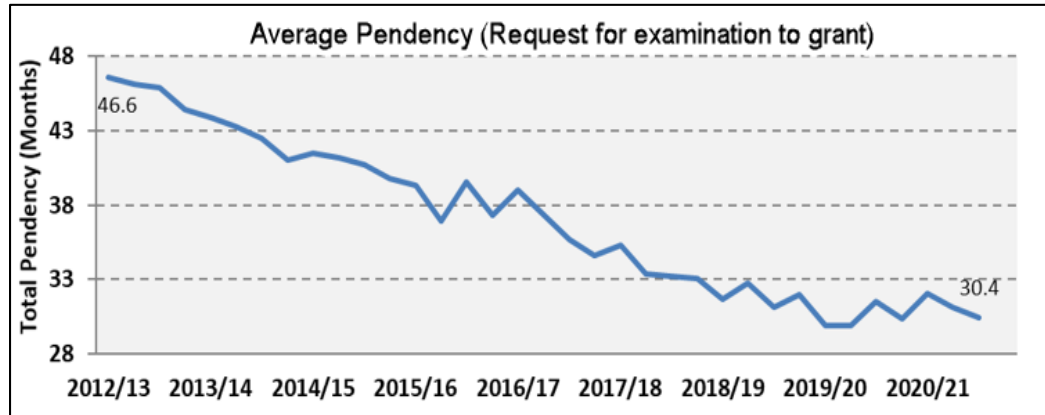
Deliver high quality and timely IP products and services to customers, and to increase awareness, knowledge and effective use of IP by Canadians.

Mission:

- To contribute to Canada's innovation and economic success by:
 - Providing greater certainty in the marketplace through **high-quality and timely IP rights**;
 - Fostering and supporting invention and creativity through **knowledge sharing**;
 - Raising awareness to encourage innovators to better exploit IP;
 - Helping business compete globally through international cooperation and the promotion of Canada's IP interests; and,
 - **Administering** Canada's IP system and office **efficiently and effectively**.

Service standard and performance targets

- Service Standard
 - 1st Action issued within 20 months
- Performance Targets
 - 1st Action issued within 14 months (90% of the time)
 - Subsequent action issued within 5-8 months (90% of the time)



Expedited examination programs

Programs to expedite examination:

- ❑ Advanced examination: “Special Order” (84(1)(a) *Patent Rules*)
 - Requires statement and payment of a fee

- ❑ Green Technology (84(1)(b) *Patent Rules*)
 - Application must be related to technologies that help resolve or mitigate environmental impacts or conserve the natural environment and resources

- ❑ Patent Prosecution Highway (PPH) (30 jurisdictions)
 - Bilateral and multilateral agreements

- ❑ COVID-19 relief (new pilot program in 2020)
 - Application must support the health-related response to COVID-19

“Special Order” at a glance

Goal: allow any person to expedite the process if failure to advance the application is likely to prejudice their rights

Details:

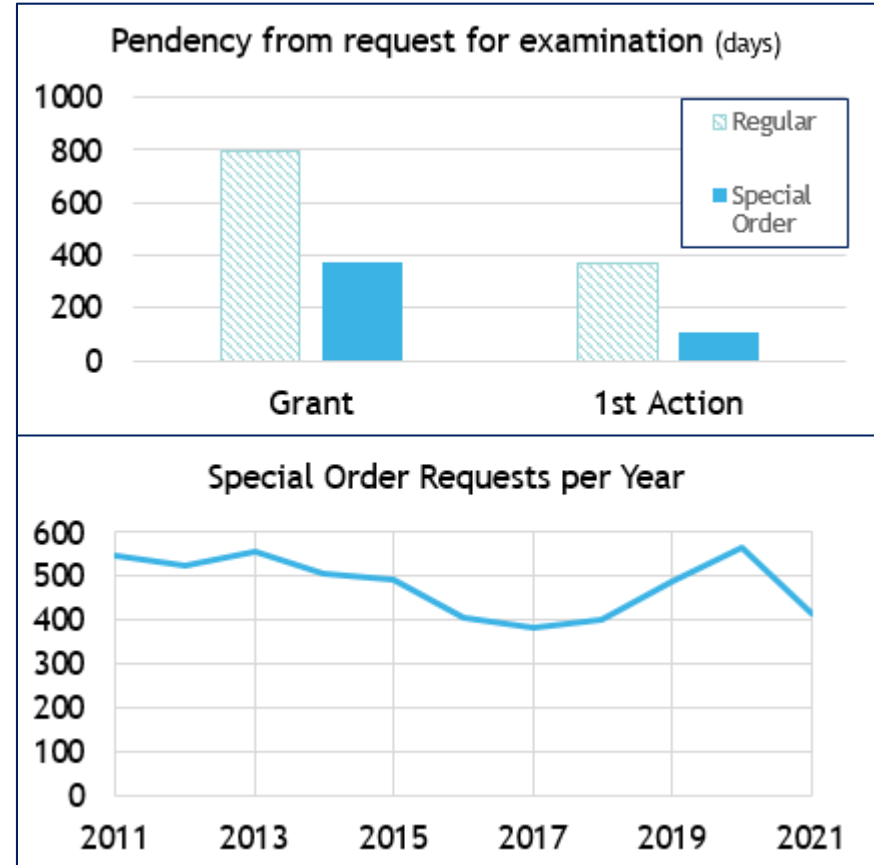
- ❑ Application must be laid open
- ❑ Fee of \$508.98
- ❑ Must pay request for examination fee (\$814.37)
- ❑ Required statement indicating the failure to advance is likely to prejudice rights
- ❑ No caps

Operational considerations:

- Application assigned higher examination priority
- Priority status removed if the applicant requests an extension of time or causes the application to be deemed abandoned

“Special Order” statistics at a glance

- ✓ 1st action: 7 months
(regular service standard: 20 months)
- ✓ Requests: 416 in 2021
- ✓ Grant rate: 85%
(Granted/Disposed 2011-2021; regular 69%)



“Green Technology” at a glance

Goal: advance the examination of applications related to technologies that help resolve or mitigate environmental impacts or conserve the natural environment and resources

Details:

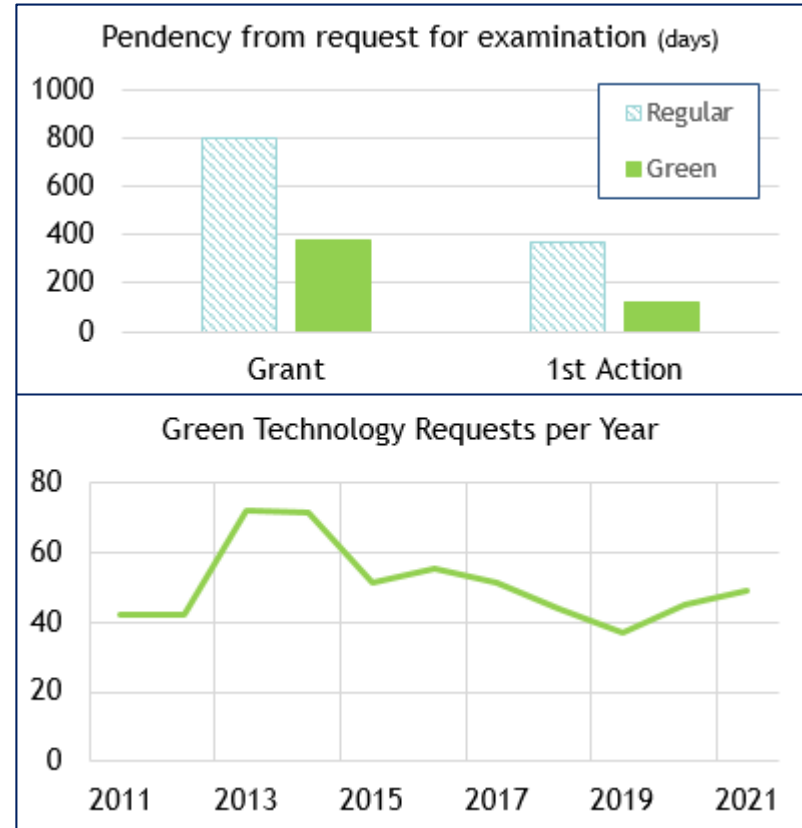
- ❑ Application must be laid open
- ❑ No fee to request advancement
- ❑ Must pay request for examination fee (\$814.37)
- ❑ Required statement that the application relates to green technology
- ❑ No caps

Operational considerations:

- ❑ Application assigned higher examination priority
- ❑ Priority status removed if the applicant requests an extension of time or causes the application to be deemed abandoned

“Green” statistics at a glance

- ✓ 1st action: 3 months
(90% of the time)
- ✓ Requests: 49 in 2021
- ✓ Grant rate: 95%
(Granted/Disposed 2011-2021; regular 69%)



PPH at a glance

Goals: fast track applications that have an indication of allowability in a PPH-partner jurisdiction; reduced duplication of work; increased quality

Details:

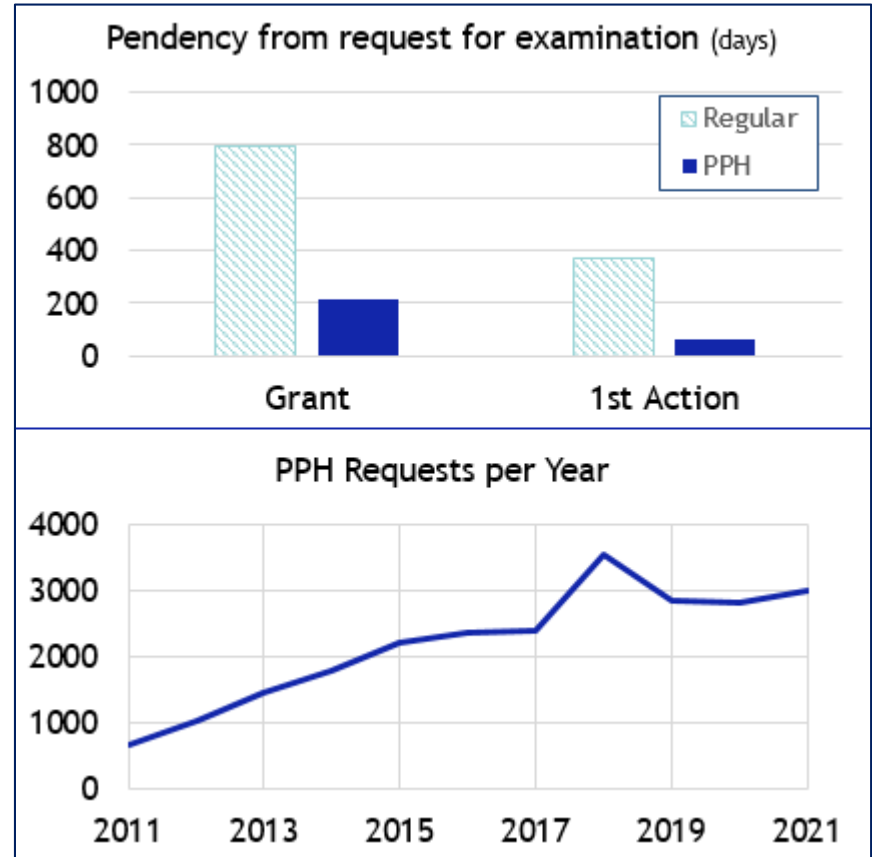
- ❑ Must have requested examination
- ❑ Indication of allowability from Office of Earlier Examination (OEE)
- ❑ Claims sufficiently correspond to the claims indicated as allowable in the OEE
- ❑ Substantive examination in Canada has not begun prior to request
- ❑ No fee to participate in PPH
- ❑ No caps

Operational considerations:

- ❑ Application assigned higher examination priority
- ❑ Examiners must complete a PPH evaluation form

“PPH” statistics at a glance

- ✓ 1st action: 3 months
(90% of the time)
- ✓ Requests: 3,000 in 2021
- ✓ Grant rate: 90%
(Granted/Disposed 2011-2021; regular 69%)



Internal institutional arrangements to facilitate expedited examinations

Facilitating expedited examination and initiatives to increase efficiency

- Prioritising applications:
 - Examination is prioritised and targets vary based on priorities
 - Examiners manage their docket based on priorities and work objectives
 - Managers regularly monitor workloads and timeliness of service delivery
- Efficiencies in processing:
 - All processes are mapped with work instructions (ISO 9001:2015)
 - Continuous review and streamlining of processes
 - Regular reporting and monitoring of workloads and timeliness in both examination and operations
 - Electronic granting of patents launched in 2021 (paperless)

Facilitating expedited examination and initiatives to increase efficiency

- Efficiencies in examination:
 - Pooling of examination work: “Pool Skimmer” program created in-house
 - Semi-automated distribution of work based on examiner’s availability and workload
 - Increased uniformity in timeliness across divisions and sections
 - Worksharing:
 - Use of standard paragraphs for examination reports including to reiterate WO-ISA/IPRP defects when the examiner agrees with the opinions rendered in respect of the international application.
 - Search recording program created in-house to document search and examination history and prepare reports for applicants.

Other initiatives to facilitate expedited examinations

Regulatory initiatives in 2022

- Streamlining patent examination mechanisms coming into force on October 3, 2022.
 - Excess Claims Fees (\$100 for each claim in excess of 20)
 - Examination report limits before a request for continued examination and fee (\$816) are required
 - Conditional Notice of Allowance when only minor defects present

Cooperation with other Offices

- “Vancouver Group” (UK, Australia, Canada)
 - Sharing and collaborating on patent initiatives including application processing, quality, searching and training.
- Patent Prosecution Highway
 - Global PPH and Bilateral agreements with 30 jurisdictions
- WIPO Committees (e.g. PCT, SCP)
- Bilateral MOUs including knowledge sharing
- Interchanges



MERCI - THANK YOU

Useful links:

- [2020-2021 CIPO Annual Report](#)
- [Expedite your patent application](#)
- [Patent Prosecution Highway](#)
- [Client Service Standards and Performance Targets](#)



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