

IP roadmap

Your path to getting a patent grant



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Filing your application

To obtain a filing date, your application must include:

- an indication that the grant of a patent is intended
- identification of the applicant and their contact information
- a description of the invention (in any language)

If you do not submit all filing requirements, CIPO will send you a notice. You have 2 months from the date of the notice to reply before your application will be deemed never to have been filed.

Paying the application fee is not required to receive a filing date.

If you do not pay the application fee when you file, CIPO will send you a notice asking for the application fee and a late fee. You have 3 months from the date of the notice to reply before your application is considered withdrawn.

Do not publicly disclose your invention until you have filed your application with CIPO.



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Filing certificate issued

If your application meets all the filing requirements, CIPO will send you a filing certificate within a few weeks of receiving your application. The certificate will confirm your application number and filing date.



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Checking compliance

CIPO will check that your application includes:

- a petition (a formal request for a patent)
- an abstract (a summary of your invention)
- a claim or claims to the invention
- a statement of entitlement or inventorship
- the appointment of an agent, if the application is filed by someone other than the inventor(s)
- the name and postal address of each inventor
- drawings and a sequence listing, if applicable

If your application is missing required parts, CIPO will send you a notice. You must provide the missing information no later than 3 months after the date of the notice.*



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Paying your maintenance fee

You will need to pay annual maintenance fees starting from the second anniversary of your filing date. These fees keep your patent application or patent in good standing.

If you do not pay your maintenance fee by the due date, CIPO will send you a notice (a late fee will apply). You must respond to this notice within 6 months after the maintenance fee due date or within 2 months after the date of the notice, whichever comes last.*



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Your application is available online

In most cases, CIPO will make your application available to the public online through the Canadian Patents Database 18 months after the earliest priority date or your filing date.



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Requesting an examination

Examination is the process of determining if an application qualifies for a patent. CIPO will only examine your patent application if someone requests it within 4 years of the filing date of your patent application.

If you do not request an examination within this time, CIPO will send you a notice. You will then have 2 months from the date of the notice to request an examination. A late fee will apply.*

Requesting a fast-track examination

CIPO offers 3 ways to expedite an examination:

- accelerated examination under a special order
- accelerated examination under the Patent Prosecution Highway
- accelerated examination for clean technologies

Each of the above has its own request process.



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Responding to the report

You can respond to the examiner's report by making changes to your application or presenting arguments.

You must respond no later than 4 months after the date of the examiner's report. Once your response is received, the examiner has 5 to 9 months to reconsider your application. You may then receive another examination report. Examination is an iterative process.



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Examination and report

A patent examiner will determine if your patent application complies with the *Patent Act* and the *Patent Rules*.

You will receive a report from the examiner about 18 months after the request for examination, or within a few months for fast-tracked applications. The examiner will identify any defects in your application in the examiner's report.



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Allowance or rejection and final action

If your application is approved

CIPO will send you a notice of allowance confirming that you will receive a patent and asking you to pay a final fee within 4 months of receipt.



If your application is rejected

CIPO will send you a final action report explaining why your application was rejected. You will have a last chance to respond and present arguments or propose changes to your application.

Appealing your rejection

If the examiner is still unsatisfied, CIPO will refer your application to the Patent Appeal Board. You may appear before the Board to argue your case. The Board will recommend that your application be allowed, allowed if amended, or refused by the Commissioner of Patents.

If your application is refused at this stage, you may appeal to the Federal Court of Canada within 6 months.

Consider using a registered patent agent

Registered Canadian patent agents are qualified and entitled to act on your behalf with the Canadian Intellectual Property Office (CIPO). You can learn more and find one to help you at Canada.ca/ip-professional.

* If you do not reply to the notice within the indicated time, your application will be deemed abandoned.



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Granting of patent

After approval, upon receipt of your final fee, CIPO will prepare your grant and mail it to you within 6 weeks. The patent gives you the right to exclude others from making, using or selling your invention.