

IP roadmap

Your path to industrial design registration

Direct filing with the Canadian Intellectual Property Office



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Filing

To file with the Canadian Intellectual Property Office (CIPO), your application must include:

- your name and postal address
- the name of the finished article to which the design is applied
- a representation of the design (reproductions or photographs)
- the required examination fee
- the name and address of your agent, if one is appointed
- a descriptive or limiting statement, if required
- an indication of a divisional, if applicable
- a priority claim, if applicable



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Verification

Your application will be verified to ensure that it complies with the filing requirements. If these requirements are not met, CIPO will send you an omission notice.



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Classification

CIPO will classify the design in your application according to the Canadian Classification Standard for Industrial Designs. Classifying the design will allow CIPO to conduct a novelty assessment of the design.

Can I request an accelerated examination?

CIPO will expedite examination upon receipt of a written request and payment of the required fee. If priority documents are submitted, CIPO may conduct a prior art search 6 months from the priority date.

When will my application be processed?

You will be provided with a notice of filing within 20 business days.



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Establishment of the filing date

If the application meets the filing requirements, your application's filing date will be established and CIPO will send you a notice of filing.



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Examination: formal and substantive requirements

An industrial design examiner will review your application to ensure that it complies with the formal and substantive requirements set out in the *Industrial Design Act* and the *Industrial Design Regulations*. This includes a search of prior art to assess the novelty of your design.



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Examination report

If the application does not comply with the Act and the Regulations, CIPO will issue an examination report outlining the objections to registration and required amendments, if any.



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Response

You can respond to the examination report. You can choose to: argue against the objection; amend; withdraw; or, abandon your application.

How much time do I have to respond?

You have 3 months, unless otherwise specified. If required, you can request an extension of time of 6 months to respond to a specific report.

Make sure to request the extension of time before the end of the deadline stated in the report!

Can I delay the registration?

A 30-month delay from the filing date, or earliest priority date if a priority claim is made in the application, can be granted upon receipt of a written request and payment of the required fee.



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Allowance

Once your application is allowed, your design will be registered.



OR



Objection maintained

If your amendments or arguments fail to overcome the objections outlined in the examination reports, CIPO will issue a notice of possible refusal.



You have 3 months from the date on the notice of possible refusal to request a review of the application by the Patent Appeal Board. If no response is received, your application will be considered for refusal.



If your application is refused, you may appeal to the Federal Court of Canada within 30 days.



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Maintaining your exclusive right

You must pay the maintenance fee within 5 years from the date of registration in order to keep the exclusive right to your design for up to 15 years.

If you miss the 5-year deadline, you can maintain your exclusive right by submitting a late payment fee in addition to the prescribed maintenance fee before 6 months have passed from the original 5-year deadline.

For more details, please visit the guide to industrial designs on our web page for industrial designs.



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Registration

Upon registration you will receive:

- a notice of registration
- a copy of the application, including all representations of the design(s)
- a registration details report that summarizes information relevant to the registration
- a notice to proprietors regarding the maintenance of the exclusive right