



# PATENTS

A **patent** is a legal right to prevent others from making, using or selling your invention for up to 20 years in the country or region where your patent is granted.

You can patent products, processes, machines, chemical compositions and improvements or new uses of any of these.

Patents can be very valuable. You can sell them, license them or use them as assets to attract funding from investors.

The **invention** must be:

- **new:** first in the world
- **useful:** solves a problem
- **non-obvious:** to a person skilled in the relevant field

**Note:** Some inventions may not be patented in Canada. For example, a method of performing surgery or a new animal is not a patentable invention.



The patent protects your invention across Canada.



It lasts up to 20 years from the filing date.

## Basic fees

Please see [Canada.ca/IP-fees](http://Canada.ca/IP-fees) for information about the Canadian Intellectual Property Office (CIPO)'s fees.

## DID YOU KNOW?

- 90% of patents are for **improvements** to existing patented inventions.
- CIPO has an **expedited process** to accelerate the examination of patent applications relating to **clean technology**.
- In written form, **computer code** is literary work that has automatic **copyright** protection. However, when a computer program offers a new and inventive solution to a technological problem and modifies how a computer works, the computer-implemented invention may be **patentable**.

## SHOULD I APPLY?

Have you developed a new solution to an existing problem? Would someone else want to purchase or use your invention? Evaluating your creations and identifying your inventions is an important part of your business. You will need to weigh the cost of obtaining a patent alongside the potential financial benefit. This means understanding your product, the target markets and the cost of bringing your product to the market.

If your idea is an improvement on an invention covered by an active patent, you will need to come to an agreement with the owner of the original patent before you can manufacture or market your improvement.



## SECURING A PATENT

In Canada, patents are granted to the first inventor to file an application. It is very important not to advertise or disclose information about your invention before you are ready to file an application. Publicly disclosing your invention before applying for a patent may make it impossible to obtain a valid patent. It will jeopardize the possibility of you receiving similar rights in other countries. If you have disclosed your invention without applying for a patent, move quickly—you have 12 months from disclosure to file!

You should consider filing an application with CIPO as soon as you are able to fully describe your invention, keeping in mind that you will not be able to add anything new to your application once it is filed.

Your exclusive rights can last up to 20 years from the application filing date. The description of your invention will be published 18 months after filing.

You may wish to consider using a registered patent agent to help you with your application.



## SELLING AND LICENSING

Increase your revenue and market share by selling or licensing your patent to industry partners interested in benefitting from it.



## ENFORCING YOUR RIGHTS

Monitor the marketplace for any unauthorized use of your patented item. Enforcement is the responsibility of the patent owner.

