



# PATENTS

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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:

- 1 **New** – first in the world
- 2 **Useful** – solves a problem
- 3 **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 are not patentable inventions.

 Starts at \$200 to apply

 Protects your invention across Canada

 Lasts up to 20 years from the filing date

## CIPO basic fees

	Small entity*	Standard
Filing fee	\$200	\$400
Examination fee	\$400	\$800
Final fee (for up to 100 pages)	\$150	\$300
Annual maintenance fees	\$50–225	\$100–450

Please visit CIPO's website for a detailed fee schedule.

\*An individual, an entity with 50 or fewer employees or a university.

## DID YOU KNOW?

- 90% of patents are for **improvements** to existing patented inventions.
- The Canadian Intellectual Property Office (CIPO) has an **expedited process** to accelerate the examination of patent applications relating to **green technology**.
- **Software** is considered a literary work and cannot generally be protected with a patent. Contact CIPO for more information on software-related patents.

## 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 financial benefit you could achieve. 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, a patent is granted to the first applicant to file an application on an invention. It is very important not to advertise or disclose information about your invention before you are ready to file an application. Public disclosure of 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 run up to 20 years from the application filing date. The description of your invention will be published 18 months after you file.

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 your invention.



## ENFORCING YOUR RIGHTS

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

For more information on patents, please go to [Canada.ca/patents](http://Canada.ca/patents) or contact our Client Service Centre at 1-866-997-1936.