CANADIAN INTELLECTUAL PROPERTY OFFICE

AS

DESIGNATED (OR ELECTED) OFFICE

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List of abbreviations:
Office: Canadian Intellectual Property Office
CPA: Canadian Patent Act
CPR: Canadian Patent Rules
## Designated (or elected) Office

### CA CANADIAN INTELLECTUAL PROPERTY OFFICE

Summary of requirements for entry into the national phase

<table>
<thead>
<tr>
<th>Requirement</th>
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</tr>
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</table>
| **Time limits applicable for entry into the national phase:** | Under PCT Article 22(1): 30 months from the priority date\(^1\)  
Under PCT Article 39(1)(a): 30 months from the priority date\(^1\) |
| **Translation of international application required into:** | English or French |
| **Required contents of the translation for entry into the national phase:** | Under PCT Article 22: Description, claims (if amended, as amended only, together with any statement under PCT Article 19), any text matter of drawings, abstract  
Under PCT Article 39(1): Description, claims, any text matter of drawings, abstract (if any of those parts has been amended, only as amended by the annexes to the international preliminary examination report) |
| **Is a copy of the international application required?** | No |
| **National fee:** | Currency: Canadian dollar (CAD)  
Basic national fee: \(^2\) CAD 400 (200)\(^3\)  
Additional fee for late entry into the national phase: CAD 200  
Maintenance fee in respect of each one-year period due at the time of entry into the national phase where that entry is effected on or after the 2\(^{nd}\) or possibly 3\(^{rd}\) anniversary of the international filing date: \(^4\) CAD 100 (50)\(^3\)  
Examination fee: CAD 800 (400)\(^3\) |
| **Exemptions, reductions or refunds of the national fee:** | The examination fee is reduced by 75% where the international search report has been established by the Canadian Intellectual Property Office. |

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\(^1\) 42 months from the priority date provided the applicant pays the additional fee for late entry into the national phase.  
\(^2\) Must be furnished or paid within the time limit applicable under PCT Article 22 or 39(1).  
\(^3\) The amount in parentheses is applicable only if the applicant is entitled to pay certain fees at the “small entity” rate. In order to be entitled to pay the reduced fee, a signed “small entity” declaration compliant with section 3.01 of the Canadian Patent Rules must, within the applicable time limit set out in subsection 3(9), (5) or (7) of the Canadian Patent Rules, be made by the applicant or the agent on the applicant’s behalf (the declaration shall preferably follow the form of the declaration set out in section 7 of Form 3 of the Canadian Patent Rules and the PCT Applicant’s Guide, National Phase, Annex CA.II).  
\(^4\) Where PCT Article 22 or 39(1) applies, this fee is due within 24 months from the international filing date or within 30 months from the priority date if that time limit expires later or, provided the applicant pays the additional fee for late entry into the national phase, within 42 months from the priority date.
### SUMMARY

**Designated (or elected) Office**

**CA CANADIAN INTELLECTUAL PROPERTY OFFICE**

*(Continued)*

<table>
<thead>
<tr>
<th>Special requirements of the Office (PCT Rule 51bis):(^5)</th>
<th>If the applicant does not reside or carry out business in Canada, an appointment as a representative for service of a person or firm residing or carrying on business at a specified address in Canada.</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>If the applicant is not the inventor, either a declaration that the applicant is the legal representative of the inventor or a declaration as to the applicant’s entitlement to apply for and be granted a patent in accordance with PCT Rule 4.17.</td>
</tr>
<tr>
<td></td>
<td>If the applicant is not the applicant originally indicated in the international application, evidence that the applicant is the legal representative of the originally identified applicant.</td>
</tr>
<tr>
<td></td>
<td>Appointment of an agent if the applicant is not the inventor.</td>
</tr>
<tr>
<td></td>
<td>If the appointed agent does not reside in Canada, the appointment by the agent of an agent who resides in Canada to be the associate agent.</td>
</tr>
</tbody>
</table>

| Who can act as agent? | Any person or firm whose name is entered on the Canadian register of patent agents |

| Does the Office accept requests for restoration of the right of priority (PCT Rule 49ter.2)? | No |

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\(^5\) Where PCT Article 22 or 39(1) applies, if not complied with within 36 months from the priority date or, provided that the applicant pays the additional fee for late entry into the national phase, if not complied with within six months after the applicant has performed the acts necessary for entry into the national phase, the application will be deemed abandoned.

(10 December 2013)
THE PROCEDURE IN THE NATIONAL PHASE

CA.01  FORM FOR ENTERING THE NATIONAL PHASE.  The Office has available a form for entering the national phase (see Annex CA.II). This form should preferably (but need not) be used.

CA.02  TRANSLATION (CORRECTION).  Errors in the translation of the international application can be corrected with reference to the text of the international application as filed (see National Phase, paragraphs 6.002 and 6.003).

CA.03  LANGUAGE OF PROCEEDINGS.  The language of correspondence is either English or French at the choice of the applicant, irrespective of the language of the international application or its translation.

CA.04  FEE REDUCTION FOR “SMALL ENTITY.”  PCT applicants that qualify as a “small entity” under section 3.01 of the Canadian Patent Rules (see definition in Annex CA.III) are entitled to pay certain fees at a reduced rate. In order to be entitled to benefit from the “small entity” fee schedule, a signed “small entity” declaration must be submitted in accordance with section 3.01 of the Canadian Patent Rules within the applicable time limit set out in section 3. Paragraph 5 of the special form referred to in paragraph CA.01 (see Annex CA.II) indicates the kind of statement to be made in order to pay certain fees at the “small entity” rate.

CA.05  FEES (MANNER OF PAYMENT).  The manner of payment of the fees indicated in the Summary and in this Chapter is outlined in Annex CA.I.

CA.06  APPOINTMENT OF AGENT.  An agent may be appointed either by submitting to the Commissioner a notice signed by the applicant or as part of the special form referred to in paragraph CA.01 (see Annex CA.II). Where the appointed agent does not reside in Canada, the agent shall appoint, as associate agent, a patent agent who resides in Canada either by submitting to the Commissioner a notice signed by the patent agent who appointed the associate patent agent or as part of the special form referred to in paragraph CA.01 (see Annex CA.II).

CA.07  ADDRESS FOR SERVICE.  An applicant who does not reside or carry on business at a specified address in Canada is required to appoint a person or firm residing or carrying on business at a specified address in Canada to be the representative of the applicant (see paragraph 3 of the special form referred to in paragraph CA.01 and given in Annex CA.II).

CA.08  MAINTENANCE FEES.  Maintenance fee payments are due on or before each anniversary of the international filing date, starting with the second anniversary. Where the applicant fails to pay by the due date, payment may still be made, together with a request for reinstatement and reinstatement fee (for an application) or an additional fee for late payment (for a patent), within 12 months following the due date. It is to be noted that, where the 30-month time limit under PCT Article 22 or 39(1) and Section 58(3)(a) of the Canadian Patent Rules applies, or where the 42-month time limit under PCT Article 22 or 39(1) and Section 58(3)(b) applies, a maintenance fee which is or maintenance fees which are due at an earlier date can be paid without a surcharge up to the expiry of the 30-month time limit or 42-month time limit, respectively. The maintenance fees can be paid yearly or for any number of years in advance. The amount of the maintenance fees is indicated in Annex CA.I.

CA.09  REQUEST FOR EXAMINATION.  A patent will be granted only after examination as to patentability which may be requested by the applicant or by a third party. There is no special form for the request.
CA.10  **TIME LIMIT FOR REQUESTING EXAMINATION.** Examination must be requested within five years from the international filing date. If the request for examination is not received within that period, the application becomes abandoned. It may be reinstated within 12 months of abandonment on payment of the fee for requesting examination together with the request for reinstatement and the reinstatement fee. The amounts of both fees are indicated in Annex CA.I.

CA.11  **FEE FOR REQUESTING EXAMINATION.** The request for examination is effective only if the fee for requesting examination has been paid. The amount of the fee is indicated in Annex CA.I.

CA.12  **FEE FOR GRANT.** A “final fee” and a fee for each page of specification and drawings in excess of 100 pages must be paid within six months after the date of the notice of allowance of patent. The amounts of the fees are indicated in Annex CA.I.

CA.13  **AMENDMENT OF THE APPLICATION; TIME LIMITS.** Amendments may be made in the national phase:

(i) up to allowance of the application either on the applicant’s own volition or in response to an action by the examiner, provided that no new matter is introduced into the disclosure of the invention;

(ii) after allowance, amendments may be made before payment of the final fee but only where no further search by the examiner would be required.

CA.14  **REVIEW UNDER ARTICLE 25 OF THE PCT.** The applicable procedure is outlined in paragraphs 6.018 to 6.021 of the National Phase. If, upon review under PCT Article 25, the Office denies an error or omission on the part of the receiving Office or the International Bureau, an appeal against this decision may be lodged with the Federal Court.

CA.15  **EXCUSE OF DELAYS IN MEETING TIME LIMITS.** Reference is made to paragraphs 6.022 to 6.027 of the National Phase.

CA.16  Reinstatement may be requested where the applicant failed to comply with a time limit before the Office. A request for reinstatement must be made within 12 months of the expiry of the time limit (see the following paragraphs) and the applicant must complete the omitted act and pay the reinstatement fee (indicated in Annex CA.I).

CA.17  In the case of failure to comply with the time limit applicable under PCT Article 22 or 39(1) for entering the national phase, the applicant may comply by paying the additional fee for late payment within 12 months of the time limit.

CA.18  In the case of failure to comply with the time limits before the Office, other than the time limit applicable under PCT Article 22 or 39(1) for entering the national phase (see paragraph CA.17, above), reinstatement may be requested before the expiry of 12 months after the time limit.

CA.19  Subject to certain exceptions, including time limits for payment of application and patent maintenance fees and for requests for examination, extension of a time limit may be requested provided the time limit is prescribed by the Patent Rules or fixed by the Commissioner. An extension of time may be requested before the expiry of the time limit and on payment of a fee (the amount of which is indicated in Annex CA.I). The request must satisfy the Commissioner that the circumstances justify the extension.
FEES

(Currency: Canadian dollar)

Basic national fee:
(a) small entity fee .............................................................. 200
(b) standard fee ............................................................... 400

Reinstatement fee .............................................................. 200

Additional fee for late payment .............................................. 200

On requesting an extension of time under Section 26 or 27 of the Patent Rules .............................................. 200

Maintenance fees:
on or before each of the 2nd, 3rd, and 4th anniversary of the international filing date:
(a) small entity fee .............................................................. 50
(b) standard fee ............................................................... 100

on or before each of the 5th, 6th, 7th, 8th and 9th anniversary of the international filing date:
(a) small entity fee .............................................................. 100
(b) standard fee ............................................................... 200

on or before each of the 10th, 11th, 12th, 13th and 14th anniversary of the international filing date:
(a) small entity fee .............................................................. 125
(b) standard fee ............................................................... 250

on or before each of the 15th, 16th, 17th, 18th and 19th anniversary of the international filing date:
(a) small entity fee .............................................................. 225
(b) standard fee ............................................................... 450

Fee for requesting examination of an application:
(a) if the application has been the subject of international search by the Commissioner:
   (i) small entity fee ............................................................. 100
   (ii) standard fee ............................................................. 200
(b) except if paragraph (a) applies:
   (i) small entity fee ............................................................. 400
   (ii) standard fee ............................................................. 800

Final fee:
(a) small entity fee .............................................................. 150
(b) standard fee ............................................................... 300

plus for each page of specification and drawings in excess of 100 pages .................................................. 6

How can payment of fees be effected?

The payment of fees must be effected in Canadian dollars. All payments must indicate the national application number if it is known (otherwise the international application number may be used), the name of the applicant and the category of fee being paid.

Fees may be paid by any of the following means: by credit card; by cheque/money order; by debit to a client deposit account held by the Office; by bank or wire transfer; or by cash or debit card (in person CIPO headquarters only). All fees, including those for bank or wire transfers, must be made payable to the Receiver General of Canada.

(12 December 2013)
For bank or wire transfers, the following information is required to transfer funds to the Canadian Intellectual Property Office’s account:

Banking institution: Bank of Nova Scotia
Toronto Business Services Centre
40 King Street West
Toronto, Ontario
Canada, M5H 1H1

SWIFT: NOSCCATT
Institution number: 002
Transit number: 47696
Beneficiary name: INDUSTRY CANADA - CIPO
Beneficiary account number: 47696123817
Field description: Authorization number: 033-22846

Please note that in order to avoid processing delays, we suggest that you include the following information with your bank transfer:

Contact information: name and telephone number of contact person
Identification number: deposit account number / your file number
Request: replenishment / type of service

Moreover, in order to help us identify the services required, please e-mail (cipo.finance.opic@ic.gc.ca) or fax (819-994-0357) us the date of the bank transfer and a printout of your receipt.

Please note that you are responsible for any transaction fees charged by your banking institution. If you fail to take this into account, and the fees are deducted from the amount sent, we will need to contact you in order to obtain the difference and obtain the exact amount required for the requested service. Fees are only considered to be paid when the full amount of the fee has been received by the Canadian Intellectual Property Office and the deduction of transaction fees from the amount sent could result in the required fee not having been paid by the due date.
PCT/CA

Form for request of Entry into National Phase under
Article 22/Article 39 of the Patent Cooperation Treaty

IN THE MATTER OF PCT International Application

1. The applicant, ____________________________ , whose complete address is ___________________ , requests commencement of national phase procedures consequent to the designation of Canada, and requests the grant of a patent for an invention, which is described and claimed in the accompanying international application no. ________________________________ filed ___________________________ (date).

2. (1) The applicant is the sole inventor.

(2) The applicant is entitled to apply for and be granted a patent by virtue of the following:

(i) ____________________________ (name) of ___________________ (complete address) is the inventor of the subject matter for which protection is sought by way of this application,

(ii) ____________________________ (name) [is] [was] entitled as employer of the inventor, ________________________________ (inventor’s name),

(iii) an agreement between ____________________________ (name) and ____________________________ (name), dated ________________________________ ,

(iv) an assignment from ____________________________ (name) to ____________________________ (name), dated ________________________________ ,

(v) consent from ____________________________ (name) in favour of ____________________________ (name), dated ________________________________ ,

(vi) a court order issued by ____________________________ (name of court), effecting a transfer from ____________________________ (name) to ____________________________ (name), dated ________________________________ ,

(vii) transfer of entitlement from ____________________________ (name) to ____________________________ (name) by way of ____________________________ (specify kind of transfer), dated ________________________________ ,

(viii) the applicant’s name changed from ____________________________ (name) to ____________________________ (name) on ________________________________ (date).
3. The applicant appoints _______________________________________________ , whose complete address in Canada is _____________________________________________________________________________, as the applicant’s representative in Canada, pursuant to section 29 of the Patent Act.

4. The applicant appoints _______________________________________________ , whose complete address in Canada is _____________________________________________________________________________, as the applicant’s patent agent.

5. The applicant believes that in accordance with the Canadian Patent Rules, they are entitled to pay fees at the small entity rate in respect of this application and in respect of any patent issued on the basis of this application.

SIGNED at __________________________ (city or town) this _____________________ day of ____________________________________, in the year ____________.

_____________________________________________
Signature

____________________________

Note:
Item 1 requires that the names and addresses be presented in the following order with a clearly visible separation between the various elements: family name (in capital letters), given name(s), initials, or firm name, street name and number, city, province or state, postal code, telephone number, fax number and country.

Item 2 should be worded as above with such inclusion, omission, repetition and re-ordering of the matters listed as items 2 (2)(i) to (viii) as is necessary to explain the applicant’s entitlement. Item numbers need not be included.

Item 2 should be omitted if the applicant provided a declaration of entitlement with the Request Form (PCT/RO/101 - Box No. VIII (ii)).

Items 3 and 4 should be omitted if applicant resides in Canada and intends to prosecute the application without an agent.

Item 4 should be omitted if the applicant is the inventor, does not reside in Canada, and intends to prosecute the application without an agent.

Item 5 should be omitted if applicant is not entitled to benefit from the small entity fee schedule.

Applicants who wish to add or correct a priority claim must fill out form PCT/IB/318.
Applicants who wish to withdraw a priority claim must fill out form PCT/IB/317.
DEFINITION OF “SMALL ENTITY”

The definition of “small entity” is provided in subsection 3.01(3) of the Patent Rules.

The definition is as follows:

“small entity”, in respect of an invention, means an entity that employs 50 or fewer employees or that is a university, but does not include an entity that

(a) is controlled directly or indirectly by an entity, other than a university, that employs more than 50 employees; or

(b) has transferred or licensed or has an obligation, other than a contingent obligation, to transfer or license any right in the invention to an entity, other than a university, that employs more than 50 employees.