

WIPO SCP/32 – Interventions from Canada

Agenda item 4 – Report on the international patent system: Certain aspects of national/regional patent laws

Thank you, Chair.

Canada would like to take this opportunity to notify the SCP of several recent developments in Canada's domestic patent system. First, on March 25, 2020, Canada amended its *Patent Act* to require the Commissioner of Patents, on the application of the Minister of Health, to authorize the Government of Canada or another specified person to make, construct, use and sell a patented invention to the extent necessary to respond to the COVID-19 pandemic. These amendments included safeguards to protect the interests of patent holders, for example, ensuring that a patent holder received adequate remuneration for the making, using, constructing, and selling of the patented invention, placing limitations on the duration of the authorization, and ensuring that the patent owner had recourse to the courts if any person authorized acted outside the scope of the authorization. We report that no authorizations have been issued pursuant to this amendment, and the powers to seek authorization for third-party manufacturers were in place until September 30, 2020, as set out in the original March 25, 2020 amendments.

Also with respect to COVID-19, the Canadian Intellectual Property Office (CIPO) has launched a pilot program on accelerated examination of patent applications for inventions related to medical products and processes supporting the response to COVID-19. Applicants can submit a request for accelerated patent examination, at no additional cost, provided that they have a new or existing patent application for an invention that supports the health-related response to COVID-19, and they qualify as a small entity, which is a university or a business employing 50 or fewer employees.

Thank you.