

Chapter 25

Tariff of Fees (effective July 26, 2004)

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Chapter 25 **Tariff of Fees (effective July 26, 2004)**

25.00 Introduction

This chapter sets forth the various fees to be collected by the Patent Office for services rendered to its clients. The general provision for the charging of fees for service is section 12(1)(e), (f) and (g) of the *Patent Act* and section 3 of the *Patent Rules*. The fees are specified in Schedule II (Section 3) of the *Patent Rules*.

The fees are listed in the following Sections.

25.00.01 Transitional provisions (effective January 1st, 2004)

Maintenance fees paid before January 1, 2004, are paid according to the tariff of fees listed as items 30 to 32 of Schedule II of the *Patent Rules* as they read immediately before January 1, 2004. Maintenance fees paid after January 1, 2004, are paid according to the tariff of fees listed as items 30 to 32 of Schedule II of the *Patent Rules* as in force on January 1, 2004 (section 24 of the Transitional Provisions of the *Rules Amending the Patent Rules* SOR/2003-208).

For patent application deemed to be abandoned for failure to pay a prescribed fee before January 1, 2004, the amount of the fee that must be paid for the purposes of paragraph 73(3)(b) of the *Patent Act* to reinstate the application is the amount set out in Schedule II of the *Patent Rules* as they read on the date of abandonment (section 25 of the Transitional Provisions of the *Rules Amending the Patent Rules* SOR/2003-208).

For patent application filed on or after October 1, 1989, when a notice of allowance, pursuant to subsection 30(1) or 30(5) of the *Patent Rules*, is sent before January 1, 2004, the amount of the final fee that must be paid is set out in item 6(a) of Schedule II of the *Patent Rules* as they read immediately before January 1, 2004 (section 26 of the Transitional Provisions of the *Rules Amending the Patent Rules* SOR/2003-208).

25.01 Part I of Schedule II (Section 3) of the *Patent Rules* - Applications

Item	Service for which fees are charged or will be charged	Fee
Item 1	On filing an application under subsection 27(2) of the <i>Patent Act</i>	\$200 (Small entity) \$400 (Large entity)
Item 2	On completing an application under subsection 94(1) of the <i>Patent Rules</i> or on avoiding a deemed abandonment under subsection 148(1) of the <i>Patent Rules</i>	\$200
Item 3	On requesting examination of an application under subsection 35(1) of the <i>Patent Act</i> (a) if the application has been the subject of an international search by the Commissioner (b) except if paragraph (a) applies	\$100 (Small entity) \$200 (Large entity) \$400 (Small entity) \$800 (Large entity)
Item 4	On requesting the advance of an application for examination under section 28 of the <i>Patent Rules</i>	\$500
Item 5	On filing an amendment under subsection 32(1) of the <i>Patent Rules</i> , after a notice is sent pursuant to subsection 30(1) or (5) of the <i>Patent Rules</i>	\$400
Item 5	On filing an amendment under subsection 32(1) of the <i>Patent Rules</i> , after a notice is sent pursuant to subsection 30(1) or (5) of the <i>Patent Rules</i>	\$400
Item 6	Final fee under subsection 30(1) or (5) of the <i>Patent Rules</i> (a) For applications filed on or after October 1, 1989: (i) basic fee (ii) plus, for each page of specification and drawings in excess of 100 pages (b) For applications filed before October 1, 1989: (i) basic fee (ii) plus, for each page of specification and drawings in excess of 100 pages	\$150 (Small entity) \$300 (Large entity) \$6 \$350 (Small entity) \$700 (Large entity) \$4
Item 7	On requesting reinstatement of an abandoned application	\$200
Item 8	On applying for restoration of a forfeited application under subsection 73(2) of the <i>Patent Act</i> as it read immediately before October 1, 1989	\$200

**25.02 Part II of Schedule II (Section 3) of the *Patent Rules* -
International Applications**

Item	Service for which fees are charged or will be charged	Fee
Item 9	Transmittal fee under Rule 14 of the Regulations under the PCT	\$300
Item 9.1	Search fee under Rule 16 of the Regulations under the PCT	\$1,600
Item 9.2	Additional fee under Rule 40 of the Regulations under the PCT	\$1,600
Item 9.3	Preliminary examination fee under Rule 58 of the Regulations under the PCT	\$800
Item 9.4	Additional fee under Rule 68 of the Regulations under the PCT	\$800
Item 10	Basic national fee under paragraph 58(1)(c) of the <i>Patent Rules</i>	\$200 (Small entity) \$400 (Large entity)
Item 11	Additional fee for late payment under subsection 58(3) of the <i>Patent Rules</i>	\$200

25.03 Part III of Schedule II (Section 3) of the *Patent Rules* - Patents

Item	Service for which fees are charged or will be charged	Fee
Item 12	On filing an application to reissue a patent under section 47 of the <i>Patent Act</i>	\$1,600
Item 13	On making a disclaimer to a patent under s.48 of the <i>Patent Act</i> , or of the <i>Patent Act</i> as it read immediately before October 1, 1989	\$100
Item 14	On requesting re-examination of a claim or claims in a patent under subsection 48.1(1) of the <i>Patent Act</i>	\$1,000 (Small entity) \$2,000 (Large entity)
Item 15	On requesting registration of a judgment under section 62 of the <i>Patent Act</i> , or of the <i>Patent Act</i> as it read immediately before October 1, 1989	\$50
Item 16	On presenting an application to the Commissioner under subsection 65(1) of the <i>Patent Act</i> .	
	(a) for the first patent to which the application relates	\$2,500
	(b) for each additional patent to which the application relates	\$250
Item 17	On requesting an advertisement of an application under subsection 65(1) of the <i>Patent Act</i> in the <i>Patent Office Record</i> in accordance with subsection 68(2) of the <i>Patent Act</i>	\$200
Item 18	On requesting publication in the <i>Patent Office Record</i> of a notice listing the patent numbers of patents available for license or sale, other than at the time of issuance of the patent, for each patent number listed	\$20

25.04 Part IV of Schedule II (Section 3) of the *Patent Rules* - General

Item	Service for which fees are charged or will be charged	Fee
Item 19	On requesting correction of a clerical error under section 8 of the <i>Patent Act</i> , or of the <i>Patent Act</i> as it read immediately before October 1, 1989	\$200
Item 20	On giving notice to the Commissioner of a new representative or a change in address, or on supplying a new and correct address under subsection 29(3) of the <i>Patent Act</i> , or of the <i>Patent Act</i> as it read immediately after October 1, 1989	N/A (Repeal)
Item 21	On requesting registration of a document under section 49 or 50 of the <i>Patent Act</i> , or of the <i>Patent Act</i> as it read immediately before October 1, 1989, or under section 37, 38, 39 or 42 of the <i>Patent Rules</i> , for each patent or application to which the document relates	\$100
Item 22	On applying for an extension of time under subsection 26 or 27 of the <i>Patent Rules</i>	\$200
Item 22.1	Late payment fee under subsection 3.1(1) of the <i>Patent Rules</i>	Greater of 50\$ and 50% of the amount of the fee that has not been paid

25.05 Part V of Schedule II (Section 3) of the *Patent Rules* - Information and copies

Item	Service for which fees are charged or will be charged	Fee
Item 23	On requesting information respecting a pending application under section 11 of the <i>Patent Act</i>	\$100
Item 24	On requesting information on whether a patent has issued, on the basis of an application filed in Canada and identified by a serial number	\$20
Item 25	On requesting a copy of a document, for each page	
	(a) if the person requesting makes the copy using Patent Office equipment	\$0.50
	(b) if the Patent Office makes a copy	\$1.00
Item 25.1	On requesting a copy in electronic form of a document,	
	(a) for each request	\$10
	(b) plus, for each patent or application to which the request relates	\$10
	(c) plus, if the copy is requested on a physical medium, for each physical medium requested in addition to the first	\$10
	(d) plus, for each additional 10 megabytes or part of them exceeding 7 megabytes	\$10
Item 26	On requesting a certified copy of a document:	
	(a) for each certification	\$35
	(b) plus, for each page	\$1
Item 26.1	On requesting a certified copy in electronic form of a document	
	(a) for each certification	\$35
	(b) plus, for each patent or application to which the request relates	\$10
	(c) plus, for each additional 10 megabytes or part of them exceeding 7 megabytes	\$10
Item 27	On requesting that the Patent Office provide information concerning the status of a patent application or patent, for each application or patent	\$15
	On requesting a copy of a Canadian patent identified by any of serial numbers 1 to 445,930	(Repeal, included in item 25)
Item 28	On requesting a copy of an audio magnetic tape	\$50
Item 29	On requesting a transcript of an audio magnetic tape, for each page in the transcript	\$50

25.06 Part VI of Schedule II (Section 3) of the *Patent Rules* - Maintenance Fees

Item	Service for which fees are charged or will be charged	Fee
Item 30	For maintaining an application filed on or after October 1, 1989 in effect, under ss.99 and 154 of the <i>Patent Rules</i>	Large entity Yr 2-4 - \$100 Yr 5-9 - \$200 Yr 10-14 - \$250 Yr 15-19 - \$450 (Small entity 50% of large entity)
Item 31	For maintaining the rights accorded by a patent issued on the basis of an application filed on or after October 1, 1989, under sections 100, 101, 155 and 156 of the <i>Patent Rules</i>	Large entity Yr 2-4 - \$100 Yr 5-9 - \$200 Yr 10-14 - \$250 Yr 15-19 - \$450 (Small entity 50% of large entity) Large entity including an additional fee for late payment Yr 2-4 - \$300 Yr 5-9 - \$400 Yr 10-14 - \$450 Yr 15-19 - \$650 (Small entity 50% of the applicable maintenance fee for a large entity plus \$200 for the late payment)
Item 32	For maintaining the rights accorded by a patent issued on or after October 1, 1989 on the basis of an application filed before that date, under subsections 182(1) and (3) of the <i>Patent Rules</i>	Large entity Yr 2-4 - \$100 Yr 5-9 - \$200 Yr 10-14 - \$250 Yr 15-19 - \$450 (Small entity 50% of large entity) Large entity including an additional fee for late payment Yr 2-4 - \$300 Yr 5-9 - \$400 Yr 10-14 - \$450 Yr 15-19 - \$650 (Small entity 50% of the applicable maintenance fee for a large entity plus \$200 for the late payment)

25.07 Part VII of Schedule II (Section 3) of the *Patent Rules* - Patent Agents

Item	Service for which fees are charged or will be charged	Fee
Item 33	On applying for entry on the register of patent agents under section 15 of the <i>Patent Rules</i>	\$350
Item 34	On notifying the Commissioner pursuant to subsection 14(2) of the <i>Patent Rules</i> , of a proposal to sit for the whole or any part of the qualifying examination, per paper	\$200 per paper for a maximum of 4 papers
Item 35	For maintaining the name of a patent agent on the register of patent agents pursuant to paragraph 16(1)(a) of the <i>Patent Rules</i>	\$350
Item 36	On applying to the Commissioner for reinstatement on the register of patent agents under section 17 of the <i>Patent Rules</i>	\$200