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du Canada

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Canadian  
Intellectual Property  
Office

An Agency of  
Industry Canada

# Think Imagine Create

## The ABCs of the Patent

David Boudreau P.Eng.

Patent Examiner

May 13, 2006



Canada



# Your lecturer!

- Honours BSc in Biochemistry (Biotechnology)
- BASc in Chemical Engineering (Biotechnology)
  
- 3 years as Process Engineer at i-STAT
- 2½ years as Patent Examiner at CIPO



# Overview of the presentation

- **Canadian Intellectual Property Office (CIPO)**
  - CIPO's mandate
  - Types of IP
- **The patent**
  - Definition of invention
  - Definition and utility of a patent
  - Patentability criteria
  - Role of the Patent Examiner

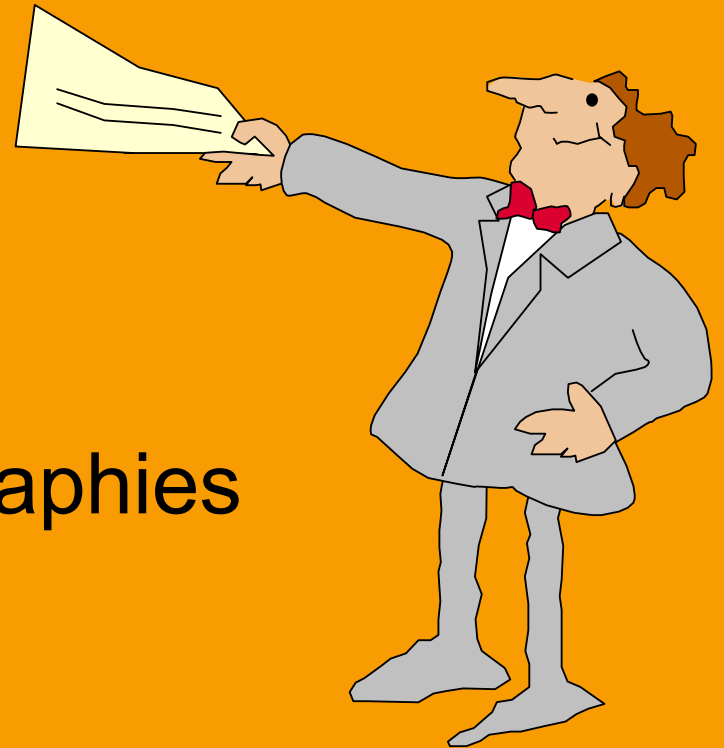


# CIPO's mandate

- The Canadian Intellectual Property Office (CIPO) is responsible for:
  - granting and registering intellectual property (IP) rights in Canada;
  - ensuring that the information acquired, in exchange for such rights, is made available to the public.

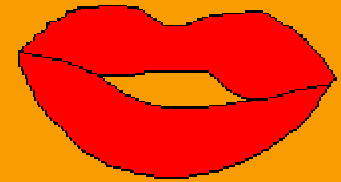
# Types of IP

- Patents
- Trade-marks
- Copyrights
- Industrial designs
- Integrated circuit topographies
- Plant breeders' rights



# Definition of invention

- An invention is any new and useful:
  - **manufacture** (lipstick);
  - **process** (a method for making lipstick);
  - **machine** (an apparatus for making lipstick);
  - **composition of matter** (the chemical composition of lipstick);or
  - any new and useful **improvement of the above.**

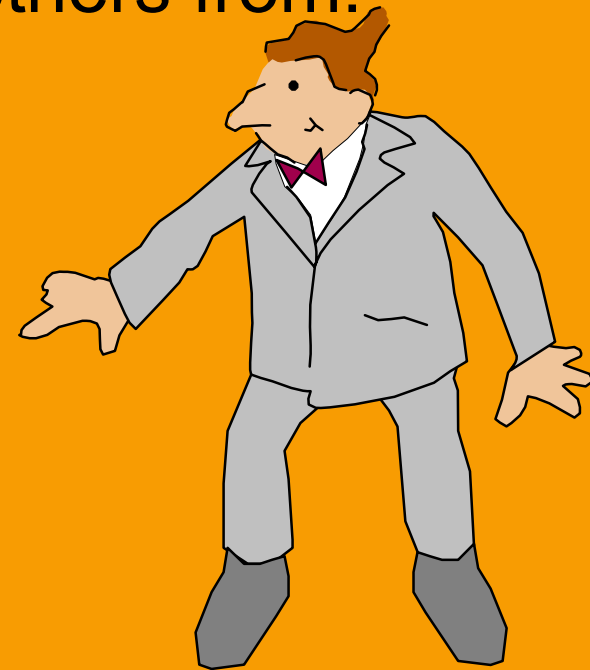


# Definition of invention

- **90%** of patents are for improvements to existing patented inventions.

# Definition of patent

- A patent **protects** inventors by giving them the **exclusive right** to exclude others from:
  - making;
  - using; or
  - selling their **invention**.



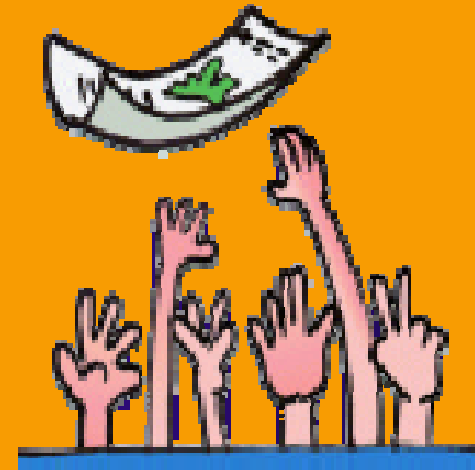


# Definition of patent

- Protection for a maximum period of 20 years from the date on which the patent application is filed.



**20**  
**YEARS**



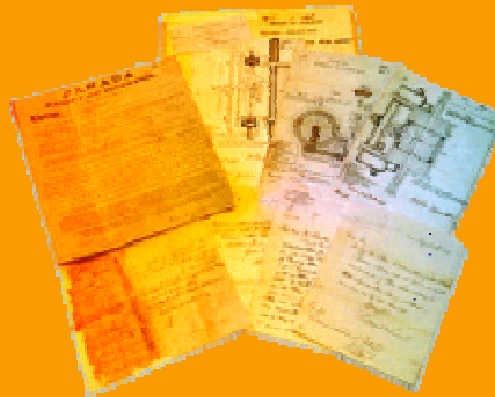
**Application's filing date**



**Public domain**

# Definition of patent

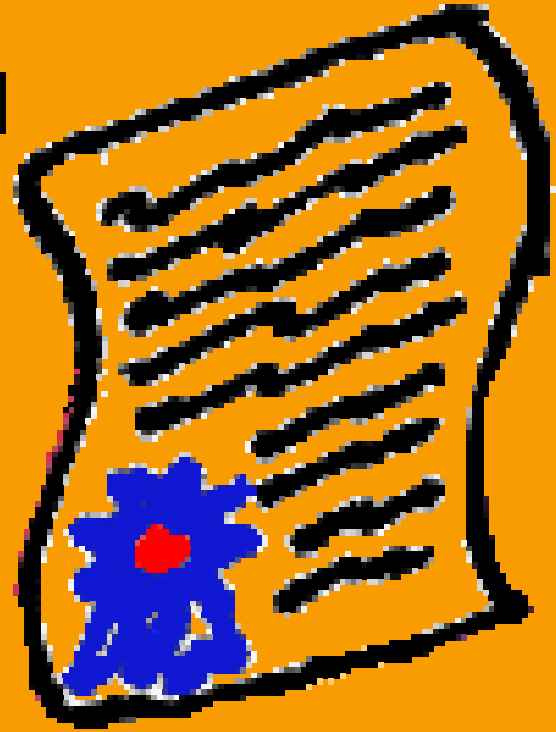
- In **exchange** for this protection, the inventor must provide a **detailed description of the invention**.



- This way, Canadians can benefit from technological innovation and enhance their knowledge!

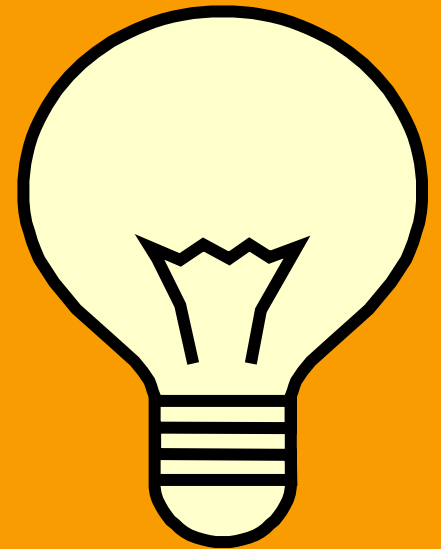
# Utility of a patent

- Protects the inventor
- Encourages technological innovation and creativity
- Generates profit
  - sales
  - licence



# Patentability criteria

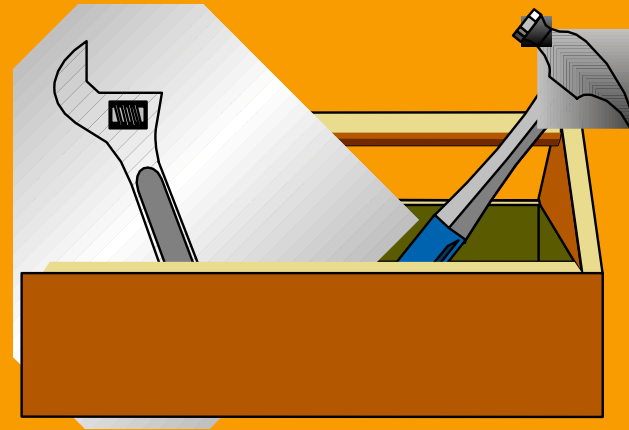
- Novelty
- Inventive step
- Utility (industrial application)
- Unity of invention
- Clear language
- Patentable subject matter



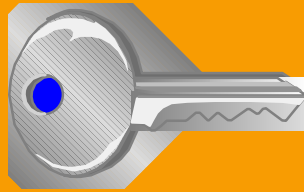
# Patentability criteria

- Do you think you can patent:

**a toolbox?**



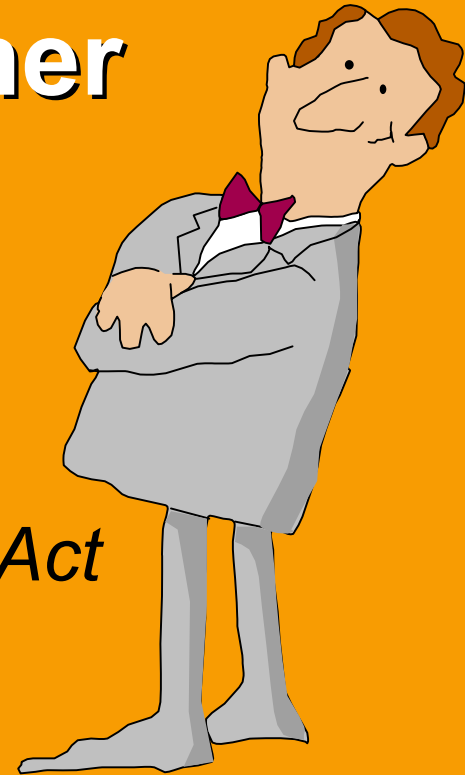
**a key?**



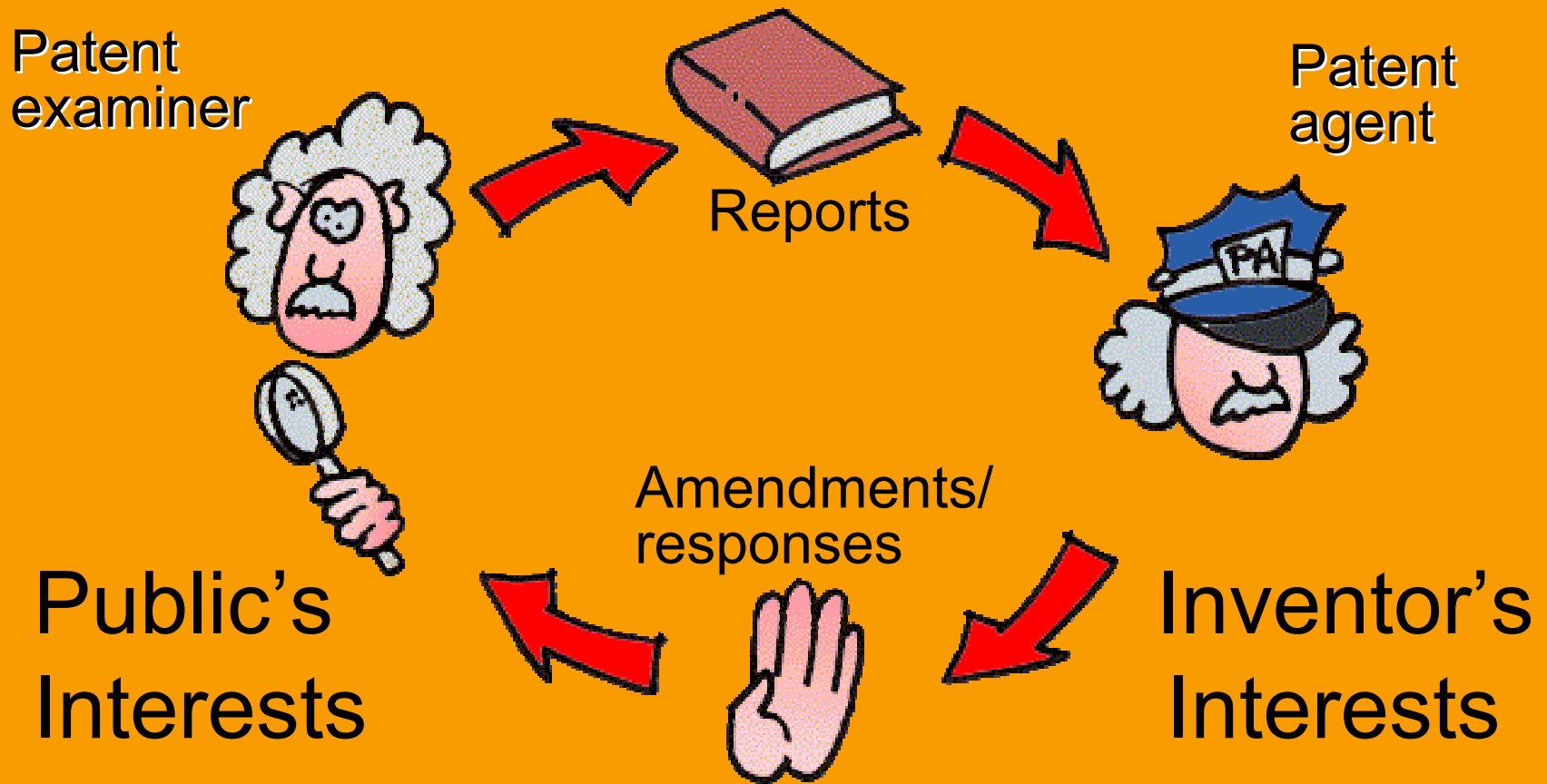
# Role of the Patent examiner

The Patent examiner :

- analyze patent applications;
- perform searches
- ensure compliance with the *Patent Act* and *Patent Rules*;
- write examination reports
- recommend or refuse the issuance of a patent.



# Role of the Patent examiner



# www.cipo.gc.ca



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# C29

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272 days remaining



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# Conclusion

# Patent



New  
Inventive  
Useful

Protects the inventor

Encourages the development of science and technology

- Questions 

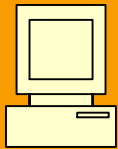
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