

## **Chapter 1**

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## Chapter 1 Contacting the Patent Office

### 1.01 Location of the Patent Office

The Patent Office is located at Place du Portage I, 50 Victoria Street, Gatineau, Quebec. The general contact telephone numbers of the Patent Office are:

CIPO's Client Service Centre (General information):

Tel.: (819) 997-1936

Fax: (819) 953-7620

CIPO's Mailroom:

Tel.: (819) 997-1727

Business hours: from 8:30 a.m. to 5:00 p.m. (EST), Monday to Friday

Finance:

Tel.: (819) 994-4682

### 1.02 Correspondence in person or by mail

All mail correspondence<sup>1</sup> for the Commissioner of Patents or for the Patent Office should be addressed to:

The Commissioner of Patents  
Canadian Intellectual Property Office  
Place du Portage I  
50 Victoria Street, Room C-114  
Gatineau QC K1A 0C9

All such correspondence addressed to the Commissioner may also be physically delivered to the Registered Mail Service of Canada Post, or any designated establishment as identified in the *Canadian Patent Office Record*<sup>2</sup> (CPOR). These designated establishments are:

- |    |  |    |   |
|----|--|----|---|
| 1. | Industry Canada<br>C.D. Howe Building<br>235 Queen Street, Room S-117<br>Ottawa ON K1A 0H5<br>Tel.: (613) 990-4582 | 2. | Industry Canada<br>5 Place Ville-Marie, Suite 700<br>Montreal QC H3B 2G2<br>Tel.: (514) 496-1797<br>Toll-free: 1 888 237-3037 |
|----|--|----|---|

- |   |   |
|---|---|
| 3. Industry Canada<br>151 Yonge Street, 4th Floor<br>Toronto ON M5C 2W7<br>Tel.: (416) 973-5000                             | 4. Industry Canada<br>Canada Place<br>9700 Jasper Avenue, Suite 725<br>Edmonton AB T5J 4C3<br>Tel.: (780) 495-4782<br>Toll-free: 1 800 461-2646 |
| 5. Industry Canada<br>Library Square<br>300 West Georgia Street, Suite 2000<br>Vancouver BC V6B 6E1<br>Tel.: (604) 666-5000 |   |

Correspondence delivered during ordinary business hours to the Patent Office, anywhere other than at CIPO's mailroom (C-114), will only be considered to be received on the day it is delivered to CIPO's mailroom and date stamped.

### **1.03 Electronic correspondence**

Correspondence sent electronically by facsimile or online in accordance with section 8.1 of the *Patent Act* constitutes the original; therefore, a duplicate paper copy should not be forwarded.

#### **1.03.01 Facsimile transmissions**

The Patent Office accepts facsimile transmissions in respect of applications or other correspondence. Facsimiles have to be addressed to the Commissioner using the following numbers<sup>3</sup> (facsimile equipment of CIPO's mailroom):

(819) 953-CIPO (953-2476) or  
(819) 953-OPIC (953-6742)

The electronic transmittal report will constitute the acknowledgement that the correspondence has been received.

Facsimile correspondence which is sent to any facsimile number other than those indicated above, including those of a designated establishment, will be considered not to have been received.

When submitting a document by facsimile that also has a fee requirement, notification of the preferred mode of payment to be applied should be prominently displayed on the covering letter to ensure expedient processing.

### **1.03.02 Online correspondence via CIPO's website**

Online correspondence addressed to the Commissioner for filing patent applications may be sent electronically via CIPO's website to the following addresses<sup>4</sup>:

[https://strategis.ic.gc.ca/sc\\_mrksv/cipo/patbrev-filing/application/engdoc/pt\\_filing\\_form-e.html](https://strategis.ic.gc.ca/sc_mrksv/cipo/patbrev-filing/application/engdoc/pt_filing_form-e.html)

or in French to:

[https://strategis.ic.gc.ca/sc\\_mrksv/cipo/patbrev-filing/application/frndoc/pt\\_filing\\_form-f.html](https://strategis.ic.gc.ca/sc_mrksv/cipo/patbrev-filing/application/frndoc/pt_filing_form-f.html)

Any other correspondence addressed to the Commissioner relating to applications and patents (e.g. fee payments, registering documents, requesting national entry of an international application), may be sent electronically via CIPO's website at the following addresses:

[https://strategis.ic.gc.ca/sc\\_mrksv/cipo/patbrev-filing/application/engdoc/pt\\_correspondence-e.html](https://strategis.ic.gc.ca/sc_mrksv/cipo/patbrev-filing/application/engdoc/pt_correspondence-e.html)

or in French to:

[https://strategis.ic.gc.ca/sc\\_mrksv/cipo/patbrev-filing/application/frndoc/pt\\_correspondence-f.html](https://strategis.ic.gc.ca/sc_mrksv/cipo/patbrev-filing/application/frndoc/pt_correspondence-f.html)

The document presentation requirements related to sections 69 and 70 of the *Patent Rules* apply to electronically submitted correspondence, including facsimiles. The acceptable file formats for documents submitted electronically via CIPO's website, such as assignments or specifications are: multi-page TIFF CCITT Group 4, black and white, at 300 DPI, or in PDF format. Sequence listings will have to be provided in both a multi-page TIFF or PDF file and in an ASCII file. Documents received electronically that do not meet these requirements will have to be replaced and submitted in an acceptable format.

### **1.04 Date of reception**

In accordance with the above:

- Mail intended for the Patent Office and delivered, during business hours, to CIPO's offices in Gatineau will be accorded the date of reception by CIPO.
- Mail intended for the Patent Office and delivered, during business hours, to one of Industry Canada's regional offices listed in section 1.02, will be considered to be received on the date of reception in that office, only if it is also a day on which CIPO's offices in Gatineau are open. Mail delivered to a regional office on a day

when CIPO's offices in Gatineau are closed will be considered to be received on the next working day for CIPO. If, for example, mail intended for the Patent Office is delivered to Industry Canada's regional office in Toronto on June 24, it will not be considered to be received on June 24 as this is a day on which CIPO's offices in Gatineau are closed. Mail delivered to regional offices on June 24 will be considered to be received on the next working day for CIPO.

- Mail intended for the Patent Office and delivered through Canada Post's Registered Mail Service will be considered to be received on the date stamped on the envelope by Canada Post Corporation, if it is also a day on which CIPO's offices in Gatineau are open. If the date stamped on the Registered Mail is a day when CIPO's offices in Gatineau are closed, the mail will be considered to be received on the next working day for CIPO.
- Mail intended for the Patent Office and delivered, by electronic means of transmission, including facsimile, will be considered to be received by the Commissioner on the day that it is transmitted if received before midnight, local time at the Patent Office in Gatineau. When the Patent Office is closed for business, correspondence received on that day will be considered to be received on the next working day.

#### **1.04.01 Filing of a document on statutory holidays (*Dies non*)**

In accordance with section 26 of the *Interpretation Act*, any person choosing to deliver a document to a designated establishment, including the Patent Office in Gatineau, an Industry Canada regional office, or a Registered Mail establishment, where a federal, provincial or territorial holiday exists, is entitled to an extension of any time limit for the filing of the document that expires on the holiday, until the next day that is not a holiday. It is to be noted, in respect of provincial and territorial holidays, that the entitlement to the extension is dependent on the establishment to which the document is delivered and not on the place of residence of the person for whom the document is filed or of their agent. For this purpose, documents transmitted to the Patent Office by electronic means, including by facsimile, would be considered to be delivered in Gatineau, Quebec.

Operationally, the Patent Office has no practical way of keeping track of the establishment to which documents are delivered. Accordingly, where a person has a time limit for the filing of a document that expires on a provincial or territorial holiday but only delivers the document on the next day that is not a holiday, the Patent Office will assume that the document was delivered to an establishment that would justify an extension of the time limit. In such circumstances, it will be the responsibility of the person filing the document to ensure that they are properly entitled to any needed extension of the time limit. In doubt, the applicant can contact the Patent Office to get a confirmation of the filing date.

In addition to the extensions of time limits referred to above, in accordance with subsection 78(1) of the *Patent Act*, any patent time limit that expires on a day when the Patent Office is closed for business is deemed to be extended to the next day when the office is open for business. All persons are entitled to these extensions regardless of their place of residence or of the establishment to which documents are delivered.

The Patent Office takes the position that section 26 of the *Interpretation Act* applies to PCT international applications filed in Canada. Accordingly, where a person has a time limit under the PCT for the filing of a document in Canada that expires on a provincial or territorial holiday but only delivers the document on the next day that is not a holiday, the Patent Office will assume that the document was delivered to an establishment that would justify an extension of the time limit. The Patent Office, however, takes no position as to whether such extensions would be recognized by other countries and it will be the responsibility of the person filing the document to ensure that in other countries of interest they are properly entitled to any needed extension of the time limit by reason of rule 80.5 of the *Regulations under the PCT* or some other applicable law.

For the purposes of this chapter, the Patent Office has identified the following as being days that are not federal holidays but that are holidays in one or more provinces or territories:

- **Alberta:** 3rd Monday in February (Alberta Family Day)
- **British Columbia:** 1st Monday in August (British Columbia Day)
- **New Brunswick:** 1st Monday in August (New Brunswick Day)
- **Nova Scotia:** 1st Monday in August (Civic Holiday)
- **Ontario:** 1st Monday in August (Civic Holiday)
- **Quebec:** June 24 (St. John the Baptist Day)
- **Saskatchewan:** 1st Monday in August (Saskatchewan Day)
- **Yukon:** 3rd Monday in August (Discovery Day)

Section 20.04 of MOPOP lists the days that are closed for business for the purposes of subsection 78(1) of the *Patent Act*.

## 1.05 Interviews

Subject to the conditions imposed by subsection 6(3) of the *Patent Rules*, authorized correspondents, applicants and agents may meet with examiners about pending applications. Appointments must be arranged in advance so that the examiners will be available and prepared to discuss the prosecution of applications. Where an agent has been appointed, the agent must be present at the interview or have authorized it.

Interviews concerning the prosecution of applications, including applications that have received final action, may be requested at any stage of the prosecution and are

conducted by the examiner in charge of the application. At these interviews, the examiners may provide further explanations about the objections they have made in a report or clarify certain points concerning the invention. However, interviews do not replace the normal prosecution of an application, and at these interviews, the examiners should never provide verbal opinions or agree to accept amendments to the specifications before receiving and assessing official correspondence from the applicants.

In the case of an interview with a new examiner in training, a senior examiner or a Patent Office section head must attend. Problems that do not concern the examination process are referred to the appropriate section of the Patent Office.

The Commissioner does not meet with agents or inventors about prosecution issues related to specific applications.

## **1.06 Client Feedback system**

As part of its ongoing commitment to improve its services, the Patent Office encourages feedback from clients. Feedback is invited via CIPO's online Client Feedback system, which is located in the "Contact Us" section of CIPO's website.

<http://napoleon.ic.gc.ca/cipo/internet.nsf/comp-e>

Using a simple online form, clients may submit a complaint, comment or compliment. Those wishing to receive a response are invited to include their name and other information. Feedback can also be submitted anonymously.

Where a reply is required, CIPO will provide an initial response within five business days. General matters are handled by CIPO's Client Service Centre. Questions or concerns of a more technical nature are routed to the appropriate subject-matter expert within the Patent Office.

CIPO's online Client Feedback system is intended to help CIPO's clients to provide comments on its services and to resolve problems where applicable. Feedback is also used to help CIPO better understand how to improve its services.

It is important to note that the Client Feedback system is not intended for the prosecution of an application and cannot be used to respond to an official Patent Office requisition.

## **1.07 Publications related to Canadian documents**

The CPOR is published weekly every Tuesday. It contains a list of all the patent applications open for public inspection and all the patents granted for the week ending with the Tuesday of the publication, and it also contains important notices. Copies of the CPOR are available via CIPO's website at the following addresses:

<http://strategis.ic.gc.ca/patents/record>

or in French at:

<http://strategis.ic.gc.ca/brevets/gazette>

Copies of Canadian patents and patent applications open for public inspection, as filed, can be downloaded in Adobe Acrobat format via CIPO's website at the following address:

<http://patents1.ic.gc.ca/intro-e.html>

or in French at:

<http://patents1.ic.gc.ca/intro-f.html>

These copies may also be purchased via the Reproduction and Sales Section of CIPO via CIPO's website using the "Order Form" link at the following addresses:

[http://strategis.gc.ca/sc\\_mrksv/cipo/patents/pt\\_order\\_doc-e.html](http://strategis.gc.ca/sc_mrksv/cipo/patents/pt_order_doc-e.html)

or in French at:

[http://strategis.gc.ca/sc\\_mrksv/cipo/patents/pt\\_order\\_doc-f.html](http://strategis.gc.ca/sc_mrksv/cipo/patents/pt_order_doc-f.html)

or by contacting:

Reproduction and Sales Section  
Canadian Intellectual Property Office  
Industry Canada  
Place du Portage I  
50 Victoria, Room C-229  
Gatineau QC K1A 0C9

Tel.: (819) 997-1936

Fax: (819) 953-9969



## **Endnotes for Chapter 1**

1. For the purposes of subsections 5(2), 5(3), 54(1) and 54(2) of the *Patent Rules*
2. For the purposes of subsections 5(4), 5(5), 54(3) and 54(4) of the *Patent Rules*
3. In accordance with section 8.1 of the *Patent Act* and for the purpose of subsections 5(6), 5(7), 5(8), 54(5), 54(6) and 54(7) of the *Patent Rules*
4. In accordance with section 8.1 of the *Patent Act* and for the purpose of subsections 5(6), 5(7) and 5(8) of the *Patent Rules*