



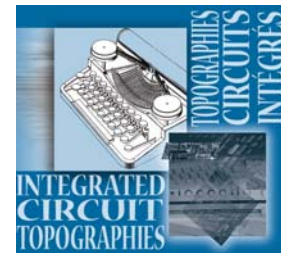
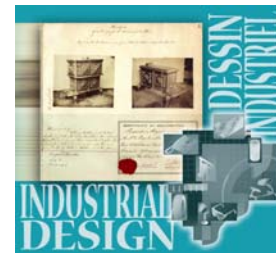
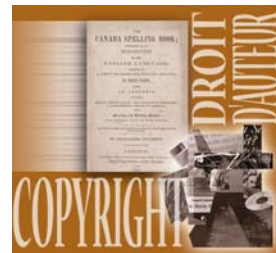
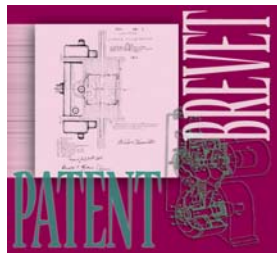
**Canadian  
Intellectual Property  
Office**

An Agency of  
Industry Canada

**Office de la propriété  
intellectuelle du  
Canada**

Un organisme  
d'industrie Canada

# The Canadian Intellectual Property Office (CIPO) Building On Our Achievements



Meeting of the American, British and Canadian National Section and  
National Associations of the International Federation of Industrial  
Property Counsel  
(FICPI – ABC)  
Quebec City, Quebec  
June 16, 2005

# Presentation Overview

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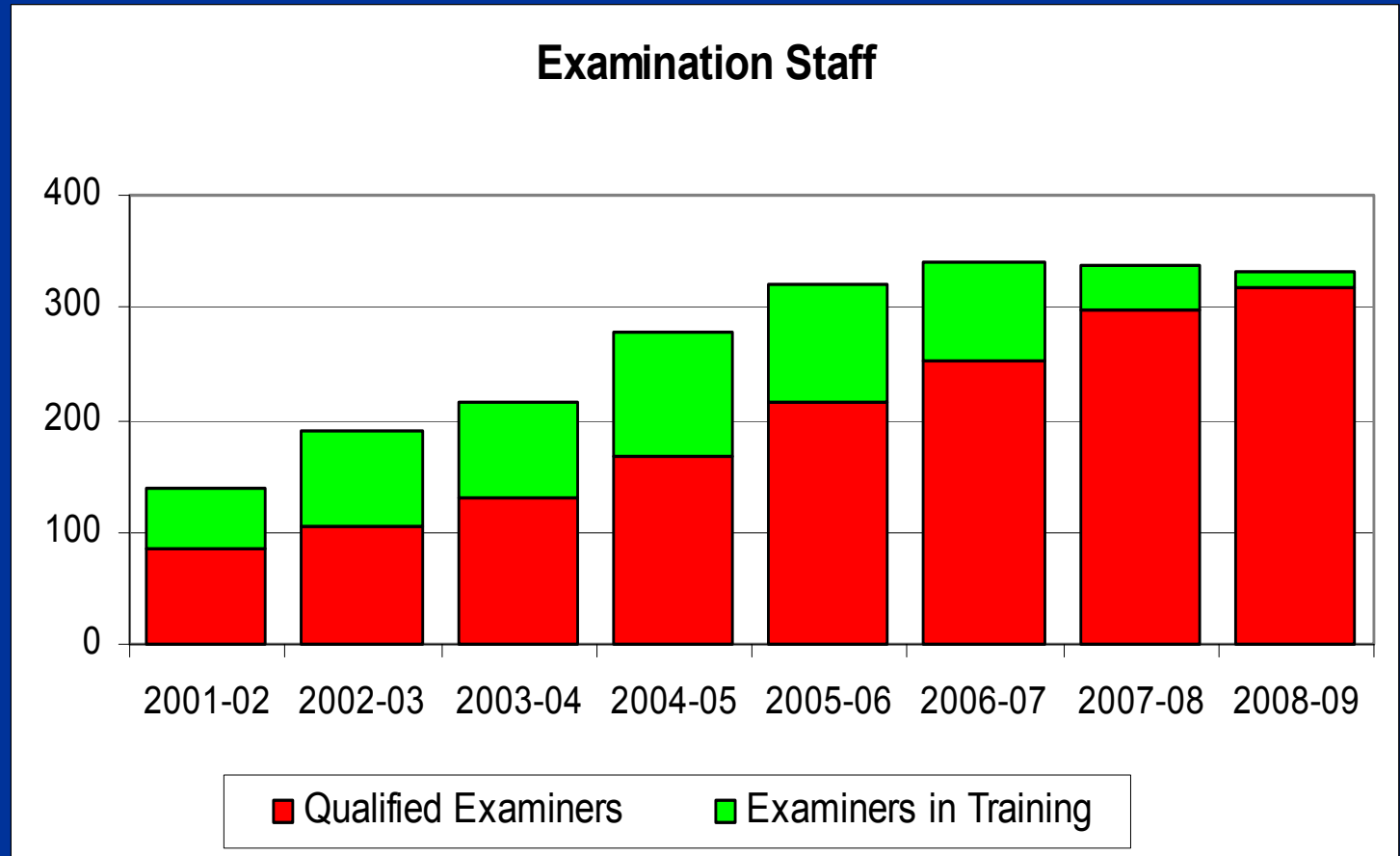
- **CIPO - Organizational Overview**
- **A Glance Back - Key Achievements in 04-05**
  - The Dutch Industries Decision
  - ISA/IPEA
  - Industrial Design - Re-engineering
- **Looking Forward – Key Priorities**
  - Client Focus
  - IP Awareness and Outreach
  - IP Policy Framework
    - The College
    - Modernizing the Trade-Marks Act
    - Small Entities/Service Interruption
- **International Developments**

# Organizational Overview

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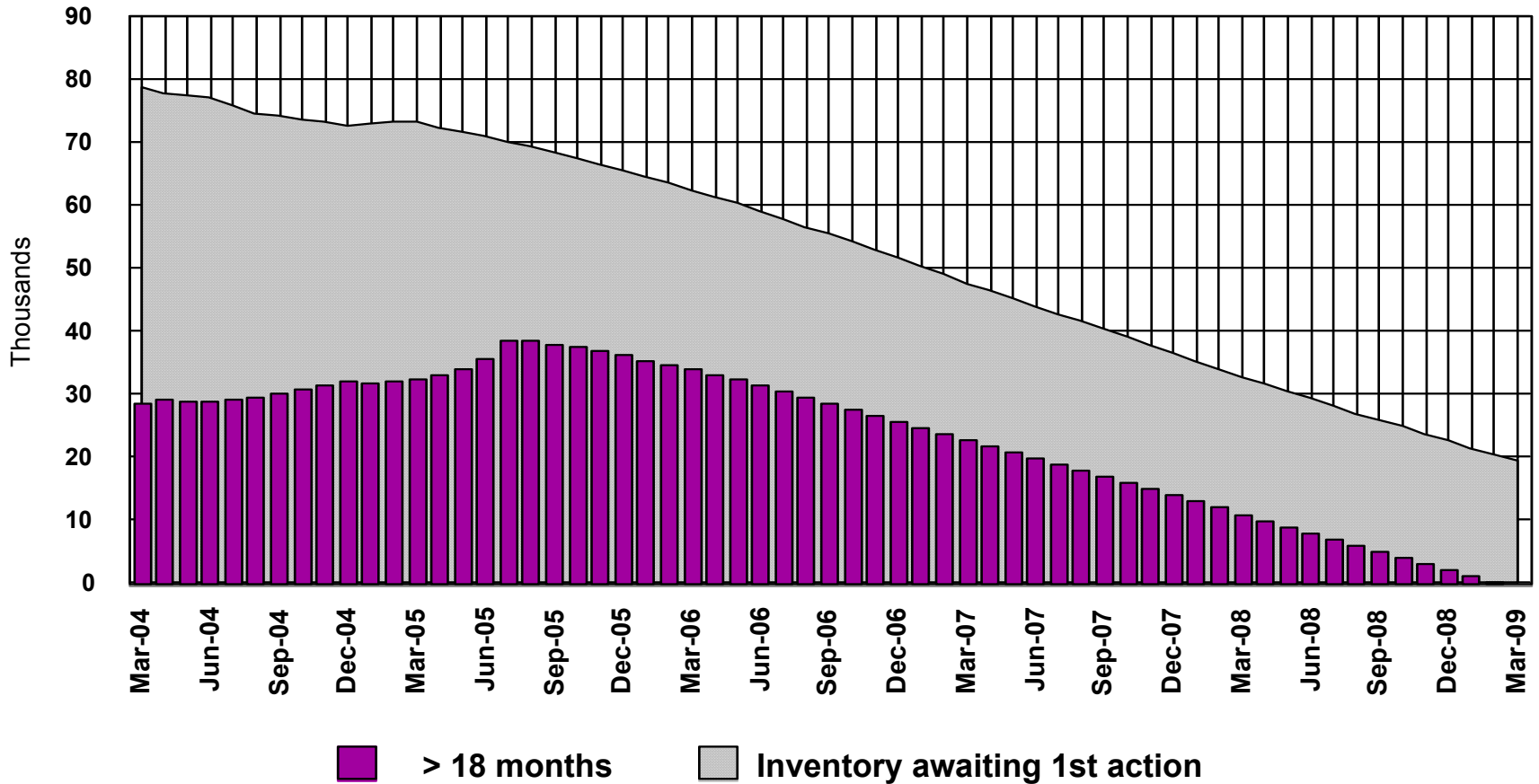
- Special Operating Agency within the Department of Industry Canada
- Operates using a Revolving Fund
- Administers patents, trade-marks, copyrights, industrial designs, integrated circuit topographies
- 2005-06 budget is CAD\$119 million
- 900 employees, a 37% growth since 2001

# Patent Examiner Recruitment



# Patent Examiner Recruitment Benefits

Inventory of Applications Awaiting 1st Action



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*A Glance Back...*

# Key Achievements in 04-05 - Dutch Industries

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- Canadian applicants/patentees who claim small entity status are entitled to reduced fees
- Court decisions ruled that (1) Commissioner lacked authority to accept top-up payments and (2) entity status - small or large - is determined at the time of filing and remains fixed throughout the term of the patent
- Validity of patents compromised
- Bill C-29 received Royal Assent May 5<sup>th</sup>, 2005
- Once in force, 12-month window of opportunity to correct past fee payments

# Key Achievements in 04-05 - ISA/IPEA - *The Canadian Experience*

- Established a solid foundation
  - Hired and trained staff
  - Implemented a Quality Management System
  - Adopted best practices from other International Authorities
- CIPO successfully launched ISA services on July 26, 2004
  - 1576 (ISA) requests/ 1076 reports issued
  - 46 (IPEA) chapter II requests
- Next Steps:
  - Focus groups with Patent Agents to improve quality
  - Canadian perspective brought to MIA meetings



# Key Achievements in 04-05 - Industrial Design - Re-engineering

## Re-engineering - A significant achievement in Industrial Design

- Benefits for clients
  - Improved service delivery
  - Greater flexibility in the filing of applications
  - Aiming for reduced TATs, better quality and consistency of examination
  
- Benefits to CIPO
  - Streamlined work processes enhance productivity and efficiency
  - Employees more effectively trained
  
- Consultation with industry a key success factor

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*Looking Forward...*

# Key Priorities - Client Focus

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- Faster turnaround times
- Easier access to CIPO staff and resources
- Client-friendly products and services
- Quality

# Key Priorities - IP Awareness

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## IP Awareness

- Key Component of CIPO's mandate
- Serves broader government agenda
- Key Component of vibrant/innovative economy

## Outreach

- Partnerships to develop new products and services
  - IP Toolkit
  - Bank of Speakers
- Education Strategy
- Enhance relationships with foreign IP offices
  - Best practices
  - Share products and services

# Key Priorities - IP Policy Framework

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- Modern IP policy framework that is:
  - Leading-edge
  - Cost-effective
  - Progressive
  
- Multi-year work plan being developed for:
  - Improvements to our Legislation
  - Improvements to our regulations
  - Improvements to our office practices

# Policy Priority -

## The College - Self-regulation

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- A key priority in 2005-06
- Policy development in partnership with stakeholders
- The key component: protection of public interest
- Self-regulation – a formidable challenge

# Policy Priority – *Modernization of the Trade-marks Act; Madrid Protocol and Trademark Law Treaty*

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- Need to explore accession in the global context
- Consultation submissions received from stakeholders
- Assessment underway
- Need for a common view

# Policy Priority -

## Small Entities/Service Interruption

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- CIPO reviewing small entity definition, process for claiming small entity status, and possible relief mechanisms
- Consultation with stakeholders in progress
- Regarding service interruptions - researching well defined conditions for relief
- Both initiatives require greater clarity and certainty for stakeholders



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# *International Developments...*

# International Developments - WIPO 2004 General Assemblies

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- Issues
  - SPLT - Trilateral Proposal on “reduced package”
  - Traditional Knowledge / Genetic Resources
  - Development Agenda
- Outcomes
  - Trilateral Package was not accepted
  - WIPO consultations to determine future role of SCP
- Challenge
  - Bridging the widening gap

# International Developments -

## February 2005 Washington Meeting

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- Issue
  - How to move forward on substantive patent law harmonization
  
- Outcome
  - Establish two sub-groups to deal with substantive patent and development issues

# International Developments - Latest Developments

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- Group B+ (developed) countries met in Munich on May 30 – 31, 2005
- WIPO's Standing Committee on the Law of Patents (SCP) met in Geneva on June 1-2, 2005
  - Member States could not agree on a work program

# Conclusions

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- CIPO has had some remarkable successes in the last year: Dutch Industries, ISA/IPEA, Industrial Design Re-engineering
- Looking forward, we have the College, small entity regulations and revisions to the Trade-marks Act
- Internationally, we remain engaged and will continue to contribute actively towards multilateral initiatives

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# Canada

CIPO's presentations are available on CIPO's  
Web site at : [www.cipo.gc.ca](http://www.cipo.gc.ca)