



**Canadian  
Intellectual Property  
Office**

An Agency of  
Industry Canada

**Office de la propriété  
intellectuelle  
du Canada**

Un organisme  
d'Industrie Canada

# How Your Industrial Design Application is Processed

You can obtain further information concerning your application for registration by contacting our Client Service Centre at **1-866-997-1936**.

If you have already obtained an application number from our office, please indicate it when making any new request for service relating to your file.

Note: A large number of applicants seeking industrial design protection are represented by a registered patent agent. When an agent has been appointed, the Office will address all correspondence to the agent. Enquiries concerning the various phases of prosecution should therefore be directed to the appointed agent.

Note: The following is an overview of how an industrial design application is processed including approximate timelines. Visit [www.cipo.gc.ca/servicesstandards](http://www.cipo.gc.ca/servicesstandards) to see our service standard commitments.

Industrial Design				
Stage	What happens to your application	How we'll inform you	. . . and when	Fees
<b>Formalities</b>	If the fees have been paid and the filing date requirements have been met, an application number is assigned and the application information and filing date is recorded. Your application will then proceed to classification.	A filing certificate will be issued that confirms the filing date and the application number.	. . . within <b>4</b> weeks of receipt of the application	\$400 basic fee, plus \$10 for each page of drawings in excess of 10 pages
	If the fees have not been paid, the application will not proceed to classification.	A report requesting the amount owing will be issued.		
	If the filing date requirements have not been met, an application number is assigned but the application will be held up from further processing until such requirements are received. (The filing date will be the date that all requirements are received.)	A report will be issued to request the missing filing date requirements, and also the amount of fees owing if the fees have not been paid.		
<b>Classification</b>	If it is clear what the article is, your application is classified according to the Canadian Industrial Design Classification Standard.	You will not be informed at this stage.	. . . within <b>1</b> week of issuing the filing certificate	None (included in the basic fee)
	If it is not clear what the article is, your application cannot be classified.	A report will be issued to request more information about the article.		
<b>Preliminary examination</b>	To ensure an effective search, your application will undergo an assessment by an examiner to ensure that the description relates to one design or variants.	<p>If it is clear what constitutes the design and the application relates to one design or variants, the application will proceed to search. You will not be informed at this point.</p> <p>If it is not clear or there is more than one design, a report will be issued to request clarification and/or an amendment restricting the application to one design. All other objections relevant to the application will also be raised.</p>	. . . within approximately <b>6-8</b> months	None (included in the basic fee)
<b>Search</b>	A search of registered designs and published art is conducted. Your application will then proceed to examination.	You will not be informed at this stage.	. . . within <b>10</b> months of issuing the filing certificate	None (included in the basic fee)
<b>Examination</b>	Your design is assessed to determine originality and your application is reviewed for conformity with the requirements of the <i>Industrial Design Act</i> and <i>Industrial Design Regulations</i> .			None (included in the basic fee)

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<b>Examination (continued)</b>	If all requirements are met, your application is approved for registration (or "allowed").	You will not be informed at this stage.	. . . within <b>14</b> months of issuing the filing certificate	
	If your application is not in an allowable state, the examiner will prepare a report.	An examiner's report will be issued that specifies the objections to registration. (You may respond by making the required amendments, or by submitting arguments.)	A first report will be issued within <b>14</b> months of issuing the filing certificate.  Subsequent reports will be issued within <b>6</b> weeks of receipt of your amendments or comments.	
	If your arguments fail to overcome the objections, your application will be refused and the examiner will issue a final report. (*Note: No further action is taken after the final report is issued.)	A final report will be issued that maintains the objections to registration.		
<b>Registration</b>	Your design is registered.  Note: The term of protection is <b>10</b> years <b>upon payment of the maintenance fee</b> before the expiry of <b>5</b> years beginning on the date of registration.	A certificate of registration will be issued along with the following documents: <ul style="list-style-type: none"> <li>• copy of the application</li> <li>• cover sheet summarizing the information pertaining to the design; and</li> <li>• a notice explaining the maintenance requirements.</li> </ul>	. . . within <b>1</b> week of the registration date	None (included in the basic fee)
<b>Maintenance fees</b>	If the fee is paid within the prescribed time limit, your registration is maintained for the remainder of the <b>10</b> -year period.	A confirmation letter will be sent to you.	. . . within <b>1</b> week of receipt of the fee	\$350 if your request is received within <b>5</b> years of the registration date  \$400 if your request is received in the <b>6</b> months following the <b>5</b> -year period
<b>Abandonment</b>	If you do not respond to a report by the specified date for reply, your application will be considered abandoned as of that date.	A notice of abandonment will be issued.	. . . within <b>1</b> month of the date of abandonment	None (included in the basic fee)
<b>Reinstatement</b>	Upon receipt of the prescribed fee, a written request to reinstate and a response to the outstanding report, your application will be reinstated. The Office will review the application and your response to the report. (Note: Your request must be received within <b>6</b> months of the date of abandonment).	A letter confirming reinstatement of the application will be sent.	. . . within <b>2</b> weeks of receipt of your request to reinstate	\$200
	If the above requirements are incomplete, your application cannot be reinstated.	A notice will be sent to you requesting the missing requirements.		
	If the <b>6</b> -month period to reinstate has expired and the above requirements have not been met, reinstatement is no longer possible. Your application will be considered inactive and the Office will take no further action.	A letter will be sent to you stating that the application will not be reinstated and is considered inactive.		
<b>Extension of time to respond to a report</b>	Upon receipt of a written request, an extension of <b>4</b> months will be granted unless a shorter period has been requested. (Normally, a maximum total of <b>12</b> months extension from the reply due date will be granted.)	A written confirmation will be sent to you indicating that the extension has been granted.	. . . within <b>1</b> week of receipt of your request	None (included in the basic fee)

## Industrial Design

Stage	What happens to your application	How we'll inform you	. . . and when	Fees
<b>Accelerated examination due to infringement</b>	Upon receipt of the prescribed fee and a written request, your application will proceed on an accelerated basis. (Note: An international treaty requires that the Office not register an application before the expiration of a <b>6</b> -month period from the filing date or from the priority date where priority is claimed.)	You will receive a confirmation letter.	. . . within <b>1</b> week of receipt of the request	\$500
<b>Delay of registration</b>	Upon receipt of a written request and the prescribed fee, your application will be held from registration for the time specified in the request. (Normally, a delay of up to a maximum of <b>6</b> months will be granted.)	A letter confirming acceptance of the request will be sent.	. . . within <b>1</b> week of receipt of your request	\$100
<b>Assignment</b>	Upon receipt of the prescribed fee and the assignment document or affidavit, the chain of title is verified and the assignment is recorded.	A notice of recordal will be issued.	. . . within <b>6</b> weeks of receipt of your request	\$100 for each design affected by the assignment
	If the above requirements are incomplete, the assignment will not be recorded.	A report will be issued to request the missing requirements.		

*\*You may request a review by the Patent Appeal Board. If your appeal is rejected, you may make an appeal to the Federal Court.*

A more extensive guide entitled *A Guide to Industrial Designs* is available free of charge from:

IC no. 11370E

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CIPO Client Service Standards:  
[www.cipo.gc.ca/servicestandards](http://www.cipo.gc.ca/servicestandards)