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d'Industrie Canada

BUSINESS PLAN

2007-08



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For further information or to obtain additional copies of this publication, please contact:

Client Service Centre

Canadian Intellectual Property Office
Industry Canada
Place du Portage I
Room C-229, 2nd Floor
50 Victoria Street
Gatineau QC K1A 0C9

Tel.: 1-866-997-1936

Fax: 1-819-953-7620

Email: cipo.contact@ic.gc.ca

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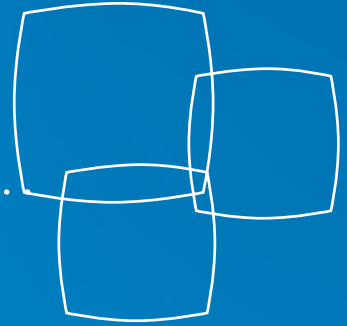
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Executive summary

Innovation is essential to Canada's prosperity and long-term economic growth. Congruently, intellectual property (IP) has an important role to play in ensuring Canadian innovators can compete and succeed in an evolving knowledge-based global economy. By delivering quality and timely IP rights in a modern competitive IP system, and by promoting the dissemination and diffusion of IP knowledge, the Canadian Intellectual Property Office (CIPO) is contributing to the federal government's efforts in ensuring a climate of innovation and creativity in Canada.

To become a leading IP office (IPO), CIPO believes that it must provide quality examination, access to well-trained and knowledgeable staff, and comprehensive online services, and that it must also be proactive in its service offerings and in improving its legislation. To realize its vision, CIPO is renewing a five-year strategic plan that lays out five strategic directions: client services, outreach, the IP administrative framework, international activities, and our people.

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In addition to this strategic plan, CIPO's business transformation initiative, "Enterprise Business Renewal" (EBR), will be an important lever to improve client services and internal process efficiencies. EBR will ultimately provide a secure, cost-effective operational environment focussed on optimal client self-sufficiency and satisfaction.

Through its strategic directions and the EBR initiative, CIPO is continuing to address clients' evolving needs and priorities by progressing on the three main service improvement areas identified in its 2005 National Client Survey — turnaround times, accessibility, and communications. The 2007–08 Business Plan highlights key activities for implementing Year 1 of the Strategic Plan, as well as the activities for each of its strategic enablers: management and accountability; internal and external communications; and, information and technology.

By linking senior management performance agreements to the activities contained herein, CIPO remains accountable for, and committed to, achieving results as set out in this business plan. Results will continue to be reported through Industry Canada's Departmental Performance Report and through CIPO's Annual Report.

I. Introduction

1. Purpose

The purpose of this business plan is to document the plans and activities that are being carried out by CIPO in 2007–08. This business plan organizes CIPO's activities around five strategic directions (Part II) and three strategic enablers (Part III) that are critical to achieving CIPO's vision of becoming a leading IPO. Senior management performance agreements are linked to the planned results set out in this plan.

2. Agency background

CIPO was established as a Special Operating Agency (SOA) under a framework document approved by Treasury Board, effective April 1, 1992. The head of CIPO, the Chief Executive Officer (CEO), Commissioner of Patents and Registrar of Trade-marks, has overall accountability for CIPO's performance, including long-term strategic direction, and is held accountable to both the Deputy Minister and Minister of Industry for achieving results and meeting financial targets. CIPO's organizational structure is attached as Appendix A.

CIPO charges fees for the services it renders to its clients and is fully financed by these fees. By having access to its revenue, CIPO has gained increased financial, personnel, and administrative flexibilities that allow it to focus on service quality and responsiveness in an environment characterized by evolving client needs and a competitive labour market.

The timeliness and cost of CIPO's services are regularly assessed against its service standards. The *User Fees Act*, which came into force March 31, 2004, provides the framework for the organization's ongoing efforts to ensure that fair user fee rates are in place. CIPO's service standards are posted on its website: www.cipo.gc.ca/servicestandards.

3. Mandate and mission

CIPO's mandate stems from statutory and other authorities, including the *Patent Act*, the *Trade-marks Act*, the *Copyright Act*, the *Industrial Design Act*, the *Integrated Circuit Topography Act*, and the *Public Servants Inventions Act*, as well as regulations associated with each of these acts. In addition, the Commissioner of Patents and

the Registrar of Trade-marks is an Order-in-Council appointment and has specific independent statutory responsibilities.

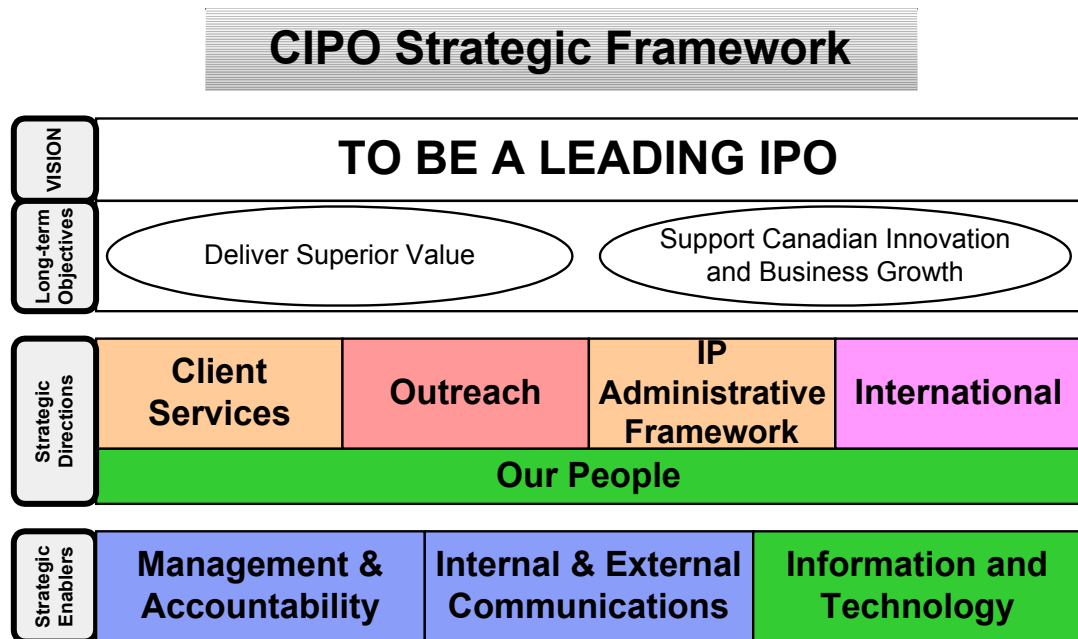
CIPO's mission is to accelerate Canada's economic development by:

- fostering the use of the IP system and the exploitation of IP;
- encouraging invention, innovation, and creativity in Canada;
- administering the IP system in Canada, including patents, trade-marks, copyrights, industrial designs, and integrated circuit topographies; and
- promoting Canada's international IP interests.

4. 2007–2012 Strategic Plan

This fiscal year CIPO will put in place a strategic plan for 2007–2012 that identifies five strategic directions that reflect our vision for better enabling Canadians to participate and contribute to a competitive, growing knowledge-based economy through the IP system. The five strategic directions are: client services and outreach, which together constitute the core of our business; the IP administrative framework; our efforts on the international front; and, our people.

CIPO has adopted the following strategic framework that is in line with the five-year strategic plan:



In preparing the five-year strategic plan, CIPO listened to its clients, staff, partners and stakeholders. It reflected on its vision to be a leading IPO, and considered client views expressed as to key attributes that define a “leading IPO,” including:

- quality of examination — thoroughness, consistency, rigour and timeliness;
- client service — access to responsible, well-trained and knowledgeable staff who are willing to “work with you”;
- comprehensive online service — to be able to perform all activities and office actions online, with existing service offerings being of high quality; and
- being proactive — in service offerings, and with legislative advancement.

CIPO also undertook an environmental scan assessing CIPO’s operational environment and key domestic and international factors having an impact on the organization. It then developed specific strategic directions and outcomes that will enable innovators and creators to more effectively exploit IP rights and information to enhance their performance, for the benefit of Canadian society.

5. EBR — A key transformation initiative

Of particular importance to the success of CIPO’s strategic plan will be its business transformation initiative, “Enterprise Business Renewal” (EBR). EBR will enable the organization to assess and determine the path forward to become one of the “leading IPOs.” This initiative will be an important lever to improve client services and internal process efficiencies.

EBR has been planned in recognition of several internal and external issues and pressures that impact on CIPO’s ongoing operating efficiency:

- the structure of CIPO’s existing operational processes makes it more difficult for the organization to offer the types of services needed to meet evolving client expectations;
- evolving international requirements and the eventual need to modernize legislation will have a significant effect on CIPO’s operational processes;
- client expectations are growing as CIPO’s services are being compared to those of IPOs in other countries;
- CIPO’s proprietary systems, in particular TechSource and INTREPID, are becoming more difficult to maintain; and
- employees require faster, more convenient tools to meet increasing pressure and demand on their daily workload.

In an effort to proactively address these issues, CIPO has developed a five-year plan to help guide the organization through a series of coordinated projects. Through the EBR initiative, CIPO plans to transform operational processes, existing client interfaces, business applications, and information technology (IT) infrastructure. The transformation vision includes a full range of improved, consistent and user-friendly service offerings, leading to optimal client self-sufficiency and satisfaction. Additional benefits resulting from EBR include increased accuracy and completeness of client information and a more responsive and secure environment for exchange of information.

For CIPO, business transformation is an ongoing process. We will strive for continuous improvement of services based on client feedback, offerings from other IPOs worldwide, and technological advances over time. (See “Client Services” on page 8 for additional information pertaining to 2007–08 EBR activities.)

II. Strategic directions and key activities for 2007–08

The strategic directions set out in CIPO's strategic plan for the period 2007–2012 focus upon client services and outreach, which together constitute the core of our business; the IP administrative framework; our efforts on the international front; and, our people.

1. Strategic direction: Client services

Objective: To improve products, services and processes in areas of highest priority to clients while supporting the greater public good.

CIPO recognizes the importance of increasing the level and quality of IP activity by Canadians. To this end, CIPO is committed to providing quality products and services that respond to client needs and expectations in support of the greater public good.

CIPO has three distinct client groups with a range of needs and expectations:

- the creators and inventors of IP;
- existing and potential Canadian exploiters of IP rights and information; and
- the professionals that act on behalf of creators and innovators.

CIPO's 2005 National Client Survey highlighted three key client priorities: timely service; ability to reach CIPO to locate information, products, and services easily and on clients' own terms; and clear, consistent, accurate, and comprehensive communications.

A. Timely, quality products and services

CIPO's product lines are striving to meet this strategic objective by placing high value on turnaround times (TATs) and quality. They are working to improve the timeliness, consistency, comprehensiveness and accuracy of search and examination products, services, and processes.

The Patent Branch's recruitment campaign continues in 2007–08. In addition to the 246 examiners recruited over the last five years, the Branch will hire 40 new examiners strategically focussed in those technological areas where backlogs and demand exist. In addition to increased hiring, focussed approaches to the training of patent examiners are leading to improvements in the Branch's quality and efficiency. Total inventories of patent applications with a request for examination awaiting first action are steadily decreasing and should continue to do so over the coming years.

Over the past five years, the Trade-marks Branch has improved its TATs from 17 months down to six months. In 2007–08, the Branch is hiring 16 new examiners and will recruit in future years as needed, to ensure that sufficient resources are in place to maintain the six-month TAT and to stabilize the inventory of applications awaiting examination.

Despite an increase in the number of applications for industrial designs, the Copyright and Industrial Design Branch has been able to improve its TATs. The Branch is continuing to recruit to compensate for turnover and attrition and is seeking to acquire competencies in automation.

Key 2007–08 activities include:

Patent Branch:

- introduce a biotechnology chapter in the *Manual of Patent Office Practice*;
- review and update the chapter on Utility and Subject Matter;
- review and complete mapping of examination process under Chapters 1 and 2 of the Patent Cooperation Treaty;
- engage the patent profession to participate in quality improvement;
- begin identifying and developing quality standards for some products and services; and
- expand the content and use of the Patent Branch's Quality intranet site.

Patent Appeal Board:

- participate in developing and managing technical policy issues via the IP Policy Committee; and
- develop a tracking system to improve predictability of milestones and timely decision making.

Trade-marks Branch:

- improve examination tools to increase consistency, accuracy and quality; and
- initiate data quality management initiatives leveraging the work done by the Patent Branch.

Trade-marks Opposition Board:

- disseminate information on CIPO's website regarding summary expungement proceedings (section 45) and opposition proceedings; and
- recruit two board members and two section 45 hearing officers.

Copyright and Industrial Design Branch:

- document business processes including process mapping;
- create an ID Expert position for quality assurance, quality control and efficiency relating to examination; and
- continue to develop and promote e-services and to improve the quality of online databases.

B. Accessible, user-friendly products, services and processes

Beginning in 2007–08, CIPO will pursue its multi-year business transformation initiative, Enterprise Business Renewal (EBR). EBR will allow CIPO to look at its core business processes, and transform how the organization does business with a goal of becoming more efficient, accessible, and responsive to clients. The first step of EBR involves process modernization. This includes process mapping and redesigning processes throughout CIPO (product lines, financial operations). The mapping of current processes will be completed by fall 2007 while improvements will be identified and designed by the end of the fiscal year.

Over the coming five years, work will be conducted towards implementing the building blocks for comprehensive time zone sensitive products, services, and processes, including e-services and operational systems, based on client and operational priorities. As well, CIPO will complete its domestic electronic data holdings, improve online functionality, and increase the ability to import and export data internationally.

Key 2007–08 activities include:

- improve stakeholders' electronic access, including access to IP information databases, electronic filings, and general information;
- by March 31, 2008, clients to be able to consult online all industrial designs registered in Canada;
- by March 31, 2008, copyright applicants to be able to e-file attachments;
- CIPO to adopt and deploy a web content management system (Electronic Publishing at Industry Canada [EPIC]) and implement Common Look and Feel (CLF 2.0) standards as it revamps its website to enhance the client's experience;
- finalize documentation of business requirements and make a business case for the development of the Client Information Management System (CIMS); and
- gather best practice intelligence at the international level by continuing open dialogue with other IPOs and recommending an approach in the area of document information sharing, data exchange and e-services.

C. Understanding client needs and expectations

Staying on top of clients' evolving needs and priorities is a major undertaking that requires sustained corporate commitment. A continuing priority for 2007–08 will be to progress on the three main service improvement areas identified in CIPO's 2005 National Client Survey. These are: communications, accessibility, and turnaround times. As well, CIPO will continue efforts towards building client intelligence through ongoing strategic and segmented consultations and managing client data, information, and intelligence as a corporate strategic resource. It will use consultation results to identify new improvements to existing products, services, and processes. Improvement priorities will be set, implemented, monitored, and communicated on an ongoing basis.

Key 2007–08 activities include:

- update consultation strategy;
- update systematic consultation processes and build a corporate consultation calendar;
- integrate a client database for patents, trade-marks, copyrights and industrial designs;
- update service improvement priorities activities, develop and monitor the associated service improvement plan;
- communicate progress on service improvement initiatives to clients and employees at regular intervals; and
- identify opportunities to gather information on SMEs in support of the government's science and technology strategy.

2. Strategic direction: Outreach

Objective: To ensure that Canadian creators and innovators understand IP and use it effectively to enhance their innovation capabilities and acquire competitive advantage in the marketplace.

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A key component of CIPO's mandate is to build awareness and knowledge of IP and to support its effective use by Canadians. Innovators and creators need to understand CIPO has a key role in providing Canadians with IP information to help them reap the benefits offered by the IP system, now and in the future. Small and medium-sized enterprises (SMEs) and young Canadians warrant particular attention given the potential they represent to Canadian society.

A. SMEs

In addition to continuing ongoing broad IP awareness activities (e.g. Bank of Speakers, new Learn about IP website content, general awareness information sessions, trade shows, etc.), CIPO will be working to help SMEs realize the strategic value of IP protection in a knowledge-based economy.

Key 2007–08 activities include:

- develop a strategy to deliver more focussed IP products and/or services to overcome the inhibitors SMEs have in recognizing the importance of strategically managing their IP. The strategy will define one industry sector and the business cycle(s) that would be most appropriate for this initiative and will particularly promote the value of exploiting the technical and business intelligence found in IP databases;
- develop and implement a pilot strategy to engage key stakeholders in the development and dissemination of tools, products and services to pilot sector SMEs in order to encourage their evolution from awareness of IP to effective use; and
- assemble and leverage a network of partners across Canada providing IP training as required, thereby ensuring SMEs have ease of access to products and services.

B. Education sector

Working with Canada's education sector to ensure that young Canadians appreciate the value of IP, is in line with the government's efforts to mobilize science and technology to Canada's advantage. To this end, particular attention will be given to having secondary and post-secondary graduates understand the basics and strategic use of IP.

Key 2007–08 activities include:

- implement pilot projects with interested universities to develop approaches to integrating IP into existing courses in view of testing the transferability of these approaches to other institutions in subsequent years;
- support the annual Canada-Wide Science Fair and implement a pilot Canadian Youth Innovators' Tour for the top three winners of the 2007 Fair; and
- prepare for the 2008 National Fair being held in Ottawa.

C. Other federal government departments

CIPO will cultivate strategic relationships with key departmental and other government department players that are pursuing related SME and education initiatives, to share information about IP, build awareness, and develop and leverage CIPO's outreach capabilities where there are mutual benefits.

Key 2007–08 activities include:

- finalize and begin to implement a broad overarching IP marketing approach with tactics, messages and activities that will be tailored to its specific education and SME sector audiences (e.g. World IP Day, Small Business Week and the Canada-Wide Science Fair);
- participate in IC cross-sector networks and working groups to leverage partnerships where there are mutual benefits and to increase the profile of IP issues. For example:
 - Industry Canada Marketing Network;
 - SME Outreach Working Group (Small Business and Market Services sector); and
 - IC IP Outreach Advisory Group
- when possible, integrate IP into core material of departmental programs; and
- increase the level of awareness of IP in the federal government through such activities as “IP 101” and “CIPO 101” type courses and presentations.

3. Strategic direction: IP administrative framework

Objective: To improve IP administrative policy to benefit Canadians.

This strategic direction covers the policy, legislative, and regulatory framework of Canada's IP system. A modern, internationally competitive IP framework increases the benefits to Canadians of the IP system and helps Canadian industry become more competitive. This is done by:

- pursuing international harmonization of Canada's IP framework in a manner that is consistent with Canada's national interests; and
- making IP products and services responsive to client needs and expectations.

CIPO is committed to working effectively with its IP partners and stakeholders to achieve a world-class IP regime that is efficient and internationally competitive, and

supports the modernization of CIPO's products, services, and processes.

Key 2007–08 activities include:

- Complete the implementation processes of the regulatory initiative amending the five IP rules: ¹ the *Patent Rules*, the *Trade-marks Regulations (1996)*, the *Industrial Design Regulations*, the *Integrated Circuit Topography Regulations* and the *Copyright Regulations*. These regulatory changes aim to encourage small entities to use the patent system as well as reduce processing times and costs by simplifying procedures in all five areas of activity;
- develop a five-year administrative IP policy work plan;
- finalize policy positions on initiatives; including:
 - preserving IP rights in certain circumstances, including emergency situations; and
 - amendments to the *Industrial Design Regulations* to facilitate the processing of applications.
- develop a proposal for streamlining and modernizing the *Trade-marks Act*, and reducing the administrative burden for applicants;
- Trade-marks Opposition Board to initiate review of section 45 proceedings and identify opportunities for streamlining the process;
- continue to monitor or actively contribute to issues/initiatives of the Government of Canada that relate to IP, including: Competition Policy Review Panel; review of Canada's Access to Medicines Regime; and federal science and technology strategy;
- develop and initiate implementation of a strategy aiming to reduce the administrative burden on CIPO's clients, in support of the government's paper burden reduction initiative.

¹ *Approval process was completed. Regulations came into effect June 2, 2007, except some provisions dealing with trade-mark opposition, which came into force on October 1, 2007.*

4. Strategic direction: International

Objective: To contribute to the improvement of the worldwide IP system and to benefit Canadians through influencing international IP administrative policies and practices, and sharing and acquiring best practices and business intelligence.

This strategic direction calls for the organization to contribute to the improvement of the international IP regime while benefiting Canadians. This speaks to engaging the international IP community, both with international organizations (e.g. World Intellectual Property Organization (WIPO), Asia-Pacific Economic Cooperation (APEC), etc.) and other IPOs. CIPO will also pursue strategic multilateral and bilateral relationships, to advance issues of interest to Canada.

Key 2007–08 activities include:

- head the Canadian delegation at the September 2007 Meetings of WIPO General Assemblies, participate in the work of the many WIPO committees dealing with subjects such as the development agenda, harmonization of IP procedures, and many patent and trade-mark related technical committees, as well as the working group of APEC Intellectual Property Rights Experts Group (IPEG) dealing with IP issues related to SMEs and Outreach;
- provide policy support and expertise to the federal government's delegations representing Canada in international fora;
- initiate a feasibility study for a pilot project similar to the United States Patent and Trademark Office (USPTO) and Japan Patent Office's (JPO) Patent Prosecution Highway Pilot Project (fast tracking of applications in one country when a patent has been granted in the other);
- develop approaches to benchmarking CIPO's performance in relation to foreign IPOs;
- continue to pursue opportunities with foreign IPOs on matters of interest to Canada; and
- continue to provide technical assistance to developing countries in cooperation with WIPO, and assess new opportunities as they arise.

5. Strategic direction: Our people

Objective: To have CIPO recognized as one of the best employers in the Government of Canada.

CIPO's most valuable asset is the talent and commitment of its employees. Over the next five years, CIPO's efforts to recruit and retain talent will be conducted within an increasingly competitive labour market. Retaining its core capacity will be a key priority for the organization. Employment equity and official language obligations remain key and will be an integral part of all our activities.

In 2007–08, emphasis is being put on human resources (HR) planning and tracking. A comprehensive HR strategy is being developed to ensure CIPO has the capacity to implement its five-year strategic plan. To encourage and support personal and professional development of employees, priority is being given to the establishment of training guidelines aligned with Treasury Board of Canada and Industry Canada policies. Employee engagement is also critical. We are focussing on continuous improvement of our communication practices and our work environment.

Key 2007–08 activities include:

To attract, recruit and integrate best talents:

- in cooperation with Industry Canada's HR Branch, explore and adopt where appropriate, innovative ways to recruit candidates;
- increase the visibility of career opportunities on CIPO's Internet site;
- streamline the recruitment process and implement a recruitment tracking system in partnership with Industry Canada's HR Branch; and
- launch a renewed orientation program to facilitate the integration of new employees.

To promote learning and development:

- develop continuous learning and professional development guidelines consistent with Treasury Board of Canada Secretariat and IC policies, and implement personal learning plans for all employees;
- evaluate the success of CIPO's Leadership Development Program (LDP) in preparation for further steps;
- review the employee performance appraisal process and develop an action plan to address improvement opportunities; and
- develop an approach for the implementation of an integrated succession management program that leverages CIPO's LDP.

To foster greater employee engagement and help position CIPO as an employer of choice:

- develop a telework framework to promote work-life balance;
- provide diversity training to all CIPO employees;
- work on improving the work environment in order to eliminate any form of harassment and discrimination; and
- consider elements for an employee engagement strategy.

III. Strategic enablers and key

activities for 2007–08

1. Strategic enablers: Management and accountability

CIPO is committed to enhancing its management practices and to improving its accountability. From a financial perspective this means ensuring funds are available for investments, strong budgeting processes are in place, and resource allocation supports CIPO's corporate strategy. From a broader perspective, it means that we have a shared understanding of our priorities and expected results and that accountability for these results is clear.

Financial plan

Over the last several years, CIPO has achieved strong financial results, has maintained its ability to invest in strategic capital investments and in personnel to increase production capacity, and has improved TATs and inventory levels. Forecasted revenues are expected to increase in the next couple of years but should then plateau at around \$149 million annually.

CIPO Financial Forecast (\$M)

	2006–07 (Actual)	2007–08	2008–09	2009–10
Revenues	138.3	139.7	146.1	149.3
Net expenditures	123.3	133.5	142.8	149.2
Net income	15.0	6.2	3.3	0.1

CIPO FTE Forecast

In 2007–08, the largest expenditure growth item will be salaries and benefits as the number of employees increases. In 2009–10, the largest expenditure growth item will be salaries and benefits as the number of employees increases.

	2006–07 (Actual)	2007–08	2008–09	2009–10
FTEs	897	970	1030	1040

thereby improving the organization's internal production capacity to meet clients' demands.

Key 2007–08 activities include:

- finalize strategic plan outcomes and develop performance measures to monitor the progress of the strategic plan;
- develop a corporate risk profile along with a risk management action plan to address key risk areas in the context of the organization's mandate, objectives, available resources and capacity for Integrated Risk Management; and
- enhance the strategic allocation of resources and their stewardship by:
 - continuing the implementation of activity-based costing (ABC) into its budgeting activities;
 - advancing forecasting tools to support CIPO's product lines;
 - implementing recommendations from the organization's annual financial audit;
 - building a long-term revenue management strategy; and
 - developing an evaluation plan.

2. Strategic enablers: Internal and external communications

CIPO's 2005 National Client Survey shows that satisfaction with communications is a key driver of overall client satisfaction with CIPO's products and services. CIPO also wants to position itself as an employer of choice and ensure that its employees are well aware of its direction and are fully engaged in achieving the organization's objectives.

Key 2007–08 activities include:

- develop an overall strategic communications plan in support of CIPO's Five-Year Strategic Plan and EBR initiative;
- align CIPO's communications activities and messages with the ongoing client consultation process committee strategy and ensure an internal communications channel/voice for CIPO employees; and
- continue to provide strong communications support and services to CIPO branches as we assist in the delivery of CIPO's mandate by providing a strategic communications approach for activities and initiatives involving communications with the public or with employees.

External communications activities:

- update CIPO's external website content and navigation to enhance the client's online experience.

Internal communications activities:

- prepare a plan to respond positively and effectively to employee comments on the survey conducted to assess their level of satisfaction with internal communications;
- promote CIPOnet as the main source of information for employees and primary communication tool for the organization; and
- implement the conversion of *CIPO Info* from a paper format to an electronic newsletter in order to increase readership, and make CIPO information more timely, relevant and newsworthy.

3. Strategic enablers: Information and technology

To optimize resource utilization and improve long-term planning in a context of an evolving IP environment, the EBR initiative will encompass strategic IT transformation projects from an organization-wide perspective.

In addition, CIPO continues to build on its existing information management framework and capacity to support internal and external business requirements by making quality information more readily available to clients.

Key 2007–08 activities include:

- prepare for and implement Treasury Board’s new Information Management Directive, which goes into effect July 1, 2007:
 - implement a comprehensive file classification plan; and
 - plan for implementation of an electronic document and records management system (EDRMS) for non-case file (unstructured) information including email management.
- implement IT maintenance, business and operational imperative projects as described in CIPO’s IT Operational Plan. Projects include Inquire/Text replacement, Canadian Patents Database search engine upgrade, and backcapture of searchable Industrial Designs Database;
- improve IT processes in accordance with the Capability Maturity Model (CMM) to reach CMM level 3. More specifically, two areas will be improved: resource management where employee development will be carried out according to competency-based learning plans; and, optimization of processes related to the development and management of the IT Architecture/Infrastructure; and
- centralize IT Infrastructure services with Industry Canada’s Chief Information Officer (CIO) to take advantage of CIO expertise, processes and economies of scale, and to provide CIPO employees with career path and advancement opportunities.

Appendix A: Organizational structure

