

SEPTEMBER 5, 2003

## Canadian Intellectual Property Office Announces Government Fee Increase for Patents, Trade-marks, Industrial Designs and Copyrights

The Canadian Intellectual Property Office (CIPO) has announced an increase in government fees for patents, trade-marks, industrial designs and copyrights. Canadian patent fees have not changed since 1989, both the trade-mark and industrial design fees have not changed since 1985 and copyright fees have not been modified since 1997.

The majority of fee increases will come into force on **January 1, 2004**, with the remaining fee increases to take place in the second half of 2004.

The new government fee schedule will apply to all pending patent applications and granted patents, regardless of whether or not these were filed or granted prior to January 1, 2004. The same principle will apply to all pending applications and registrations for trade-marks, industrial designs or copyrights, regardless of whether or not these were filed or registered prior to January 1, 2004.

According to CIPO, even after the government fee increase comes into force, the fees charged by Canada will continue to be significantly less than

those charged by intellectual property agencies in other jurisdictions such as the US, Europe, Japan and Australia.

Any government fees which are not due until after January 1, 2004, can be paid prior to this date under the old fee schedule. For this reason, Smart & Biggar/Fetherstonhaugh strongly encourages all clients to review their portfolios of pending and issued patents, trade-marks, industrial designs and copyrights and to consider paying any government fees which are coming due after January 1, 2004, in order to avoid the additional expense of the government fee increases.

At the request of any client, Smart & Biggar/Fetherstonhaugh will be pleased to review a client's intellectual property portfolio and recommend the most cost-effective strategy to minimize any additional expenses before the new government fee structure comes into force. In addition, the firm will be fully implementing electronic filing systems to permit our clients to take advantage of the lower filing fees associated with electronic filing of trade-marks.

### The official fee increases that we expect to be of most interest to our clients are set forth below:

PATENTS		Current official fee	New official fee
1.	Filing a patent application	\$300 (Large entity)	\$400 (Large entity)
2.	On requesting examination of a patent application:		
	a) if the application has been the subject of an international search by the Commissioner	N/A	\$200 (Large entity)
	b) if the application has not been the subject of an international search by the Commissioner	\$400 (Large entity)	\$800 (Large entity)
3.	On requesting the advance of an application for examination	\$100	\$500
4.	Reissue of a patent	\$800	\$1,600
INTERNATIONAL PATENTS			
5.	Transmittal fee (under the PCT)	\$200	\$300
6.	Basic national fee	\$300 (Large entity)	\$400 (Large entity)
INDUSTRIAL DESIGNS			
7.	Filing an application to register an industrial design	\$160	
	a) basic fee		\$400
	b) plus, for each design in excess of 10 pages	N/A	\$10
8.	Design registration maintenance	\$215	\$350
COPYRIGHT			
9.	Filing an application for registration of copyright	\$65	
	i) where the application and fee are submitted on-line		\$50
	ii) in any other case		\$65

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TRADE-MARKS		Current official fee	New official fee
10.	Registration of a trade-mark	\$150	
	a) where the application and fee are submitted on-line		\$250
	b) in any other case		\$300
11.	Filing a statement of opposition	\$250	\$750
12.	Filing an application to amend the registration of a trade-mark	\$300	\$450
13.	Filing a request to recognize the transfer of one or more trade-marks, for each trade-mark	\$50	\$100
14.	Filing a request to renew the registration of one or more trade-marks, for each trade-mark	\$300	
	a) where the request and fee are submitted on-line		\$350
	b) in any other case		\$400
15.	Filing a request to send one or more notices pursuant to s.44 or 45 of the Act, for each notice	\$150	\$400
16.	Filing a request for an extension of time	\$50	\$125

The patent fees, with respect to CIPO functioning as an International Searching Authority (ISA) and International Preliminary Examining Authority (IPEA), will come into force in the second half of 2004, once CIPO begins to offer these new services.

The full list of fee changes for patents, trade-marks, industrial designs and copyrights can be found at:

[http://strategis.ic.gc.ca/sc\\_mrksv/cipo/fees/new\\_fee\\_chng-e.html](http://strategis.ic.gc.ca/sc_mrksv/cipo/fees/new_fee_chng-e.html)

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