

Dear ISED,

With respect to Section 1, it would be unfair to applicants if the days to be subtracted were to include the normal period taken to respond to an examination report, a notice of allowance or a conditional notice of allowance. In the process of obtaining a patent, the applicant often needs time to consider and respond, and provided that the time taken by the applicant is not excessive, then it should not be used to counter the delays caused by CIPO. If these days must be considered then a compromise would be, for example, to just count the days beyond the two-month mark as days to be subtracted.

With respect to Section 2, I believe that the deadline to request examination should remain at a non-extendable four years. This is already generous, particularly in comparison to the US, and allowing an extension would prolong the uncertainty to the public as to whether a patent will eventually be granted. Also, it would go against the purpose of shortening the deadline in the first place, which included reducing overall pendency times and uncertainty to third parties.

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