

Council of Canadian Innovators – Response to CIPO/SIPS Consultation Document on Additional Term and Miscellaneous Amendments to the Patent Rules

Section 1 – Term Extension

1. What are your views on the proposed regulatory framework and do you believe there is anything missing?

The proposed framework is satisfactory overall. The framework's details should concentrate on maximizing ease of navigation for business enterprises, particularly SMEs. To the greatest degree feasible, the process of applying for additional term should be made automatic for SMEs.

2. Do you have thoughts on which periods should result in days to be subtracted in the determination of additional term?

CIPO will have to strike a balance between maximum precision and administrative simplicity. In CCI's view, even well-intentioned complexities that aim to secure a generous term extension could result in companies effectively opting out of proceeding with applying for additional term. As such, categories of periods should be kept few in number, and should be trivially easy to calculate. Wherever possible, CIPO should aim to track applicable days itself as part of a file.

3. Do you have views on the requirements for submitting a request for additional term or a reconsideration?

To reduce the administrative burden on SMEs, CIPO should consider automatic granting of additional term concomitantly with tracking days applicable for additional term over the life of a file for SMEs.

4. What information should be contained in certificates of additional term?
5. What information do you feel is important for CIPO to convey to the public in relation to determinations of additional term?

CCI has no views on these questions.

Section 2 – Other Amendments

1. What are your thoughts about the possible regulatory amendments discussed?

CCI is supportive of efforts to reduce unnecessary burden on applicants and patentees and to further streamline the patent examination process. A mechanism to defer examination seems to be in line with the preferences of businesses.

2. What other changes might you propose to improve the existing regulatory framework including streamlining examination and lightening administrative burdens?
3. How often do you expect applicants would request an extension of time to the deferred examination period and under which circumstances? What would be the positive and negative impacts on you if the Government permitted extensions of time to the deferred examination period?

CCI has no views on these questions.

Contact

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