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Newsletter: December 2007

If your client has a granted U.S. patent, then the prosecution of your client’s corresponding Canadian patent application can now be fast-tracked, free of charge.

The Canadian Intellectual Property Office (CIPO, of which the Patent Office is a branch) has recently issued a notice relating to the foregoing that will be of interest to our associates in other countries who are handling both a U.S. and a corresponding Canadian patent application on behalf of a client. Please note that the benefit of this new Canadian prosecution initiative is not restricted to nationals of the U.S. or Canada. Here is the CIPO notice:

Canada-US Patent Prosecution Highway

CIPO and the United States Patent and Trademark Office (USPTO) recently agreed to establish a new cooperative initiative called the Patent Prosecution Highway (PPH) on a one-year trial basis beginning in early 2008. The PPH will serve to fast-track patent applications in one country when a patent has been granted in another. This initiative was agreed upon at a bilateral meeting held between CIPO CEO Mary Carman and Jon Dudas, Under Secretary of Commerce for Intellectual Property and Director of the USPTO, during the 2007 WIPO Assemblies.

By electing to proceed under the PPH initiative, patent applicants in both Canada and the U.S. will benefit from expedited examination to obtain corresponding patents faster and more efficiently. This initiative should also benefit both offices by facilitating the exploitation of the work performed by the other office, thereby improving patent quality and reducing the examination workload. The objective of the trial is to gauge the interest of applicants and to assess the anticipated benefits to each office. During the trial period CIPO will process requests for advance prosecution under the PPH program free of charge. This should not, however, be presumed to be indicative of the fee that may be required if the PPH is eventually retained as a permanent service.

This pilot project will be similar to the USPTO/JPO Patent Prosecution Highway Pilot Project that currently exists between the USPTO and the Japan Patent Office (JPO), initiated in May 2006, and the USPTO/UK IPO Patent Prosecution Highway Pilot Project between the U.S. and the United Kingdom Intellectual Property Office (UK IPO), which began this fall and will end in September 2008. There is also an existing PPH pilot procedure between the UK and Japan, initiated in July 2007 for an initial one-year period.



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The practice of Barrigar Intellectual Property Law is restricted to intellectual property law and related litigation. The firm is led by Bob Barrigar, whose book on Canadian Patent Law is authoritative, and whose practice includes litigation as well as counselling; and patent, trademark, copyright and industrial design application preparation and prosecution. Our outstanding team of professionals is capable of assisting your clients in obtaining intellectual property protection or assisting in the resolution of disputes in any area of technology or intellectual property law.