

MACRAE & CO.

CANADIAN PATENT APPLICATION FILING REQUIREMENTS

1. FILING REGULAR APPLICATIONS

PLEASE NOTE:

We require the following material and information:

- (a) The name and address of each applicant and each inventor.
- (b) The serial number and filing date of each convention application. A certified copy thereof is not required.
- (c) A Petition for Grant of a Patent. We typically prepare and execute the form on behalf of the applicant.
- (d) Confirmation that the applicant is the legal representative of the inventor(s) for preparation of a Declaration of Legal Representation.
- (e) A plain copy of an assignment, if appropriate, for submission with the application, or for use in preparing the Declaration.
- (f) Whether the applicant is a small entity: i.e. a university or an entity employing no more than 50 people and which is neither controlled directly or indirectly nor is under an obligation to assign or license rights to an entity that does not meet these criteria. If so, we will need an executed Small Entity Declaration, available at our website: www.macrae.ca.
- (g) Whether an examination request is to be made at the time of filing.
- (h) A complete copy of the specification and drawings.

(A) If the Declaration is omitted, the Canadian Patent Office will issue a formal requisition therefor.

(B) There are no claims surcharges.

(C) Maintenance fees are payable annually, the first being due by the second anniversary of the Canadian filing date.

(D) Under our modified absolute novelty system the effective Canadian filing date (convention or actual) must be prior to the date the invention became available to the public anywhere in the world. Where the public disclosure is by or is derived from the applicant the actual Canadian filing date must be within one year of such disclosure.

(E) If a copy of the specification and drawings suitable for electronic scanning and meeting the physical requirements of the Canadian Patent Office is not submitted on filing, then such a copy should be provided within 15 months of the priority date. If not timely submitted the Office will requisition the papers within 3 months and impose a \$200.00 fine.

2. NATIONAL ENTRY UNDER PCT

We require the following material and information:

- (a) The name and address of each applicant and each inventor.
- (b) The serial number and filing date of each convention application as well as the serial number and filing date of the international application.
- (c) A Request for National Entry form. We usually prepare and execute the form on behalf of the applicant.
- (d) Information as to the manner by which the applicant became entitled to pursue patent protection in Canada (e.g. by virtue of employment, assignment, agreement, etc.) for preparation of a Declaration of Entitlement OR confirmation that the applicant is the legal representative of the inventor(s).
- (e) A plain copy of an assignment, if appropriate, for submission with the application, or for use in preparing the Declaration of Entitlement.
- (f) Whether the applicant is a small entity: i.e. a university or an entity employing no more than 50 people and which is neither controlled directly or indirectly nor is under an obligation to assign or license rights to an entity that does not meet these criteria. If so, we will need an executed Small Entity Declaration, available at our website: www.macrae.ca.
- (g) Whether an examination request is to be made at the time of filing.
- (h) A copy of the published application for our file along with a copy of any amendments made under Article 19 and/or 34.
- (i) A translation of the specification and any amendments into English (or French), if not originally in either official language of Canada.

PLEASE NOTE:

(A) If the Declaration is omitted, the Canadian Patent Office will issue a formal requisition therefor.

(B) A Declaration of Entitlement can be used only for events that have been established as of the International filing date for a PCT national entry application.

(C) A declaration of legal representation can be used for both PCT national entry applications and regular applications.

(D) National entry is due 30 months from the earlier of the priority date or International filing date. Canada allows 12 additional months from the 30 month due date for late national entry of an international application with payment of a \$200.00 late fee.

(E) Maintenance fees are payable annually, the first being due by the second anniversary of the international filing date. At the time of national entry we will pay any maintenance fee that becomes due within six months of the national entry date in order to avoid complications due to processing delays at the Patent Office.

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