

# The New Canadian Patent Rules

As of October 30, 2019



Brion Raffoul  
Intellectual Property Law



## “Late Entry” PCT Deadline No Longer *As of Right*

When trying to file a “Late Entry” PCT deadline, applicants must submit a statement that the failure to meet the 30-month deadline was unintentional. The 42-month deadline still applies if the PCT International Filing Date is before October 30, 2019.

## Certified Copies of Priority Documents

Certified copies of priority documents are required, except where the priority document is an earlier Canadian Application or is a priority document to a National Phase Application and the PCT priority requirement has been satisfied.



### Tip: File Faster!

Non-NPE applications can be filed in any language and a French or English translation will need to be filed within 2 months of a notice from the Patent Office.

## Third Party Rights

Don't let your competitors take advantage of your misstep. Third parties may be protected when committing acts that would otherwise be infringement while patent rights are uncertain. Third party rights can even apply in situations where the Application has not yet gone abandoned because an abandonment notice was not received from the Patent Office.

## Due Care

Due Care must be shown when reinstating applications that become abandoned for failure to pay a Maintenance Fee or for failure to Request Examination. Applicants can restore a priority claim up to 14 months after the filing date if the delay was unintentional.

## Caution: Earlier Deadlines!

The time to Respond to an Office Action was shortened to 4 months from the Office Action date and the deadline for Requesting Examination was shortened to 4 years from the filing date.



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For more information about the new Canadian Patent Rules please contact our experts at Brion Raffoul.

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