



Innovation, Science and
Economic Development Canada
Canadian Intellectual Property Office

Innovation, Sciences et
Développement économique Canada
Office de la propriété intellectuelle du Canada

Canada

Canadian Intellectual Property Office



2020–2021 ANNUAL REPORT

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ISED Citizen Services Centre
Innovation, Science and Economic Development Canada
C.D. Howe Building
235 Queen Street
Ottawa, ON K1A 0H5
Canada

Telephone (toll-free in Canada): 1-800-328-6189
Telephone (international): 613-954-5031
TTY (for hearing impaired): 1-866-694-8389
Business hours: 8:30 a.m. to 5:00 p.m. (Eastern Time)
Email: ISED@ised-isde.gc.ca

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Message from the CEO



Konstantinos Georgaras
Chief Executive Officer (interim)

It is my pleasure to present the Canadian Intellectual Property Office (CIPO)'s Annual Report for 2020–2021. This past year will be forever remembered as the year that the COVID-19 pandemic disrupted our world. It will also be remembered as a year in which many across the intellectual property (IP) ecosystem demonstrated resilience and innovation. It affected CIPO's operations and the lives of our employees in so many ways, yet we persevered. Led by dedication and professionalism, we faced the pandemic and its challenges by being agile and maintaining focus on our core mandate of delivering quality and timely IP rights.

Despite its challenges, 2020–2021 was also a year of great opportunity and creativity. The pandemic required us to innovate, rethink how we do our work, and transform the way we do business. As the majority of our workforce shifted to working remotely, we quickly adapted to a new environment, implemented new tools and processes, and continued to provide uninterrupted IP services to our clients.

This past year also demonstrated the importance of working closely with clients, businesses, professional associations, international counterparts, and across federal and provincial agencies. This exemplary level of collaboration with partners helped us gain important insights on evolving challenges, share best practices and collectively navigate through uncertain times. Our response was made stronger through this deep collaboration with our partners.

We took many immediate and innovative approaches to address the challenges at hand. To support our clients, we implemented the designated days provision which effectively suspended most deadlines so that clients could maintain their IP rights during unprecedented economic disruption. As innovators and businesses worked toward solutions to the pandemic, CIPO introduced pilots to accelerate the IP administrative process for COVID-19-related products and services, and to encourage follow-on innovation in support of the global response. Likewise, many of our services moved to virtual platforms to continue operations. For example, trademarks opposition hearings were conducted entirely through video and teleconference. When our regional mailrooms closed, most of our clients were able to immediately turn to CIPO's e-services and transacted business online.

Almost overnight, CIPO went from receiving correspondence primarily in the form of paper, to receiving over 90% in electronic form. Throughout the year, innovators, entrepreneurs and businesses continued to have access to IP information and resources as CIPO pivoted its IP awareness and education content to digital service delivery. To ensure clients had the support they needed, we introduced several new digital services to increase access to the Office. For example, we introduced a chat function on the CIPO "Contact us" web page, via which clients can get answers to their IP-related questions, 24 hours a day, 7 days a week. We also made it easier for clients to correspond with the Office by introducing a new e-correspondence service for trademark and Patent Cooperation Treaty (PCT) applications.

While COVID-19 may have dominated everyone's immediate attention in 2020–2021, we did not lose sight of our longer-term Business Strategy goals and we made significant progress on advancing innovation and modernizing the IP framework. Following the implementation of 5 international IP treaties, CIPO continued to modernize Canada's IP system, notably through regulatory changes, and to assist in establishing the College of Patent Agents and Trademark Agents. We regularly communicated with our international partners, sharing vital information and best practices to ensure the continued functioning of the international IP system and to maintain the best possible service for CIPO clients and Canadians. CIPO also supported innovation by providing access to high-quality IP data and research that equip businesses with the intelligence to ideate, explore opportunities to grow, and increase their competitiveness. In collaboration with the Centre for International Governance Innovation, CIPO virtually hosted the 4th Annual IP Data & Research Conference, focusing on IP and economic growth.

This year also saw the departure of my predecessor, Johanne Bélisle on September 8, 2020, as she completed her 5-year term. During her term as chief executive officer, CIPO charted a 5-year business strategy that aligned the organization to better support innovation, enhanced its awareness and education initiatives, introduced client-centric approaches and implemented key treaties. We would like to acknowledge Johanne's contributions to CIPO and we will continue to build on CIPO's long-term track record of accomplishments.

The impacts of the pandemic and its restrictions have affected us all and has fundamentally changed our lives and the way we work. When I reflect on what CIPO accomplished in 2020–2021, I am struck by the resiliency and adaptability of CIPO's employees and grateful for the deep collaboration with partners. In a matter of a few months, we achieved transformations that would have normally taken much longer. Looking ahead, we are laying the groundwork for the CIPO of the future, a modern office that is an integral part of the IP ecosystem, digitally enabled and continues to foster innovation and success for Canadians.

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About CIPO

CIPO is a special operating agency of Innovation, Science and Economic Development Canada (ISED) and is responsible for the administration and processing of IP in Canada. We have more than 1,000 employees and operate under a revolving fund authority. Our accountabilities are maintained through this annual report to Parliament, an annual private sector financial audit and our client service standards.

Areas of activity



Patents

A patent is a legal right to prevent others from making, using or selling an invention for up to 20 years. The invention can be:

- a product (e.g. a door lock)
- a chemical composition (e.g. a chemical composition used in lubricants for door locks)
- a machine (e.g. a machine that makes door locks)
- a process (e.g. a method for making door locks)
- an improvement on any of these



Trademarks

A trademark is used to distinguish the goods or services of a person or an organization from those of others. It can be any of the following, or a combination thereof: words, designs, tastes, textures, moving images, modes of packaging, holograms, sounds, scents, 3-dimensional shapes and colours.

A registered trademark provides exclusive rights to use the trademark for 10 years (a term that is renewable) and protects it under law from misuse by others.



Industrial designs

An industrial design comprises the visual features of shape, configuration, pattern or ornament, or any combination of these features applied to a finished article. In other words, it is about how something looks. An industrial design registration provides exclusive rights for up to 15 years and protects a product's unique appearance.



CANADIAN INTELLECTUAL PROPERTY OFFICE



Copyright

Copyright is the exclusive legal right to produce, reproduce, sell, license, publish or perform any of the following, as long as it is an original:

- a literary work
- an artistic work
- a dramatic work
- a musical work
- a sound recording
- a communication signal
- a performance

Unlike other IP rights, a copyright subsists in an original work from the moment it is created. Generally, copyright protection lasts for the lifetime of the author, plus 50 years after their death. In Canada, a certificate of registration of copyright is evidence that copyright exists and that the person registered is the owner.



Geographical indications

A geographical indication is used on a product (i.e. wine, spirits, agricultural products and food) that has a specific geographical origin and possesses qualities or a reputation attributable to that origin. The term of protection for a geographical indication is indefinite.

Business priorities

CIPO's Five-Year Business Strategy 2017–2022 articulates a clear vision of how we can contribute to Canada's innovation and economic success, lays out the results we seek to achieve for our clients and shows where we want to be as an organization.



Advance innovation

Through a modern IP framework and active international collaboration



Deliver quality and timely IP rights

Based on modern, efficient and quality-based services and processes



Build IP awareness and education

By equipping innovators in Canada with the IP knowledge they need to succeed



Offer a modern service experience

Through e-enabled services and a strong customer focus



Foster an agile and high-performing organization






By investing in our staff and our workplace and managing our business with probity

2020–2021 by the numbers

Patents

37,164 applications 2% 

Number of applications by sector

▶ Chemistry: 13,433	6%	
▶ Electrical engineering: 5,912	11%	
▶ Instruments: 6,078	4%	
▶ Mechanical engineering: 7,245	10%	
▶ Other fields: 4,496	4%	


28,193 requests for examinations 0.1% 

22,451 grants 7% 

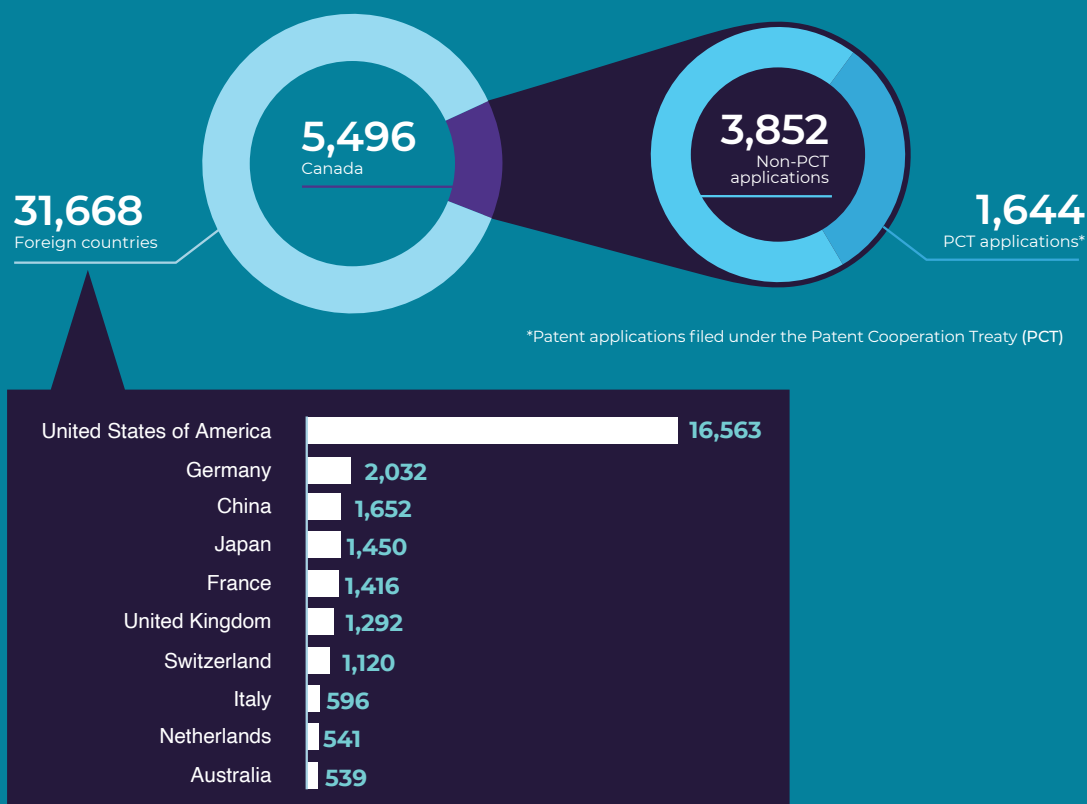
 Increase from 2019–2020  Decrease from 2019–2020

2020–2021 top patent applicants



 Number of patent applications

Country of origin of patent applications



CIP0 received **2,351** International Searching Authority applications and **144** International Preliminary Examination Authority applications.

Patent appeals

52 applications received for rejected patents

27%



47 decisions rendered by the Patent Appeal Board

15%



↑ Increase from 2019–2020

↓ Decrease from 2019–2020

Trademarks

76,168 applications

11%



Types of marks

▶ Standard characters: 49,854	▶ Design: 25,741
▶ Colour: 207	▶ Multi-type: 181
▶ Three-dimensional (3-D): 99	▶ Taste: 17
▶ Mode of packaging goods: 16	▶ Sound: 15
▶ Position: 15	▶ Texture: 13
▶ Motion: 6	▶ Scent: 2
▶ Hologram: 2	

21,350 registrations

63%

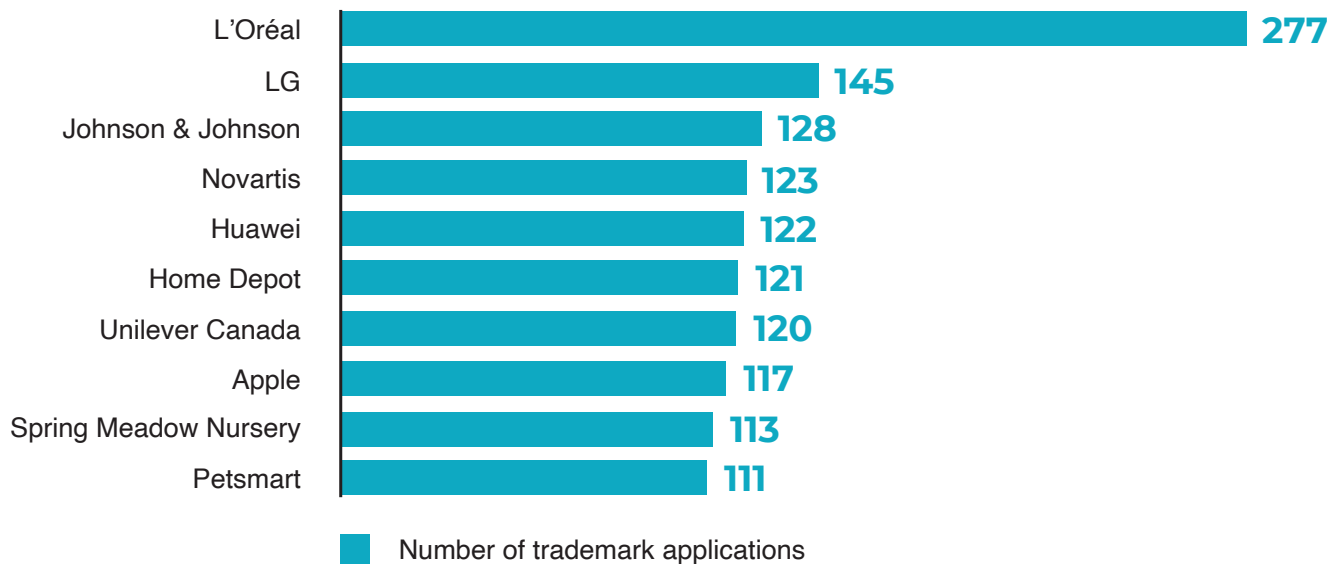


Increase from 2019–2020

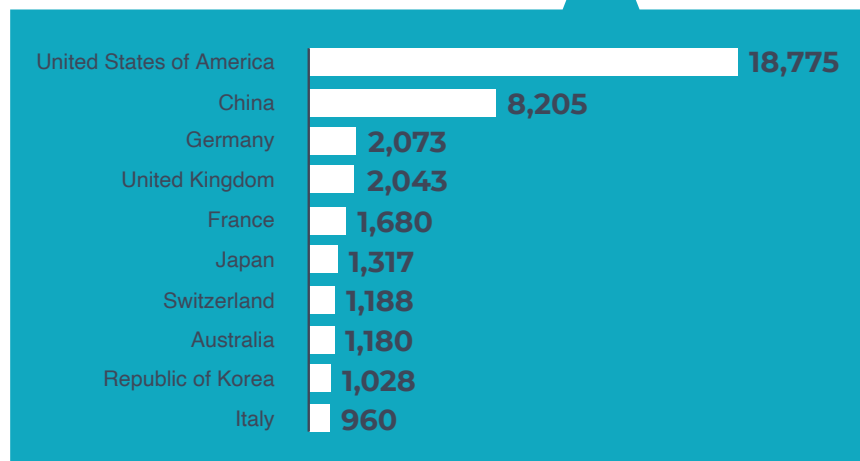


Decrease from 2019–2020

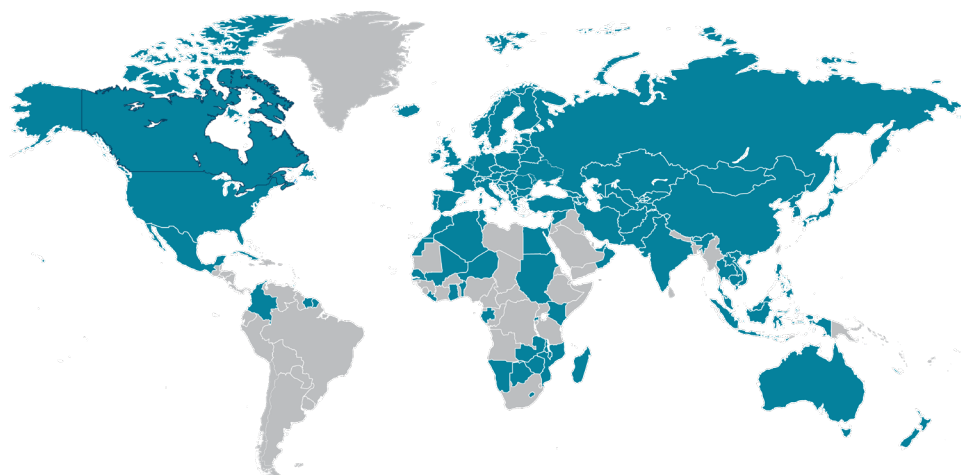
2020–2021 top trademark applicants



Country of origin of trademark applications



Contracting Parties to the Madrid Protocol



Use of the Madrid Protocol

Between April 2020 and March 2021, Canada was designated in **21,825** international trademark applications filed through the Madrid System, and ranked 5th behind the European Union, the United States of America, China, and the United Kingdom in overall designations with the World Intellectual Property Organization (WIPO). As an office of origin, CIPO certified **653** applications for international registration.

Trademarks oppositions

462 oppositions	29%	↓
▶ 87% resolved through settlement negotiations between parties		
▶ 68 opposition hearings held	78%	↑
▶ 115 opposition decisions rendered	16%	↑
615 requests for expungement (section 45)	12%	↓
▶ 63% of trademarks automatically expunged since no evidence of use was filed by the registered owner		
▶ 34 hearings held	47%	↑
▶ 79 section 45 decisions rendered	6%	↑

↑ Increase from 2019–2020

↓ Decrease from 2019–2020

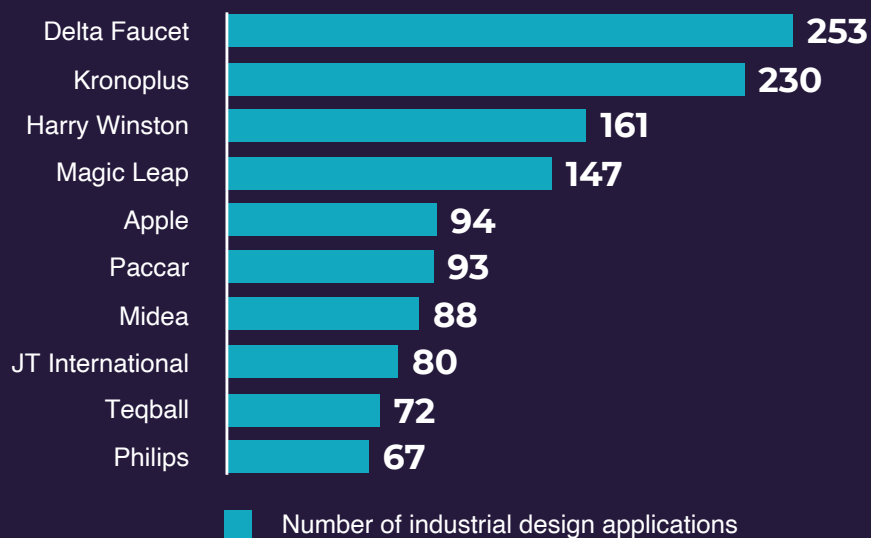
Industrial designs

8,161 applications	10%	↑
5,095 registrations	5%	↓

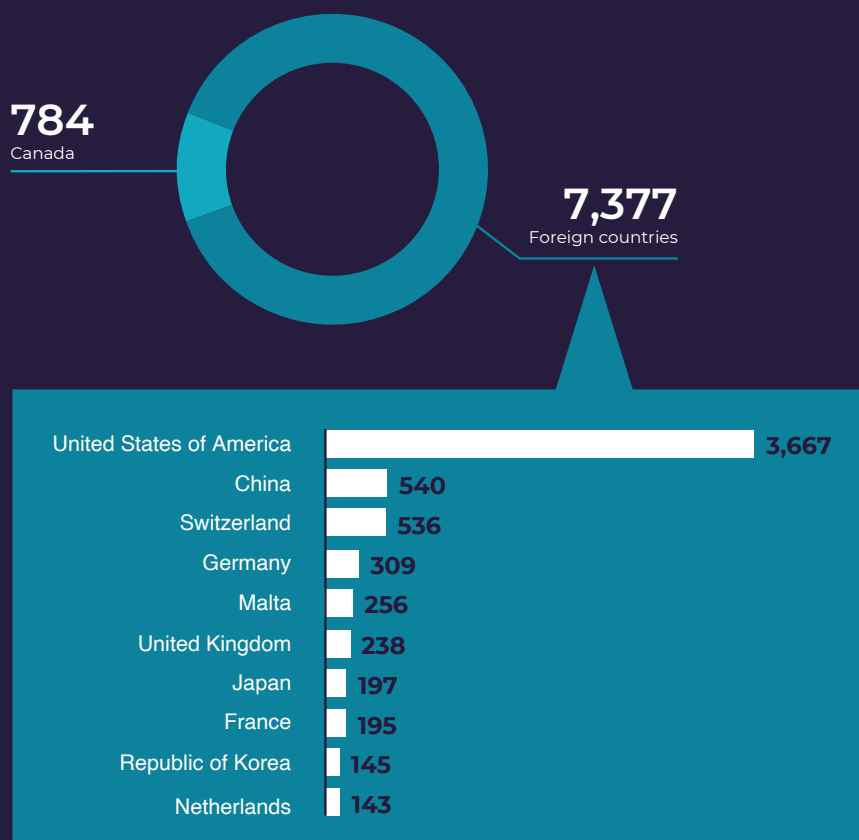
↑ Increase from 2019–2020

↓ Decrease from 2019–2020

2020–2021 top industrial design applicants

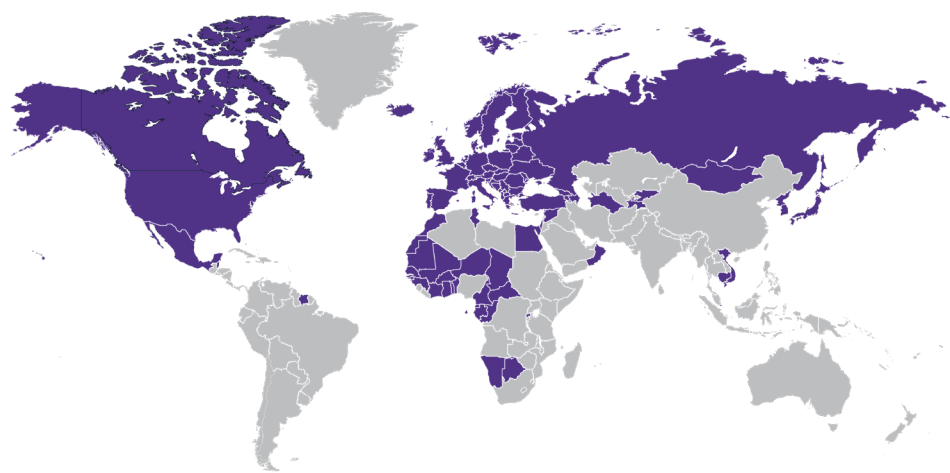


Country of origin of industrial design applications



Figures for industrial design applications do not include designs filed at WIPO that have not yet been received in Canada.

Contracting Parties to the Hague Agreement



Use of the Hague Agreement

Canada was designated in **1,065** international industrial design applications under the Hague Agreement; the applications contained over **2,580** designs.

Copyright

12,550 applications

43%



12,579 registrations

44%

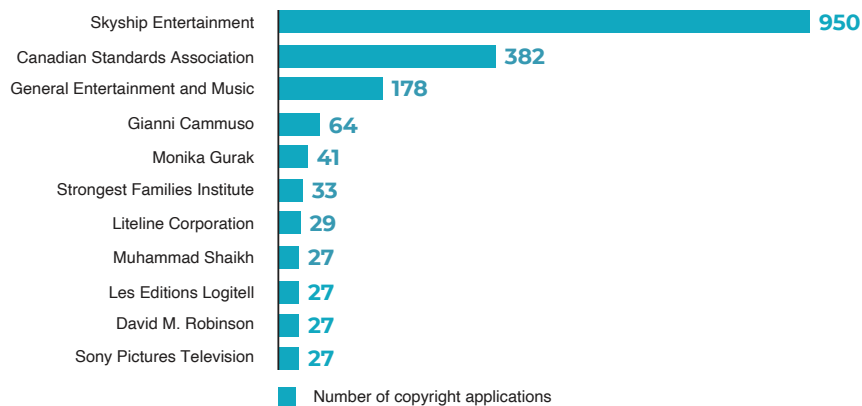


- ▶ Literary: 5,301
- ▶ Musical: 1,467
- ▶ Dramatic: 1,488
- ▶ Artistic: 1,381
- ▶ Combination of literary, artistic, dramatic or musical: 1,636
- ▶ Sound recording: 1,168
- ▶ Performance: 113
- ▶ Communication signal: 25

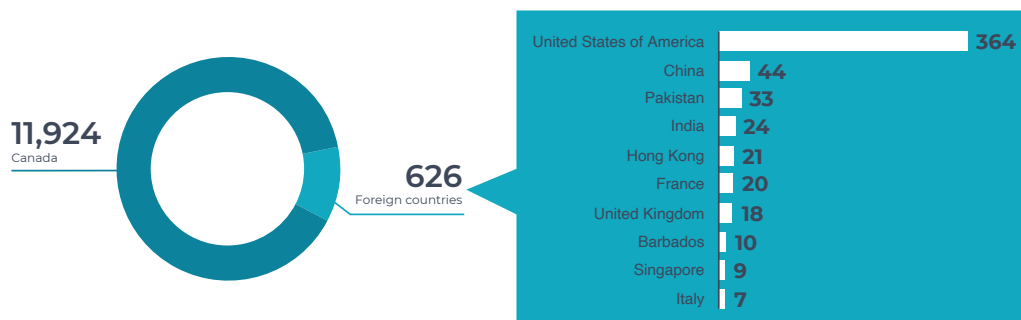
Increase from 2019–2020

Decrease from 2019–2020

2020–2021 top copyright applicants



Country of origin of copyright applications



A year of resilience and innovation

2020–2021 began with considerable uncertainty, as CIPO and the rest of the world dealt with the impacts of a rapidly evolving pandemic. As workplace restrictions and lockdown orders were put into place across Canada, CIPO moved quickly to equip its workforce to be able to work from home. Employees were furnished with the IT equipment, remote connection accounts and collaboration tools necessary to provide continual service to clients and Canadians. Changes were made to our operations that reduced the number of employees working on-site to an essential minimum. For these employees whose duties were deemed critical to CIPO operations, we implemented health and safety protocols, secured additional workspaces, and instituted a schedule and adjusted workflows that would ensure physical distancing.

To support clients who were themselves coping with the negative impacts of COVID-19 to their business and operations, CIPO activated the designated days provision, which effectively suspended most deadlines for fee payments and other client actions between March 16 and August 28, 2020.

Mail and digital correspondence

CIPO's Incoming Correspondence Unit (ICU) is the first stop for correspondence received at CIPO, whether it is sent electronically, by mail or by fax. In the early days of the pandemic, the ICU quickly reconfigured workstations and adapted its processes, allowing operations to continue while ensuring the health and safety of employees. CIPO worked closely with internal and external IT partners to acquire technology solutions that enabled ICU employees to carry out many of their functions remotely, which was previously not possible. Pre-COVID, about 93 percent of CIPO correspondence came

in the form of paper. Within just days, paper correspondence was reduced to 8%, with the vast majority of clients switching to electronic means. The efficiency gains from these changes will be enduring and will benefit both clients and the Office well-beyond the end of the pandemic that incited them.

Accelerated examination of COVID-19 related applications

In July 2020, as innovators and businesses around the world worked toward solutions to the COVID-19 pandemic, CIPO introduced a pilot project that allowed small entities and universities to request, at no additional cost, accelerated examination of a patent application for a medical product or process associated to COVID-19 relief. In December, trademark applications associated with medical goods or services related to COVID-19 were also eligible for expedited examination. By accelerating the IP protection process, CIPO sought to provide timely access to COVID-19 related products and services, and to encourage follow-on innovation in support of the COVID-19 response.



Frontline and in-person services

CIPO's Client Service Centre (CSC) is the central point of contact for IP-related general enquiries. Prior to the pandemic, CIPO's call centre operated exclusively on-site. On March 16, 2020, call centre employees migrated to a remote work environment, without any service interruption to clients. During this time of economic uncertainty, CIPO's CSC phone lines remained open for clients seeking answers to general or case-specific questions.

In March and April of 2020, CIPO suspended its IP document order service as it sought to establish a safe environment for employees working on-site. While delays were initially experienced, processing times quickly recovered and have since returned to standard. CIPO is now working toward making its collection of IP documents and resources publicly available online.

The qualifying examination for patent and trademark agents, typically held in person, were postponed. These 2 services resumed in November 2020 and were administered electronically for the first time.

Appeals and oppositions

The Patent Appeal Board (PAB) and Trademarks Opposition Board (TMOB) continued to hold hearings by teleconference and videoconference, including some requiring simultaneous translation. In 2020–2021, the TMOB conducted 67% more hearings compared to the previous year, a testament to the operation of the virtual hearing process. The TMOB also saw a significant increase in the usage of the its online correspondence system. From April 2020 to March 2021, the percentage of correspondence submitted online increased from 27% to 79%.

Client and stakeholder communication

Throughout the year, CIPO used virtual technologies to engage and inform clients on the implications of the pandemic to CIPO operations. We developed and hosted a number of webinars on YouTube to ensure the IP community was well-informed and to provide guidance on the changes implemented, notably the activation of the designated days provision.

Ongoing communication and collaboration with stakeholders and intermediaries provided CIPO with a better understanding of what was occurring in the marketplace and the issues clients were facing. CIPO also participated in regular meetings with WIPO and our international IP counterparts to share insights on how the COVID-19 crisis was impacting IP operations and global economic trends. These exchanges provided invaluable intelligence and technological workarounds that helped inform our pandemic response.



Advance innovation

CIPO plays an integral role within the Canadian innovation ecosystem. We focus on the modernization of the national IP system by harmonizing with our international counterparts to support innovators and entrepreneurs to grow their business in global markets and attract foreign investments to Canada. Continued collaboration with international partners and domestic stakeholders has helped strengthen the Canadian IP regime and provide our clients with opportunities to extract value from their creations and inventions. Innovation is further propagated through access to high-quality IP data and research that equip businesses with the intelligence to ideate, explore opportunities to grow, and increase their competitiveness.

Modernizing Canada's IP framework

CIPO's recent implementation of 5 international IP treaties positions Canada as a full participant in the global IP system—making it faster, convenient and cost-effective for Canadians to acquire IP protection in multiple countries and expand their businesses in international markets. Foreign investment in Canada is also made easier, as the process for securing Canadian IP protection has been simplified for non-residents. Since the coming-into-force of the Patent Law Treaty in October 2019, the Madrid Protocol, the Singapore Treaty and the Nice Agreement for trademarks in July 2019, and the Hague Agreement for industrial designs in November 2018, domestic and foreign applicants have shown significant uptake of these international IP provisions. In 2020–2021, Canada was designated in 21,825 international trademark applications filed through the Madrid System, ranking

Canada in 5th place worldwide in terms of overall designations. CIPO also certified 653 trademark applications for international registrations as the Office of origin. Through the Hague Agreement, CIPO received 3,010 international industrial design applications, containing over 7,347 designs. Canada's modernized IP framework has allowed for better alignment with our international counterparts, enhanced e-services, lowered filing costs, and reduced administrative burden for applicants. Businesses operating in multiple jurisdictions have greater certainty and predictability, thereby facilitating international competitiveness and trade.

The Canada–United States–Mexico agreement came into force on July 1, 2020. One of the many changes of the agreement requires Canada to amend its patent statute to provide patent term

adjustment (PTA) for unreasonable prosecution delays by January 2025. The term adjustment serves to compensate eligible patentees for “unreasonable” delays in the issuance of their patent by extending the life of the patent beyond the current 20-year term.

In 2018, the Government of Canada introduced its IP Strategy, an initiative aimed at ensuring that Canadian businesses, creators, entrepreneurs and innovators have access to the best possible IP resources. As part of this Strategy, the government announced the creation of a modern regulatory oversight body for patent and trademark agents through the establishment

of the College of Patent Agents and Trademark Agents. Once the College is operationalized in 2021, CIPO will transfer the authority for agent regulation to the College. The creation of the College modernizes the regulatory framework for the IP profession. As an independent regulator, the College will govern the IP profession, establish a complaints and disciplinary process, enforce a code of conduct, and require agents to continue their professional development.

Collaborating with international partners

In 2020–2021, CIPO established a renewed approach to its international priorities and in representing Canada’s interests abroad. CIPO’s international strategy seeks to harmonize Canada’s IP system with international standards and position itself as a modern IP office. The strategy aligns with federal trade policy priorities to support global market expansion, develop export strategies, and promote inclusivity in the global IP ecosystem.

CIPO continued to develop and maintain bilateral relations with its international counterparts to help strengthen Canada’s IP regime. As of 2020–2021, CIPO was a signatory to 15 memoranda of understanding (MOUs) with other countries and organizations to promote cooperation and improve the functioning of the international IP system. During 2020–2021, CIPO extended each of the 3 Patent Prosecution Highway agreements with the Mexican Institute of Industrial Property (IMPI), the Taiwan Intellectual Property Office and the European Patent Office (EPO). Further, CIPO finalized workplans with Intellectual Property India, the European Union Intellectual Property Office (EUIPO) and IMPI. CIPO is finalizing an MOU with the Trinidad and Tobago Intellectual Property

Office and the Intellectual Property Office of Singapore (IPOS), and is developing workplans with the African Regional Intellectual Property Organization (ARIPO) and the EPO.

Pandemic-related restrictions on international travel and large gatherings meant a hybrid format for the 2020 edition of the WIPO General Assembly held in September. Participants and delegates from around the world met to discuss IP-related issues stemming from the COVID-19 pandemic and the impact on IP trends and office operations.

In the weeks following the Assembly, CIPO engaged through a number of bilateral meetings with key international partners, including the United States Patent and Trademark Office (USPTO), the ARIPO, the EUIPO and the IPOS. Discussions focused on the operational impacts of the pandemic, namely the extension of deadlines, office closures and fee relief. We also shared how CIPO was supporting the fight against COVID-19 by accelerating the examination process for medical products and processes related to COVID-19 and prioritizing the health and safety of our staff and clients. Over the course of the year, CIPO also participated

alongside other major IP offices in regular calls headed by then-director general of WIPO, Mr. Francis Gurry, to exchange information on emergency response measures and the continuation of WIPO business.

On October 1, 2020, Mr. Daren Tang assumed the role of WIPO Director General. Soon after, CIPO met with Mr. Tang on the latest office developments regarding IP treaty implementation, filing trends and forecasts, and economic research. The meeting was an opportunity to discuss priorities of mutual interest and emphasize CIPO's commitment to international collaboration.

CIPO continued to engage with its international partners through virtual events to address IP issues and share information on best practices and policies. As a member of the Vancouver Group, CIPO has collaborated with Intellectual Property Australia and the United Kingdom Intellectual Property Office on a number of research projects and performed extensive work in relation to the COVID-19 crisis, including sharing information on emergency response measures and initiating a collaborative research project on the ability of organizations to pivot and support the fight against COVID-19. CIPO contributed to the TM-Link database—an international database in which similar trademarks from different countries have been linked together—that will be used in joint economic research projects on trademark applications. CIPO was also an active participant of the Patent Searching Working Group, which has concluded its work examining IP search training, quality and collaboration. Lastly, CIPO developed and shared with Vancouver Group members a new forecasting methodology to study the economic impacts of the COVID-19 pandemic.

In June 2020, CIPO, along with the USPTO, took part in a technical workshop on tools and practices developed by the EUIPO. The aim of the workshop was to provide a collaborative platform to share knowledge and experience concerning IT tools and common practices developed by the EUIPO. CIPO took this opportunity to discuss the

role of artificial intelligence (AI) and blockchain technology in the IP ecosystem and in improving client service.

In October 2020, CIPO participated in the Asia-Pacific Economic Cooperation Intellectual Property Rights Experts Group workshop on industrial designs. Hosted by the USPTO, the workshop provided an overview of a modern industrial design protection system and discussed the importance of design protections for new and emerging technologies. CIPO was also 1 of over 70 participants at the Global IP Challenges Forum (IP20+) hosted by the Saudi Authority for Intellectual Property. The forum gave way to a joint statement on the harmonization of IP operation measures and sharing of IP policy and knowledge that was endorsed by the IP offices of G20 countries.

In 2019, the International Trademark Association (INTA) launched a think tank of current and former heads of IP offices from around the world to reflect and exchange on the future of IP and the role of IP offices. The result was a report entitled “The IPO of the Future”, which was officially released during a dedicated session at the INTA Annual Meeting in November 2020. The report proposes that IP offices of the future will need to look beyond their traditional mandate and become more agile, innovative and responsive to the evolving IP landscape and needs of clients. As a major contributor to this important project, CIPO presented highlights from the report, notably the need for IP offices to be resilient and equip themselves to withstand future crises using lessons learned from the COVID-19 pandemic. CIPO also participated in a number of other sessions, including the Madrid System Users Meetings panel discussion on the better use of the Madrid System organized by WIPO. We used this opportunity to inform international clients of the requirements and practices to designate Canada under the Madrid System.

In November and December 2020, CIPO participated in the virtual Administrative Council meetings of the ARIPO and the Organisation Africaine de la Propriété Intellectuelle (OAPI) and

reiterated its commitment to collaborate with the global IP community in these uncertain times. Specifically, in its pre-recorded statements, CIPO commended the cooperation with the ARIPO through the signing of a bilateral MOU in 2020 and emphasized the importance of continued collaboration with the OAPI as CIPO is committed to serving clients with excellence in both English and French.

As more and more AI tools are developed and their application in the economy and society continues to grow, fundamental questions are raised about their impact on existing IP systems. In 2020–2021, CIPO participated in the third session of the WIPO Conversation on IP and AI, as well as the EPO's digital conference on the role of patents in an AI-

driven world. These conversations explored the impact of AI on IP administration and policy and were a forum to learn about the latest initiatives by IP offices in relation to AI.

WIPO GREEN is an online platform that supports global efforts to address climate change by connecting providers and seekers of environmentally friendly technologies. As a member of the WIPO GREEN Core Committee, CIPO participated in several virtual meetings throughout the year. CIPO's participation in WIPO GREEN aligns with the Government of Canada's priority of promoting clean growth and strengthens our strategic engagement with WIPO.



Konstantinos Georgaras,
CIPO's Chief Executive
Officer (Interim), presenting
Canada's national statement
at the opening session of the
WIPO General Assembly in
September, 2020.

Engaging our domestic stakeholders

Communication with our clients and stakeholders was at the forefront of CIPO's response to the COVID-19 pandemic. The practice committees for patents, trademarks and industrial designs, comprised of members from IPIC and CIPO, provided a forum to discuss the operational impacts of COVID-19 with representatives of the IP profession. This dialogue helped to identify issues and develop solutions that would maintain the delivery of quality and timely IP services while minimizing the impact on clients.

A joint effort between CIPO and IPIC sought to review the issues and jurisprudence regarding the statutory subject matter of medical diagnostic methods. The Diagnostic Methods Working Group met in June 2020 to discuss potential changes in how CIPO examines medical diagnostic methods and share clients' views on improvements to the examination guidance.

In June 2020, CIPO hosted a town hall as part of the Canadian Bar Association's IP Day, a networking event for Canadian IP litigators across Canada. Participants learned about the impacts of the pandemic on CIPO's operations and the measures taken to mitigate them. CIPO presented a snapshot of the prevailing operational trends and explained how clients could avail themselves of the extended deadlines offered through the establishment of designated days.

Each year, CIPO engages top IP firms in Canada to solicit their input on select trademark and industrial design services. In 2020–2021, these meetings were held virtually and focused on CIPO's expanded telephone amendments practice and the e-enablement of existing services. CIPO also shed light on the development of new AI-based tools and the ongoing examiner staffing campaign to improve the quality and timeliness of trademark and industrial design rights.

Fostering innovation through IP data and research

In January 2021, CIPO published the 2020 edition of its IP Canada Report. This report marks the fifth installment of the annual publication that provides an overview of IP activity in Canada and by Canadians abroad. Canada remains an important destination for IP rights, evidenced by the continual growth of non-resident applications at CIPO over the last decade, which is due in part to Canada's accession to international agreements such as the Madrid Protocol in 2019 and the Hague Agreement in 2018. The report explores the use of plant breeders' rights, raising awareness of this form of IP. The report also evaluates the impact of the COVID-19 pandemic on IP-related activity, notably filings and renewals, and how well Canadian institutions are equipped to respond to pandemics.

In March 2021, CIPO virtually hosted the 4th Annual IP Data & Research Conference in collaboration with the Centre for International Governance Innovation. The theme of the event was “IP and economic growth” and featured Jim Balsillie, former CEO of RIM as the keynote speaker. The event attracted over 500 IP stakeholders from international organizations, private sector firms and academia, IP lawyers and practitioners, economic researchers, and policy thinkers. The 2-day event included, for the first time, a Data Day that provided a forum for researchers and data scientists from around the world to share methodologies in IP research. Presentations included an overview of the EPO’s PATSTAT database, IP Australia’s TM-Link database, and select data activities conducted at CIPO.

In collaboration with the National Research Council of Canada, CIPO published a blog post entitled, Patenting to Fight Pandemics: The Canadian Story. The blog highlighted Canadian innovation between 1998 and 2018 to fight contagious diseases, notably therapeutics and vaccine development, rapid detection and diagnosis, and digital health. A comprehensive report on this topic will be released next year.

IP Horizons is CIPO’s data portal that provides free bulk access to publicly available IP data. In 2020–2021, CIPO released patent and industrial design data in additional formats (CSV and TXT), with trademarks data soon to follow. IP data was also made available to the public through the Government of Canada Open Data Portal. Patent data is now among the top 20 most requested datasets on this Portal. By making IP data more available, accessible and usable for innovators, businesses and researchers, CIPO empowers R&D and innovation.





Processing Artificial Intelligence: Highlighting the Canadian Patent Landscape

In October 2020, CIPO released the IP analytics report entitled, *Processing Artificial Intelligence: Highlighting the Canadian Patent Landscape*. The report highlights recent innovations in the field of AI by presenting advancements in both the global and Canadian landscapes. The report includes a contribution from our research partners at Statistics Canada that provides information such as the size, ownership characteristics and industry of Canadian institutions patenting in AI.



Deliver quality and timely IP rights

The delivery of quality and timely IP rights is CIPO's core business. In 2020–2021, the COVID-19 pandemic created a number of challenges that impacted CIPO operations and turnaround times. To stay ahead during these unprecedented times, we developed a weekly dashboard to track how the pandemic was affecting our clients, operations and revenues, and adjusted our forecasting methodology to provide weekly updates on the expected impact of the pandemic on IP filing and renewal behaviour. This intelligence enabled us to make evidence-based decisions regarding production and resource allocation as we worked through the uncertainty of the unprecedented economic and societal shutdowns that resulted from COVID-19.

A client-focused approach to quality

CIPO's Quality Management Framework establishes a common and corporate quality strategy for all of our processes. In 2017, our Patent Branch was certified as compliant with the ISO 9001:2015 standard for quality management and in 2020, following a successful audit of our quality management system, the certification was renewed. There was a similar effort to manage quality in our Trademarks and Industrial Designs Branch through the introduction of a review panel and the continuous development of staff with a focus on consistency, efficiency and client service.

To increase transparency with stakeholders on the quality and timeliness of patent products and services, CIPO introduced new patent metrics on its website. The web page features the latest statistics on quality, search recordings, pendency, efficiency and applicant feedback, as well as a questionnaire on the usefulness of the information help improve future iterations of the metrics shown.

Operational efficiency

Patents

In 2020–2021, CIPO received 37,164 patent applications and granted 22,451 new patents (compared with 21,005 new patents granted in 2019–2020). The average turnaround time—the time between a client's request for examination and the moment a patent is granted—was 31.1 months, the same as in 2019–2020. To increase efficiencies in the examination process, CIPO continued to promote the use of the patent interview service. This service allows clients to discuss a patent application directly with the examiner and obtain suggestions or advice, resulting in faster resolution of issues and lower turnaround times.

In November 2020, following a Federal Court decision, CIPO published a practice notice on patentable subject matter. The notice provided updated guidance on CIPO's current understanding of the legal principles applicable in determining whether a particular subject matter is patentable, particularly in respect to computer-implemented inventions, medical diagnostic methods and medical uses. Training on this new office practice was provided to all patent examiners and members of the PAB.

The PAB provides an independent review of rejected patent applications. In 2020–2021,

the PAB received 52 rejected patent applications, down from 71 in 2019–2020. On average, the turnaround time for issuing a decision on an appeal was 25.4 months, down from 30.1 months the previous year. To reduce turnaround times for patent appeals, CIPO extended a pilot project where certain rejected electrical patent applications are reviewed by a single board member instead of 3.

Trademarks

Since Canada's accession to 3 international trademarks treaties, CIPO has seen a steady increase in trademark applications. In 2020–2021, CIPO received 76,168 trademark applications, including 20,779 protocol applications. This marked an 11% increase in the total number of applications filed over the previous year. As a result, CIPO saw an increase in inventory that was further compounded by the impacts of the pandemic on trademark operations. A growing inventory meant that average turnaround times for clients remained high (average of 34.2 months from filing to registration in 2020–2021, compared with 35.3 months the previous year). To mitigate the increase in applications and long turnaround times, CIPO initiated a robust hiring campaign to augment its trademark examination capacity. Further, changes to examination practices were made. A panel of senior trademark examiners was assembled to review pending applications and provide guidance and best practices.

A telephone amendment practice was also introduced to enable examiners and proponents to resolve, over the phone, a number of defined deficiencies found in trademark applications. This practice eliminates the need to issue an office action for certain deficiencies, which can reduce registration pendency by up to 6 months. In the near future, CIPO is looking to leverage AI solutions to further increase the quality and efficiency of its trademark processes.

In conjunction with the trademark offices of the United States, the European Union, Japan, China and Republic of Korea (collectively referred to as the TM5), CIPO adopted the use of common status descriptors on its online trademarks database. These common terms and icons represent a shared language to communicate the status of trademark applications and registrations, delivering a more harmonized and user-friendly online search experience for trademark users around the world.

The TMOB hears cases where someone objects to the registration of a trademark or requests that a trademark registration be expunged. In 2020–2021, the TMOB faced multiple challenges created by the pandemic, yet was able to transition quickly, making use of available IT solutions to conduct hearings online. In 2020–2021, the TMOB held approximately 67% more hearings than in the previous year. All hearings were conducted online, including those requiring simultaneous translation. In a multi-year effort to reduce the turnaround

time to issue a decision, 4 new hearing officers were hired, and were the first to be trained using a newly developed virtual training program.

Industrial designs

Industrial design filings at CIPO have continued to increase year over year, mostly recently supported by Canada's accession to the Hague Agreement in October 2018. In 2020–2021, CIPO received 8,161 industrial design applications, including 3,010 Hague applications, which represents a 10% increase from the previous year's total number of applications. Owing to the impact of the pandemic on CIPO operations, CIPO registered fewer industrial designs in 2020–2021 (5,095) than in the previous year (5,343) and saw inventory levels rise. Turnaround times remained relatively stable (average of 13.6 months from filing to allowance in 2020–2021 compared with 13.7 months in 2019–2020). Moving forward, CIPO is taking steps to improve turnaround times for industrial design registrations by recruiting additional examiners and turning to artificial intelligence-based solutions to improve process efficiency.





Build IP awareness and education

CIPO's IP awareness and education program is a key component of Canada's National IP Strategy that aims to help Canadian businesses, entrepreneurs and innovators better understand IP and its importance in growing their business.

IP awareness and education aims to raise awareness, knowledge and effective use of IP by Canadians. In 2020–2021, CIPO's focus was to increase educational content on the strategic use of IP and how to leverage global IP portfolios. To support businesses in the context of COVID-19, CIPO pivoted its program to a digital approach.

Expanding our IP offerings

In 2020–2021, CIPO expanded its digital offerings to better assist businesses, innovators and underrepresented groups in unlocking the value of their IP by using it strategically when growing to scale, and to address some of the COVID-19 related challenges businesses were facing.

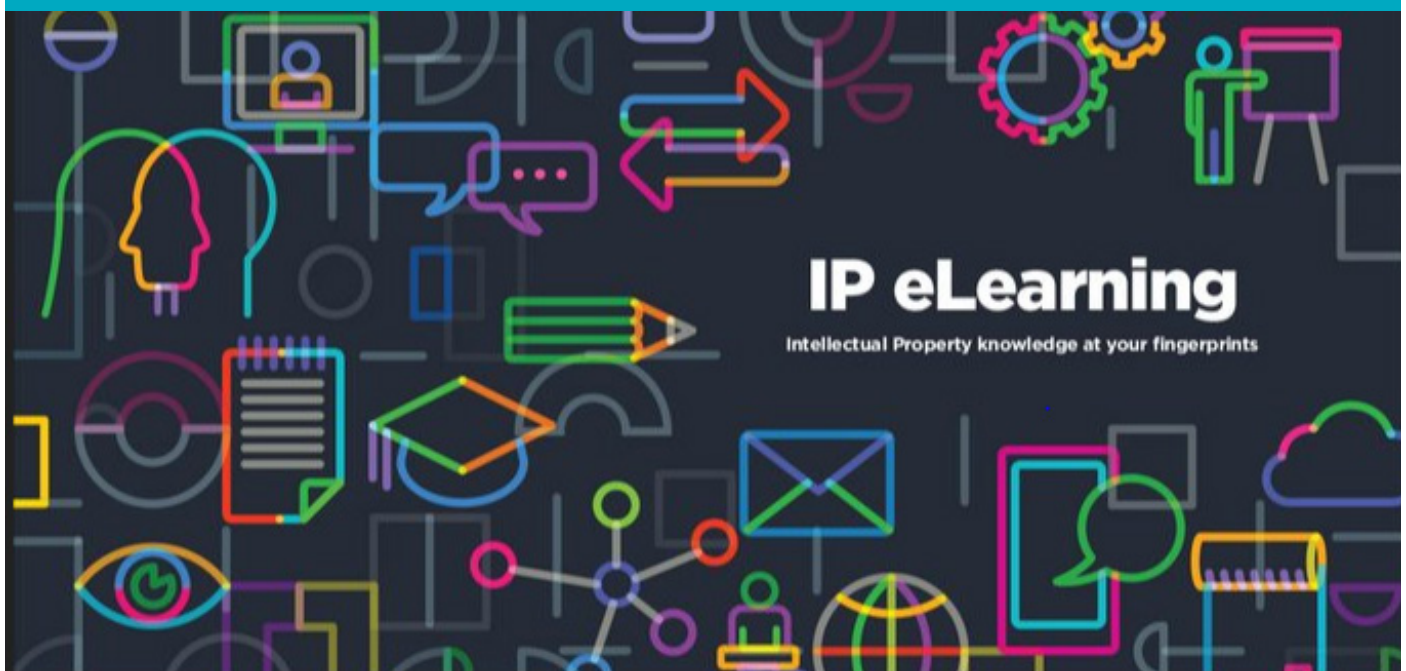
In collaboration with CIPO's network of partners and IP advisors, a new "Manage your IP" section was added to the CIPO website containing information on topics such as IP strategy, commercialization, enforcement and doing business abroad. These pages provide step-by-step instructions, tools and related links on how to build an IP strategy, capture and retain new IP, define ownership, maintain an IP inventory, manage IP rights abroad and enforce IP rights. Further, CIPO added new tools to its IP Toolbox, including a Doing business abroad guide for Brazil, and a one-pager on the roles of our Client Service Centre information officers and IP advisors.

To better assess the impact of the IP awareness and education program, web surveys were integrated into our online IP products and digital services, allowing us to measure client satisfaction and gather feedback and insights to improve the services offered on our website.

Having pivoted CIPO's IP awareness and education program to digital approaches created an opportunity to expand our reach. In 2020–2021, CIPO held more than 150 webinars and events that were attended by more than 4,000 participants. Topics included IP foundations, IP strategy and the protection of IP in other countries. The theme of World IP Day 2020, celebrated on April 27, was "Innovate for a greener, healthier future". To mark the occasion, CIPO recorded a webinar on clean technologies and IP, highlighting CIPO's specialized IP education resources for clean technology businesses. CIPO's educational video series will continue to grow as more resources are developed.

IP eLearning

Building on the success of the inaugural IP foundations e-learning series providing core knowledge on the different types of IP rights, CIPO launched a series of interactive modules that teach Canadian businesses and innovators the 6 essential steps to develop an IP strategy



Strengthening established networks and partnership

In 2020–2021, CIPO prioritized growing partnerships in targeted innovation-focused networks and communities. MOUs were renewed with long-standing collaborators, such as the Business Development Bank of Canada and the National Research Council of Canada Industrial Research Assistance Program, and new collaborations were formalized with the Forum for International Trade Training and Mitacs.

CIPO continued to train staff in partner organizations to help serve innovators looking to leverage their IP portfolios. More than a dozen training sessions were held with organizations such as Global Affairs Canada (Trade Commissioner Service, CanExport and Canadian Technology Accelerator), Innovation, Science and Economic Development (Clean Growth Hub), Natural Resources Canada and the Canada Revenue Agency. Through this network of government services, more than 440 intermediaries were trained on the importance of IP for businesses.

From coast to coast to coast, CIPO's IP advisors met virtually with more than 1,100 entrepreneurs and innovators, answering their IP questions and providing tailored IP resources. CIPO presented at more than 100 events with regional networks and organizations, including Innovacorp in Nova Scotia, Invest Ottawa, Communitech in Kitchener-Waterloo and Women Entrepreneurs of Saskatchewan. CIPO also participated in several COVID-19

related events, including a CanCOVID panel discussion where we provided information on IP disclosure and the importance of safeguarding inventions.

In collaboration with the Women's Enterprise Organizations of Canada, CIPO presented to more than 160 women entrepreneurs on the importance of IP, available IP tools and the use of IP in protecting Indigenous knowledge and cultural expressions. CIPO also participated in Startup Canada's International Women's Day activities, including panel and one-on-one discussions with women entrepreneurs.

As more Canadian businesses seek to enter international markets, CIPO was invited to present at a number of events on protecting your IP abroad, including Startup Canada's Canadian Export Challenge and Smart Energy Event. In collaboration with organizations such as the International Development Research Centre and *Le Bureau des petites et moyennes entreprises*, CIPO provided numerous training sessions, reaching over 200 small and medium-sized enterprises.





Offer a modern service experience

CIPO aims to provide a service experience that is seamless, digitally enabled, and designed to meet clients' needs. Through the implementation of our Service Strategy, CIPO embarked on a journey to transform how it delivers services by putting clients at the centre of service design and engaging them at every stage of the service experience.

A user-centric approach to services

Building on the momentum of service improvement initiatives already under way and in light of the Government of Canada's commitment to modernize and optimize service delivery, CIPO aligned its Service Strategy to put the client's perspective at the centre of service design and delivery.

Delivering a modern service experience requires an understanding of our clients' varying and sometimes unique expectations. In 2020–2021, CIPO sought to better understand the nuances among key customer segments and assess their experiences interacting with CIPO over the course of their IP journey. This research helped identify enhancements to the client experience, particularly with respect to digital service. Having identified contacts within each customer segment, we were able to effectively engage users of specific products and services and tap into their experience. The intelligence gathered will feed service design and workflows, and modernize how clients interact with CIPO online.

As CIPO continues to transition from paper to digital processes, understanding the technology used by IP firms is a key consideration informing the technical requirements and successful transformation

of patent e-services. About 98% of patent applications received at CIPO are represented by a patent agent. In 2020–2021, CIPO consulted with 12 IP firms to capture their technical needs, ensuring that future e-services are designed in a way that meets both the needs of users and CIPO.

CIPO also launched an initiative to explore how our Patent Branch and PAB could transform their operations and leverage information technology (IT) systems. Through a combination of business analyses and consultations with clients, IP agents and CIPO employees, key insights were identified that will ensure new processes and IT products are prioritized and designed through a user-centric lens.

To further instill a service culture for examiners and operational staff, service excellence concepts and principles were embedded in the training for all employees, directly supporting the delivery of their unique products and services.

CIPO's Service Strategy goals:

1. Continue to build a culture of service excellence
2. Design an optimal IP journey that meets clients' needs
3. Iteratively deliver digital service improvements that clients need the most
4. Manage IP data and insights as an asset and continuously act on feedback



Modernizing our service delivery

With a majority of CIPO employees and clients working remotely, it was imperative to find new and digitally-enabled ways to both receive applications and administer IP rights. In 2020–2021, CIPO automated the processing of trademark applications and renewal requests submitted via the trademark e-filing system. These new processes allowed the Office to issue correspondence acknowledging receipt of the application or renewal request almost immediately after filing via email. CIPO also introduced a new e-correspondence service for trademark and PCT applications, allowing clients to submit a variety of correspondences electronically—including biological sequence listings as part of the PCT—as an alternative to facsimile or postal mail. We are seeking to expand these e-correspondence services to additional types of trademark transactions, responses to remission letters, and outgoing PCT correspondences from the office to clients.

In March 2021, CIPO launched an e-grant system, making us the first IP office in the world to issue entirely electronic patents. With this new electronic issuance process, clients who are granted a patent are advised via email or regular mail that their patent has been issued and that their documents—including their patent certificate sealed with a digital signature—are available for download. This e-grant system provides our clients a modern and e-enabled service experience and greatly reduces CIPO's paper usage and environmental impact. To put it in perspective, CIPO sends out on average 21,000 patent packages in a year, totalling approximately a million pages.

New telephone amendment practice for trademarks

As of February 19, 2021, CIPO's trademark examiners can now call the trademark applicants (or their appointed Canadian trademark agent) to discuss the following application deficiencies, replacing the need for a formal Examiner's Report:

- Requesting a clearer visual representation of the trademark
- Incomplete or missing translations and transliterations
- Incorrect trademark type
- Minor changes to a trademark description
- Simple issues with the statements of goods or services, including Nice classification
- Incomplete mailing address

This practice will increase the quality and consistency of the examination process, and can reduce registration pendency by up to 6 months.



Offer a modern service experience

In response to client suggestions, the file names of patent letters sent to clients electronically now include the application number. Clients are now better able to upload, sort and manage letters in their own system.

In 2020–2021, CIPO launched a new chat service on its “Contact us” web page. The chatbot is

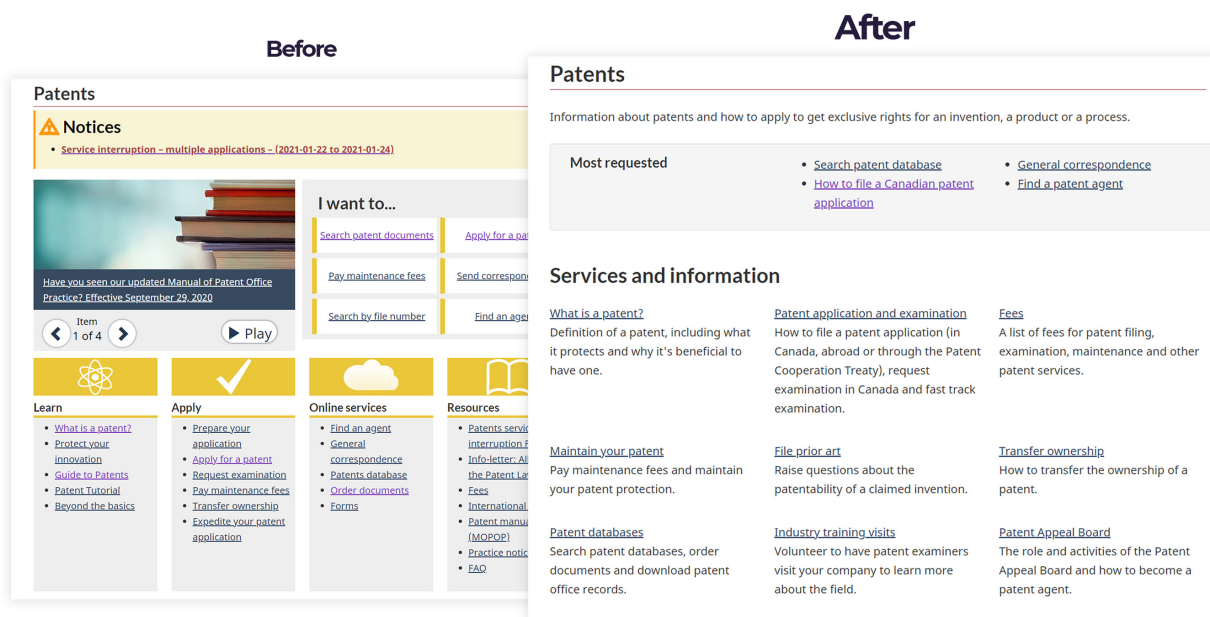
available 24 hours a day, 7 days a week, to answer the most commonly asked IP questions. During business hours, live agents are on stand-by to respond to client enquiries should the chatbot not be able to provide answers.

In accordance with the Treasury Board of Canada Secretariat Directive on the Business Number,

CIPO is now collecting the Business Number issued by the Canada Revenue Agency for client enquiries via telephone and online. As we modernize our internal systems and start collecting the Business Number for other digital IP transactions, the Business Number will become a single identifier for clients to access their digital IP portfolios.

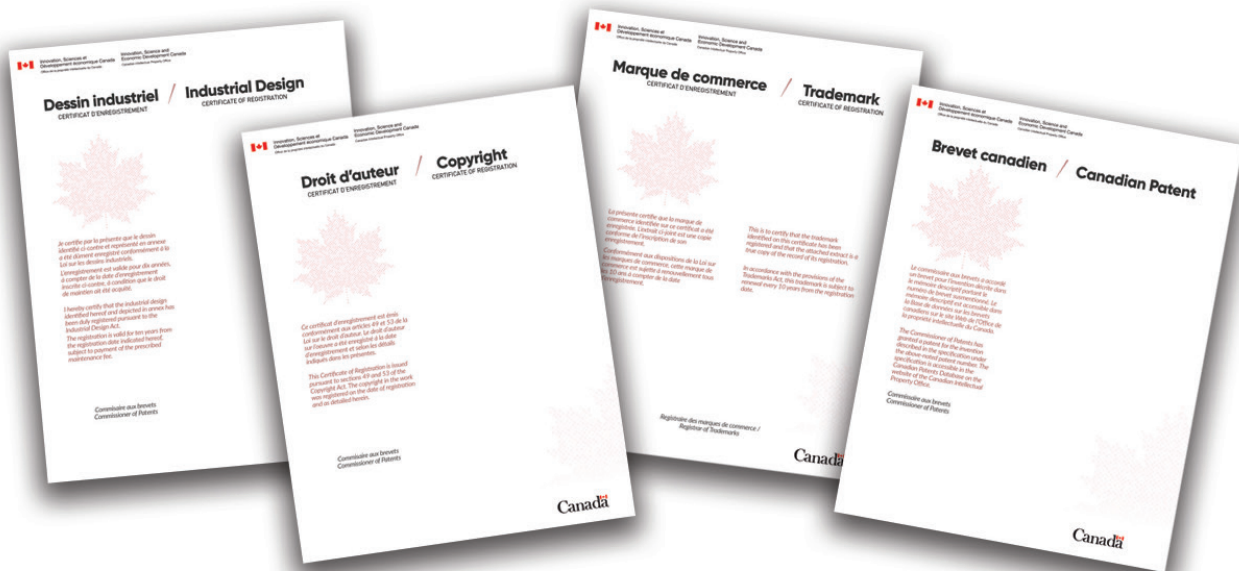
Our patent web pages

To make IP content easier to find, understand and use, CIPO redesigned and optimized a number of its patent web pages. A number of additions and updates were also made to our trademarks online resources—including the Madrid Examination and Procedures Manual and the Madrid eFiling Practical Guide—helping clients better understand the Madrid System in Canada.



A new look for CIP0's certificates!

CIP0's certificates for patents, trademarks, industrial designs and copyrights now feature a refreshed and more professional look and feel. With the exception of the Canada 150 certificates that were issued in 2017, CIP0 certificates had the same look for close to 30 years!





An agile and high-performing organization

For CIPO, the COVID-19 pandemic has highlighted the need, as well as our ability, to be agile and adaptable in the face of adversity. At a moment's notice, the majority of CIPO employees were required to begin working from home. They quickly adapted to new tools, new processes and new ways of working. Owing to their dedication, professionalism and hard work, CIPO continued to provide uninterrupted IP services and support to clients during uncertain and difficult times.

An agile, healthy and inclusive workforce

CIPO is in the midst of a multiyear project to recruit and train new examiners across all lines of business. In 2020–2021, 8 new patent examiners were hired in our mechanical and electrical engineering divisions, as well as 11 new trademarks and industrial design examiners. At the onset of the pandemic, examination trainers and trainees made use of available IT solutions to host and take part in web-based modules and virtual meetings, and successfully transitioned from full-time, in-class training to virtual learning. This quick transition enabled a seamless continuation of our training program and schedule.

For new trademarks and industrial design examiners and TMOB decision-makers, the length of the training program was reduced by approximately 50% and introduced a continuous development component. This modernized approach to training allows the Office to better

meet the needs of new employees, while bringing them to full productivity sooner. Training of new examiners will continue to be delivered virtually for the duration of the pandemic, and where possible will continue beyond. As CIPO continues to modernize its training approach, the lessons learned during the pandemic will be used to improve future delivery by creating an enjoyable and robust learning experience.

The uncertainty and stress caused by the pandemic has highlighted, more than ever, the importance of employee well-being and mental health. CIPO is committed to supporting its employees during difficult times with initiatives being led by CIPO's champion of mental health and wellness. Throughout the year, we maintained regular and frequent communication with employees to mobilize, empower and equip them with the knowledge and resources to take care of their well-being and mental health.

CIPO also recognizes the importance of diversity in creating an engaged, productive and inclusive workplace that best serves the needs of our stakeholders. In 2020–2021, the role of CIPO's champion of diversity, inclusion and accessibility was created with a diverse portfolio including topics related to visible minorities, LGBTQ2+, women, Indigenous peoples and accessibility. CIPO continued to raise awareness of diversity and inclusion through virtual activities celebrating National Indigenous History Month, Black History Month, Asian Heritage Month, Latin American Heritage Month, National AccessAbility Week,

International Women's Day, International Day of Pink, and Pride Season, amongst others.

The COVID-19 pandemic fundamentally impacted the way we work, forcing us to adopt new tools and ways to collaborate, and adapt our perspectives on telework. As we await our new post-pandemic world, CIPO has temporarily paused its workplace modernization initiative to redirect resources toward its COVID-19 response strategy, easing of restrictions measures, staff re-integration efforts and change management.

Sound financial stewardship

CIPO is committed to management excellence and sound financial stewardship. Long-term financial planning enables CIPO to make informed decisions regarding strategic investments and help establish realistic goals that improve efficiency and productivity. The COVID-19 pandemic has introduced a significant level of uncertainty in projecting

future revenues. Using advanced forecasting and an assessment of its financial position, CIPO is adjusting its strategy to account for future market conditions, IP filing changes, and impacts on productivity. Our budgeting and forecasting processes will continue to adapt as we continue to adjust to our new realities.



Next steps

In 2021–2022, CIPO will be entering the last year of its Five-Year Business Strategy, and its second year operating in a COVID-19 environment. In the face of challenge lies an opportunity to look forward and improve the way we do business in a post-pandemic future. For as long as is required, CIPO will continue to work to minimize the impacts of the COVID-19 pandemic on employees, clients and the Canadian economy.

Building on the implementation of 5 international IP treaties, CIPO will continue to advance innovation and modernize Canada's IP regime to help Canadian businesses innovate and grow. We will collaborate with our key international partners to advance Canadian interests on the international stage, while establishing and maintaining new collaborations, promoting IP literacy and research, and delivering technical assistance activities.

CIPO is committed to continuously improving the quality of the IP rights it issues and reducing turnaround times through the implementation of process efficiencies. Improvements to our IT infrastructure will pave the way for the digital transformations needed to offer clients an excellent and modern service experience.

To increase the reach of the IP awareness and education program, CIPO will leverage digital approaches to service delivery and continue to expand its IP offerings to better assist businesses, innovators and underrepresented groups.

We will continue to foster a diverse and healthy workplace and provide the environment for employees to excel as we roll out the final year of our People Management Strategy. Finally, CIPO will continue to demonstrate sound governance and financial stewardship to ensure it remains a leading IP office.



Spotlight on the Patent Appeal Board

July 1, 2020, marked the 50th anniversary of Canada's PAB, a small but important part of the IP ecosystem. The PAB is an advisory body to the Commissioner of Patents and is made up of senior Patent Office officials who carry out the critical function of providing an independent review of patent applications that have been rejected by examiners in final action. Recommendations based on review findings are then provided to the Commissioner of Patents for the disposal of these applications.

The Commissioner of Patents makes decisions that are quasi-judicial in nature, which are then subject to appeal in Federal Court. Court decisions stemming from such appeals have led to important clarifications and changes to patent law in Canada.

In 1970, the PAB comprised a single member, who held the title of Chair. Today, the PAB consists of 11 members, each having previous experience in patent examination in 1 of 4 major technical disciplines: electrical,

mechanical, biotechnology and chemistry. An administrative team supports the work of the members and assists the Chair.

Since its creation, the PAB has drafted more than 1,500 recommendations to the Commissioner of Patents regarding rejected patent applications.

Additional information

Corporate and financial statistics are available on the CIPPO website.

Financial information

- ▶ Revenues by products and services
- ▶ Operating expenditures by category
- ▶ Expenditures by branch grouping
- ▶ Patent revenues
- ▶ Trademark revenues
- ▶ Industrial design revenues
- ▶ Copyright revenues

Patents

- ▶ Requests for examination
- ▶ Disposals
- ▶ Turnaround times
- ▶ Applications by language
- ▶ Applications, requests for examination and patents granted by sector
- ▶ Applications and patents granted to residents of Canada and foreign countries
- ▶ Applications filed and patents granted by origin as stated by the applicant
- ▶ Top 10 applicants
- ▶ Top 10 patentees
- ▶ Patent Appeal Board operational statistics

Trademarks

- ▶ Applications
- ▶ Disposals
- ▶ Turnaround times
- ▶ Applications by language
- ▶ Applications and registrations by province or territory
- ▶ Applications filed and trademarks granted by origin as stated by the applicant
- ▶ Top 10 applicants
- ▶ Top 10 registered owners
- ▶ Trademarks Opposition Board operational statistics

Industrial designs

- ▶ Applications
- ▶ Disposals
- ▶ Turnaround times
- ▶ Registrations by language
- ▶ Applications and registrations by province or territory
- ▶ Applications and registrations by origin as stated by the applicant
- ▶ Top 10 applicants
- ▶ Top 10 registered proprietors

Copyright

- ▶ Applications
- ▶ Disposals
- ▶ Applications by language
- ▶ Applications and registrations by province or territory
- ▶ Applications and registrations by origin as stated by the applicant
- ▶ Top 10 applicants

General statistics

- ▶ Product outputs
- ▶ Client inquiries

Client service standards

- ▶ Patents
- ▶ Trademarks
- ▶ Copyright
- ▶ Industrial designs
- ▶ Integrated circuit topographies