

# IP roadmap - Your path to industrial design registration - Direct filing with the Canadian Intellectual Property Office



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## Filing

To file with the Canadian Intellectual Property Office (CIPO), your application must include:

- your name and postal address
- the name of the finished article to which the design is applied
- a representation of the design (reproductions or photographs)
- the required examination fee
- the name and address of your agent, if one is appointed
- a descriptive or limiting statement, if required
- an indication of a divisional, if applicable
- a priority claim, if applicable



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## Verification

Your application will be verified to ensure that it complies with the filing requirements. If these requirements are not met, CIPO will send you an omission notice.



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## Classification

CIPO will classify the design in your application according to the Canadian Classification Standard for Industrial Designs. Classifying the design will allow CIPO to conduct a novelty assessment of the design.

### Can I request an accelerated examination?

CIPO will expedite examination upon receipt of a written request and payment of the required fee. If priority documents are submitted, CIPO may conduct a prior art search 6 months from the priority date.

### When will my application be processed?

You will be provided with a notice of filing within 20 business days.



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## Establishment of the filing date

Publication in the *International Designs Bulletin* acts as a notification to each country identified in your application that, if applicable, they can now begin substantive examination under their domestic law.



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## Examination: formal and substantive requirements

An industrial design examiner will review your application to ensure that it complies with the formal and substantive requirements set out in the Industrial Design Act and the Industrial Design Regulations. This includes a search of prior art to assess the novelty of your design.



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## Examination report

If the application does not comply with the Act and the Regulations, CIPO will issue an examination report outlining the objections to registration and required amendments, if any.

### How much time do I have to respond?

You have 3 months, unless otherwise specified. If required, you can request an extension of time of 6 months to respond to a specific report.

Make sure to request the extension of time before the end of the deadline stated in the report!

### Can I delay the registration?

A 30-month delay from the filing date, or earliest priority date if a priority claim is made in the application, can be granted upon receipt of a written request and payment of the required fee.

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## Response

You can respond to the examination report. You can choose to: argue against the objection; amend; withdraw; or, abandon your application.



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## Allowance

Once your application is allowed, your design will be registered.



## Objection maintained

If you do not manage to overcome the objections to registration outlined in the examination report, CIPO may send you subsequent examination reports, and, eventually, a final examination report.



If you disagree with the outstanding objections, CIPO must receive final arguments within 3 months after the date of the final examination report. Upon receipt of your response, the application will be reviewed by a subject-matter expert from CIPO. If the objections are not overcome, your application will be considered for refusal. From this point on, no arguments or amendments may be submitted.



If your application is refused, you may appeal the Refusal to the Federal Court of Canada.



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## Maintaining your exclusive right

You must pay the maintenance fee within 5 years from the date of registration in order to keep the exclusive right to your design for up to 15 years.

If you miss the 5-year deadline, you can maintain your exclusive right by submitting a late payment fee in addition to the prescribed maintenance fee before 6 months have passed from the original 5-year deadline.

For more details, please visit the guide to industrial designs on our web page for industrial designs.



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## Registration

Upon registration you will receive:

- a notice of industrial design registration
- a representation of the registered design
- a registration details report that summarizes information relevant to the registration
- a notice to proprietors regarding the maintenance of the exclusive right

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