

Approximate costs for filing and prosecution
of a Canadian Patent Application

	Our Fee	Gov't Fee (Large/small)
Filing the application	\$700.00*	\$400.00/\$200.00
Reporting Office Actions without comment	\$75.00	--
Responding to an Office Action	\$275.00+	--
Filing Small Entity Declaration at initial filing	\$150.00	
Filing Declaration of Legal Representative or Small Entity Declaration after initial filing	\$200.00	-
Requesting examination	\$300.00	\$800.00/\$400.00
Accelerated Examination	\$400.00*	\$500.00
Maintenance fees Years 2-4	\$200.00*	\$100.00/\$50.00
All amounts in CDN dollars		

*Volume discounts available

Information and documentation required for filing:

- Name and address of the Applicant;
- Name and address of inventor(s);
- The Application in PCT form
- Declaration of Legal Representative (can be deferred); and,
- Small entity status declaration (can be deferred).

Canadian patent practice:

- All applicants must designate a domestic registered Canadian patent agent.
- Widespread use of grace periods - relatively easy to recover from missed deadlines upon payment of re-instatement fees.
- Government fees lower for "small entities".

Deadlines:

- 12 months from first disclosure by inventor
- Paris Convention priority 12 months
- **PCT national phase: month 30, but can be extended up to month 42 for a modest fee.**

Maintenance Fees

- Maintenance fees payable annually
- First is due 24 months from international filing date (often 6 months after PCT national phase).
- Prior to grant, must be paid by agent
- After grant, can be paid by anyone
- Annual amount Increases every 5 years

Examination

- Commences when requested by applicant. Must be requested within 5 years of filing application.

Deferred Examination

- Up to 5 years from filing date.
- No additional cost.

Accelerated Examination

- Upon request - assertion of 'commercial prejudice' sufficient, evidence not required.

Patent Prosecution Highway

- Useful for accelerated issuance of a Canadian patent based on allowed US claims.
- Works very well for most US → Canada cases.

Declaration of Legal Representative

- Due within 12 months of filing date of the application or three months from requisition from CIPO.
- If the applicant is not the inventor, asserts that applicant is entitled to file patent in lieu of the inventor.

Small entity status criteria:

- Fewer than 50 employees or university.
- Must not be under 'control' of large entity, or have transferred the invention by license to large entity.
- Risk if claimed incorrectly is invalidity of patent
- Status at time of filing the application remains fixed for life of the patent.
- No micro-entity status.

Assignments:

- Originals not required.
- Signatures must be witnessed or notarized.



\$1,150

+ \$2,850

= \$4,000

Canadian patents have never been more accessible.

The patent prosecution highway agreement means that:

- prosecution is faster and more predictable,
- most effort (and costs) are deferred pending success in the US

The approximate cost of filing your patent application in Canada, for a small entity. Please contact us for information on filing deadline, and for a precise quotation for your application(s).

Filing in Canada is fast and straight-forward if you already have a USPTO-ready application.

After the allowance of your US patent application (and not before) you begin the examination of your Canadian patent application. Because your Canadian examination was deferred without cost or effort, you now amend to the allowed US claims, request examination, and invoke the PPH to seek immediate allowance. No other steps.

Obtain a Canadian patent: efficiently, and very cost-effectively: \$4000 for a small entity, \$4600 for large entity. This includes all costs including our fees and government fees except maintenance fees.

**No surprises, no hidden fees.
Very predictable prosecution.**

More information:

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Qualifying
Application
or Patent

Canadian applications which claim priority to an eligible patent in a corresponding jurisdiction (eg. the United States) are eligible for prosecution under the 'patent prosecution highway' (PPH).

CDN Filing

The Canadian application must be filed in compliance with Canadian law either via the PCT, Paris Convention, or as an originating application within 12 months of first disclosure of the invention. The claims must be related to subject matter patentable in Canada. Contact us for information on the deadlines for filing in Canada.

Deferred
Examination

Defer examination in Canada for up to 5 years while prosecuting the qualifying patent in the corresponding jurisdiction. There is no cost for deferring examination in Canada.

PPH Request

Enter patent prosecution highway:

- PPH Request;
- Request Examination;
- Conform claims of Canadian patent application to claims already allowed in the corresponding jurisdiction.

Allowance

Notice of allowance will typically issue in 2-3 months.

The PPH reduces the cost of **prosecution** of Canadian patent applications and increases the certainty of outcome.

If your claims are allowed in the US, they will be allowed in Canada (there are rare exceptions - contact us for details on the differences in patentability in Canada and the USA).

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