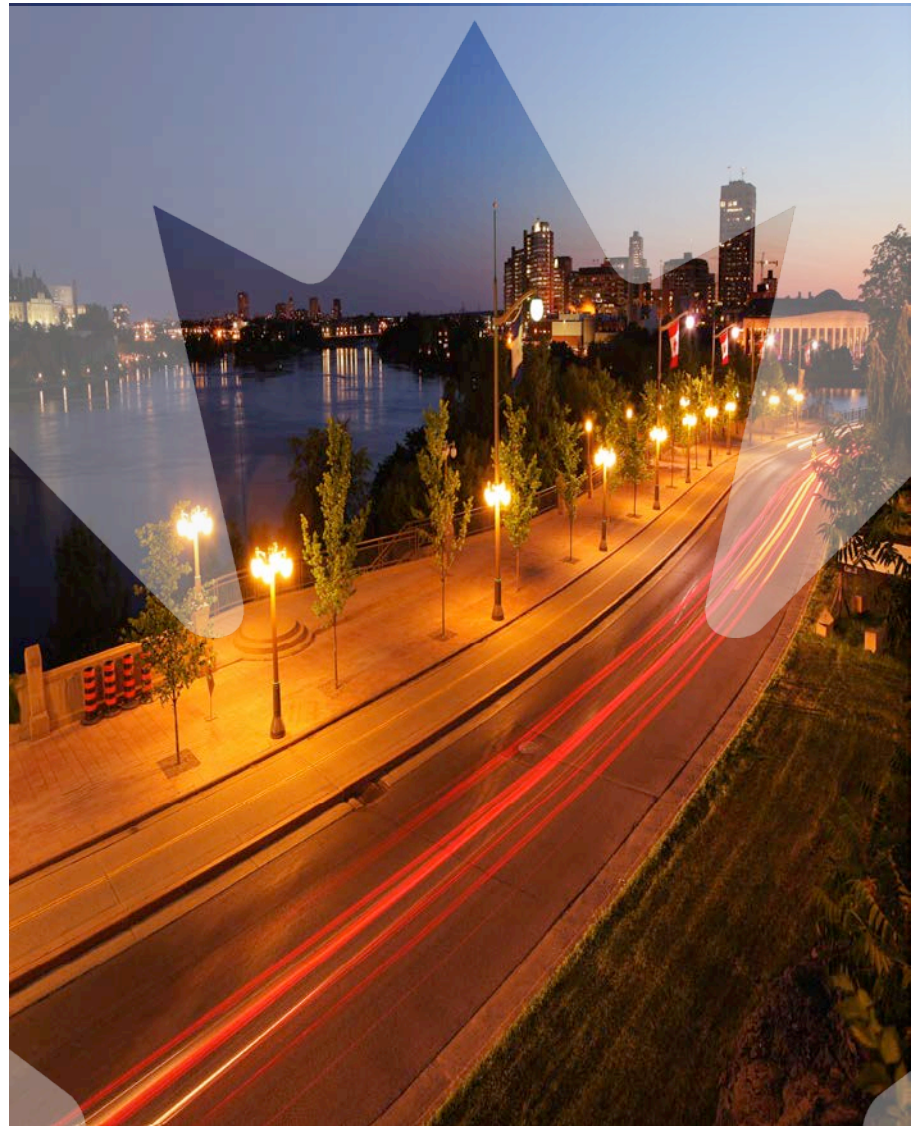




Canada's Accession to the Hague Agreement

Hague Seminar
July 19, 2018

Sandra Newsome
Manager, Policy
Copyright and Industrial Design Branch
Canadian Intellectual Property Office





Outline

- Canada's Innovation and Skills Plan
 - The Intellectual Property Strategy
- The Canadian Intellectual Property Office (CIPO)
- Industrial Design in Canada
- Changes to the Industrial Design Regime
 - *Industrial Design Act*
 - *Industrial Design Regulations*
 - Industrial Design Office Practice Manual
 - Enhanced E-Services
- Designating Canada: What You Should Know
- Next Steps



Innovation and intellectual property are key government priorities

“We know IP is a critical ingredient in helping Canadian businesses reach commercial success. Canada's IP Strategy will make sure Canadians know the value of their intellectual property and how to leverage it to innovate, increase profits and create middle-class jobs.”

Minister Bains, Innovation Science and Economic Development
(April 26, 2018)

The Innovation and Skills Plan



The [Innovation and Skills Plan](#) (2017) advances an agenda to make Canada a global centre for innovation.

- Focuses on people and addresses the changing nature of the economy to ensure it works for all Canadians.
- Agenda to build Canada as a world-leading innovation economy that will create jobs and grow the middle class.

The Innovation and Skills Plan



The Intellectual Property Strategy

- [Investment of \\$85.3 million](#) over five years to help Canadian businesses, creators, entrepreneurs and innovators understand, protect and access IP.
- Supports access to the best possible IP resources through:
 - IP awareness, education and advice;
 - strategic IP tools for growth; and,
 - IP legislation.

The Innovation and Skills Plan



Harmonizing Canada's IP System with International Standards

- Joining five key international IP treaties – the Hague Agreement, the Madrid Protocol, the Singapore Treaty, the Nice Agreement for Trademarks, and the Patent Law Treaty – is an essential step.
- Helping Canadian businesses looking to enter or expand their presence in international markets:
 - Faster, simpler, and cost-effective way to acquire protection in multiple countries.
- International Trade and Investment Strategy – realizing transparent IP standards in trade agreements.

CIPO: Helping Make Canada a Global Centre of Innovation

SMEs OWNING IP

60%
more likely to be
high-growth SMEs

4x

more
likely
to export



Source: Industry Canada, Survey on financing and growth of SMEs, 2014



Our ISO certification positions Canada as a global leader in the delivery of high-quality patents.

CANADIAN PATENTS

2nd

worldwide for technological and economic value



Source: Organisation of Economic Co-operation and Development, Enquiries into Intellectual Property's Economic Impact, 2015

1,000+ employees
make up CIPO's highly skilled workforce



Source: CIPO Human Resources Plan, March 2017

CIPO: Five Strategic Priorities



Advance innovation

Develop a national IP strategy through international collaboration and evidence-based policies



Deliver quality and timely IP rights

Provide IP rights and services that respond to client and marketplace needs



Build IP awareness and education

Deliver IP education and awareness products and services



Offer a modern service experience

Modernize and digitize our services



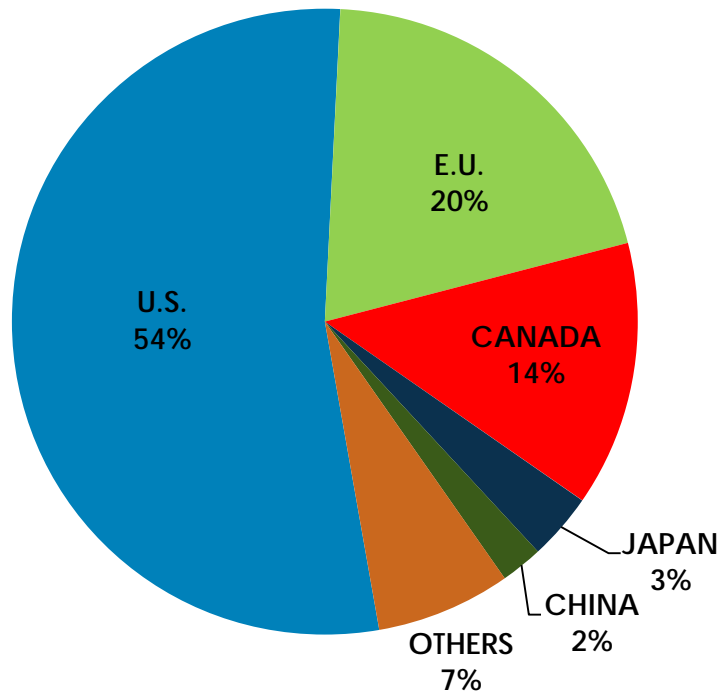
Foster an agile and high-performing organization

Attract and retain an engaged and highly skilled workforce

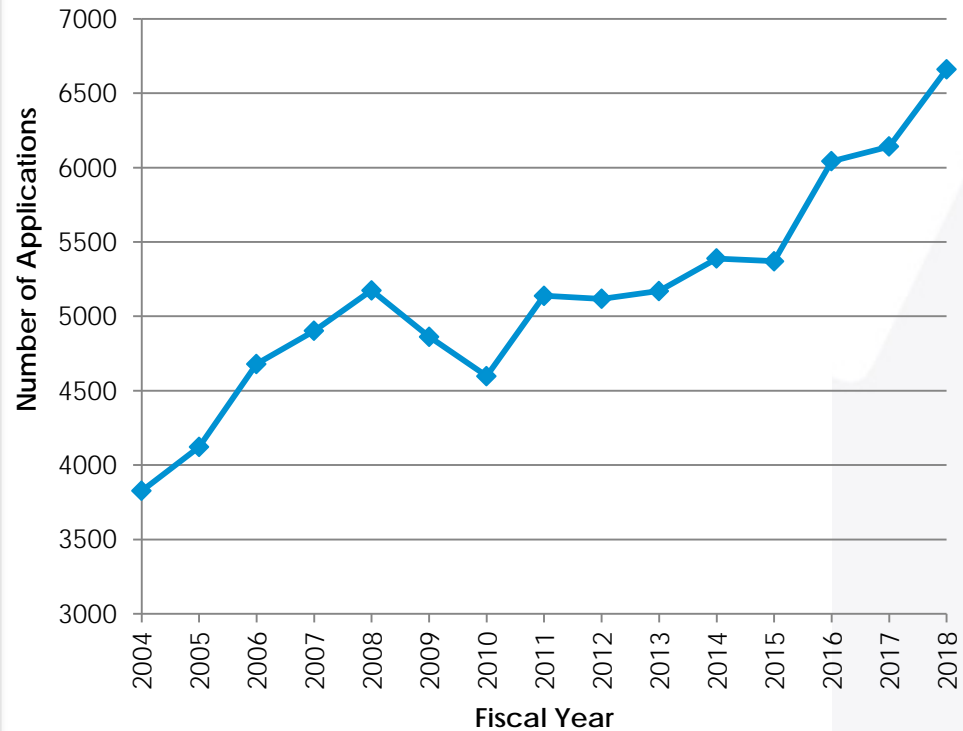
- [CIPO's five-Year Business Strategy 2017-2022](#)

Industrial Design in Canada: Applications

Origin of applications (2014–2018)

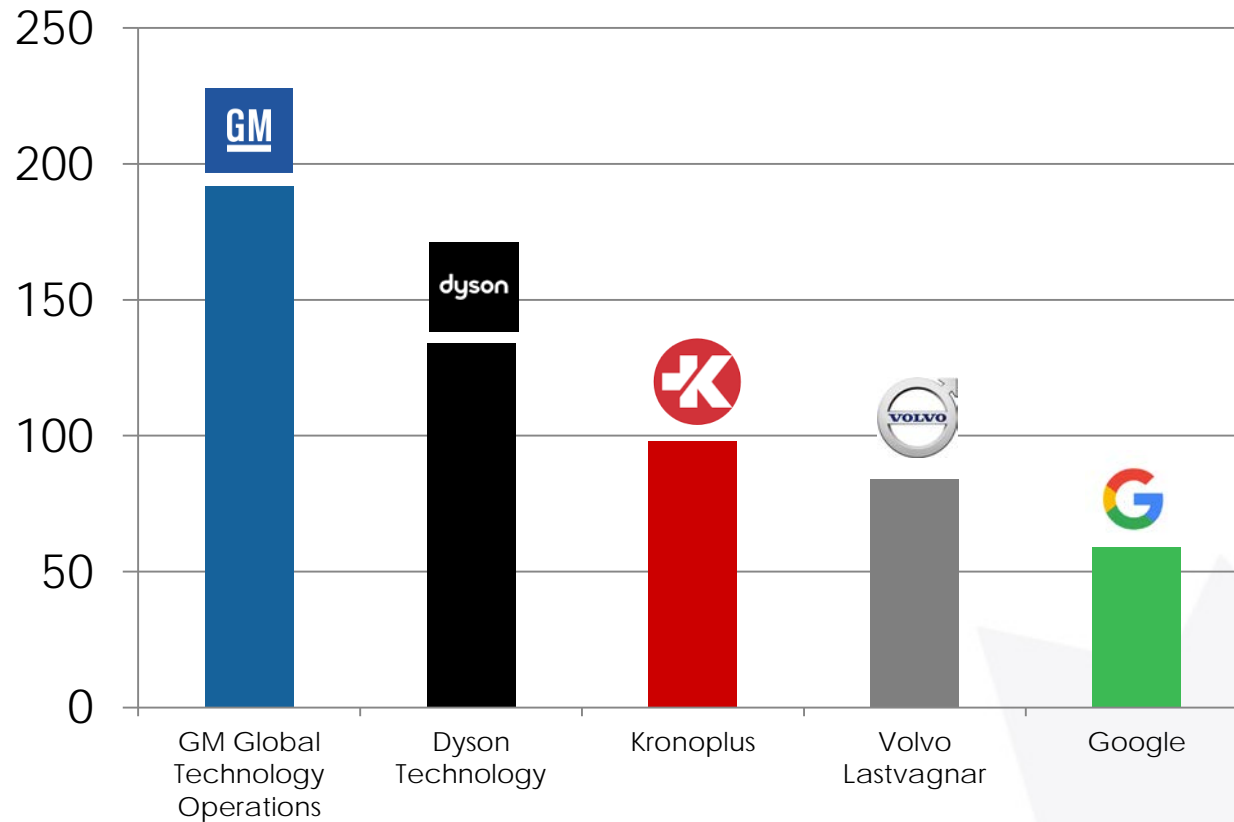


Number of applications received (2004–2018)



Industrial Design in Canada: Top Filers

Top 5 Filers
2017-18



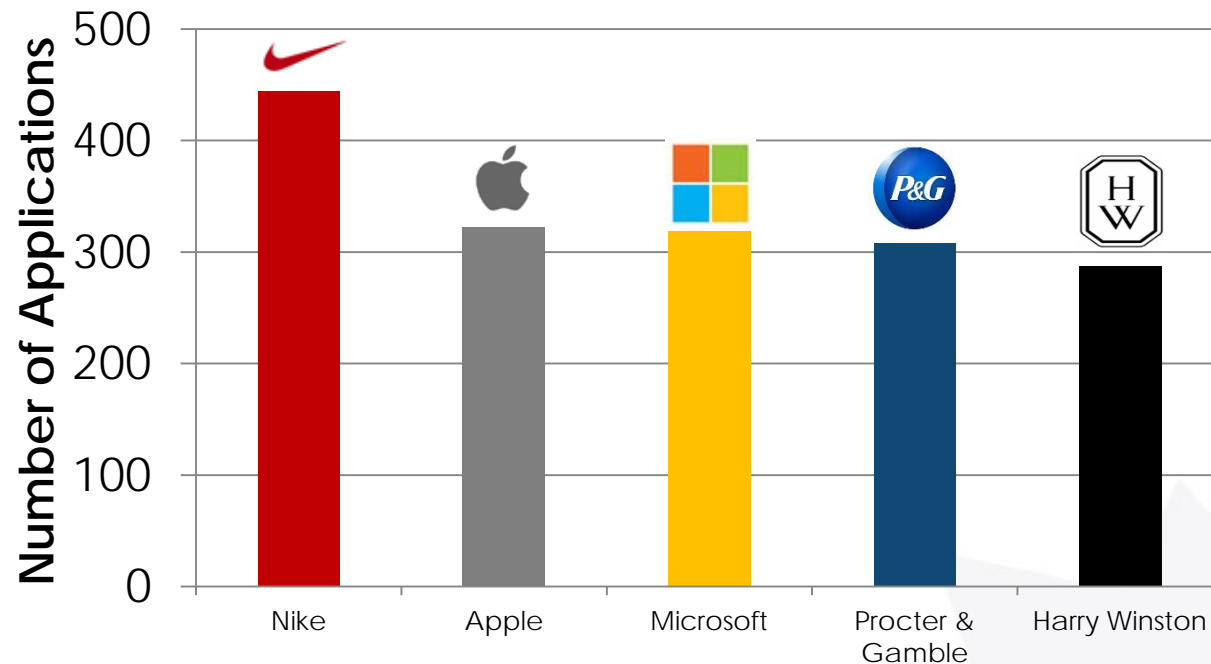
Industrial Design in Canada: Top Filers

Top 10 Filers 2017-18

Applicant	Number of Applications
GM Global Technology Operations LLC	192
Dyson Technology Limited	134
Kronoplus Limited	98
Volvo Lastvagnar AB	84
Google LLC	62
Delta Faucet Company	59
Spectrum Brands, Inc.	59
Ford Global Technologies, LLC	58
The Procter & Gamble Company	48
Gamblit Gaming, LLC	46
Honda Motor Co., LTD	46

Industrial Design in Canada: Top Filers

Top 5 Filers
2013-18



Industrial Design in Canada: Top Filers

Top 10 Filers 2013-18

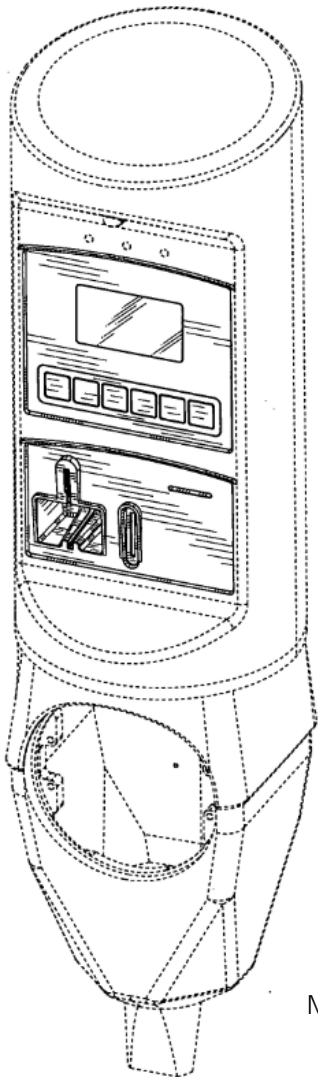
Applicant	Number of Applications
Nike, Inc.	444
Apple Inc.	323
Microsoft Corporation	319
The Procter & Gamble Company	308
Harry Winston Sa	288
Honda Motor Co., Ltd.	287
Ford Global Technologies, LLC	254
Dyson Technology Limited	235
Delta Faucet Company	234
GM Global Technology Operations LLC	226

Changes to the Industrial Design Regime

- Canada is poised to accede to the Hague Agreement and significantly modernize Canada's industrial design regime with a coming into force date of November 5, 2018.
- Membership in the **Hague Agreement** means key benefits for business:
 - One application, one payment, one currency, one place;
 - Simpler rights maintenance and management.
- **Modernizing** Canada's industrial design regime also has key benefits for business:
 - Increased term of protection – from 10 to 15 years;
 - Less red tape;
 - Enhanced e-services.

Changes to the Industrial Design Regime

Industrial Design Act



Parking Meter by J.J
Mackay Canada Limited
(ID registration 164824)

- [The Act](#) was amended in December 2014: first substantive update of the Act since 2001.
- Highlights include:
 - Clarification that a certified copy of an entry in the Register of Industrial Designs is admissible evidence in any court.
 - Any error in the Register of Industrial Designs may be corrected within six months, if the mistake is obvious from documents in the Minister's possession. Previously, corrections were limited to clerical errors.
 - Codification and modernization of the novelty test.
 - Mandatory publication of applications after 30 months.
 - Extended the maximum term of protection from 10 to 15 years.

Changes to the Industrial Design Regime

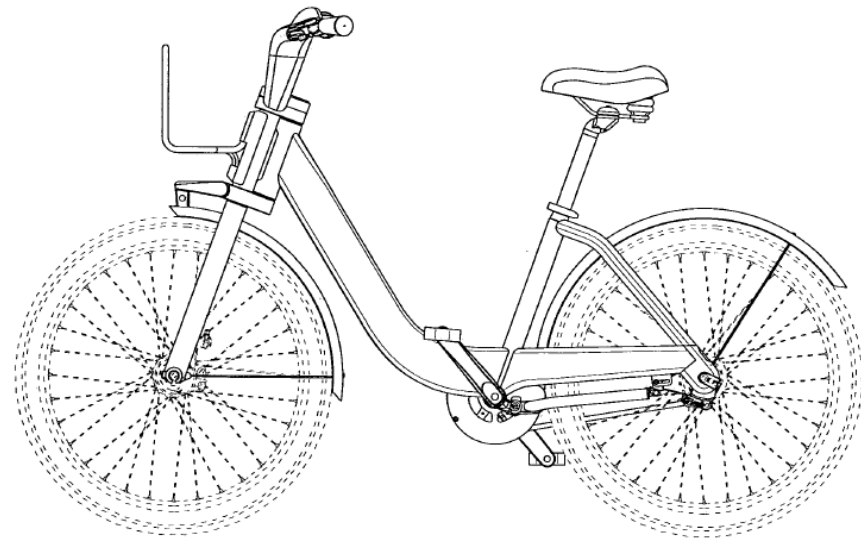
Industrial Design Regulations

- The [final Regulations](#) were published in the *Canada Gazette*, Part II, on June 27, 2018.
- Highlights include:
 - **Representation** – an applicant no longer needs to provide signed authorization to appoint an agent. The previous requirement to have a representative for service, in the case of foreign applicants, has been removed.
 - **Application requirements** have been simplified:
 - Prescribed application form no longer required.
 - Description is now optional because the application is deemed to relate to all four features of the design (shape, configuration, ornamentation and pattern) unless specified in a statement of limitation.
 - Designs no longer need to be shown applied to a finished article.
 - Applications are no longer limited to a single environmental view.

Changes to the Industrial Design Regime

Industrial Design Regulations

- **Filing date requirements** have also been simplified to align with international standards.
 - The title, description and complete mailing address are no longer required. To obtain a filing date, applicants need only to provide:
 - an indication that registration of a design is sought;
 - a means of identifying the applicant;
 - contact information; and,
 - a representation of the design.
- For more details, consult [the new Regulations](#).

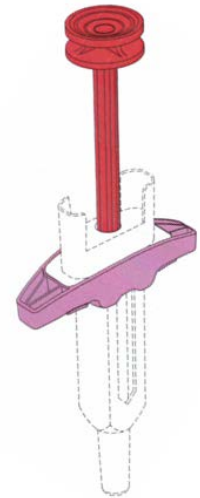


Bicycle by PBSC Urban
Solutions Inc.
(ID registration 128732)

Changes to the Industrial Design Regime

New Industrial Design Office Practice Manual

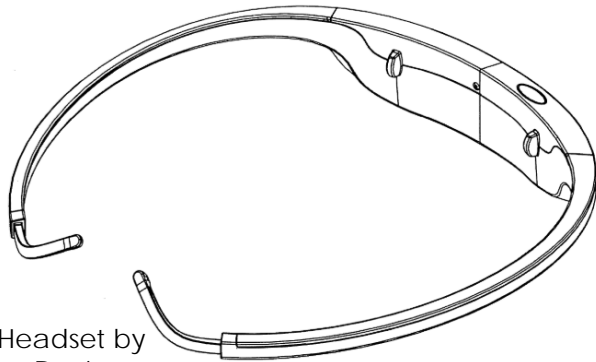
- Complete revamp of the Industrial Design Practice Manual (IDOP).
- Significantly expanded sections on the following:
 - drawing techniques;
 - jurisprudence;
 - use of colour;
 - computer-generated animated designs; and,
 - methods of disclaiming.
- New sections on Hague applications and transitional provisions.
- Public consultations closed June 29, 2018.
- Published on the new user-friendly interface, "Qweri".
- Target publication later this summer.



Syringe by Gilead
Science, Inc.
(ID registration 173286)

Changes to the Industrial Design Regime Enhanced E-Services

- CIPO is working with stakeholders to improve e-services.
- Release 1 (November 5, 2018)
 - Improved e-filing interface: many new functionalities, including the capability to submit images in colour, and allow for a greater number of file formats including PDF, JPEG, TIFF, GIF.
 - Simplified/streamlined portions of the e-filing application.
- Release 2 (2019)
 - New platform for electronic correspondence between CIPO and clients.
 - E-amendments: fully integrated online amendment form.



Brain Sensing Headset by
Personal Neuro Devices
Inc.
(ID registration 168672)

Canada's Declarations

Indirect Filing

Article 4(1)(b): An international application may not be filed through the Canadian Intellectual Property Office.

Individual Designation Fees

Article 7(2): the international application fee is \$400 CAD for each design. The renewal fee, for the first renewal is \$350 CAD for each design, any subsequent renewals are free of charge.

Maximum Duration of Protection

Article 17(3)(c): begins on the date of international registration and ends on the later of 15 years from the date of international registration or 10 years from the date of registration in Canada.

Refusal Period

Rule 18(1)(b): the period of six months for the notification of refusal of the effects of an international registration referred to in Rule 18(1)(a) shall be replaced by a period of 12 months.

Designating Canada: What You Should Know

Deferment of Publication

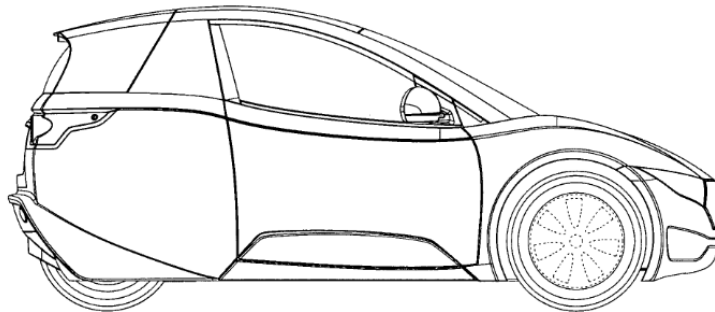
Canada will allow for the maximum period of deferment under Hague, i.e. 30 months from the filing date or, if there is a priority request, from the earliest date of priority.

Filing Date Requirements

Simple filing date requirements that aligns with international standards.

Application

Simple application requirements. No patent claims or description of the design are required. No specific views of the design are required. No security clearance requirements.



Vehicle by
Electrameccanica
Vehicles Corp.
(ID registration 168377)

Designating Canada: What You Should Know

One Design per Application

An application must be limited to one design applied to a single finished article or set or variants applied to a single finished article or set.

In order to accommodate an international registration with multiple designs, CIPO will divide each design contained in the international registration into individual and separate “Hague Applications”.

Increased Term of Protection

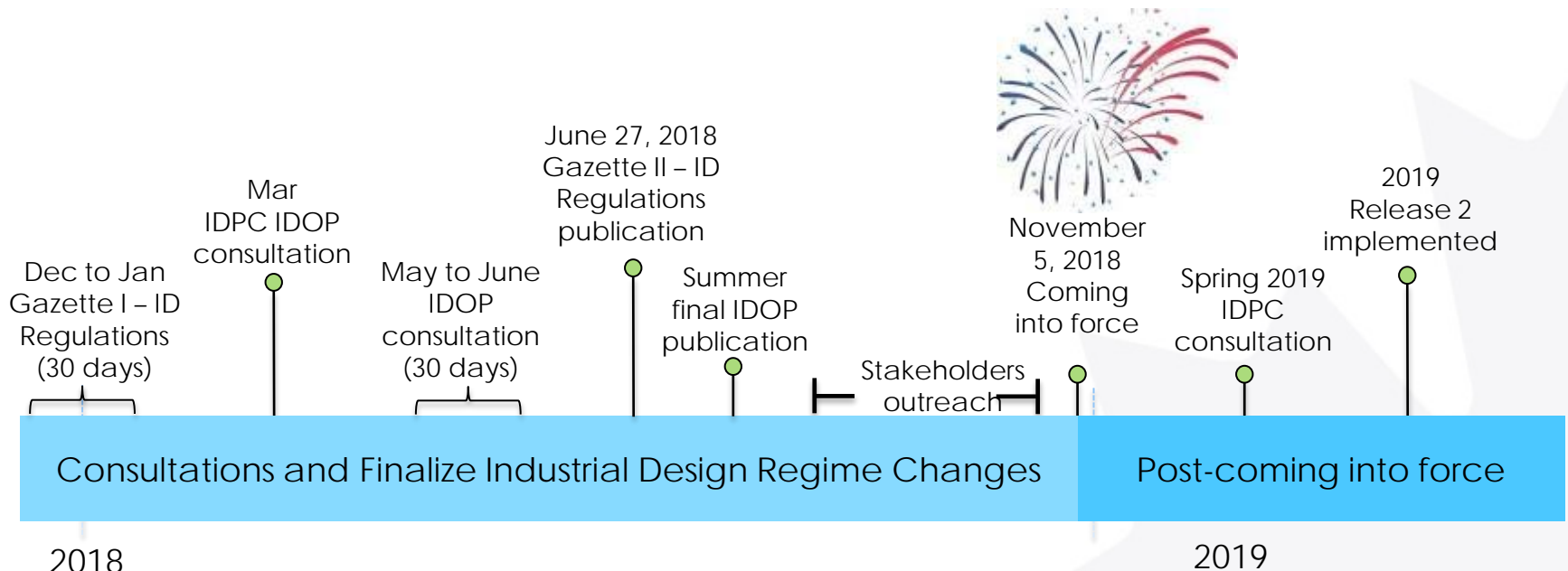
The maximum term of exclusive right is increased from 10 years to 15 years.

Expedited Options

Prosecution of your application may be expedited by using our other services such as advanced search (free of charge) and advanced examination (\$500 CAD).

Next Steps

- Final IDOP publication (summer 2018)
- Outreach with stakeholders (October 2018)
- Coming into force (November 5, 2018)
- Industrial Design Practice Committee stakeholder consultations (spring 2019)
- Release 2 implementation (2019)



Thank you!

Any questions?



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