

Canada

In accordance with Circular C.PCT 1081 concerning legal provisions and emergency preparedness, the Canadian Intellectual Property Office (CIPO) makes the following submission.

Presently Canada's provisions are the following:

In case of an emergency, CIPO will endeavour to remain open for business and ensure that essential service to our clients continues with the least possible disruption or delay.

Under section 78.(1) of the Patent Act, whenever CIPO is closed for business, including closures due to extraordinary circumstances, CIPO will extend the time limits until the next day that it is open for business.

Should an emergency occur, CIPO will post relevant information on our website (www.cipo.gc.ca) as it becomes available and as circumstances permit.

In the case where CIPO is not closed and an applicant fails to comply with a time limit prescribed in the Patent Act or under the Patent Rules, the application is deemed abandoned and the applicant has 12 months to reinstate their application.

The application will be reinstated if the applicant:

- Makes a request for reinstatement to the Commissioner of Patents within the prescribed period;
- Takes the action that should have been taken in order to avoid the abandonment; and
- Pays the prescribed fee before the expiration of the prescribed period.

Time limits regarding claiming priority under the Paris Convention are excluded from the reinstatement process and therefore must be strictly complied with to avoid the loss of rights.

31 August 2006