**Instructions for Filing a Canadian Patent Application**

**I. Client Information**

|  |  |
| --- | --- |
| Name: |  |
| Address: |  |
| Tel.: |  |
| Fax: |  |
| E-mail: |  |
| Ref. No.: |  |

**II. Application Particulars**

|  |  |
| --- | --- |
| Title of Invention: |  |

**III. Inventor Information**

*Inventor #1:*

|  |  |
| --- | --- |
| Name: |  |
| Address: |  |

*Inventor #2 (if applicable):*

|  |  |
| --- | --- |
| Name: |  |
| Address: |  |

*Inventor #3 (if applicable):*

|  |  |
| --- | --- |
| Name: |  |
| Address: |  |

 [ ] information on additional inventor(s) is attached

**IV. Applicant Information**

[ ]  Applicant(s) is the inventor(s)

*Applicant #1 (if applicable):*

|  |  |
| --- | --- |
| Name: |  |
| Address: |  |

*Applicant #2 (if applicable):*

|  |  |
| --- | --- |
| Name: |  |
| Address: |  |

 [ ] information on additional applicant(s) is attached

**V. Convention Priority Claims**

Convention priority claim(s) is based on:

|  |  |  |
| --- | --- | --- |
| **Country** | **Application Serial Number** | **Filing Date** (dd/mm/yy) |
|  |  |  |
|  |  |  |
|  |  |  |

 [ ] additional Convention priority claim(s) is attached

**VI. Request for Examination1**

[ ] Request examination at time of filing [ ] Defer request for examination

1Canada uses a deferred examination system. The applicant must file a request for examination and pay the government examination fee within 4 years of the filing date (5 years for applications filed prior to October 30, 2019). Please indicate whether we should request examination when we file the application, or defer such request for the time being.

**VII. Entity Size2**

[ ]  Applicant(s) does not claim small entity status.

[ ]  Applicant(s) claims small entity status and acknowledges and accepts the risks of incorrectly claiming small entity status. Please forward a small entity declaration for signature by the Applicant(s).

2A “small entity” for fee purposes is an entity that employs 50 or fewer employees or that is a university. Small entity status does not apply to an entity that (a) is controlled directly or indirectly by an entity, other than a university, that employs more than 50 employees; or (b) has transferred or licensed or has an obligation, other than a contingent obligation, to transfer or license any right in the invention to an entity, other than a university, that employs more than 50 employees.

**A Canadian patent can potentially be invalidated if any fee is improperly paid on the small entity scale.** If there is any doubt as to entity status, we recommend against claiming small entity status.

**VIII. Accompanying Documents**

|  |  |
| --- | --- |
| Abstract | Enclosed [ ]  To Follow [ ]   |
| Disclosure (Word format) | Enclosed [ ]  To Follow [ ]   |
| Claims (Word format) | Enclosed [ ]  To Follow [ ]  |
| Drawing(s) | Enclosed [ ]  To Follow [ ]  N/A [ ]  |
| Sequence Listing in Electronic Form3 | Enclosed [ ]  To Follow [ ]  N/A [ ]  |
| Transfer(s)4 | Enclosed [ ]  To Follow [ ]  N/A [ ]  |
| Other Documents (if any) | Enclosed [ ]  To Follow [ ]  N/A [ ]  |

3 An application which discloses nucleotide or amino acid sequences, that do not form part of the prior art, should contain a sequence listing in computer-readable form containing the actual sequence(s) in compliance with WIPO Standard ST.25.

4 The CIPO no longer requires an applicant to record transfers or other title documents to substantiate the applicant’s entitlement to apply for a patent. However, we recommend recordation of all transfers or other title documents which establish the chain of title from the inventor(s) to the applicant. A transfer affecting a Canadian patent is void against a subsequent transferee unless the transfer is both filed and recorded before the CIPO records a transfer to the subsequent transferee. The applicant’s title is therefore not secure as against any subsequent transferee unless the transfer is recorded. Even though the CIPO will not require us to do so, we recommend that you provide and instruct us to file copies of any relevant transfers or other title documents which establish the chain of title from the inventor(s) to the applicant. We also recommend that any future changes in ownership of the patent rights (e.g. assignments, mergers, name changes, etc.) be recorded in the CIPO.

**IX. Priority Documents**

A certified copy of each priority document is required within the later of 4 months from filing in Canada and 16 months from the earliest priority date. A WIPO Digital Access Service code may be provided instead.

**X. Documents Not Required in Canada**

A filing date can be obtained by filing abstract, disclosure, claims and drawings in any language. Thus, a translation of a foreign language application is not required to secure a filing date, but a translation into English or French will need to be filed within two months of CIPO issuing a notice requiring same.

There is no need for the Applicant to sign a Power of Attorney or other formal document.

**XI. Special Instructions**

Figure No. \_\_\_\_ of the drawings is to accompany the abstract when the application is laid open to public inspection.

|  |  |
| --- | --- |
| Filing deadline: |  |
| Additional instructions: |  |

 [ ] further additional instructions are attached

**XII. Mailing Instructions**

Please send completed form and attachments to Oyen Wiggs Green & Mutala LLP via:

* E-mail to mail@patentable.com, or
* Fax to 604.681.4081, or
* Courier to address below.