

Canadian Patent Law Changes

The Canadian Patent Office has published the new rules for patent applications filed in Canada that will be in effect as of October 30, 2019. Many of the changes are being implemented in an effort to decrease the amount of time to examine and grant a patent. Below is description of the new and modified and prosecution rules added to DocketEngine in support the recent amendments.

- The fee to file an application can be paid as late as three months from the filing date of the patent application.
- There is a new requirement to submit priority documents within 16 months from the earliest priority date, or four months from the filing date for national patent applications. Applicants will also have another opportunity to submit the priority document, which would be two months from receiving an official notice from the Canadian Patent Office.
- Patent Applications filed with the Canadian Patent Office must be submitted in the English or French language. There is a twelve-month period to submit a late translation for PCT national phase applications. If the Canadian Patent Office issues an official notice requesting a translation, applicants have two months to submit the translation in response to the request.
- In lieu of the above, there is now a two-month time limit to fulfill all requirements to receive a filing date for a patent application. A complete patent application (in the English or French language) should include the following:
 - _ A petition for grant of a patent;
 - _ Abstract of the invention;
 - _ Claims to the invention;
 - _ A biological sequence listing (if applicable); and
 - _ A Power of Attorney
- There is only three months to respond to a notice of compliance. Previously, the Canadian Patent Office allowed applicants to respond within three months of the notice, or 12 months from the filing date (whichever was later);
- The requirement to request examination with the Canadian Patent Office has been reduced to four years from the filing date, or three months from the filing date for divisional applications. Applicants will also have an opportunity to request examination two months from receiving an official request from the Canadian Patent Office.
- If the Canadian Patent Office issues a Notice of Disregarded Communication, applicants will three months to submit a response from the date of the notice.
- The six-month time limit to respond to an Examiner's report has been reduced to four months;
- The six-month time limit to pay grant fees after receiving a notification of grant from the Examiner, has also been reduced to four months.

- Applicants will also have an opportunity to request re-examination, four months after receiving a notification of grant.
- Applicants will now have a 12-month deadline to request corrections in a granted patent if needed.

Korean patents can be registered in Cambodia

After November 1, 2019, Korean patents can be registered in Cambodia. The request for registrations must be submitted no later than three months after the grant date of the Korean patent.

Five countries sign Eurasia's Industrial Design Protocol

Applicants can now file industrial design application with the Eurasian Patent Convention (EAPC). The single registration will be valid in Azerbaijan, Kazakhstan, Kyrgyzstan and Russia and will be valid for five years. The registration term can be extended up to twenty-five years, with the payment of renewals during each five-year period.

Brazil and Samoa join the Madrid Protocol

Brazil and Samoa have recently joined the Madrid Protocol of the World Intellectual Property Organization (WIPO), thus becoming the 105th member state of the Madrid Protocol. Both jurisdictions have increased the provisional refusal time limit to 18 months. There are also two fee requirements when designating Brazil in a Madrid Protocol.

Updated Renewal rule for Rwanda Trademark Registrations

Trademarks registered under the Rwanda's previous laws prior to December 14, 2009, are currently scheduled for renewal on December 14, 2019. The previous law will no longer be in effect, which will mean the initial renewal is due on December 14, 2019, and subsequent renewals for every ten-year term will be due thereafter.

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