



**Canadian
Intellectual Property
Office**

An Agency of
Industry Canada

**Office de la propriété
intellectuelle
du Canada**

Un organisme
d'Industrie Canada

Patent Prosecution Highway

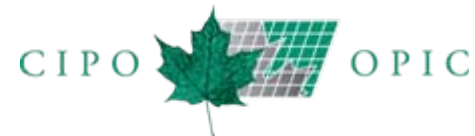


Views from the Canadian Intellectual Property Office (CIPO)

**2011 AIPLA Mid-Winter Institute
Orlando- Florida**

**Kathleen Murphy
Program Manager - International**

Canada





CIPO's PPH Agreements

- **Danish Patent and Trademark Office** (Oct 1, 2009 to Sept 30, 2011)
- **German Patent and Trade Mark Office** (Oct 1, 2010 to Sept 30, 2012)
- **Japan Patent Office** (Oct 1, 2009 to Sept 30, 2011)
- **Korean Intellectual Property Office** (Oct 1, 2009 to Sept 30, 2011)
- **National Board of Patents and Registration of Finland** (Oct 1, 2010 to Sept 30, 2012)
- **Spanish Patent and Trademark Office** (Oct 1, 2010 to Sept 30, 2012)
- **United States Patent and Trademark Office** (since Jan 28, 2008)
- **PCT/PPH (CIPO ISA/IPEA)** (Jan 31, 2011 to Jan 31, 2013)

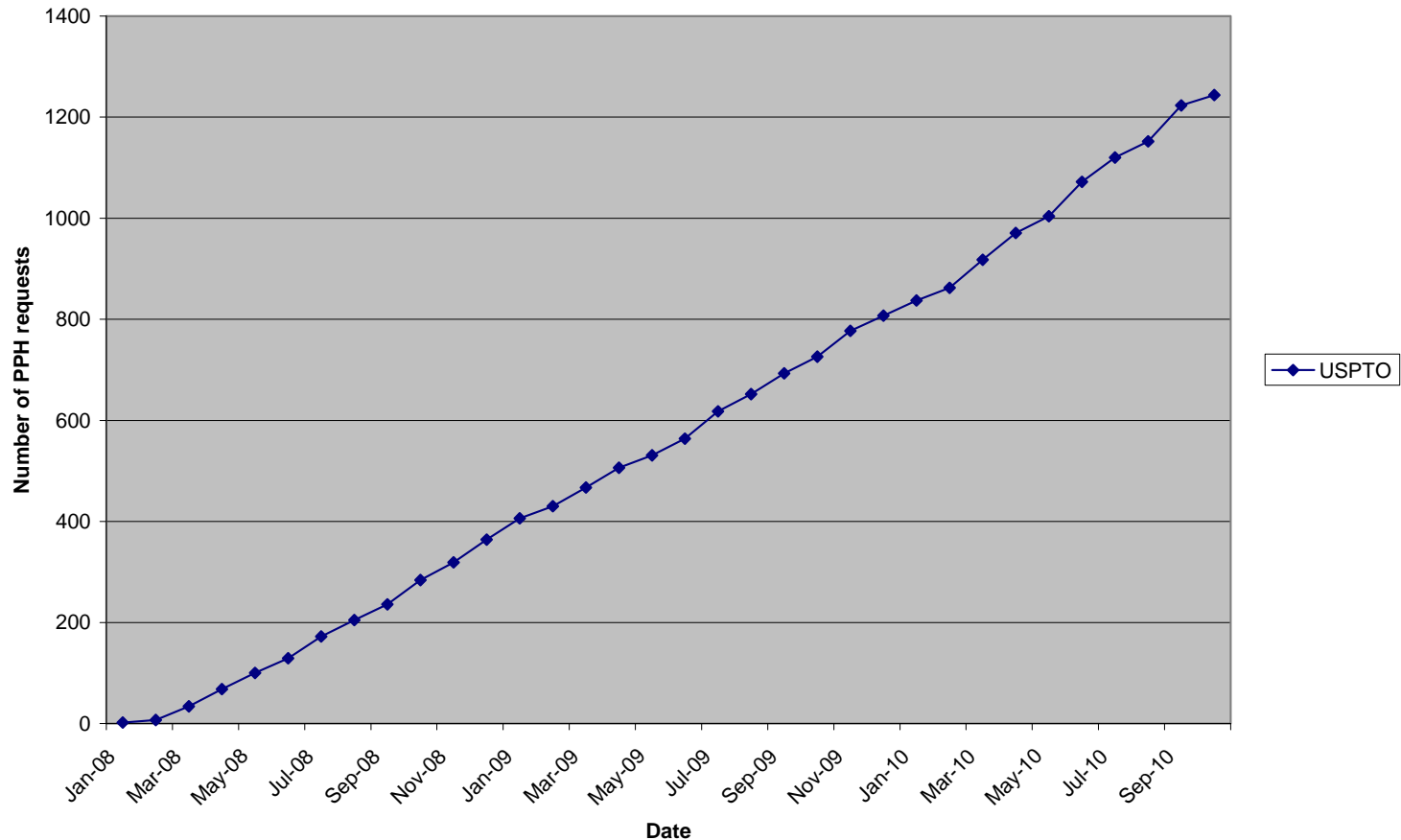


Number of PPH Requests

- As of December 31, 2010:
- **Total: 1 362 requests**
 - USPTO: 1325
 - JPO: 33
 - KIPO: 3
 - DPMA: 1

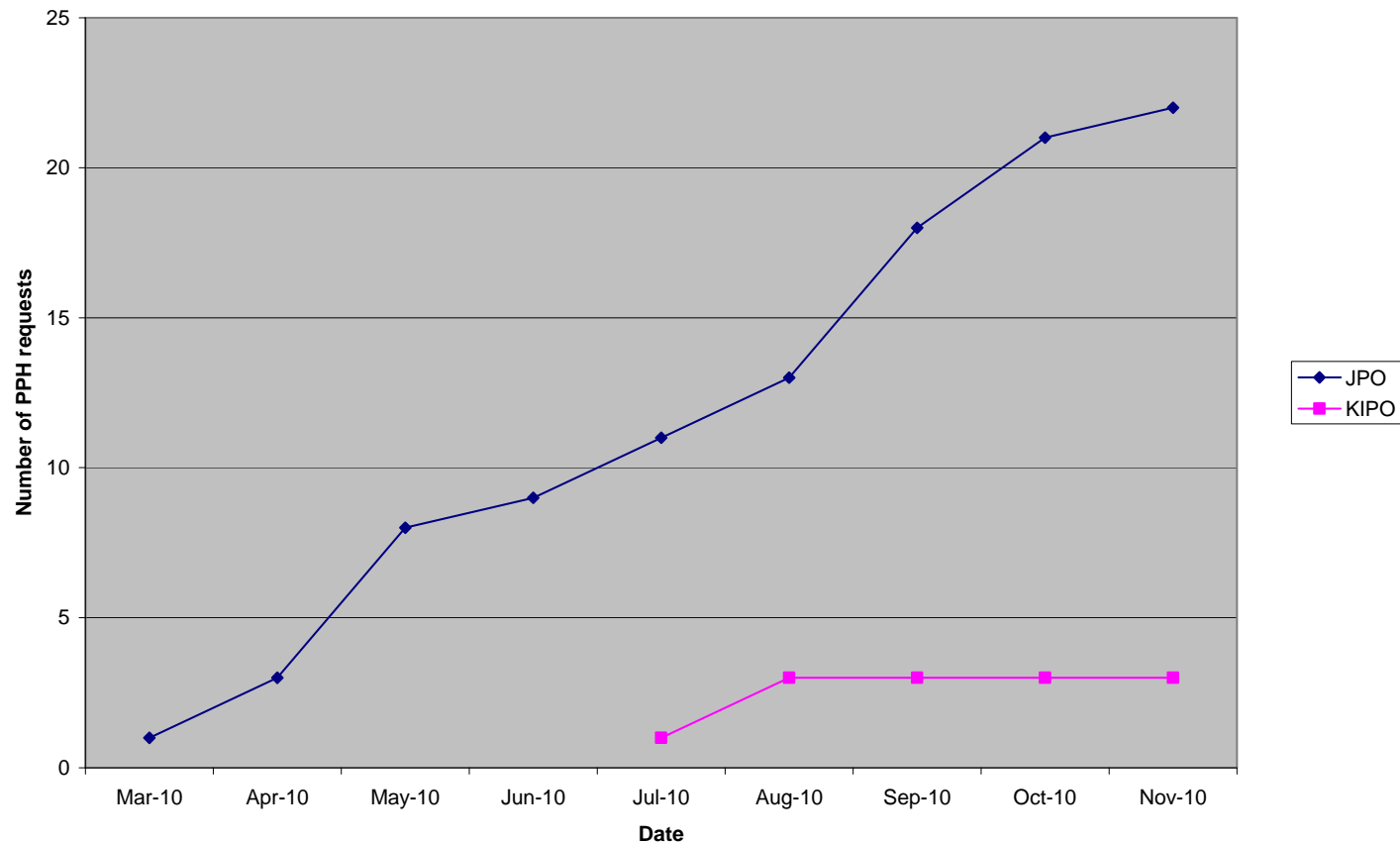


Cumulative number of PPH requests (CIPO as OSF; USPTO as OFF)



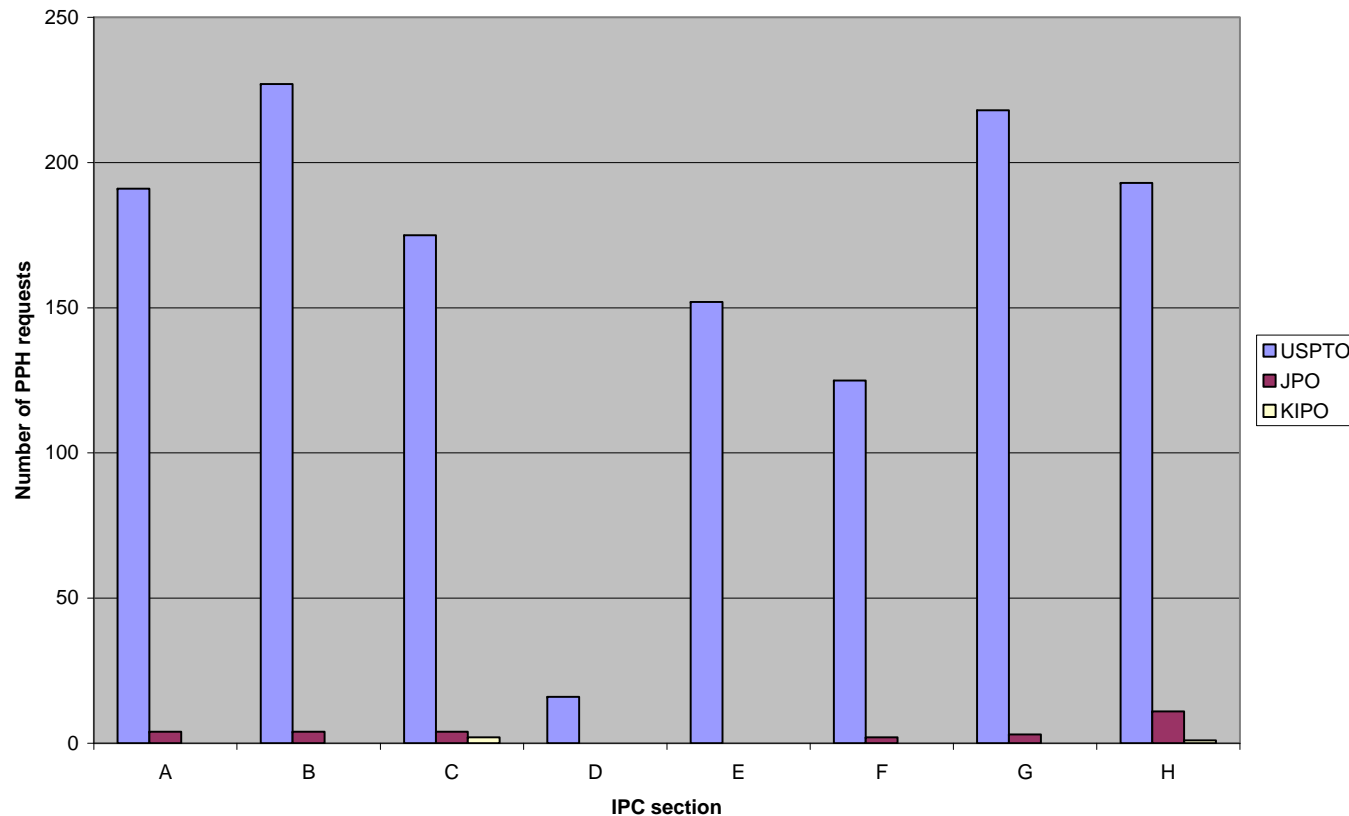


Cumulative number of PPH requests (CIPO as OSF; JPO and KIPO as OFF)





Number of PPH requests by IPC section (CIPO as OSF)



A	Human necessities
B	Performing operations; transporting
C	Chemistry; metallurgy
D	Textiles; paper
E	Fixed constructions
F	Mechanical engineering; lighting; heating; weapons; blasting
G	Physics
H	Electricity



PPH Benefits

- **CIPO first action allowance rates:**
 - PPH: ~41.5%
 - Non-PPH: ~13%
- **CIPO time to first office action:**
 - PPH: within 3 months
 - Non-PPH: up to 18 – 32 months, depending on discipline
- **CIPO office actions per final decision:**
 - PPH: ~0.5
 - Non-PPH: ~2
- **No fee associated with a PPH request at CIPO**



CIPO as OFF: Other ways of expediting prosecution in Canada

- Upon request and payment of a fee, the Commissioner of Patents currently has the authority to expedite the examination of an application (“Special Order”).
- CIPO is hoping to expand the existing criteria in the *Patent Rules* to include a mechanism to accelerate the examination of patent applications relating to green technologies
- No additional fee would be required; the applicant would submit a declaration that their application relates to a “green technology”.
- Approval for allowance could then be used as the basis of a PPH request in any of CIPO’s PPH partner countries.



Moving forward

- Streamline the process among PPH participating patent offices
- Increase awareness of the PPH, in Canada and abroad
- Improved access to PPH information
- PPH Portal:

<http://www.jpo.go.jp/ppph-portal/index.htm>



For further information:

- CIPO PPH webpage:

http://www.cipo.ic.gc.ca/eic/site/cipointernet-internetopic.nsf/eng/h_wr02160.html

- Requirements and request forms
- FAQs

- Questions and feedback:

PPH Program Manager: pph@ic.gc.ca