

Regulatory Proposals

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Trade-marks Regulations (1996) - Amendments to facilitate electronic commerce

Description

The proposed amendments reflect the federal government's commitment to facilitate electronic commerce. As a result of these amendments, the Registrar of Trade-marks will be provided with the powers of enabling trade-mark applicants and their agents to electronically file trade-mark applications and communicate a number of other documents to the Office of the Registrar.

Amendments to the Trade-marks Regulations (1996) provide clarification on the manner in which documents are submitted to and when they are considered received by the Office of the Registrar, at the Canadian Intellectual Property Office. They enable electronic commerce by clarifying the rules concerning electronic transmission of documents, including by facsimile.

Correspondence, which is delivered physically to the Office or to a designated establishment, when the Office or the establishment is closed for business, will be considered to be received on the day when the Office or the establishment is next open for business.

Correspondence submitted electronically, including by facsimile, may be sent at any time. Electronically-transmitted correspondence will be considered received the same day at the Office, if it is received before midnight, local time at the Office, and the Office is open that day. However, if the Office is closed for business on that day, such correspondence will be considered to have been received on the next working day.

Physical transmissions are required in the case of affidavits and evidence in opposition and other proceedings, which cannot be submitted to the Registrar by electronic or facsimile transmissions, due to their physical characteristics, e.g., wax-based seals, physical signatures.

Secondly, minor administrative amendments are also being made at this time. Where the Regulations refer to a "registration in a country of the Union", they will be revised to refer to a "registration in or for a country of the Union". This change ensures consistent wording between the Trade-marks Act and the Trade-marks Regulations (1996).

Benefits and Costs

The amendments do not affect the fee structure for trade-mark applicants. Trade-mark applicants wishing to take advantage of electronic transmissions will be allowed easier access to the trade-mark system.

Trade-mark applicants not wishing to submit documents electronically will continue to be able to file all documents in paper form.

There are a number of benefits resulting from the cumulative effect of both sets of proposed changes to the Trade-marks Regulations (1996). The amendments will assist government in offering more effective services by providing applicants with a wider variety of tools to communicate with government and clarify procedures for trade-mark users and government officials, as well as contribute to increasing electronic commerce in government and with intellectual property stakeholders.

Consultations

Consultations took place with organizations representing the users of the trade-mark system: the Patent and Trademark Institute of Canada (PTIC) and its Trade-marks Legislation Committee; the Trade-marks Joint Liaison Committee; the Canadian Group of the International Federation of Industrial Property Attorneys—known as the FICPI; the Canadian Group of the International Association for the Protection of Industrial Property—known as the AIPPI; and the Canadian Bar Association (CBA). These organizations support the changes, in that the proposed amendments would make communications with the Registrar easier and more flexible.

a) Amendments facilitating electronic commerce

Comments received following pre-publication in November 1997 resulted in a further amendment to avoid confusion with respect to when an electronically-delivered document would be considered received, in particular, when the Office of the Registrar was closed that day.

Comments made by the Patent and Trademark Institute of Canada (PTIC) after pre-publication on April 3, 1999, indicated that there appeared to be an unfair advantage given to electronic transmissions over paper transmissions. However, after further review, the PTIC supported the proposed amendments, notably to ensure compatibility with present practices in the Patent Office.

b) Minor administrative amendments

Most of the minor administrative amendments were withdrawn in light of comments made by the trade-mark agent community on provisions regarding possible changes to applications, some of which would be due to clerical errors. There was consensus that further review of the amendments was required.

A copy of the proposed amendments to the Trade-marks Regulations (1996) will be available on the Internet from the Canadian Intellectual Property Office's site, as soon as they are published in the Canada Gazette Part

II. The Internet address is:

<http://cipo.gc.ca>

Alternatives

a) Amendments facilitating electronic commerce

Alternative 1: Status quo

This alternative was rejected as it would neither have allowed electronic transmissions nor addressed the confusion created by the lack of clarity in specified areas in the present regulations, in particular with respect to the dates, which can be critical in the registration process. Also, changes to administrative procedures were not considered adequate, as they would not have been sufficient and could not have replaced amendments to regulations, on which they need to be based.

Alternative 2: Fundamental amendments

There was no immediate need identified internally or by stakeholders for a fundamental review of the trade-mark legislation or regulations.

Alternative 3: Modest amendments to the Trade-marks Regulations (1996)

This alternative was adopted as the only effective means of allowing for electronic correspondence, as well as clarifying date requirements within the regulations themselves. Based on legislation adopted by Parliament, which in this case is the Trade-marks Act, the proposed regulations provide modest but effective means to help move forward the electronic commerce agenda.

b) Minor administrative amendments

These amendments respond to day-to-day operational requirements and assist in ensuring compatibility between legislation and regulations, as well as modestly help improve the trade-mark registration system. The status quo would have been counter-productive and fundamental amendments, in their essence, were not relevant at this time.

Compliance and Enforcement

Compliance is not at issue, as it is in the interest of all stakeholders to have a transparent process.

All documents submitted in the context of trade-mark registration, including those filed electronically, will be subject to the changes resulting from the proposed amendments. For example, the date assigned by the Office of the Registrar as the date a document is received will be determined in a transparent manner, as

prescribed by the proposed regulations.

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The proposed amendments were pre-published on April 3, 1999, in Part I of the Canada Gazette, vol. 133, no 14, p. 979. Amendments were approved on June 23, 1999 for publication in the Part II of the Canada Gazette on July 7, 1999.

Trade-marks Regulations (1996) - Opposition Procedures and Geographical Indication Objection Procedures

Description

These amendments to the Trade-marks Regulations (1996) will streamline the trade-marks opposition process by reducing both the time and expense incurred by applicants and opponents to opposition proceedings, as well as reducing the administrative handling of opposition cases by the support staff of the Opposition Board.

To register a trade-mark in Canada, an applicant must file a trade-mark application with the Trade-marks Office. The application is first examined by the Examination Division of the Trade-marks Branch and, if accepted, is advertised for opposition purposes in the Trade-marks Journal. The Trade-marks Journal, which is published weekly, contains details of trade-marks applications which have been approved by the Examination Division. The purpose of publication is to give the public notice of all trade-marks intended for registration in order that any person having valid grounds for doing so, may oppose the registration of a trade-mark.

A person wishing to oppose the registration of a trade-mark must file a statement of opposition in duplicate with the Registrar of Trade-marks within two months of the date of advertisement of the trade-mark in the Trade-marks Journal. If the opposition is accepted by the Trade-marks Opposition Board (TMOB), a copy of the statement of opposition is forwarded to the applicant who then has one month to contest the opposition by filing a counter statement with the Opposition Board and serving a copy on the opponent. Both parties have the opportunity to file affidavit evidence and subsequently written arguments with the Registrar and, if requested by either party, the Registrar will conduct an oral hearing.

At present, the approximate duration of an opposition proceeding which advances to the final decision stage is, on average, approximately 36 months. The following table outlines how the changes to the regulations and Opposition Board procedures will reduce the time for an opposition proceeding from approximately 36 months to 15 months.

TRADE-MARKS OPPOSITION PROCESS		
Stage in Opposition Process	Current Process	Proposed Regulations

TRADE-MARKS OPPOSITION PROCESS		
Opponent to file statement of opposition after mark published in <i>Trade-mark Journal</i>	5 months (2 months + automatic 3 month extension)	2 months (This does not involve a change to the Regulations)
Applicant to file and serve counter statement	4 months (1 month + automatic 3 month extension)	2 months
Opponent to file and serve evidence	7 months (1 month + automatic 6 month extension)	4 months
Applicant to file and serve evidence	7 months (1 month + automatic 6 month extension)	4 months
Opponent to file and serve reply evidence	5 months (1 month + automatic 4 month extension)	Opponent must seek leave of the Registrar to file reply evidence; no automatic right to file reply evidence
Cross-examinations	Available any time after opponent files evidence and before written argument stage, party may request Registrar to issue order for cross-examination which will include 4 month time limit for completion of cross-examination	2 months after both parties have filed evidence, parties can conduct cross-examinations by mutual agreement. If parties cannot agree, a party can request Registrar to designate time and place for cross-examination
Both parties file written arguments	5 months (1 month + automatic 4 month extension)	Parties have 3 months following completion of applicant's evidence to request oral hearing; parties can file written arguments up to 2 weeks before hearing date; where no oral hearing requested, written arguments are exchanged sequentially

TRADE-MARKS OPPOSITION PROCESS		
Request for oral hearing	4 months (1 month + automatic 3 month extension)	Parties have 3 months following completion of applicant's evidence to request oral hearing; parties can file written arguments up to 2 weeks before hearing date; where no oral hearing requested, written arguments are exchanged sequentially

Benefits and Costs

The value of having a structured trade-mark opposition process has been repeatedly endorsed by the majority of stakeholders and users of the process that were consulted. Stakeholders have expressed the opinion that the benefit of reducing the overall time necessary to complete a trade-mark opposition must be balanced against the need to have a reliable disposition of the issues.

The primary benefits of the proposed amendments are to significantly reduce the time in reaching the decision stage of an opposition and, consequently, reduce the financial costs for trade-mark clients. Time savings will largely result from the establishment of time limits which will only be extended in exceptional circumstances or where the other party consents to the granting of the extension of time.

The financial savings valued by stakeholders take the form of cost avoidance. In comparison with a Court proceeding, the opposition process is considered a relatively low cost forum for resolving disputes involving the proposed registration of a trade-mark. While decisions of the Registrar are appealable to the Federal Court, Trial Division, there are relatively few final opposition decisions which are appealed to the Court.

Consultation

Consultation has taken place with the following organizations: Patent and Trademark Institute of Canada (PTIC); the Canadian Chamber of Commerce; International Association for the Protection of Industrial Property - Canadian Group; FICPI, Canada; and the Canadian Bar Association (CBA) - Intellectual Property Section. These organizations represent the users of the trade-marks opposition process. Additionally, copies of the draft regulations have been placed on the Canadian Intellectual Property Office Web Site in order to elicit comments from the public.

A copy of the proposed amendments to the Trade-marks Regulations (1996) is also available on the Internet from CIPO's home page. The Internet address is:

<http://cipo.gc.ca/>

Alternatives

Amending the Trade-marks Regulations (1996) is the most effective means of implementing the necessary changes.

Compliance and Enforcement

No compliance mechanism is required as the Trade-mark Opposition process is not mandatory.

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This initiative is under review

Amendments to the Patent Rules

Description

The purpose of these amendments is to make technical improvements to the Patent Rules that came into force on October 1, 1996. The improvements consist of relatively minor changes to facilitate electronic commerce, ensure conformity with international obligations under the Patent Cooperation Treaty (PCT) adopted at the World Intellectual Property Organization (WIPO), and correct clerical errors and clarify the language of the current Patent Rules.

a) Electronic commerce

A number of amendments reflect the federal government's commitment to facilitate electronic commerce.

As a result of these amendments, conditions for electronically filing patent applications and communicating a number of other documents to the Patent Office will be clarified for patent applicants and their agents. Patent applicants wishing to file documents in paper form will continue to be able to do so. The Office, on the other hand, will further advance its capacity to electronically process and store patent documents.

The proposed amendments specify the manner in which correspondence addressed is delivered and when it is considered received by the Office.

Correspondence, which is delivered physically to the Office or to a designated establishment, when the Office or the establishment is closed for business, will be considered to be received on the day when the Office or establishment is next open for business.

Correspondence submitted electronically, including by facsimile, may be sent at any time. It will be considered received at the Office the same day, if it is received at the Office before midnight, local time, and the Office is open that day. If the Office is closed for business on that day, electronically-submitted correspondence will be considered to have been received on the next working day.

b) PCT obligations

Amendments ensure that Canadian practice is consistent with the WIPO Regulations under the PCT which, as of July 1, 1998, adopted a more liberal approach to claiming convention priority. Thus the deadlines for claiming priority and submitting the required information will be calculated from the priority date, as defined by the WIPO Paris Convention, as opposed to the filing date. This will be more advantageous to applicants who use the convention priority system.

These Rules are being further amended to indicate that time limits related to the processing of PCT applications upon national entry, i.e., once they are transmitted to the Office by the International Bureau, and to their subsequent examination by the Office, would be exclusively governed by the Patent Rules. Accordingly, article 48(2) of PCT would not apply to the time limits for national entry or to time limits after national entry.

Other changes relating to the PCT concern the requirement to provide information to the commissioner regarding conditions of access upon entering the national phase, e.g., evidence of entitlement. A failure to supply such information will result in the application being deemed to not have entered the national phase.

An amendment is also included to ensure that Canadian Patent Rules are in conformity with the PCT, as they apply to requests for priority upon entry into the national phase.

The language of the Rules is being clarified to make it clear that section 8 of the Patent Act cannot be used to correct clerical errors until after the PCT application has entered the national phase.

Further clarification confirms that the requirement for information to be given to the Commissioner may be given directly to the International Bureau of WIPO, where such information has to be submitted before national entry, e.g., in the case of information concerning the deposits of biological material. The

requirements will be simplified for those applications that make reference to deposits of biological material, in that information concerning the name of the international depositary authority and accession number will be mandatory. However, the date of the deposit would only be given where the examiner so requisitions it.

Under these amendments, the requirements concerning references to another document in the description of a patent application will be relaxed to permit references to documents that have become public after filing and before completion of examination, rather than require provision of the documents themselves.

c) Minor administrative amendments

A clerical error, which arose in the definition section of English version of the Rules, will be corrected to indicate that the word "application" does not include an application to re-issue a patent. This will bring the English version into conformity with the French version. Further clarification to the language of the Rules will provide a uniform approach to the language of documents submitted to the Patent Office and will also remove doubt regarding the applicability of the small entity provisions (e.g. for small businesses), which offer a lower tariff rate in specified cases.

Benefits and Costs

The amendments do not affect the fee structure for patent applicants and involve no new costs.

The changes related to electronic commerce will allow for easier access to the patent system by the public. Patent applicants not wishing to submit documents electronically will continue to be able to file all documents in paper form.

PCT-related amendments increase the benefits for Canadian applicants of Canada's adherence to the PCT, which constitutes an important international harmonization instrument.

Consultation

Draft versions of the amendments were circulated for consultation to the major stakeholders within the patent profession who represent applicants before the Patent Office, namely: the Patent and Trademark Institute of Canada (PTIC) and its Patent Legislation Committee; the Canadian Group of the International Federation of Industrial Property Attorneys (FICPI); the Canadian Group of the International Association for the Protection of Industrial Property (AIPPI); and the Canadian Bar Association – IP Group (CBA).

Prior to pre-publication on April 24, 1999, consultative meetings were held with users of the patent system in Ottawa and Vancouver and written responses were received from: CBA, AIPPI, PTIC, FICPI, Industrial Biotechnology Association of Canada (IBAC), as well as individual practitioners. There was broad support for the amendments.

As a result of pre-publication, key organizations did not share any further comments. Three patent agents sent questions to the Office, which after consideration did not deem that further amendments were appropriate in the circumstances.

The amendments to the Patent Rules include suggestions for changes and additions made during this consultation phase. For example, representations were made regarding the proposed requirement that the date of the deposit be mandatory when depositing biological material. The amendments have been modified to require the date of the deposit only when the examiner requisitions it.

Further to legal review of the amendments as pre-published in Part I of the Canada Gazette, amendments regarding requests for priority upon entry into the national phase have been changed and now solely apply to PCT applications. This is all that is necessary to comply with Canada's international obligations. Further review is required before consideration can be given to extending this flexibility to non-PCT applications.

A copy of the proposed amendments to the Patent Rules will be available on the CIPO's Web site, as soon as they are published in the Canada Gazette Part II. The Internet address is:

<http://cipo.gc.ca>

Alternatives

a) Electronic commerce

This alternative is the only effective means of clarifying conditions for electronic correspondence, notably date requirements within the Rules themselves. Based on legislation adopted by Parliament, which in this case is the Patent Act, the proposed Rules provide modest but effective means to help move forward the electronic commerce agenda.

b)PCT obligations

This alternative was retained as the only effective means of meeting our international PCT obligations. Based on legislation adopted by Parliament, which in this case is the Patent Act, the proposed Rules provide modest but effective means to help increase the benefits for patent applicants of Canada's adherence to the PCT.

c) Minor administrative amendments

These amendments respond to day-to-day operational requirements and modestly help improve the patent system. The status quo would have been counter-productive and fundamental amendments, in their essence, were not relevant at this time.

Duplication

Industry Canada administers and enforces the Patent Act through the exclusive constitutional authority of the Government of Canada. Regulatory requirements are not duplicated at any other level of government.

Compliance and Enforcement

Compliance is not at issue, as it is in the interest of all stakeholders to have a transparent process.

All documents submitted in the context of patent registration, including those filed electronically, will be subject to the changes resulting from the proposed amendments. For example, the date assigned by the Office of the Commissioner as the date a document is received will be determined in a transparent manner, as prescribed by the proposed regulations. Similarly, for PCT-related amendments, the mandatory requirement for information concerning the name of the international depositary authority and accession number will be determined in a transparent manner, as prescribed by the proposed Rules.

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The proposed amendments were pre-published on April 24, 1999, in Part I of the Canada Gazette, vol. 133, no 17. Amendments were approved on June 23, 1999 for publication in Part II of the Canada Gazette on July 7, 1999.

Industrial Design Regulations

Description

As requested by the Standing Joint Committee for the Scrutiny of Regulations (SJCSR), these amendments propose to repeal the previous Industrial Design Rules and to enact the same regulations under the sole responsibility of the Governor in Council, i.e., under Section 25 of the Industrial Design Act. Further amendments propose to enable electronic commerce and address a number of other issues, some of which were identified by the SJCSR. After reflecting on the tariff options discussed with stakeholders, the Canadian Intellectual Property Office preferred to reserve its decision. Consequently, the proposed amendments do not include any new tariff.

a) First series of amendments (enacting the Regulations under the sole responsibility of the Governor in Council) With the proposed amendments described below, the previous Industrial Designs Rules, some of which were adopted by the Minister, will be repealed and Industrial Design Regulations will be enacted under the sole responsibility of the Governor in Council, i.e., under Section 25 of the Act. This is necessary to avoid any duplication of powers in enacting regulations.

b) Second series of amendments (electronic commerce)

A second series of amendments provide clarification on the manner in which documents are submitted and when they are considered received by the Office. They enable electronic commerce, by clarifying the rules concerning electronic transmission of documents, including facsimile, and are also harmonized with proposed amendments for both trade-marks and patents. The following refinements to the rules on correspondence have been made:

- correspondence addressed to the Office may be submitted electronically at such time as the Office acquires the technical ability to accept receipt;
- an application for the registration of an industrial design may be submitted to the Office by facsimile;
- electronic and facsimile transmissions may be sent to the Office, 7 days a week, 24 hours a day;
- if electronic and facsimile transmissions are received before midnight, local time where the Office is located, they will be considered received by the Office on the date of delivery; otherwise, they will be considered received on the next working day;
- documents that are physically delivered to the Office or another designated establishment outside business hours, will be considered to be received on the next working day.

c) Third series of amendments (administrative)

A third series of amendments include requirements regarding filing dates, priority filings, "registered proprietors", notifications of appointments of agents, third party protests to a registration, postal addresses, paper size and copies.

The importance of securing a filing date predictably and easily is of paramount importance for industrial design applicants in Canada as well as when they file abroad. For the Office to grant a filing date, the applicant must submit a request to register a design, the name and address of the applicant, the title of the design, a description, a drawing or photograph and the appropriate fee.

Proposed amendments specify that a request for priority refers to countries not only "in" which priority is claimed but also "for" which they may be claimed – once adopted, this will be in harmony with other present or proposed intellectual property regulations, (e.g. for trade-marks). The amendments also require the provision of the number assigned by the relevant country to the application.

The proposed amendments add to the regulations a definition of "registered proprietor", as well as clarify provisions for notification of appointments of agents and allow for their revocation. Information required for postal addresses is further defined, as well as paper size used for correspondence, which, once adopted, will be in harmony with the Trade-marks Regulations. More flexible requirements, allowing for copies, are also proposed for documents effecting assignments and licences.

Benefits and Costs

The three series of amendments do not affect the fee structure for industrial design applicants and involve no new costs.

a) First series of amendments (enacting the Regulations under the sole responsibility of the Governor in Council)

As requested by the SJCSR, the amendments provide an answer to any confusion which could have resulted from the overlap of powers between the Minister of Industry Canada and the Governor in Council. This is important to ensure clarity and predictability for applicants and owners of industrial designs, their agents and CIPO officials administering the industrial designs system.

b) Second series of amendments (electronic commerce)

The proposed amendments reflect the federal government's commitment to facilitate electronic commerce. As a result of these amendments, applicants and their agents will be provided the opportunity of electronically filing industrial designs applications and communicating a number of other documents to the Industrial Designs Office. Thus, filing costs for applicants will be contained and the Office will further advance its capacity to electronically process and store industrial designs-related documents.

c) Third series of amendments (administrative)

The modifications to the regulations clarify the procedures for applicants to register their designs as the application procedures are better defined.

There are a number of benefits resulting from the cumulative effect of the three sets of proposed changes to the Industrial Designs Rules. The amendments will assist government in offering more effective services by providing applicants with a clearer view of how to use a wide variety of tools to communicate with government, clarify procedures for industrial designs users and government officials, facilitate use by increased harmony in the intellectual property system and contribute to increasing electronic commerce in government and with intellectual property stakeholders.

Consultation

Consultations were held with the SJCSR, as well as with the agent community. Although not a requirement for filing an industrial design application, 80% of applicants engage the services of an agent (in most cases a registered patent agent) to assist with the preparation of the application and respond to the Office during the examination and registration of their design. As representatives of so many applicants, registered patent agents and other specialized industrial design agents are highly sophisticated users of the industrial design system. As a result, consultations on the amendments to the regulations and fees were conducted for the most part with the agent community. Specifically, consultation has taken place with industrial designs specialists who are members of the Patent and Trademark Institute of Canada (PTIC) and its Industrial Designs Legislation Committee; the Canadian Group of the International Federation of Industrial Property Attorneys – known as the FICPI; the Canadian Group of the International Association for the Protection of Industrial Property – known as the AIPPI; and the Canadian Bar Association (CBA) – IP Group.

In 1994, the Office shared draft amendments with the agent community. Replies mainly expressed concerns related to the new tariff schedule. As a result of more recent consultations, there is broad support for the changes, in that these proposed amendments would make communications with CIPO easier and more flexible.

a) First series of amendments - enacting the Regulations under the sole responsibility of the Governor in Council

The SJCSR reviewed the Industrial Designs Rules and made several recommendations for amendments, which are now being implemented. The SJCSR noted that the amendments to the Industrial Design Act, in 1993, added a new regulation-making power for the Governor in Council under section 25, but did not repeal the old regulation-making power of the Minister under Section 19(1). The Act, therefore, contains two sections that provide authority for making regulations. In order to clarify the statutory basis for and to streamline the regulations, the SJCSR suggested that the present Rules be repealed and re-enacted in their entirety as Regulations, using the authority in section 25 of the Act. Afterwards, the Industrial Design Act could be amended accordingly. Stakeholders from the private sector did not comment on this first series of amendments.

b) Second series of amendments (electronic commerce)

The stakeholders agree with and support these changes.

c) Third series of amendments (administrative)

The administrative amendments shared with the stakeholders did not generate comments requiring significant changes, but dealt primarily with minor rewording. The Office adopted, where applicable, suggested word change for greater clarity. Stakeholders also expressed the view that, as part of any future amendments to the regulations, a more fundamental review be conducted of the Act and the regulations, particularly with respect to examination issues.

As soon as they are pre-published in the Canada Gazette Part I, a copy of the proposed amendments to the Industrial Designs Regulations (1996) will be available on CIPO's Web site:

<http://cipo.gc.ca>

Alternatives

a) First series of amendments - enacting the Regulations under the sole responsibility of the Governor in Council

Alternative 1: Fundamental changes

Repealing the entirety of the Rules to replace them with Regulations exclusively enacted under Section 25 of the Act, by the Governor in Council, was requested by the SJCSR and is the only regulatory instrument at our disposal to address the overlap issue.

Alternative 2: Status quo

This alternative would not have addressed the overlap in enacting powers between the Minister of Industry Canada and the Governor in Council.

b) Second series of amendments (electronic commerce)

Alternative 1: Status quo

This alternative was rejected as it would neither have allowed electronic transmissions nor addressed the confusion created by the lack of clarity in specified areas in the present regulations, in particular with respect to the dates of receipt, which can be critical in the registration process. Also, changes to administrative procedures were not considered adequate, as they would not have been sufficient and could not have replaced amendments to regulations, on which they need to be based.

Alternative 2: Fundamental amendments

There was no immediate need identified internally or by stakeholders for a fundamental review of the industrial designs legislation or regulations.

Alternative 3: Modest amendments

This alternative was adopted as the only effective means of allowing for electronic correspondence, as well as clarifying date requirements within the regulations themselves. Based on legislation adopted by Parliament, which in this case is the Industrial Design Act, the proposed regulations provide modest but effective means to help move forward the electronic commerce agenda.

c) Third series of amendments (administrative)

The administrative amendments respond to day-to-day operational requirements and assist in ensuring compatibility between legislation and regulations, as well as modestly helping to improve the industrial design registration system, notably by increasing harmony with other intellectual property systems. The status quo would have been counter-productive and fundamental amendments, in their essence, were not viewed as possible at this time.

Compliance and Enforcement

Compliance is not at issue, as it is in the interest of all stakeholders to have a transparent process.

All documents submitted in the context of industrial designs registration, including those filed electronically, will be subject to the changes resulting from the proposed amendments, with respect to compliance and enforcement of these amendments. For example, the date assigned by CIPO as the date a document is received will be determined in a transparent manner, as prescribed by the proposed regulations.

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