



The Green Fast Track is Open for Business in Canada

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The Canadian Intellectual Property Office (CIPO) announced on March 16, 2011 that the Governor in Council approved the *Rules Amending the Patent Rules* relating to expedited examination of patent applications relating to green technology. The amendments came into force on March 3, 2011.

The amendments now provide a patent applicant the opportunity to request expedited examination of their Canadian patent application if the invention is related to green technology.

Although no additional fee is required to request expedited examination based on a green technology related patent application, the applicant must submit a declaration stating their patent application relates to "technology the commercialization of which would help to resolve or mitigate environmental impacts or conserve the natural environment and resources".

Within two months of receipt of a request, CIPO will produce an office action outlining any deficiencies in the application. The applicant will then have three months to respond to same.

This program is intended "to assist in stimulating the creation and diffusion of technology and to encourage and protect innovation and technology transfer" while "contributing to an effective response to environmental challenges by helping to ensure that environmental beneficial patents reach the marketplace more rapidly". Consequently, after April 30, 2011, if there is any undue delay caused by the applicant during prosecution, the Commissioner will return the patent application to its routine order.

Canada now joins Australia, the United Kingdom, the United States, South Korea, Japan, China and Israel in implementing "green" patent rules. The CIPO announcement is available at:

<http://www.cipo.ic.gc.ca/eic/site/cipointernet-internetopic.nsf/eng/wr02995.html>

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