



19 December 2019

(19-8800)

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**Council for Trade-Related Aspects of  
Intellectual Property Rights**

Original: English/French

**NOTIFICATION OF LAWS AND REGULATIONS  
UNDER ARTICLE 63.2 OF THE TRIPS AGREEMENT**

CANADA: PATENT ACT

<b>Notifying Member</b>	CANADA
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**Details of the notified legal text**

<b>Title</b>	Patent Act
<b>Subject matter</b>	Patents (including plant variety protection)
<b>Nature of notification</b>	<input checked="" type="checkbox"/> Main dedicated intellectual property law or regulation <input type="checkbox"/> Other law or regulation
<b>Link to legal text*</b>	<a href="https://ip-documents.info/2019/IP/CAN/19_7248_00_e.pdf">https://ip-documents.info/2019/IP/CAN/19_7248_00_e.pdf</a>
<b>Notification status</b>	<input type="checkbox"/> First notification <input type="checkbox"/> Amendment or revision to notified legal text <input checked="" type="checkbox"/> Replacement or consolidation of notified legal text(s)
<b>Previous notification(s) referred to</b>	<a href="#">IP/N/1/CAN/24</a> , <a href="#">IP/N/1/CAN/C/8</a> , <a href="#">IP/N/1/CAN/P/15</a> , <a href="#">IP/N/1/CAN/T/7</a> ; <a href="#">IP/N/1/CAN/P/10</a> , <a href="#">IP/N/1/CAN/10</a>

**Brief description of the notified legal text**

The consolidated version of the Patent Act incorporates amendments made by Bill C-86 which

- provide a regulation-making authority for the establishment of requirements for written demands relating to patents;
  - codify the research exemption in Canadian law, which specifies that an act committed for the purpose of experimentation relating to the subject matter of a patent is not an infringement of the patent;
  - specify that licensing commitments that bind the owner of a standard essential patent bind any subsequent owners;
  - expand the rights of a person in respect of a claim in a patent who meets the requirements to be considered a prior user;
  - ensure that patent prosecution histories may be admissible into evidence for certain purposes;
- and

<ul style="list-style-type: none"> <li>clarify when a late fee must be paid in respect of divisional applications as well as when the confidentiality period begins in the case where a request for priority is deemed never to have been made.</li> </ul>	
<b>Language(s) of notified legal text</b>	English, French
<b>Entry into force</b>	13 December 2018
<b>Other date</b>	

**Notification details**

<b>Submission date of notification</b>	27 September 2019
<b>Other information</b>	<p><a href="#">IP/N/1/CAN/P/15</a> (Bill C-86 amends the Patent Act)</p> <p>Bill C-86 (see Subdivision A of Division 7 of Part 4):  <a href="https://www.parl.ca/DocumentViewer/en/42-1/bill/C-86/royal-assent">https://www.parl.ca/DocumentViewer/en/42-1/bill/C-86/royal-assent</a></p> <p>Patent Act (as amended):  <a href="https://laws-lois.justice.gc.ca/eng/acts/p-4/FullText.html">https://laws-lois.justice.gc.ca/eng/acts/p-4/FullText.html</a></p>
<b>Agency or authority responsible</b>	<p>Innovation, Science and Economic Development Canada  Patent Policy Directorate</p> <p>235 Queen Street  Ottawa, Ontario K1A 0H5  Canada  Telephone: 343-291-3783</p>

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\* Links are provided to texts of laws and regulations notified under the TRIPS Agreement in the form supplied by the Member concerned; the WTO Secretariat does not endorse or revise their content.