



## Canada PCT National Phase Entry Instructions

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### I. Application Particulars

<b>International Application No.:</b>	<b>International Filing Date:</b>

Title of Invention: \_\_\_\_\_

\_\_\_\_\_

Canadian National Phase Entry required under:

PCT Chapter I

PCT Chapter II

Convention priority claim(s) is based on

Country	Application Serial Number	Filing Date (Day / Month / Year)

additional Convention priority claim(s) is attached

## II. Inventor Information

<b>Inventor #1:</b>  Name: _____ Address: _____ _____ _____ _____	<b>Inventor #2 (if applicable):</b>  Name: _____ Address: _____ _____ _____ _____
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<b>Inventor #3 (if applicable):</b>  Name: _____ Address: _____ _____ _____ _____	<b>Inventor #4 (if applicable):</b>  Name: _____ Address: _____ _____ _____ _____
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Information on additional inventor(s) is attached.

## III. Applicant Information

Applicant(s) is the inventor(s)

Applicant(s) is listed below

<b>Applicant #1:</b>  Name: _____ Address: _____ _____ _____ _____	<b>Applicant #2 (if applicable):</b>  Name: _____ Address: _____ _____ _____ _____
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Information on additional applicant(s) is attached.

## IV. Request for Examination

Canada uses a deferred examination system for patent applications. This requires the applicant to file a request for examination and pay the government examination fee within 5 years of the Canadian filing date. Please indicate whether we should request examination when we file the application, or defer such request for the time being.

Request examination at time of filing

Defer request for examination

The CIPO currently has a 2-3 year backlog of cases awaiting examination. One reason for the backlog is the

large number of cases which have been granted expedited examination pursuant to s. 28 of the Canadian Patent Rules. Such requests do not currently require any supporting affidavit; the primary requirement is payment of a CA\$500 statutory fee and an assertion that failure to advance the application is likely to prejudice the applicant's rights. Many applicants are routinely obtaining orders for expedited examination of their Canadian patent applications. Examination in such cases typically follows within a matter of months.

Request expedited examination

## V. Entity Size

<p>A "small entity" is an entity that employs 50 or fewer employees, or a university. Small entity status does <b>not</b> apply to an entity which has transferred or licensed, or is obliged to transfer or license, any right in the invention to</p> <p>(a) a third party which does not itself qualify as a small entity; or,          (b) a third party which <b>does</b> qualify as a small entity if the transferor, etc. has knowledge of any subsequent transfer or license of, or of any subsisting obligation to transfer or license, any right in the invention to another party which does not itself qualify as a small entity.</p> <p>Please note that if an applicant incorrectly claims small entity status and makes a payment on the small entity scale, the application may be deemed abandoned. If the incorrect payment is not corrected within the one-year grace period provided for reinstatement of abandoned applications, the Commissioner currently has no jurisdiction to accept corrective maintenance fee payments. Accordingly if there is any doubt as to entity status, <b>we strongly recommend that the application be filed on a large entity basis.</b></p>	<p>Applicant(s) does not claim small entity status</p> <p>Applicant(s) claims small entity status and acknowledges and accepts the risks of incorrectly claiming small entity status.</p>
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## VI. Accompanying Documents

PCT Request	Enclosed	To Follow
International Application as originally filed	Enclosed	To Follow
Cover page of International Application as published by WIPO <sup>1</sup>	Enclosed	To Follow
English or French translation of International Application (unless WIPO published in English or French)	Enclosed	To Follow
International Search Report	Enclosed	To Follow
Article 19 Amendments (if any)	Enclosed	To Follow
Demand for International Preliminary Examination (Chapter II only)	Enclosed	To Follow
International Preliminary Examination Report (Chapter II only)	Enclosed	To Follow
Article 34 Amendments (if any)	Enclosed	To Follow
Assignment(s) (if any) <sup>2</sup>	Enclosed	To Follow
File Copies	Enclosed	To Follow

<sup>1</sup> A copy of the cover sheet (not the full application) is all we require to enter the national phase in Canada.

<sup>2</sup> Canada does not require a certified, notarized or original copy of an assignment — a photocopy or a fax copy will suffice. Title documents do not require legalization or notarization, but CIPO will not record unwitnessed title documents. USPTO recordation particulars are accepted by CIPO in lieu of witnessing.

We can request National Entry **without** a signed Power of Attorney. A certified copy of the priority document(s) is not ordinarily required.

## VII. Special Instructions

Filing deadline: \_\_\_\_\_

### Additional instructions:

Further additional instructions are attached.

Signature: \_\_\_\_\_  
Name of Signatory: \_\_\_\_\_

Date dispatched: \_\_\_\_\_

*form revision v.1.1: Feb 2005*



Please send completed form and attachments to  
Oyen Wiggs Green & Mutala LLP via  
(1) e-mail to [owgm@patentable.com](mailto:owgm@patentable.com);  
(2) fax to 604-681-4081; **or**  
(3) courier to address above.