

## Canadian Intellectual Property Office Fees to Increase by 25% or More in 2024: What You Need to Know

On June 28, the Canadian Intellectual Property Office (CIPO) announced significant changes to its fee structure. Beginning January 1, 2024, CIPO will impose a 25% fee increase to most official fees related to patent, trademark, industrial design, copyright, and other related services. These adjustments will impact all applications currently in prosecution, as well as fees related to administrative proceedings and renewals. The substantial fee increase will not apply to patent-related fees for Canadian small businesses that qualify as a “small entity.”<sup>1</sup>

Notably, CIPO’s operating budget comes solely from the revenue it generates through service fees, and it does not receive any funding from the government of Canada. CIPO is under increasing pressure to support Canada’s Intellectual Property Strategy, meeting growing demand, fulfilling trade and treaty obligations, providing internationally comparable services, and addressing critical capacity and technology investments to provide services to CIPO’s clients. CIPO also indicates that the fee increase is required as a result of “[a] number of operational and financial factors [that] have converged to put the organization in a critical financial position, including almost 30% inflation since 2004, labour costs, application volumes and critical capital investments.” We are hopeful that this fee increase will be used, in part, to hire and train new examiners to assist in the significant backlog of unexamined trademark applications dating back to 2019 currently on file with CIPO.

### Overview of Fee Increases

A summary of the most common fees are summarized below in Canadian Dollars:

#### Trademarks

Action	2023	2024
Application for the registration of a trademark (online)		
For the first class of goods or services to which the application relates	\$347.35	\$458.00
For each additional class of goods or services to which the application relates as of the filing date	\$105.26	\$139.00
Renewal of a trademark (online)		
For the first class of goods or services to which the request for renewal relates	\$421.02	\$555.00
For each additional class of goods or services to which the request for renewal relates	\$131.58	\$173.00
Other trademark fees (online)		
Extension of time	\$125.00	\$150.00



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#### Related Practice Areas

- Intellectual Property
- Patents
- Trademark & Brand

Recording or registration of a transfer (per mark)	\$100.00	\$125.00
Statement of opposition	\$789.43	\$1,040.00
Request for the giving of one or more notices under subsection 44(1) of the Act	\$421.02	\$555.00
Request for the giving of one or more notices under subsection 45(1) of the Act	\$421.02	\$555.00

## Copyright

Action	2023	2024
Accepting an application for registration of a copyright	\$50	\$63
Accepting for registration an assignment or licence of a copyright	\$65	\$81

## Patent

Action	2023	2024
Application for the registration of a patent		
Small entity fee	\$210.51	\$225
Standard fee	\$421.02	\$555
Request for an examination of a patent application		
Small entity fee	\$408.00	\$450.00
Standard fee	\$816.00	\$1,110.00
Standard fees for maintaining an application in effect		
On the second to fourth anniversaries	\$100.00	\$125.00
On the fifth to ninth anniversaries	\$210.51	\$277.00
On the tenth to fourteenth anniversaries	\$263.14	\$347.00
On the fifteenth to nineteenth anniversaries	\$473.65	\$624.00
Other patent fees (online)		

Fees to advance an application	\$526.29	\$694.00
Final standard fees	\$306.00	\$416.00
Reinstatement standard fees	\$210.51	\$277.00

For a full list of the exact fees, both prior to and after January 1, 2024, please reach out to one of Cozen O'Connor's Canadian Intellectual Property practice group members.

## Conclusion

In light of the notable increase in fees, we recommend that intellectual property stakeholders consider these changes while planning future filing and prosecution strategies to budget for the associated increased fees. To optimize cost savings, individuals and entities may wish to take advantage of the current fees prior to the scheduled fee increase on January 1, 2024.

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**If you have any questions about the information summarized in this article or if you require assistance navigating CIPO's proposed fee changes, please feel free to contact any member of our Canadian Intellectual Property team.**

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<sup>1</sup> In respect of patent fees, the Patent Rules definition of a "small entity" is being expanded to include any entity that employs less than 100 employees instead of 50 or fewer employees.