

NATI- ACOA Intellectual Property Program

Protecting your IP

Intellectual Property (IP) rights are an extremely valuable asset for any business – possibly the most important that a business can have. NATI recognizes that local companies may lack the knowledge, expertise, and resources necessary to protect their ideas and products, and may not have the level of access to resources, such as specialized legal counsel, that are needed to protect their IP.

Program Details

This cost shared program (50% - 50%) will aid local businesses in learning about intellectual property and patents, and in filing their patent application.

The program will include a total of five (5) companies and offer the following services:

- ***Initial Consultation and Conflict Checks***
 - An initial consultation between the inventor and the patent agent is required prior to there being any commitments on behalf of the agent to draft a patent application and the client to pay the appropriate fees for the services. At an initial patent consultation the patent agent asks the inventor questions pertaining to the problem that the invention solves, the efforts made by others to solve the same problem, who the inventors are and who are the competitors.
 - Following the initial consultation, and prior to an inventor retaining highly qualified patent agents who are lawyers within a Canadian law firm, an internal conflict check is required to be performed by the firm. The conflict check ensures that a patent agents duties and obligations to the new potential client would not cause a potential conflict with their other current and/or previous clients. A reliable conflict checking system is essential to every firm practicing in the area of intellectual property in order to protect the best interest of clients.



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- **Meeting for invention identification and assessment of disclosure activities**
 - In order to be patentable, an invention must be novel, useful and ingenuitive. During the inventor and patent agent meeting, the following will be considered: what is new about the invention, what is useful about its function and whether the development is a non-obvious improvement. Additionally, the following points will be considered: the objectives of the invention, the invention's limitations and any results of laboratory or commercial tests which have already been conducted.

- **Screening search and competitor name patent search**
 - Following the inventor meeting, the patent agent will perform preliminary patent and publication searches on features of the invention which appear to be novel. In addition, database searching will be conducted in the Canadian and US patent offices to locate competitor patents. The patent references and publications located in this preliminary search are cursorily analyzed to determine to scope of monopoly already owned in the art. The inventor is provided with copies of the patents and publications, as well as a pointed report opining on whether the invention may be patentable such that a more thorough patent search and opinion should be conducted.

- **Patent Search and Opinion**
 - Any previous patent or publication anywhere in the world which discloses the invention will usually prevent the grant of a valid patent for the invention. Therefore, a diligent patent agent recommends that all inventors have a thorough third party patentability search performed to determine whether an invention appears to be novel. Such a preliminary patentability search is usually made, in either the United States or Canadian Patent Office, and using on-line databases. This search, while comprehensive, is still of limited scope since the cost and feasibility of conducting a complete world-wide search is prohibitive. No patent search is absolute, however, searching prior to drafting a patent application is strongly recommended by professional and experienced patent agents. Usually the United States Patent Office is preferred because of the large volume of prior patents and other literature on file there.



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- **Patent Application**
 - This involves reviewing and filing US provisional patent application, drafting the non-provisional patent application, and formalized drawings.
- **Patent filing fees** (*US non-provisional or PCT*)
 - Once a patent application has been completely drafted and approved by the inventor for submission, the inventor must decide where to file the application. Generally, an experienced patent agent will recommend that inventors either file a US non-provisional application or an international PCT application.
- **Formalized Patent Filing Fees**
 - New to this iteration of the program.

This program is a cost shared (50% - 50%) and will include fees up to a maximum of \$18,000 per participant, with the company contributing half (maximum \$9,000) of the cost.

Companies in the province are invited to apply for the program, and five successful companies will be selected by a selection committee to participate in this cost-shared program.

Deadline for applications is February 28th, 2018.