

Optional Form for request of Entry into National Phase under Article 22/Article 39 of the Patent Cooperation Treaty

Applicants are encouraged to use the National Entry Request (NER) online solution to submit requests to enter national phase. The solution can be accessed here: <https://s1.ised-isde.canada.ca/opic-cipo-brevets-patents-pct-nationale-national>.

The National Entry Request (NER) online solution allows users to submit all requirements to enter national phase in Canada, as well as many other application requirements. Any information not provided directly on screen may be provided via an attached document.

If the optional form below is used, please note:

The information in section 1 should be provided for entry into the national phase.

The information in sections 3, 5, 6 and 7 may be required for the completion of the PCT national phase application (after national entry in Canada). While providing this information at the time of national entry is optional, doing so may reduce the possibility of delays caused by notices being required to be sent by the office to obtain the information.

The declaration in section 8 is required (including the signature of an individual patent agent if all patent agents of a firm are appointed) at national entry if paying fees at the small entity level when entering the national phase.

IN THE MATTER OF PCT International Application

1. Contact Information and Identification of PCT Application

The applicant is _____ (name or firm) whose complete address is _____.

[Repeat the line above and complete for each applicant]

The applicant requests commencement of national phase procedures consequent to the designation of Canada, and requests the grant of a patent for an invention, which is described and claimed in the accompanying international application no. _____ filed _____ (date).

2. Common Representative

The joint applicants appoint _____ as their common representative.

3. Appointment of Patent Agent(s)

The applicant appoints _____, whose complete address is _____, as patent agent(s) in respect of this application.

4. Appointment of Associate Patent Agent(s)

The patent agent appoints _____, whose complete address is _____, as associate patent agent(s).

5. Entitlement

Statement of entitlement to apply for a patent (include (a), (b) or (c) as applicable).

- (a) The applicant is the sole inventor of the subject matter of the invention for which an exclusive privilege or property is claimed or, if there are joint applicants, the applicants are all inventors and the sole inventors of that subject-matter.
- (b) The applicant is or, if there are joint applicants, the applicants are entitled to apply for a patent.
- (c) a declaration in accordance with Rule 4.17(ii) of the Regulations under the PCT was submitted.

6. Identification of Inventor(s)

The inventor is:

_____ (last name, first name, initials), whose complete address
is _____.

[Repeat the line above and complete for each inventor]

7. Sequence Listings in Electronic Form

The applicant is providing a replacement sequence listing in electronic form to replace a sequence listing initially filed in respect of the PCT application in the international phase in paper form only.

The applicant declares the replacement listing does not go beyond the disclosure in the application as filed.

8. Small Entity Declaration – For Payment of Fees at the Small Entity Level

If small entity entitlement is sought:

- (a) The applicant(s) (*list applicant(s)*) declare(s) that they believe that in accordance with the Canadian Patent Rules, they are entitled to pay fees at the small entity level in respect of this application and in respect of any patent issued on the basis of this application.

(signature)

Notes:

Section 1 – It is recommended that the names and addresses be presented in the following order with a clearly visible separation between the various elements: family name (in capital letters), given name(s), initials, or firm name, street name and number, city, province or state, postal code, telephone number, fax number and country.

Section 2 - Where there are joint applicants, a common representative may be appointed in this form or in a separate notice signed by the applicants. If a common representative is not appointed, one applicant will be deemed to be appointed as the common representative under paragraph 26(4)(b) of the Canadian Patent Rules.

Section 3 - The applicant is required to appoint a patent agent to prosecute the application for the applicant if the application is filed by a person other than the inventor, if there is more than one inventor and the application is not filed jointly by all of the inventors or if a transfer, in whole or in part, of the application has been recorded by the Commissioner under section 49 of the Canadian Patent Act.

Section 3 - If a person, other than a patent agent, submits to the Commissioner a document appointing a patent agent, other than an associate patent agent, the appointment is not effective until evidence of the consent to that appointment by the patent agent who is being appointed is submitted to the Commissioner.

Section 6 - This section may be omitted where i) the applicant is the inventor; ii) indications concerning the inventor, in accordance with Rule 4.6 of the regulations under the PCT, are contained in the Request Form (PCT/RO/101); (iii) a declaration as to the identity of the inventor, in accordance with Rule 4.17(i) of the regulations under the PCT, is contained in the Request Form or is submitted directly to the Office.

Section 7 – This section is not required if at the time of national entry the PCT application contains a sequencelisting in electronic form forming part of the international application.

Section 8 - The request form must be signed for a small entity declaration to be valid under subsection 44(3) of the Patent Rules.