Failure to launch: CIPO’s modernization efforts cause patent delays

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Read the updated version published in March 2025.

On July 17, the Canadian Intellectual Property Office (CIPO) launched the new MyCIPO Patents online portal for filing, tracking, and managing patents files, as part of their modernization effort and alignment with the World Intellectual Property Office’s ST.27 standard for the Exchange of Patent Legal Status Data. Significant problems began immediately.

Initial issues that appear to have been resolved included:

- the Canadian Patents Database (CPD) being inaccessible for approximately six weeks,
- no patents granted between July 2 and August 20, and
- no notice of allowances issued between July 17 and November 27.

Ongoing issues include:

- instability in the new filing platform, including error messages and spurious logouts,
- delays in processing incoming correspondence, including an inability to identify and prioritize correspondence on applications having expedited status,
- delays in processing fee payments,
- delays with outgoing correspondence, including filing receipts, extension confirmations, and abandonment notices, and
- improper status indicators on the CPD.

In short, issues arising from CIPO’s modernization efforts crippled Canadian patent activity over the summer and fall and continue to have significant impact.

Recent update from CIPO

On December 6, CIPO announced several updates by email notice. Some details are available in CIPO’s ‘MyCIPO Patents - What to expect’ document posted online.

CIPO resumed issuing a small volume of notices of allowances on November 27th and has indicated this volume will ramp up over time. CIPO has also indicated that they are beginning to process final fee payments to clear a backlog of applications ready for grant. Unfortunately, CIPO has paused patent granting “for a few weeks” while processing this backlog. CIPO has provided a target time frame of January 2025 for “resumption of reinstatement and abandonment processes” without elaborating on details. It is assumed that this relates to delayed issuance of abandonment notices and processing of reinstatement requests and fees.

Improper status indicators continue to plague the CPD: a volume of applications is marked in error as abandoned despite timely submissions having been taken to keep such applications pending and in good standing. CIPO appears to have indicated that such erroneous status indicators will resolve as associated submissions are processed by their analysts (a number of aims relate to “data correction”). While application statuses remain improperly marked, applicants and patentees may wish to make formal status queries via CIPO’s online customer feedback form. Anecdotally, we have noticed that some third-party service providers have been reluctant or unable to submit annual maintenance fee payments when applications and patents show as improperly abandoned or expired according to the CPD. No timeline is available for resolving the erroneous status indicators.

Please contact us for any assistance you may need in navigating the challenges of CIPO’s modernization efforts.

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