

Using the New Canadian Industrial Design Practices to Your Advantage

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Companies who want to protect the unique look of their products in Canada will have more options and greater flexibility starting Nov. 5, 2018.

Background

Industrial designs (or design patents in the United States) are gaining a higher profile as part of a company's intellectual property (IP) strategy. Designs were central in the Apple v. Samsung patent battles. Protection now extends beyond product design to retail store layouts, user interfaces, and animated icons.

Below are some highlights of the practice and regulation changes.

Greater flexibility

Companies can benefit from the following welcome practice changes, which make it easier to leverage practice similarities with Europe and the United States, among other jurisdictions:

- Applications can be **filed electronically using PDF files**, which will help avoid drawing quality objections
- Drawings can now include a **mix of photographs and line drawings**, and more than one figure showing environment; permissible variants can now include a mix of solid and stippled lines.

Practice changes

- **Term of protection:** increased to maximum of 15 years from *filing* (minus prosecution time), and minimum of 10 years from *registration*

New filing options

As of Nov. 5, 2018, companies filing an international design application under the Hague agreement can select Canada as one of the countries for protection, filing a single application with a single fee. It will still be an option to file an industrial design application directly in Canada.

Download our Industrial Design Quick Reference Guide for more on these and other practice changes, as well as how you can benefit from them.

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