

RECENT AMENDMENTS OF INTEREST

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Federal Courts of Canada

The *Courts Administration Service Act* (S.C. 2002, c. 8; Bill C-30) received the Royal assent on 2002-03-27 and came into force on 2003-07-02.

This Act consolidates the current administrative services of the Federal Court of Canada, the Court Martial Appeal Court and the Tax Court of Canada into a single "Courts Administration Service". It amends the *Federal Court Act* (now known as the *Federal Courts Act*) and related legislation to create a separate Federal Court of Appeal.

It amends the *Tax Court of Canada Act* and related legislation to change the status of the *Tax Court of Canada* to that of a superior court.

It also makes consequential amendments to various other federal statutes, amongst which the *Competition Tribunal Act*, the *Competition Act*, the *Plant Breeders' Rights Act*, the *Copyright Act* and the *Trade-marks Act*.

Copyright

On 2003-06-05 the amendments to sections 2, 3, 6 and 8 of the *Copyright Regulations* came into force (SOR 2003-211). These amendments dealt with minor administrative changes for the purpose of:

- clarifying the deemed receipt date of correspondence sent by regular mail or electronic mail; this ensures that the receipt date for each type of correspondence is treated equally;

- requiring that a request for registration of an assignment or licence of a copyright be made in writing, thus avoiding any ambiguity relating to the filing of these requests;
- removing references to "inches"; however, references to metric measurement remain; and
- clarifying that there is no fee charged for the correction of clerical errors made by the Registrar.

Patents

On 2003-06-05, the amendments to sections 2, 13 and 88 of the Patent Rules came into force (SOR 2003-208).

These amendments dealt with minor administrative changes for the purpose of:

- clarifying the definition of a basic patent application to distinguish it from a more specialized patent application, a reissue application;
- updating the name of a professional association; and
- enabling an applicant to identify the office of filing when making a request for priority based on a filing in a regional Office, such as the European Patent Office, or a filing of an international application in a receiving Office. This change is complementary to a minor amendment made to subsection 28.4(2) of the *Patent Act*, as part of the *Miscellaneous Statute Law Amendment Act, 2001*.

Administrative amendments to the Patent Rules, in relation to the functioning of CIPO as an International Searching Authority and International Preliminary Examining Authority will enter into force in the second half of 2004 in conjunction with the fees associated with these services.

Statutory Fees for Intellectual Property Rights

A new fees structure was published in the 2003-06-18 issue of the Canada Gazette - Part II and will come into force on 2004-01-01.

Basically, most of the fees are increased (in some cases, they are more than doubled) and communications through electronic means are encouraged.

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Published at (2003), 17-9 World Intellectual Property Report 5-6 under the title *Recent Amendments of Interest*. Publication 142.158.

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