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Omnibus Bill C-43 – PLT and the Hague Agreement

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Bill C-43 was introduced in the House of Commons of Canada on October 23rd, 2014.

This omnibus budget bill, also referred to as the *Economic Action Plan 2014 Act, No. 2*, enacts and amends more than twenty (20) different statutes, including the *Patent Act* and the *Industrial Design Act*.

Regarding the *Patent Act*, Bill C-43 adopts provisions consistent with the *Patent Law Treaty* to which Canada is a signatory.

The amendments to the *Patent Act* include, among others:

> allowing the incorporation by reference in a patent application of subject matter contained in a previously filed application,
> providing safeguards against unintended losses of rights in respect of certain requirements,
> allowing the addition of matter in a patent application, under certain circumstances – in particular, when the additional matter was contained in a priority application, the filing date of the application may be maintained, and
> providing a possible two-month grace period after the usual twelve month priority period for filing a patent application claiming priority from a previously filed application, under limited circumstances.

The “Summary” of Bill C-43 also announces that the requirements for obtaining a filing date for a patent application are reduced. However, the details of such changes are not apparent from the Bill itself and will likely be clarified in future amendments to the Patent Rules.

Bill C-43 also rewrites the *Industrial Design Act* to make it consistent with the *Geneva (1999) Act of the Hague Agreement Concerning the International Registration of Industrial Designs*. The amendments include provisions relating to the contents of an application for the registration of a design, requests for priority, and the term of an exclusive right for a design.

Bill C-43 is in the first stage of the legislative process. It must be submitted to the usual parliamentary debates and committees over the next few months. Furthermore, new Patent Rules and Industrial Designs Rules ancillary to the amended statutes must be prepared and adopted when

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the amended statutes come into force.

This is a link to the Parliament of Canada providing progress updates on Bill C-43.

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