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Advancing Patent Fee Payments in Canada to Avoid Significant 2024 Fee Increases

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Canadian patent government fees will increase up to 36% on January 1, 2024. The main fee increases are presented in the table below.

Applicants may therefore wish to take certain actions and pay the accompanying fees in Canada by the end of 2023 to benefit from the lower 2023 rates at least in the following circumstances:

Early filing of **divisional applications** may be especially advantageous as they involve high government fees. Retroactive maintenance fees from the second anniversary onward of the parent case are payable when divisional applications are filed, along with the filing fee. Examination fees are also typically paid at divisional filing, as they generally need to be paid within three months of filing the divisional application.[1]
Applicants who intend to file the **national phase of international patent applications** in Canada can reduce filing cost by advancing national entry in 2023.
Single or multiple future **maintenance fees** due in 2024 or later in each patent or patent application could be anticipated and paid in 2023.
Finally, **examination fees** due in 2024 or later may also be anticipated in 2023 to benefit from the lower rate.

CIPO Fee	2023*	2024*
Filing fee	$421.02	$555.00
Examination or request for continued examination (RCE) fee	$816.00	$1,111.00
Excess claim fee for each claim over 20	$100.00	$110.00
Advanced examination fee	$526.29	$694.00
Maintenance fee: 2nd to 4th anniversary	$100.00	$125.00
Maintenance fee: 5th to 9th anniversary	$210.51	$277.00

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Maintenance fee: 10th to 14th anniversary	$263.14	$347.00
Maintenance fee: 15th to 19th anniversary	$473.65	$624.00

**Undiscounted fees applicable to applicants not eligible for small entity rate*

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1. Divisional practice is very strict in Canada, in that divisional applications are generally only filed to pursue a non-elected invention that was identified in a lack of unity objection in the parent case.

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