Expedited Examination Programs of IP Offices

Canada

The Canadian Intellectual Property Office (CIPO) implements a deferred examination system where applicants have four years from filing to request examination of their applications. To allow for expedited examination of patent applications in certain cases, CIPO promotes the use of four main examination programs[1], which are:

- Advanced examination
  - Also referred to as "Special Order", it is provided for in Rule 84(1)(a) of Canada's *Patent Rules*.

- Green technology
  - Set forth in Rule 84(1)(b) of the *Patent Rules*. The application must be related to technologies that help resolve or mitigate environmental impacts or conserve the natural environment and resources.

- COVID-19 relief
  - Application must support the health-related response to COVID-19.

- Patent Prosecution Highway (PPH)
  - Application must have allowed claims or claims indicated as allowable at a partner office.

Detailed information about each of these programs is provided below.

Advanced examination under a special order

Grounds/Qualification: These advanced examination requests can be filed in relation to all types of patent applications and are available to anyone who believes the failure to advance the examination of a patent application is likely to prejudice their rights.

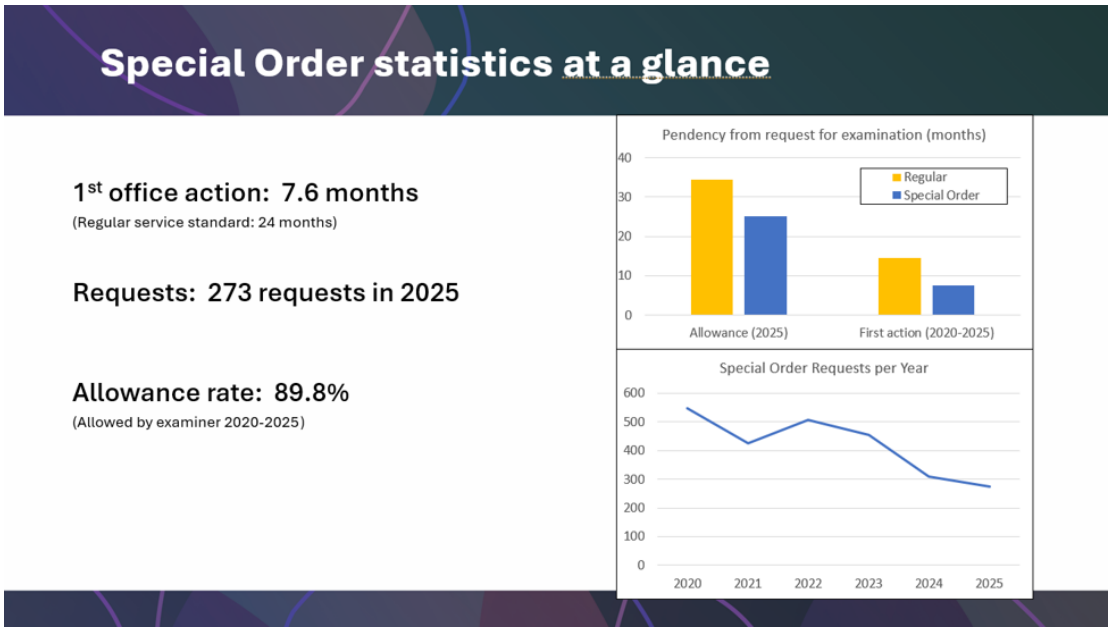
Conditions & Fees: The applicant must submit the request with an accompanying statement, where they explain why their rights are likely to be prejudiced if the application is examined under the regular processing time. In terms of operational affairs, these applications are assigned higher examination priority. Such a status can be removed if the applicant requests an extension of time or causes the application to be deemed abandoned. In addition, applicants must pay a fee when submitting the request[2].

Reduced Pendency: In these cases, CIPO commits to issuing a first office action within 36 weeks after receiving a request, compared to a service standard of 24 months for standard applications. The average pendency of applications in this program is 25.1 months, which is significantly less than the pendency for regular applications. Also, the pendency from the request to the first office action is around 7.6 months, which is around half the average for regular applications.

Statistics: In 2025, CIPO received 273 of these requests. The grant rate of these applications between 2020 and 2025 was 89.8 per cent.

[1] See the information provided in CIPO's website, at: https://ised-isde.canada.ca/site/canadian-intellectual-property-office/en/patents/expedite-your-patent-application.

[2] According to the 2026 list of fees for patents, the advanced examination fee under subsection 84(1)(a) of the *Patent Rules* is $744.10.



Advanced examination for green technologies

Grounds/Qualification: Applicants may request advanced examination under the green technologies program, if their patent application relates to a green technology that either helps resolve or mitigate environmental impacts or conserves the natural environment and resources. Any applicant may submit a request under this program.

Conditions & Fees: To take advantage of this advanced examination process, the applicant must submit a letter that includes:

(i) a request for advanced examination;

(ii) a statement indicating that the application relates to technology that, if commercialized, would help to resolve or mitigate environmental impacts or to conserve the natural environment or natural resources;

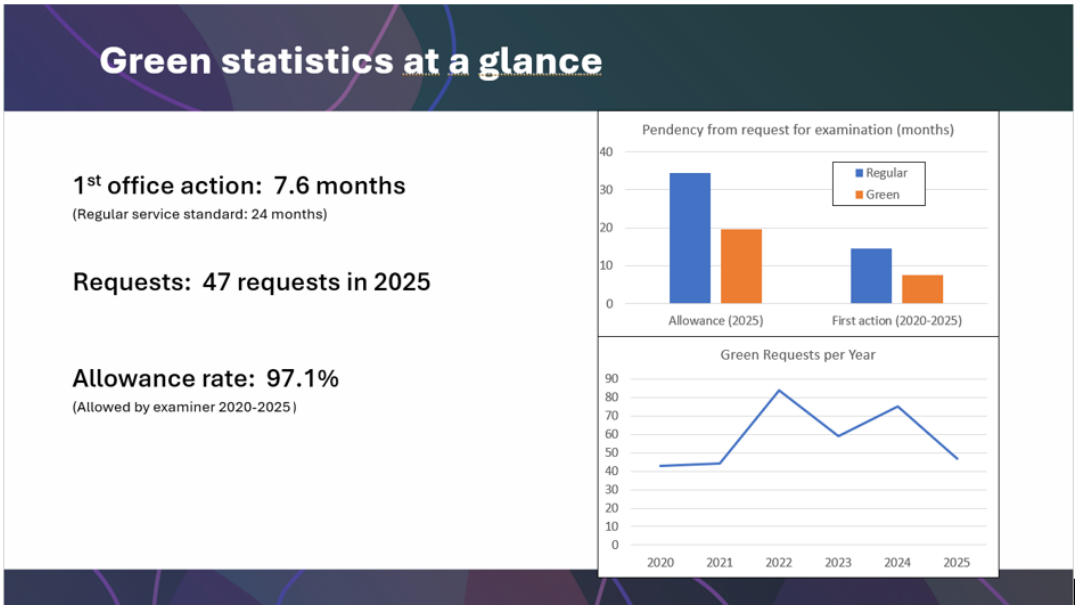
(iii) an early laid open date; This indication is only needed if the request is made before the application has been opened to public inspection (usually 18 months after the filing date).[3]

Once the advanced examination is approved, the application is assigned a higher examination priority. This status can be removed for the same reasons as "Special Order" applications. Applicants are not required to pay additional fees.

Reduced Pendency: CIPO commits to issuing a first office action under accelerated timelines upon request for advanced examination. The average total pendency of Green patents is 19.6 months. The average pendency from the request to the first action is 7.6 months.

[3] The request for advanced examination for a green technology must be sent to CIPO by following the communication procedures found in Chapter 2 of Canada's Manual of Patent Office Practice, available at: https://manuels-manuals.opic-cipo.gc.ca/w/ic/MOPOP-en#!b/c_2 .

Statistics: In 2025, CIPO received 47 Green Technology requests. Between 2020 and 2025, applications examined under this program had a 97.1 per cent grant rate.



Expedited examination of patent applications related to COVID-19 relief for small entities

Grounds/Qualification: This program is available to applications that support the health/related response to COVID-19.[4] A person can apply for accelerated examination on these grounds if:

(i) they have a new or existing patent application for an invention that supports the health-related response to COVID-19; and

(ii) they qualify as a small entity which is a business employing 50 or fewer employees or a university.[5]

Conditions & Fees: CIPO will accelerate examination under this program if a claimed invention is currently approved or has been subjected to a Health Canada approval process, including but not limited to:

- a Medical Device License;
- a Medical Device Establishment License (MDEL);
- an authorization under the Interim Order respecting the importation and sale of medical devices for use in relation to COVID-19;
- an investigational testing authorization (ITA);
- an authorization under the Interim Order Respecting Clinical Trials for Medical Devices and Drugs Relating to COVID-19;
- No Object Letter (NOL) for clinical trials;
- Notice of Compliance (NoC); and,
- an authorization under Interim Order Respecting the Importation, Sale and Advertising of Drugs for Use in Relation to COVID-19.

[4] This program aims to accelerate examination of up to 50 patent applications and will remain in effect until otherwise indicated by CIPO.
[5] See the Manual of Patent Office Practice, Chapter 10.02.01.

Submitting a request to benefit from this expedited examination program does not require the payment of additional fees. To benefit from this program, the applicant must submit a letter to CIPO that includes:

(i) a statement that the technology is medical and related to COVID-19 and that an approval for its use has been submitted to or has been obtained from Health Canada;

(ii) a small entity declaration;

(iii) a request for an early laid open date (if appropriate); Applicant must include this only if the statement is made before the application has been opened to public inspection, which usually occurs 18 months after the filing or priority date;

(iv) a request for examination (if this has not been done at that point), which requires payment of the associated examination fee.

Other applicable conditions are the same as the "Advanced examination under a special order" program.

Reduced Pendency: CIPO commits to issuing a first office action under accelerated timelines upon request for advanced examination.

Statistics: In 2025, CIPO received 0 COVID-19 requests, and has only received 8 requests over the life of the program.

Advanced examination under the PPH

Grounds/Qualification: These advanced examination requests can be filed if a patent application has a corresponding patent application that is already deemed to be allowable by one of our PPH partners. As of May, 2026, CIPO has PPH partnerships with 28 intellectual property (IP) offices through a global PPH (GPPH) pilot program and with 5 IP offices through bilateral PPH pilot programs.

<u>Global PPH participating Offices</u>

Through the GPPH, CIPO is partners with the Visegrad Patent Institute, the African Regional IP Organization, the Nordic Patent Institute and the patent offices of the following countries: Australia, Austria, Brazil, Canada, Chile, Colombia, Denmark, Estonia, Finland, Germany, Hungary, Iceland, Israel, Japan, New Zealand, Norway, Peru, Poland, Portugal, Singapore, South Korea, Spain, Sweden, United Kingdom, United States.



CIPO's Bilateral Agreements (5 patent offices)

- Europe - European Patent Office (EPO)
- China - National Intellectual Property administration (CNIPA)
- Taiwan - intellectual Property office (TIPO)
- Mexico - Instituto Mexicano de la Propiedad Industrial (IMPI)
- France - Institut National de la Propriété Industrielle (INPI)

Conditions & Fees: The applicant must submit the request along with a PPH request form that indicates the Office of Earlier Examination (OEE) and the relevant OEE application number. In terms of operational affairs, these applications are assigned higher examination priority. The is no fee associated with making a PPH request. The applicant must also ensure that the following PPH eligibility requirements are met:

1. The claims at CIPO must sufficiently correspond to one or more claims found allowable by the OEE.

2. The OEE application and the OLE application have the same earliest date (the earlier of the filing date or the priority date in each case).

3. CIPO must not have begun substantive examination of the application.

4. A request for substantive examination must have been filed at CIPO either with the PPH request or prior to.

5. The applicant makes a request to enter the PPH program.

6. The CIPO application has been published or a request to publish it early has been made with the PPH request.

Reduced Pendency: In these cases, CIPO commits to issuing a first office action within 7 months after receiving a request, compared to a service standard of 24 months for standard applications. The average pendency of applications in this program is 14.4 months, which is significantly less than the pendency for regular applications. Also, the pendency from the request to the first office action is 7.0 months, which is less than half the average for regular applications.

Statistics: In 2025, CIPO received 1939 of these requests. The allowance rate of these applications was 95.3 per cent between 2020 and 2025.

