



Intellectual Property  
Institute of Canada

# Grassroots Advocacy Kit



## About the Intellectual Property Institute of Canada

The Intellectual Property Institute of Canada (IPIC) is the professional association of patent agents, trademark agents, and lawyers practising in all areas of intellectual property (IP) law. Founded in 1926, IPIC has grown to more than 1,700 members, which include practitioners in law firms and agencies of all sizes, sole practitioners, in-house corporate IP professionals, government personnel, and academics.

IPIC's members support the Canadian economy by providing expert services to local, national, and international companies that are developing and growing their businesses. Members' clients include virtually all types of Canadian businesses, universities, and other institutions that have an interest in IP in Canada or elsewhere, as well as foreign companies that hold IP rights in Canada.

## The IP Profession

Canadian patent agents have the professional qualifications to draft and obtain valid patents, advise businesses on an appropriate patent filing strategy, as well as ensuring that the IP/patent strategy is aligned with the overall business strategy. This advice usually includes novelty searches to ensure that an invention meets the criteria for obtaining a patent, and also includes discussions around a patent filing strategy to take into account both the immediate and longer-term goals of the business including commercial exports and licensing agreements.

Similarly, Canadian trademark agents have the professional qualifications to advise businesses on an appropriate trademark filing and enforcement strategy. Such advice usually includes due diligence to ensure that a trademark is available for use and registration (i.e. that it does not infringe someone else's rights), and also includes discussions around a trademark filing strategy to take into account both the immediate and longer term goals of the business. Encouraging Canadian businesses to be proactive in seeking strategic trademark advice from the outset would help to stimulate the economy by providing such businesses with a robust brand strategy. Such a strategy can be relied upon as the business establishes itself (or its new product or service offering in Canada), and can continue to be relied upon as the business expands within and beyond Canada.

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## Key Issues

The following are the key issues that the association and IP agents across Canada will be advocating on going into a possible election. You may pick and choose which you would like to advocate on based on your business operations and priorities. The following issues are not in any order of importance.

### First Patent Program

Key messages:

- The program would provide assistance to inventors, start-ups, and SMEs at a critical point where they have developed an innovative idea and are in a position to seek patent protection but may not have the financial resources to do so or may not understand the importance of doing so.
- The Office of Chief Economist of the United States Patent and Trademark Office (USPTO) recently studied the effect of a patent on 45,819 start-ups who filed their first patent application in the USPTO. The study confirmed that a patent allowance has a significant economic impact on these start-ups, such as on sales growth (51%), employment growth (36%) and an improvement of the quality of subsequent innovations.
- Similar programs have seen widespread success in Quebec and the United Kingdom. In Quebec, the funds allocated to the program were quickly exhausted by small enterprises.
- The House of Commons Finance Committee has recommended three years in a row for the government to create a First Patent Program.
- The program would encourage qualified Canadian inventors and companies to file patent applications for inventions that provide the foundation of a successful venture.
- It would also provide businesses with the knowledge and comfort in working with IP agents to build an IP portfolio to help grow and compete.
- The financial aid for protecting their first inventions will allow businesses to reallocate capital saved in the patenting process into further developing their business ventures.
- To support Canada's economic recovery, the program will allow small businesses to file patents on their inventions, and grow at an exponential rate compared to companies who do not own intangible assets.

Recommendation:

- IPIC proposes that the government create a First Patent Program or patent incentive program similar to Quebec's Passeport Innovation, to cover both the initial searching and establishment of an IP strategy, and the drafting and filing of at least a first patent application on an invention.
- However, due to the immense economic downturn caused by the COVID-19 pandemic, we recommend the credit be increased to 100% of incurred expenses, up to \$25,000.
  - We recommend the 100% coverage be made available for expenses incurred until the end of 2021.
  - After that, the government may choose to either retain the 100% coverage, or reduce the coverage to 50% of incurred expenses, or a higher amount.



## Brand Strategy and Protection Incentive

- While patents protect an invention, which underlies a new product, process, or improvement, trademarks protect the brands that permit businesses to distinguish their products and services from those of their competitors.
- Consumers rely on brands to identify the source of products or services; it is the brand, or trademark, which will ultimately resonate with consumers, and create market demand.
- A trademark registration is a prerequisite to enforcing IP rights in the context of an action for trademark infringement.
- A strong trademark registration is a tool which businesses can use to effectively carve out their niche in the marketplace by ensuring exclusivity in association with that brand.
- Strong registered trademarks are also essential in the fight against counterfeit goods sold through both brick-and-mortar and online marketplaces.
- Having a strong trademark is an essential underpinning to a Canadian company's growth strategy, and will help businesses of all sizes contribute to Canada's economic recovery.

### Recommendation:

- IPIC recommends that a stimulus program directed to Canadian SMEs provide funds to cover costs associated with the following (per trademark):
  - Clearance search to determine whether a trademark is available to be used without infringing on a trademark that already belongs to someone else, including professional time spent in reviewing the search results and advising the business on various filing strategies arising out of the search results;
  - Trademark application from drafting and filing through to registration, first domestically and then internationally, up to a cap of \$15,000.



## Meeting Pointers

1. Arrive at least 15 minutes early for your meeting in order to respect the time of the candidate and organize your thoughts and materials.
2. Remember to turn off your cell phone before entering a meeting.
3. Address candidates respectfully, do not assume anything about their positions on topics based on their party; approach the discussion as an interested member of the community who wants to discuss solutions to a very important issue.
4. Keep in mind that most politicians will afford you only 15-30 minutes, so you should be brief and to the point. If there are two or more individuals at the meeting, you should decide on a principal spokesperson to handle the main points. All individuals should feel free to comment at any time.
5. Open your meetings by thanking the candidate for having taken the time from his or her busy schedule to meet with you and discuss issues facing the profession.
6. Introduce yourselves and IPIC by giving your name, title and the organization you work for and its contributions to the local community.
7. Say a few words about the purpose and aim of your meeting (refer to key messages).
8. Remember to leave time for the candidate to ask you questions.
9. Have a concrete request – Ask the candidate to take action, either within their party, or in government if they are elected: “Will your party commit to a First Patent Program?”
10. Wrap up the meeting by thanking the candidate and leave behind the concise information package provided to you. Make sure to add that if they have any further questions, to not hesitate to personally contact you or the association.
11. Complete one feedback form for each meeting and return to Kyle at [kyle@impactcanada.com](mailto:kyle@impactcanada.com).
12. Expect the unexpected. Some of your meetings will be cancelled at the last minute or will move to a different time/location. Campaigns are extremely busy and you will need to accommodate the schedules of the candidates you meet with.
13. **Ask for a picture.** Most candidates use social media and will be more than happy to take a picture with you. They can use it for themselves and we can use it for our own channels.







## Feedback Form

Your name and city/riding: \_\_\_\_\_

Name of candidate you met with: \_\_\_\_\_

Candidate's political party: \_\_\_\_\_

Date of meeting: \_\_\_\_\_

1. Was the candidate familiar with the issues affecting the industry?

☐

Yes

☐

Somewhat

☐

No

2. Was the candidate supportive of IPIC's position?

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Yes

☐

Somewhat

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No

General comments and feedback from the meeting:

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Please scan and email this form back to Kyle at [kyle@impactcanada.com](mailto:kyle@impactcanada.com)

## Intellectual Property Institute of Canada Key Contacts



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