



Intellectual Property Institute of Canada
Institut de la propriété intellectuelle du Canada

Intellectual Property Institute of Canada (IPIC) Submission Significant Impacts of CIPO Service Outages and Recommendations for Service Outage Response and Contingency Planning

Submission to the
Canadian Intellectual Property Office

November 5, 2025

SUMMARY OF RECOMMENDATIONS

Recommendation 1: We recommend that similar to the approach taken to CIPO physical office closures, automatic extensions during verified service outages be implemented, with clear duration and timing thresholds.

Recommendation 2: We recommend that comprehensive, multi-channel communication protocols be implemented.

Recommendation 3: We recommend that mandatory protocols for logging and escalating multiple outage reports from clients be established.

Recommendation 4: We recommend that extended support hours be implemented to accommodate East and West coast practitioners.

Recommendation 5: We recommend that a rights preserving outage intake mechanism be activated during verified outages.

INTRODUCTION

The Intellectual Property Institute of Canada (IPIC) is the national association of patent agents, trademark agents, and lawyers practicing in all areas of intellectual property. Our more than 1,800 members include practitioners in firms and agencies of all sizes, sole practitioners, in-house professionals, government personnel, and academics.

This submission proposes targeted improvements to CIPO's service outage protocols, prompted by the extended outages in April, June, and September 2025. Our recommendations aim to align operational practice with CIPO's stated commitments to service excellence, and to support a resilient, efficient IP system that advances innovation and competitiveness in Canada.

For clarity, "client" refers to trademark practitioners and trademark applicants, whether self-represented or represented. These submissions were prepared by IPIC's Trademark Committee, based on members' experiences.

CIPO's Service Standards and the Centrality of E-Services

CIPO's Service Strategy commits to enhancing services and delivering quality, timely IP rights through a modern client experience. In its 2023–2028 Business Strategy, CIPO prioritizes timely, quality IP services and becoming a high-performing, future-ready organization. Success criteria expressly include seamless, integrated, and internationally harmonized e-enabled IP services.

CIPO's Business Strategy recognizes the central role of digital systems in modern practice: moving away from paper-based processes, modernizing legacy IT, and delivering user-focused solutions that are nimble, resilient, and responsive. Clients increasingly expect clear, accurate, secure services that are transacted online, at their convenience. CIPO's own strategy underscores that e-enabled, timely, and accessible services are essential to service transformation.

Recent outages revealed a significant gap between these commitments and operational reality. While technical issues are inevitable, current outage protocols do not reflect the critical nature of e-services to Canada's IP ecosystem and can cause inefficiencies and prejudice to applicants' rights. Notably, physical office closures prompt extensions and robust communications, yet comparable measures are not consistently applied when e-services are unavailable—even for full-day outages. Given the centrality of online services, outages merit at least equal treatment and proactive response.

Operational Efficiency and Client Experience

An updated outage protocol that preserves electronic filing pathways during disruptions would benefit both clients and CIPO. Under current practice, outages trigger high volumes of fax, mail, or in-person submissions, effectively reversing years of digital adoption. This surge adds administrative burden, including different processing flows, document scanning, and duplication checks where clients submit by multiple channels to protect deadlines. Streamlined electronic alternatives during outages would materially reduce operational friction and risk.

Real-World Impact Examples

The recent outages created missed-deadline risks, added costs, and significant pressure on practitioners who serve applicants. Clients reported:

- Inadequate alternative filing capacity, with fax systems failing or delayed, forcing time-consuming physical deliveries and creating deadline uncertainty.
- Communication gaps, with outages discovered ad hoc and limited proactive website notices, leading to last-minute scramble and inconsistent guidance.
- Financial penalties, where system failures forced fax or physical filings at higher government fee levels.

In a modern IP system designed to foster growth, technical disruptions should not compromise rights or impose avoidable costs when straightforward adjustments to outage protocols can mitigate these impacts.

Path Forward

We believe a focused set of changes—such as proactive outage notifications, parity measures for e-service disruptions comparable to physical office closures, and temporary fee parity or electronic contingencies during outages—would materially improve client experience and operational excellence. We appreciate CIPO’s engagement and its ongoing efforts to modernize Canada’s IP system, and we offer these recommendations in a spirit of collaboration to help achieve those shared objectives.

ISSUE 1

The Foundation of Certainty: Automatic Extensions

The Problem:

- Current approaches require clients to navigate uncertain extension procedures during outages, creating commercial risks when filing deadlines are at stake.
- Without any clear commitment regarding extensions, clients are forced to spend time, in some cases the full day, repeatedly attempting to submit correspondence via alternate methods.
- The alternative filing methods do not provide adequate back-up (for example, our understanding is that there are only 3 fax machines at CIPO that process incoming correspondence and that large documents may cause disruption in the fax line; ISED in-person filing options are significantly reduced, Canada Post mailing outposts are becoming less common and persistent labour issues have created inconsistencies in service availability).
- Combined, this not only creates incredible stress and inefficiencies (with clients' time being consumed with repeated attempts to file materials via other avenues), but it creates heightened risk of a missed deadline, which could have a material negative impact on applicants' IP rights in Canada.

The Solution: Similar to the approach taken to CIPO physical office closures, implement automatic extensions during verified service outages, with clear duration and timing thresholds.

Key Implementation Elements:

- Clear definition of "verified outage" with specific duration thresholds
- Recognition that brief disruptions resolved within business hours may not warrant automatic extension, while longer outages and those occurring outside regular business hours should trigger automatic relief
- IPIC recommends that any outage exceeding 3 hours or preventing access during a two-hour time span corresponding to 4-6 pm in any time zone should trigger automatic extension, with immediate communication to clients (see Recommendation 2 below)
- Standardized protocols ensuring consistent application across all outage situations
- Strong preference for proactive extensions over retroactive extensions to eliminate uncertainty during outages

Benefits:

- Provides predictable relief that allows clients to confidently manage their IP assets and/or IP assets in their care
- Avoids the extreme inefficiencies that come from clients being consumed with efforts to file materials during outages
- As outlined above, eases CIPO's administrative burden by continuing to promote materials being filed online as opposed to through fax and/or paper methods.
- Avoids potential for prejudice to be caused to applicants' Canadian IP rights through missed deadlines by what should be a minor technical issue.

ISSUE 2

Ending the Information Vacuum: Real-Time Communication

The Problem: Clients face information blackouts during outages, preventing informed decision-making about critical filing deadlines.

The Solution: Implement comprehensive, multi-channel communication protocols.

Real-Time Communication Systems through Multiple Channels:

- Immediate outage alerts to all registered e-filing users via CIPO's existing email listserv infrastructure
- Public status dashboard on CIPO website with restoration estimates and notice of extension decisions
- Backup notifications through social media channels when website access is compromised
- Training for call center representatives to provide accurate, current information when discussing outages with clients by phone
- Informal courtesy notification to professional associations like IPIC for broader dissemination amongst practitioners (providing redundancy that doesn't depend on CIPO's website or listserv functioning)
- Regular status updates during extended outages

ISSUE 3

Early Warning System: Mandatory Outage Report Logging

The Problem: The April 2025 outage demonstrated that CIPO may not immediately recognize service problems originating from third-party services, despite multiple client reports.

The Solution: Establish mandatory protocols for logging and escalating multiple outage reports from clients.

Key Implementation Elements:

- Systematic logging of all client-reported access difficulties with CIPO's online systems
- Automatic escalation protocols when multiple reports are received within defined timeframes
- Recognition that external user reports are often the first indication of major issues not visible in CIPO's internal systems
- Training for CIPO staff to treat client reports as critical service indicators

Benefits: Enables faster problem detection and response, particularly for third-party service failures invisible to internal monitoring systems.

ISSUE 4

Equitable Support Coverage

Extended Support Hours:

- Live IT support available from 6:30 AM until 7:30 PM ET to serve East and West Coast practitioners
- Dedicated outage helplines with trained staff during extended outages
- Clear instruction protocols and resources available before outages occur

Current Gap: The lack of after-hours outage reporting mechanisms disproportionately affects East and West Coast practitioners who regularly use CIPO systems before or after Eastern Time Zone business hours.

ISSUE 5

Preventing the Problem: Rights Preserving Outage Intake (Interim) with Assessment of Resilient Options (Longer Term)

The Problem: Current backup options (fax, physical delivery) are inefficient, unreliable at scale and inconsistent with a digital-first service model. When primary e-services fail, clients face deadline risk, higher costs, and administrative uncertainty.

The Interim Solution: Establish a rights preserving outage intake mechanism activated during verified outages.

Key Implementation Elements:

- **Dedicated Outage Email Address. At minimum, provide a monitored channel, independent of the primary e filing platform, that:**
 - Issues immediate, timestamped acknowledgments for all received submissions.
 - Accepts standard formats with published naming conventions and required metadata.
 - Recognizes receipt solely for deadline-preservation purposes, with formal perfection and fee processing once systems are restored.
- **Activation and Protocols:**
 - Trigger activation when a verified outage exceeds defined thresholds (e.g., >3 hours during business hours or loss of access during the final two hours of filing in any Canadian time zone).
 - Publish clear guidance on activation, acceptable file types, naming, required identifiers, and post-restoration perfection steps.
 - Commit to acknowledging receipt within minutes and posting periodic status updates until normal service resumes.

Longer Term Assessment: Following implementation of the interim intake, CIPO should assess secure, compliant options for resilient electronic intake (e.g., a segregated static intake form or cloud based queue that meets Government of Canada security, privacy, accessibility, and records management requirements).

Benefits: Preserves applicants' rights during outages without immediate investment in full redundancy; reduces administrative burden by minimizing paper/fax workarounds; and aligns with the intent of CIPO's digital strategy while acknowledging operational constraints.

IMPLEMENTATION PRIORITIES

IPIC recognizes that implementation timelines will depend on CIPO's existing infrastructure and operational constraints. However, we emphasize that automatic extensions and real-time communication are critical priorities that should be addressed urgently, as they directly impact the protection of Canadian IP rights. We suggest the following prioritization of the recommendations set out in this report:

- **Priority Recommendations:**
 - Automatic Extensions (critical for protecting IP rights and avoiding extensive inefficiencies)
 - Real-Time Communication (critical for client decision-making)
- **Supporting Recommendations:**
 - Mandatory Outage Logging (improves response time)
 - Extended Support Hours (ensures equity across time zones)
 - Outage Intake System with Assessment of Future Resilient Options (provides modern electronic backup channels and aligns with digital transformation goals)

REQUEST FOR IMMEDIATE ACTION

Collaboration Offer: IPIC stands ready to collaborate on developing specific implementation protocols and testing procedures for these critical reforms.

Accountability Request: Given CIPO's explicit commitments to operational excellence and modern client experience, we request a detailed timeline for implementing these reforms, with regular progress reporting to the client community.

CONCLUSION

CIPO's online platform is the central means through which practitioners and applicants access and interact with the Canadian government's IP services in the modern age. However, the importance of these e-services is not currently reflected in CIPO's online outage response protocols.

Recent outages have exposed a fundamental disconnect between CIPO's stated service commitments and operational reality. CIPO cannot credibly claim to deliver "quality and timely IP services through operational excellence and a modern client experience" while maintaining inadequate outage response protocols that leave applicants' IP vulnerable to service disruptions. The recommendations presented provide a practical roadmap for aligning CIPO's outage response capabilities with its own stated standards of excellence and the Canadian Government's recent Red Tape Review.

Effective outage response protocols are not optional improvements—they are essential components of the service standards CIPO has committed to delivering. These reforms would help minimize the commercial consequences of filing delays due to circumstances outside of clients' control and support Canada's competitiveness in intellectual property protection.

We encourage CIPO to demonstrate the same commitment to excellence in its outage response protocols that it has applied to the improvement in primary examination timeliness and welcome the opportunity to collaborate on implementation of these recommendations to support the competitiveness of Canada's IP ecosystem on the global stage.

Respectfully submitted,

For the Intellectual Property Institute of Canada

This submission was prepared by the IPIC Trademark Committee and approved by IPIC's Board of Directors.