

IP and Canada's Competitiveness



INTELLECTUAL PROPERTY INSTITUTE OF CANADA
INSTITUT DE LA PROPRIÉTÉ INTELLECTUELLE DU CANADA

The IP Framework

The intellectual property (IP) framework influences all aspects of economic activity in Canada. The IP framework includes the legislation and regulations that define intellectual property rights: patents, trade-marks, industrial designs, copyright, integrated circuit topographies and plant breeders' rights. It also includes the active roles played by the Canadian Intellectual Property Office (CIPO is the Industry Canada agency that grants most of these rights), the courts and the professionals who assist the users of the system.

The Intellectual Property Institute of Canada (IPIC), with 1,700 members, is the professional association of patent agents, trade-mark agents, and lawyers practicing in IP law. Its members represent small and large businesses throughout Canada, Canadian universities, government agencies and other institutions with intellectual property rights in Canada or elsewhere, and foreign companies who do business in Canada, using their IP rights.

Members of IPIC have a unique perspective on Canada's IP regime and how it compares to the regimes around the world, what makes it attractive or a risk to foreign investment, and how it helps or hinders Canadian businesses in a global economy. From this perspective, it is apparent that Canada's IP framework needs strengthening and modernization.

IPIC is not alone with this view. CIPO also recognizes this need in its 2009-2010 business plan: "A strong, modern, internationally competitive IP framework is vital to advancing Canada's interests. CIPO recognizes the linkages between a strong IP framework and Canada's competitiveness, and the value of removing impediments to innovation and barriers to registering and protecting IP in Canada. CIPO is committed to working effectively with other government departments and its IP partners and to achieving an efficient, world-class IP regime that supports the modernization of CIPO's products, services and processes."¹

The Expert Panel on Commercialization identified in its final report that the current IP regime is one of the potential explanations for the relatively weak state of Canadian private sector investment in R&D and highlighted the need for modernization.²

Finally, *Mobilizing Science and Technology to Canada's Advantage* states: "Canada therefore needs to maintain intellectual property protection that is competitive with its trading partners in order to attract both venture capital and intellectual capital."³

With members who are experts in all areas of IP, who represent all sides of policy debates, and who are committed to Canada's competitiveness, IPIC has become a resource of choice for parliamentarians and government officials who want to modernise and strengthen Canada's IP framework.

¹ Canadian Intellectual Property Office, Business Plan 2009-2010, p. 16

² Industry Canada, *Final Report of the Expert Panel on Commercialization, People and Excellence: The Heart of Successful Commercialization*, 2006, volume 1, at pages 17 and 30

³ Industry Canada, *Mobilizing Science and Technology to Canada's Advantage*, 2007, p. 52