



April 19, 2010

**By Email:** Dessins-Industriels-Industrial-Designs@ic.gc.ca

Canadian Intellectual Property Office  
Copyright and Industrial Design Branch  
50 Victoria Street  
Place du Portage II  
Gatineau QC K1A 0C9

Attention : Mr. Denis Simard and Ms. Rita Carreau

Dear Sirs:

**Re: Publication of Industrial Design Information**

FICPI Canada wishes to thank the Canadian Intellectual Property Office for the opportunity to comment on what types of information relating to industrial design applications and registrations would be useful to business if made publicly available.

As you may know, FICPI (the Federation Internationale des Conseils en Propriété Industrielle), comprises more than 3500 intellectual property attorneys in private practice in 86 countries. FICPI Canada is a self-governing national association of FICPI and represents the interests of Canadian patent and trade mark professionals. Our membership includes senior professionals at most major Canadian intellectual property firms. Our clients span all types and sizes of businesses, including multi-national corporations, small and medium size enterprises, and individuals.

First, we wish to commend the Canadian Intellectual Property Office for intending to make the entire "Register of Industrial Designs" open to public inspection via the Internet in the future. It is our hope that when such information becomes available on-line that it is well organized and searchable. For example, it would be helpful to be able to search based on priority claims. This is not presently possible using the Industrial Design Database.

- CIPO Question: What information about industrial designs do you consider to be useful and/or necessary to have access to in order to conduct business? Why?

FICPI Canada believes that in addition to making available information that is part of the Register of Industrial Designs, classification information and copies of the prosecution file history should also be publicly available on-line for registered designs. Such information can be valuable when conducting searches and when assessing the issue of validity.

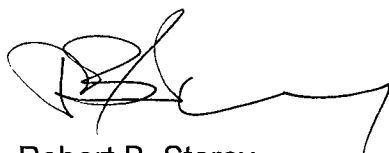
- CIPO Question: Do you think the information that is made open to public inspection should relate only to registered industrial designs, or also to industrial designs prior to registration? Why?

FICPI Canada is not in favour of making publicly available information relating to industrial designs prior to registration. One important reason is that there is no provision in the *Industrial Design Act* for reasonable compensation to the proprietor for infringing acts prior to registration.

However, FICPI Canada would not object to publication of refused designs after all avenues of appeal have been exhausted, provided that prior authorization is obtained from the applicant. For example, FICPI Canada would not object to implementation of a voluntary scheme such that on refusal of an application, the applicant is presented with an option to allow for publication of the refused application along with a summary of the reasons for refusal, as long as an appeal is not filed. Such an option could also be presented at the end of the appeal process.

FICPI Canada wishes to thank the Canadian Intellectual Property Office for the opportunity to provide comments. If CIPO has any questions about our submissions, or if you consider it would be helpful to have a meeting with representatives from FICPI Canada, please do not hesitate to contact the undersigned.

Respectfully submitted,



Robert B. Storey  
President - FICPI Canada