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ANNOTATED PATENT ACT

Bruce Stratton

Release No. 5, October 2026

This publication examines the provisions of *Canada's Patent Act* to explain the history, purpose and importance of each provision within the broader scheme of the legislation as a whole. Each section of the Act is examined and the following information included: the current section is reproduced in full; related sections and related rules are gathered for ease of reference, a legislative history of the provision is discussed as it relates to the development of the law of patents as a whole, and upon the specific issues dealt with by the provision, and commentary upon the section (and its subsections) is provided in terms of the purpose and function of the section within the context of the act as a whole, specific issues in respect of both the obtaining and enforcement of patent rights, and relevant, specific facts of case law are summarized.

What's New in this Update:

This release features updates to Appendix M—Patent Cooperation Treaty, Appendix Q—Quantum Table – Remedies, Appendix IF—Issues in Focus and Appendix WP—Words and Phrases Judicially Considered have also been updated in this release.

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Highlights

- **Appendix IF—Issues in Focus—**Three memoranda have been updated to April 1, 2026 in this release. The following is an excerpt from § IF:2. Correcting a Clerical Error in an Issued Patent:

  CONCLUSION:

  Sections 107-109 of the Patent Rules are remedial provisions that authorize the Commissioner of Patents to correct clerical errors in any instrument of record in the Patent Office.

  Correction in this manner is differentiated from correction by way of re-issuance of the patent, in that the former is available as a remedy at any time during the life of the patent while the latter is only available for a period of 12 months from the date that the patent was originally issued.

  The decision of the Commissioner is subject to judicial review, and the Federal Court may set aside the decision and remit the matter back to the Patent Office.

- **Appendix WP—Words and Phrases Judicially Considered—**The following definition has been added to this appendix in this release:

  PRECISION AGRICULTURE

  Federal

  This patent infringement action relates to technology used in precision agriculture. Precision agriculture, or precision farming, uses computer systems to exercise precise control over farming equipment, and to collect and analyze detailed farming data. This allows farmers to plan and implement strategies that optimize yields, efficiency, and profitability.

  . . . . .

  The relay device of Claim 1 must have a *bus connector*, a physical connector allowing it to connect to the *message bus*on a piece of farming equipment, whether a *farming vehicle* or a *farming implement* . . . . the POSITA [person of ordinary skill in the art] would understand a message bus to be the internal network on a piece of farm equipment that allows transmission of messages from ECUs [electronic control units] connected to it.

  Agi Suretrack LLC v. Farmers Edge Inc. (2024), 2024 CarswellNat 2740, 2024 FC 934 (F.C.) at para. 1, 100 McHaffie J.

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