COVID-19

One of the most heartening things to witness throughout the global health and economic crisis created by the COVID-19 pandemic is the way that people and companies have banded together to figure out how they can help.

For over 55 years, we have worked with a variety of companies in practically every industry. In 2020, many of these clients have stepped up to fill a need. We have seen fashion brands pivot to manufacture much needed personal protective equipment (PPE), and another client figure out a novel way to make PPE through 3D printing. Others are developing diagnostic and prognostic tools and COVID-19 test kits. Several clients have applied for expedited authorization under Health Canada’s *Interim Order respecting the importation and sale of medical devices for use in relation to COVID-19* so that they can import into Canada much needed medical devices such as PPE and COVID-19 test kits.

It has been a privilege to work with these innovative clients in their effort to provide much needed and valued goods and services during this pandemic.

To help you protect your COVID-19 related intellectual property (IP), or to navigate the evolving regulatory environment, please contact a COVID-19 group leader or group member. Here are some of the IP services to consider:

**REGULATORY, ADVERTISING & MARKETING:** To assist with the shortage of much needed medical devices (PPE and COVID-19 test kits) and hand sanitizers (NHPs or drugs depending on ingredients) and disinfectants, Health Canada has fast tracked the authorization process. Our professionals can help businesses navigate these changes.

**PATENTS:** There are many aspects of research and development related to COVID-19 that can be patented. Patents can be obtained for inventive devices, compositions and methods for protecting against, diagnosing and treating COVID-19.

**TRADEMARKS:** As clients pivot to new goods and services to meet the unique challenges presented by the COVID-19 crisis, their current trademark protection may not reflect the new direction. Searching to determine whether an existing house mark or new mark is available for use, if desired, is important. As well, if the new direction will have permanence for the business, then seeking protection through registration is also important. We recommend our clients involved with PPE and other lifesaving equipment file a Request for Assistance to have their trademarks and copyright recorded with Canada Border Services Agency (CBSA). There are health and safety concerns associated with counterfeits. While we want to ensure that delivery of PPE and other lifesaving equipment is not delayed, it is critical that what is delivered is safe to use.

**INDUSTRIAL DESIGNS:** Industrial designs protect novel and non-functional, esthetic aspects of COVID-19 products or their packaging. Industrial designs can protect the shaping of products, such as a novel medical device housing or novel packaging.

**AGREEMENTS:** Our team has experience drafting agreements in the therapeutic and medical device industry and can assist with any COVID-19 related agreements.

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