

Fast-Tracking Your Patent Application in Canada: CIPO Expands the Key Technology Expedited Program

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For Canadian innovators, the patenting process can seem unreasonably slow. In an effort to address this, the Canadian Intellectual Property Office (CIPO) created various procedures to expedite the examination process in Canada. Knowing which fast track options exist, when they make sense, and how to use them effectively can provide a significant commercial advantage.

Canadian patent applicants have several routes to expedite examination before CIPO. The most commonly used is the Patent Prosecution Highway (PPH), which allows accelerated examination where a corresponding application has received a favourable examination in a participating foreign patent office. Applicants may also request a special order for advanced examination by submitting a statement that a delay in examination is likely to prejudice the applicant's rights. A third route is advanced examination for green technologies, which is available where the invention relates to technology whose commercialization would help resolve or mitigate environmental impacts or conserve natural resources.

On September 2nd, 2026, CIPO recently added a fourth option by way of the [Key Technology Expedited Program](#) (KTEP). KTEP allows applicants to expedite patent examination for innovations related to Canada's critical minerals supply chain. This includes innovations for processing, extracting, or refining critical minerals. By leveraging KTEP's expedited process, businesses engaged in the critical minerals supply chain can now benefit from faster commercialization, reduced costs, and take confidence in additional clarity in business and development decisions.

Program Overview

KTEP is a pilot program at CIPO that streamlines patent application reviews for designated key technology areas at no additional cost for eligible applicants.

KTEP will accept up to 50 applications per approved stream per calendar year. Once a KTEP accelerated examination is approved, applicants can expect a first office action within seven months, as opposed to CIPO's average initial response time of approximately 24 months.

Typically, patent applications are evaluated in the order examination requests are received. Outside of KTEP, applicants can request entry into the PPH or a special order for advanced examination on the basis

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of “green technology” or because of prejudice, the latter requiring an additional payment of \$744.10 (2026).¹

Who is Eligible?

Currently, KTEP is available on a “first-come, first-served basis”, for the first 50 applications related to innovations supporting Canada’s critical minerals supply chain. These include technological advances in processing, extracting, and refining minerals identified in [Canada’s critical minerals list](#). Additional streams for other industries may be introduced in the future.

The critical minerals list identifies 34 minerals and metals, including aluminum, copper, nickel, rare earth elements, and lithium.

To request advanced examination under KTEP, the application must:

- be in good standing (e.g., fees are paid, application is not abandoned, etc.);
- not have been granted an extension of time, must not have been deemed to be abandoned, or the applicant must not have made a request for continued examination;
- be open to public inspection (or requested at the time of the KTEP request);
- have a request for examination made (or requested at the time of the KTEP request); and
- include a letter confirming that the patent application relates to a critical minerals technology.

Key Takeaways

Reducing the time for patent examination can be pivotal to gain a competitive edge in commercializing technology, particularly with regard to the critical minerals supply chain. KTEP’s open critical minerals stream is consistent with the federal government’s focus on supporting the critical minerals industry through initiatives such as the [Critical Minerals Infrastructure Fund](#), the [Critical Minerals Research, Development and Demonstration Program](#), and the [Critical Minerals Exploration Tax Credit](#).

KTEP further supports CIPO’s [2026–2031 Business Strategy](#) and aligns with the federal government initiatives to reduce red tape on key industries, such as critical mineral developments, clean technology, and energy to accelerate innovation and build a more competitive Canadian economy. For more information about these initiatives, see our Cassels Comments on [Canada’s Investment Summit](#) and [Stronger Together: A Critical Mineral Strategy for Western and Northern Canada](#).

Contact the Cassels [Intellectual Property Team](#) to develop your patent strategies under KTEP, and our [National Major Projects Team](#) to learn more about how these initiatives can benefit your business.

¹ Canadian Intellectual Property Office, *CIPO introduces accelerated patent stream for critical minerals* (Gatineau, Quebec, 2026) online: <https://ised-isde.canada.ca/site/canadian-intellectual-property-office/en/cipo-introduces-accelerated-patent-stream-critical-minerals>.

This publication is a general summary of the law. It does not replace legal advice tailored to your specific circumstances.