

## Small Entity Status in the US and Canada

Patent applicants who can establish "Small Entity Status" in the United States and Canada are entitled to a reduction in Patent Office fees. Small Entity Status must be established for each patent application made.

In the US, three classes of applicants may qualify for Small Entity Status:

- Private individuals - e.g. inventors.
- Small businesses - with no more than 500 employees, including employees of any affiliates. The number is the average of the full-time, part-time and temporary employees during each pay period averaged over the previous fiscal year. Businesses are affiliated when either one directly or indirectly controls or has the power to control the other, or a third party has the power to control both.
- Non-profit organisations - e.g. universities, or other institutions of higher education. Any organisation (scientific or educational) which would be tax exempt or recognised under the statutes of a State of the United States, were it located in the US.

Small Entity Status is only available provided that you have not assigned, granted, conveyed or licensed any rights in the invention to any non-Small Entity, and are not under any contractual or legal obligation to do so.

You should be mindful of the fact that your status may change during the life of a patent application. It is important to notify the Patent Office promptly of any such change, or you may be found guilty of fraud on the Patent Office, rendering the patent invalid or giving rise to other sanctions.

In Canada, two classes of applicants may qualify for Small Entity Status:

- Universities, regardless of the number of employees.
- Small businesses - a business or entity of 50 employees or less, including private individuals, e.g. an inventor.

A Small Entity must not have assigned or be under any contractual or legal obligation to assign any right in the invention to any party which does not qualify as a Small Entity.

**For more information please visit our website  
[www.griffithhack.com.au](http://www.griffithhack.com.au)**

