

# Save the Date: Preparing for Canada's New Trademark Regime coming into Force on June 17, 2019

November 15, 2018

Since Bill C-31 was enacted in 2014, Canada has been reforming its trademark regime in an effort to harmonize Canadian trademark law with a number of international treaties. On November 14, 2018, the new *Trademark Regulations* were published in the Canada Gazette Part II, revealing that Canada's new trademark regime is set to be in force on June 17, 2019.

## Highlights

The coming into force of the new legislation will significantly alter Canada's trademark registration process and bring about a number of changes to oppositions and Section 45 (non-use expungement) proceedings. The key changes include:

- Removal of the requirement to provide a basis for registration in a trademark application;
- Elimination of the requirement that a trademark be in use before registration (e.g., Declaration of Use no longer required);
- Reduction of term of protection from 15 years to 10 years;
- Requirement to classify goods and services in accordance with the Nice classification system (the requirement to describe goods and services in ordinary commercial terms remains);
- Introduction of a class-based government fee structure at filing and renewal;
- Expansion of the definition of "trademark" to include non-traditional marks such as colour, smell, taste, position and moving images;
- Ability to divide applications and registrations;
- Introduction of letters of protest which can be filed and considered by an Examiner during examination;
- Changes to opposition and Section 45 proceedings;
- Accession to the Madrid Protocol.

## Contact Us

If you have any questions about the upcoming changes, please contact a member of [BLG's Trademark Group](#).

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