

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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