Use of Non-French Trademarks on Outside Signage Will Require the Presence of Sufficient French

May 09, 2016

Québec Government Proposes Amendments to the Regulations of the *Charter of the French Language*

On May 4, 2016, Hélène David, acting Minister responsible for the protection and promotion of the French Language, announced the Québec Government's draft amendments to the Regulations of the *Charter of the French Language*. The purpose of the amendments is to ensure the presence of French when a trademark in a language other than French is displayed on outside signs and posters. These amendments would require businesses established in the Province of Québec who have a non-French trademark to add a "sufficient presence of French" to their outdoor signage.

The presence of French may take the form of (1) a generic term or a description of the products or services concerned, (2) a slogan, or (3) display information pertaining to the products or services to the benefit of consumers or persons frequenting the sites. However, the French cannot be business hours, telephone numbers, addresses, numbers or percentages or a term requiring for its legibility to be within a radius of less than 1 metre.

In addition, the Regulations stipulate that the display in French must have the following characteristics: (1) it should give French permanent visibility, similar to that of the trademark displayed; and (2) it should ensure its legibility in the same visual field as that mainly covered by the trademark signs or posters. To illustrate these characteristics, the draft Regulations state that the signs or posters in French in relation to the trademark should be designed, lighted and situated as to make them easy to read, both at the same time and at all times. For example, the display in French should be lit at any time if the non-French trademark is.

In summary, these amendments shall apply:

- to all businesses having an establishment in Québec;
- when there is a sign or poster of a trademark in a language other than French;
- in the absence of French message in the sign or poster;

- when the non-French trademark appears:
- on an exterior of a building, including the roof;
- on a façade located inside a building or a shopping centre;
- inside a room or a building and it is intended to be seen from outside;
- on a bollard or any other independent structure;

For existing signs and posters, the Regulations provide for a 3-year period in order to proceed with the required modifications.

It shall be noted that there is 45-day public consultation period on the expiry of which, the Government may make further amendments to the draft Regulations. Once approved by the Government, the Regulations will be published in the *Gazette officielle du Québec* and will come into force on the fifteenth day following such publication.

The Government announcement is a response to the recent debate that opposed the *Office Québecois de la Langue Française* (OQLF) and six major retailers. The Québec Court of Appeal had decided, in April 2015, that businesses could continue to use their non-French registered trademarks on storefront signs without running afoul of the provincial rules governing the language of business.

We invite you to look for our future bulletins and alerts for additional information relating to the draft Regulations.

Expertise

Intellectual Property

BLG | Canada's Law Firm

As the largest, truly full-service Canadian law firm, Borden Ladner Gervais LLP (BLG) delivers practical legal advice for domestic and international clients across more practices and industries than any Canadian firm. With over 800 lawyers, intellectual property agents and other professionals, BLG serves the legal needs of businesses and institutions across Canada and beyond – from M&A and capital markets, to disputes, financing, and trademark & patent registration.

blg.com

BLG Offices

Calgary
Centennial Place, East Tower
520 3rd Avenue S.W.
Calgary, AB, Canada
T2P 0R3

T 403.232.9500
F 403.266.1395

Ottawa
World Exchange Plaza
100 Queen Street
Ottawa, ON, Canada
K1P 1J9

T 613.237.5160
F 613.230.8842

Vancouver
1200 Waterfront Centre
200 Burrard Street
Vancouver, BC, Canada
V7X 1T2

T 604.687.5744
F 604.687.1415

Montréal

1000 De La Gauchetière Street West
Suite 900
Montréal, QC, Canada
H3B 5H4

T 514.954.2555
F 514.879.9015

Toronto

Bay Adelaide Centre, East Tower
22 Adelaide Street West
Toronto, ON, Canada
M5H 4E3

T 416.367.6000
F 416.367.6749

The information contained herein is of a general nature and is not intended to constitute legal advice, a complete statement of the law, or an opinion on any subject. No one should act upon it or refrain from acting without a thorough examination of the law after the facts of a specific situation are considered. You are urged to consult your legal adviser in cases of specific questions or concerns. BLG does not warrant or guarantee the accuracy, currency or completeness of this publication. No part of this publication may be reproduced without prior written permission of Borden Ladner Gervais LLP. If this publication was sent to you by BLG and you do not wish to receive further publications from BLG, you may ask to remove your contact information from our mailing lists by emailing unsubscribe@blg.com or manage your subscription preferences at blg.com/MyPreferences. If you feel you have received this message in error please contact communications@blg.com. BLG's privacy policy for publications may be found at blg.com/en/privacy.

© 2026 Borden Ladner Gervais LLP. Borden Ladner Gervais LLP is an Ontario Limited Liability Partnership.