

The LLF Client Advisor

Changes to Trademark Law

by Emmet Connolly



Individuals and businesses who own registered trademarks in Canada, or are considering registering their trademarks in Canada, should be aware that major changes to trademark laws in Canada will be taking effect as of June of 2019.

These changes relate to the Canadian government's decision in 2014 to begin to take steps towards Canada ratifying and implementing certain international intellectual property law treaties. The idea was to make Canadian laws and practices more consistent with global practise. At the same time as this, the government introduced amendments to its existing intellectual property legislation to allow for this consistency.

Published: December 2018.

Some of the key changes that registered Canadian trademark holders, or potential Canadian trademark holders, should be aware of, are as follows:

1. The Nice Classification system will be used for the description and classification of goods and services included in all new trademark applications and existing registrations. This will impact the technical way that applications are made both on an initial application and on a renewal, but it will also impact the cost of registrations as the filing fees and renewal fees for trademarks will be separately billed for each class of goods and services covered in them. As a result, if you are considering filing a trademark registration which is tied to multiple levels of wares and service or you are a holder of a trademark registration which is tied to multiple levels of wares and services that is coming up for renewal in the next few years, you may wish to apply/renew your trademark now before the amendments come into force to save on filing fees.

2. There will no longer be the need to identify the date of first use of a trademark in Canada in a new application or to file a declaration of use to secure registration. This is a major change from past practice.

3. There will now be the potential to use the Madrid Agreement to file applications in certain foreign countries, through a single application originating from Canada. This will be of significant interest to businesses who are looking to expand internationally.

4. There will be a much broader definition of what may qualify as “trademarks,” including a word, design, colour, 3D shape, hologram, moving image, sound, scent, taste, texture and other such signs.



5. The term of protection for trademarks, both on an initial application and on a renewal, is being reduced from 15 to 10 years. (This coincides with the standard term of protection in many other countries, such as the United States.)

25 Years As Trusted Advisors

Founded in 1993, LLF Lawyers is a full service Peterborough law firm located in Peterborough with offices now in Bobcaygeon.

LLF Lawyers offers clients extensive experience in a diverse range of practice areas.

Legal issues exhibit many facets, each requiring consideration and experienced judgement.

Recognizing this, we conduct our practice as a co-operative team; ensuring clients have timely access to the resources of all our lawyers. We also work closely with a network of financial and business professionals to offer clients an extended team of trusted advisors.

Meet with us to learn more. To schedule a consultation with one of our lawyers based in Peterborough or Bobcaygeon, please call 705-742-1674.

LLF.ca



This Client Advisor is a general discussion of the matters discussed in it and should not be relied upon as legal advice. If you require legal advice we would be pleased to discuss with you the issues raised by this Client Advisor in the context of your particular circumstance.