Public display of trade marks in a language other than French – Coming into force of the regulatory amendments

November 22, 2016

Author

Sylvain Pierrard

Partner, Lawyer Partner, and Trademark Agent

On May 4, 2016, a draft regulation amending the *Regulation respecting the language of commerce and business* was published in the Gazette officielle du Québec (see our bulletin on this subject).

On November 3, 2016, the Quebec government announced that the amendments to the *Regulation respecting the language of commerce and business* (the "Regulation") will come into force on November 24, 2016. It must be noted that these changes are as announced in the May 2016 draft regulation.

The purpose of the amendments is to ensure the presence of French when a trade mark in a language other than French is displayed outside a business, as currently allowed under section 25 (4) of the Regulation. The amendments do not go as far as requiring trade mark owners to translate them. However, "sufficient presence of French" required pursuant to the new section 25.1 of the Regulation may consist in the addition of a slogan, a generic term or a description of the goods and services.

Without it being necessary that the additional display be at the same location as the trade mark, it must however give French permanent visibility, similar to that of the mark and be legible "in the same visual field" as that covered by it. However, the Regulation specifies that the French elements which must be added are not required to be the same size as the mark.

As to the period provided for compliance with the new standards, businesses whose existing display contravenes the amended Regulation must bring it into conformity by no later than November 24, 2019. However, any installation of a new display or any replacement of a trade mark display from November 24, 2016 will have to conform to the new requirements.

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