New regulations for the owners of non-French trade-marks

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On November 24th, 2016, the Quebec government has adopted new regulations regarding the public display of non-French trade-marks in Quebec.

The new regulations may be summarized as follows: trade-marks do not have to be translated into French but French language must be sufficiently present in all signs on the exterior of buildings.

Here are several important points worth remembering:

1. **Scope of the new regulations**: the new regulations only apply to signs on the exterior of buildings, and they are not aimed at product labels or packaging, nor are they aimed at websites or social media.

2. **Signs on the exterior of buildings include**:

   signs on roofs, as well as on bollards and other structures independent from buildings;

   signs placed outside premises, kiosks or counters located inside buildings;

   signs placed inside buildings or premises if they are intended to be seen from outside.

3. **Sufficient presence of French**: The presence of French language will be deemed sufficient if the sign includes a French generic term or descriptor of the products or services; a French slogan or any other term providing information related to the products or services, provided that such French terms are:

   permanently visible as the trade-mark being displayed; and
   legible in the same visual field as that of the trade-mark.

The presence of French shall be deemed satisfactory if the French terms are designed, lighted, and situated so that they can be easily read at the same time as the trade-mark. This does not necessarily require that the French terms be present in the same place, in the same number, in the same materials or in the same size as the trade-mark.

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In order to assess the legibility of the French terms, the legislator has gone so far as to provide distinct points of reference namely:

> from the sidewalk, for the exterior of buildings;
> from the middle of a corridor, for a premises in a building; and
> from a highway, for trade-marks visible therefrom.

The legibility of a French term will be considered insufficient if it is necessary to be within one meter of a display to read it, unless the legibility of the mark also requires such proximity.

4. **Deadline to comply with the new regulations**: Since November 24, 2016, any new signs on the exterior of buildings (or any replacement signs) must respect the new regulations. Owners of signs mounted before November 24, 2016 benefit from a transitional period until November 24, 2019 to comply with the new regulations.

Please do not hesitate to contact the members of our team for any questions concerning the Charter of the French Language and its regulations.

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