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Trade-marks in Quebec and the Charter of the French Language: the end of a debate, and the start of another?

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As previously announced in our newsletter on April 14, 2016, the Quebec government published draft regulations that would put an end to the debate regarding the public display of trade-marks in Quebec.

The Quebec government has finally abandoned the idea of requiring a French descriptor when displaying non-French trade-marks. However, the aforementioned draft provides new rules regarding the display of trade-marks, and with new rules comes the risk of new debates.

The obligation to have “sufficient French presence”

According to the draft regulations, companies displaying trade-marks in a language other than French must ensure “sufficient French presence” on the exterior of buildings.

The “French presence” will need to be reflected by the display of any of the following:

a French generic term or descriptor of the wares or services in question;
a French slogan; or
any other French term or indicator, although preference should be given to the display of information concerning the wares and/or services to the benefit of people who frequent the premises.

Such a display will be deemed “sufficient” if it accomplishes both of the following:

gives the French language in question **permanent visibility**, similar to the trade-mark being displayed; and
ensures **readability in the same field of view** as that of the trade-mark being displayed.

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The draft regulations provide certain parameters for assessing the visibility and readability of the French language being displayed. The Quebec government's official website offers some explanations and illustrations to aid in the understanding of the new rules.

http://www.mcc.gouv.qc.ca/index.php?id=5835
http://www.mcc.gouv.qc.ca/index.php?id=5836

Who will be affected by the new regulations?

Any company that displays non-French trade-marks on the exterior of a building will be subject to the new regulations. Companies already established in Quebec at the time the regulations come into force will have three years to make necessary adjustments to their existing signage. However, new companies will have to comply with said rules from the moment they commence.

When will the new regulations come into force?

The draft regulations are currently the subject of a public consultation which will end in early June. It remains to be seen whether there will be changes to the draft, as well as what date the new regulations will come into force.

We are closely monitoring developments in this matter and will keep you informed thereof.

For any questions regarding the application of the Charter of the French Language in Quebec, please do not hesitate to contact members of our team.

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