The countdown is on to protect your trademarks in Canada

May 23, 2019

Authors

Isabelle Jomphe

Partner, Lawyer Partner, and Trademark Agent

Chantal Desjardins

Partner, Lawyer Partner, and Trademark Agent

A few weeks before the coming into force of the amendments to the *Trade-marks Act*, the following is a reminder of the actions you should consider taking before June 17, 2019 to protect your rights and save costs.

Actions To Take	Benefits
Renew your registrations and classify your products & services	Cost savings before June 17, 2019: $50 per renewal. $125 for each class of products and services (beyond the 1st class), since products and services must henceforth be classified according to a system of 45 classes.
Protect the trademarks associated with your main products & services	Review your trademark portfolio and ensure that your currently marketed products and services are protected. If not, file an application before June 17 to save costs: before June 17: a single $250 filing fee, regardless of the number of classes of products and services covered by your application. on or after June 17: a $330 fee for the 1st class + $125 per additional class.
Protect your trademarks for	Do you intend to launch new lines of products and services in the next few years?

Copyright (c) Lavery, de Billy, S.E.N.C.R.L. - L.L.P.

your future plans	Take advantage of lower fees until June 17 and the elimination of the declaration of use by filing a trademark application to extend your protection.
Beware of trolls! Monitor your marks	The elimination of the declaration of use has encouraged the spread of trademark trolls to Canada. Use a monitoring service to react quickly to third parties who attempt to misappropriate your mark.

The trademark registration process will be greatly simplified as of June 17, 2019, particularly because of the elimination of the declaration of use. The new registration process will indeed allow trademark registration, without any use requirement in Canada by the applicant.

To avoid disputes involving your trademarks, remember that it is important to conduct searches before launching a new mark and to quickly file applications for registration.

Copyright (c) Lavery, de Billy, S.E.N.C.R.L. - L.L.P.