New notification process at the Trademarks Office

July 31, 2019

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The new provisions of the Trademarks Act allow for earlier intervention with the Registrar in an attempt to prevent the registration of trademarks that create confusion with registered or applied-for trademarks through a notification system.

As the **owner of pending or registered trademarks** in Canada, it is in your interest to know and take advantage of the **notification procedure**, as it allows you to become more proactive and possibly avoid the costs associated with traditional opposition proceedings.

Indeed, the notification procedure allows you to bring to the Registrar's attention grounds bearing on the registrability of a third party's pending trademark application, as soon as the application is filed, without waiting for it to be **published in the Trademarks Journal.**

The grounds that may be invoked in a notification have recently been specified by the Trademarks Office:

1. The mark applied for creates confusion with a registered mark or with a mark for which a previous application for registration is pending.
2. One or more registered trademarks are used in a trademark application to describe the claimed goods and services.

In order to protect your rights and take advantage of the notification procedure, make sure that you **have proper trademark monitoring services** that allow you to be promptly informed of new trademark applications that may infringe upon your exclusive rights.

For any questions regarding **trademark protection**, the **notification process** as well as our **trademark monitoring services**, we invite you to contact our professionals.

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