Charter of the French Language: Must French Be Added to SWATCH Store Signage in Quebec?

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Watch enthusiasts: do you know what SWATCH watches are? Of course you do! But do you know what this trademark actually means? Is it:

a) an invented term

b) an English word

c) a term that is partly in English, that is, the letter “S” combined with the word WATCH

d) all of the above?

This is the question the Tribunal administratif du Québec (“Tribunal”) had to answer in *Groupe Swatch (Canada) Ltée c. Office québécois de la langue française*[1], in order to determine whether Groupe Swatch (Canada) Ltée (“Groupe Swatch”) was required to add a sufficient presence of French to the signage of its boutiques.

It should be noted that this decision was rendered under the former provisions of the *Charter of the French Language* (the “Charter”) and the *Regulation respecting the language of commerce and business* (the “Regulation”). As of June 1, 2025, the requirement of a sufficient presence of French has been replaced by the criterion of the marked predominance of French in public signage visible

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from outside premises.

For many people, the SWATCH trademark is an invented term, but the Office québécois de la langue française (“OQLF”) takes a different view…

The OQLF’s Position

According to the OQLF, SWATCH is a trademark composed of the following elements: S and WATCH.

> S for “Swiss” or “second”
> WATCH for “watches”

Result: the trademark is composed, in part, of the English word “watch”.

Consequence: the Swiss company was required, under the former provisions of the Charter and the Regulation, to ensure a sufficient presence of French on its storefront signage.

Groupe Swatch’s Position

According to the Swiss company, the SWATCH trademark does not belong to any language because SWATCH is an invented term, consisting of an artificial combination of letters.

Therefore, no French presence is required on its storefront signage, by virtue of the “artificial combination of letters” exception set out in section 26 of the Regulation.

The Tribunal’s Position

First, the Tribunal rightly recalls that the exceptions provided for in the Charter and the Regulation must be interpreted restrictively.

The Tribunal then adopts a pragmatic approach, putting itself in the shoes of the average consumer to determine how the public would perceive SWATCH store signage.

The Tribunal accepts Groupe Swatch’s position and applies the “artificial combination of letters” exception. In the Tribunal’s view, the public will conclude that SWATCH is an invented term, made up of an artificial alignment of letters and, consequently, the requirement to add French does not apply.

This reflects a pragmatic approach based on public perception, as opposed to a strict approach such as the one advocated by the OQLF, which breaks down the SWATCH trademark into two components (S and WATCH).

Fortunately so! Otherwise, trademarks composed of invented terms that include a sequence of letters such as “ON,” “IN,” “UP,” “GO” could, for example, have been considered as trademarks in a language other than French rather than as invented terms. Such an approach would have required the addition of markedly predominant French wording in a public signage context.

Observations

This decision provides an initial and helpful clarification in a context of uncertainty regarding the interpretation of certain new provisions of the Charter and the Regulation, and it has the advantage of being favourable to trademark owners.

Indeed, this decision allows for reliance on public perception where a trademark can be seen as an artificial combination of letters, even though that same trademark could be broken down to reveal words in another language.

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One noteworthy point deserves mention: the OQLF does not appear to have argued (or at least insisted) that SWATCH is an English vocabulary word meaning “sample.”

Yet, the Charter and the Regulation expressly require the presence of French (formerly, a sufficient presence; since June 2025, a marked predominance) where a trademark appears **in another language** on public signage visible from outside a building or premises.

Was this argument debated? It is difficult to say from reading the decision. Otherwise, would the outcome have been the same?

Looking ahead, what will 2026 bring in terms of the application of the new rules?

Certain data and statistics drawn from the OQLF’s[2] most recent annual report lead us to believe that the marked predominance of French in public signage will be a priority.

One thing is certain: the OQLF is maintaining its dialogue-based approach to encourage amicable solutions, which is welcome.

Let us hope for a more pragmatic approach by the OQLF with respect to trademarks, based on public perception, as set out in the SWATCH decision. Let us also hope for a guide providing clarifications on this issue and many other questions arising from the application of the new rules.

Happy New Year!

Bonne Année!

¡Feliz Año Nuevo!

Buon Anno!

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1. 2025 QCTAQ 10426
2. OQLF’s *Rapport annuel 2024-2025*, published October 9, 2025 (https://www.oqlf.gouv.qc.ca/office/rapports/rag2024-2025.pdf)

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