

Presented by



witmart.com
International Business Services



**UPCOMING CHANGES
TO CANADA'S
TRADEMARK LAW**



Have you heard?

- After 5 years of uncertainty and speculation, a **date** has been set for Canada's drastic **NEW** trademark laws to come into force.

June 2019						
S	M	T	W	T	F	S
						1
2	3	4	5	6	7	8
9	10	11	12	13	14	15
16	17	18	19	20	21	22
23	24	25	26	27	28	29
30						

This is the most significant **change** to Canada's trademark laws in modern history and dramatically changes the landscape of brand protection and enforcement in Canada.

- Elimination of the "USE" concept as a requirement for obtaining registration

Today we will summarize:



The most important **changes**

of the new Trademarks Act, and discuss the **challenges** as well as the **opportunities** that you should be aware of



Currently,

- Applicants have to either claim a date of first use in their application or file a declaration of use.

BUT

On June 17,

- This requirement will be **eliminated**.
 - It will create both risks and opportunities for companies and brand owners.

**Unprotected brands?
REGISTER**

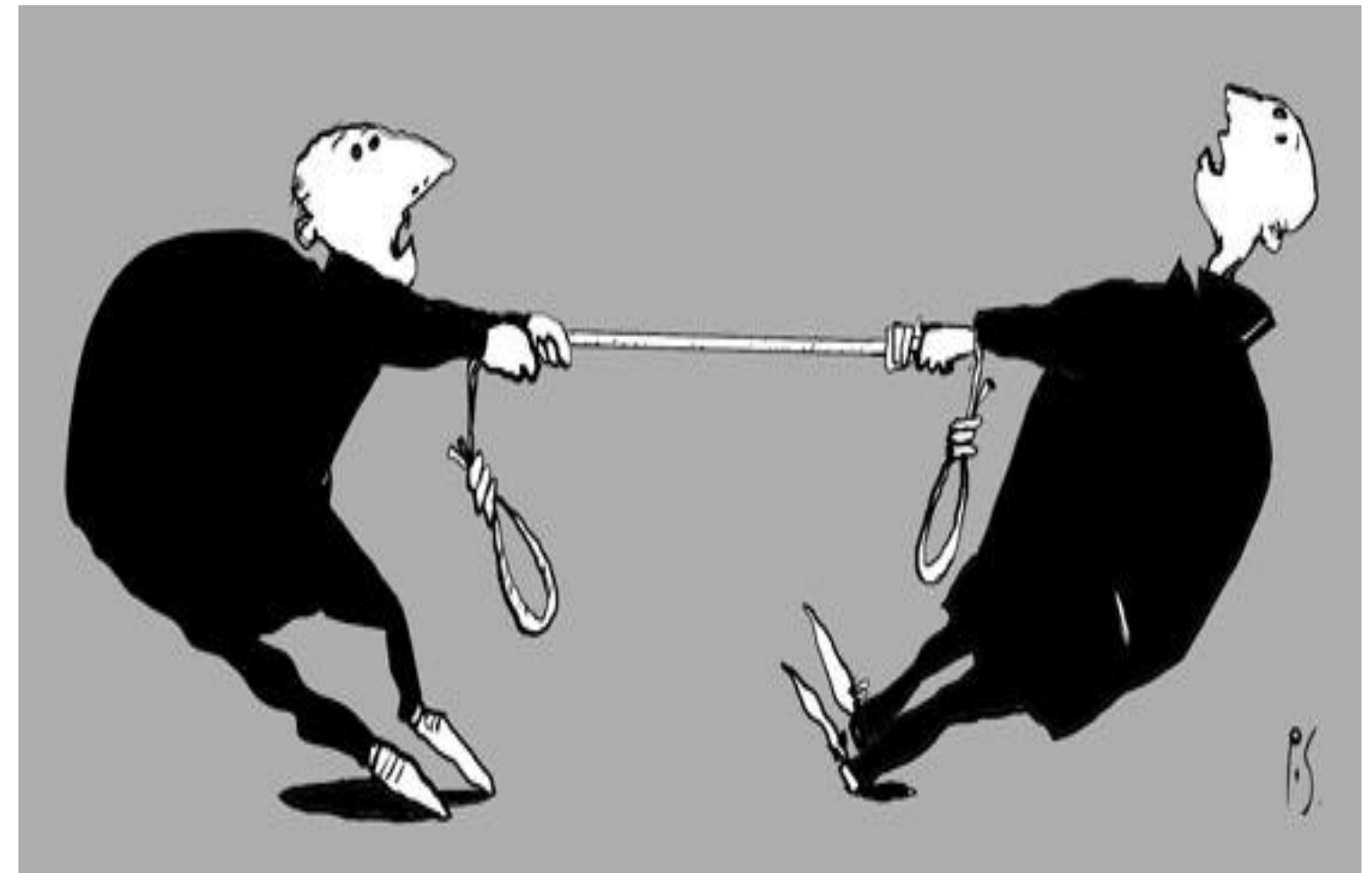


This risk can be avoided by applying for trademark registrations for your business name and valuable brands before the **June 17** deadline

USE is still important



- For determining the entitlement of trademarks
- In opposition and enforcement proceedings



If you can establish prior use of your trademark, you can successfully oppose a troll's application, or seek to have their registration invalidated. But, taking legal action against misuse would **cost** you.



To avoid these costs, establish your priority by filling your trademark applications before **June 17, 2019**

**Do not allow trolls to beat
you to the Trademarks
office**



Did someone say increased fees?



Yes, the new law will **increase** the base filing fee from **\$250** to **\$330**, it would include only one class, and an extra fee of \$100 per additional international class.

Changes to renewal period




From June 17,

- The new law shortens the renewal period for a registered mark from 15 years to 10 years.
- It will also be more expensive to renew trademarks: \$400 for only one class and extra fee of \$125 per additional class.

Keep in mind that these changes do not affect you, if you file before June 17th

New definition of Trademark



A hallway with seven doors set into a grey wall. The floor is dark and reflective. The door in the center-right is a vibrant red, while the other six doors are dark grey. The lighting is soft, coming from above, creating a slight glow on the wall behind the doors.

You have a lot of options to choose from when it comes to registering a trademark to protect your branding assets

Little changes to watch out for



Regardless of when you file

- ❖ The new legislation has certain provisions that make the application process more flexible.
 - ❖ Like the ability to divide applications which could be both advantageous and detrimental

Trademark examiners will now be able to object an application on the basis that a mark is not inherently distinctive



The amendment will also affect applications that have already been examined but not yet approved



Moving Forward

CIPO hopes that the amendments

- Simplifies filing procedures
- And, encourages businesses to file trademarks applications

HOWEVER,

- This amendments come with many risks



Security

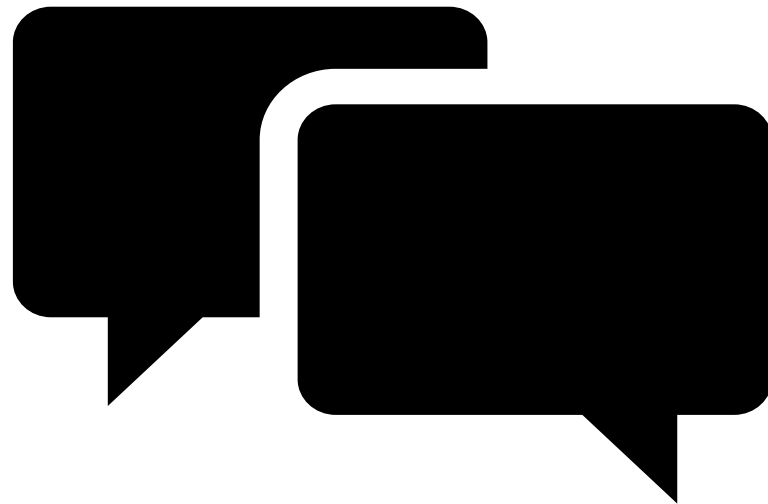
Being proactive about protecting your brands can help you avoid having to challenge others for improperly encroaching on your rights



Don't panic, we got you covered!

Be rest assured that whatever these new changes bring to the Canadian trademark landscape, our team at Witmart will be here to guide you through every step of the process.

For More Insights



About the world of intellectual property protection, visit our website at
<https://tm.witmart.com>

Contact Us

Witmart Inc., 500 - 34 King St E, Toronto, ON, M5C 2X8

1-877-948-6278



Up Next

The Background and Basics of American Trademark Law