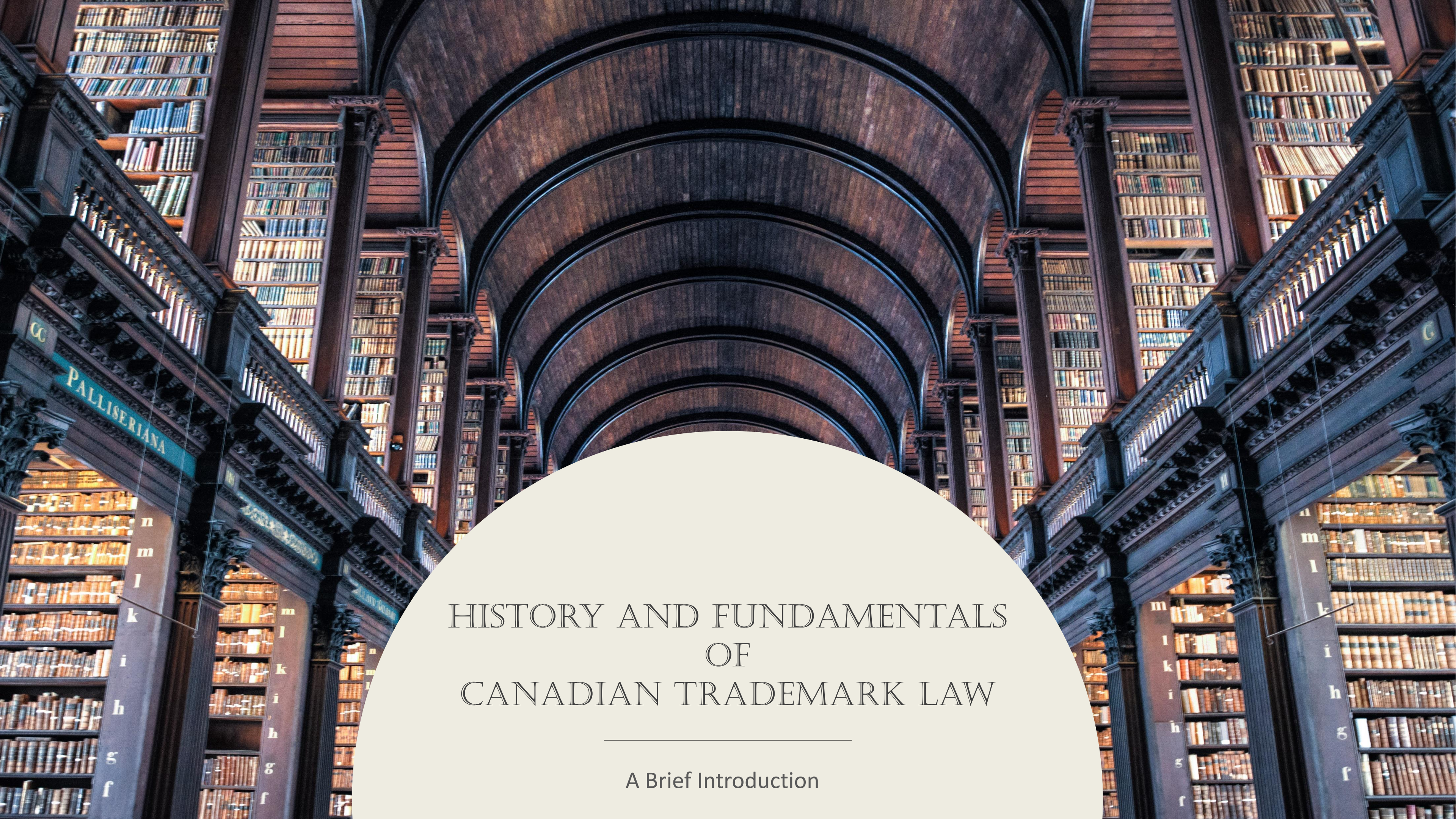


Presented by







# HISTORY AND FUNDAMENTALS OF CANADIAN TRADEMARK LAW

---

A Brief Introduction



Today We Will Cover:



# History & Basics

Of Trademark Law and the upcoming  
changes to the Canadian Intellectual  
Property Office

So Let's Get Started



Trademarking in

**Canada**

Is almost as old as the country itself  
As we know, Canada  
became a country in **1867**



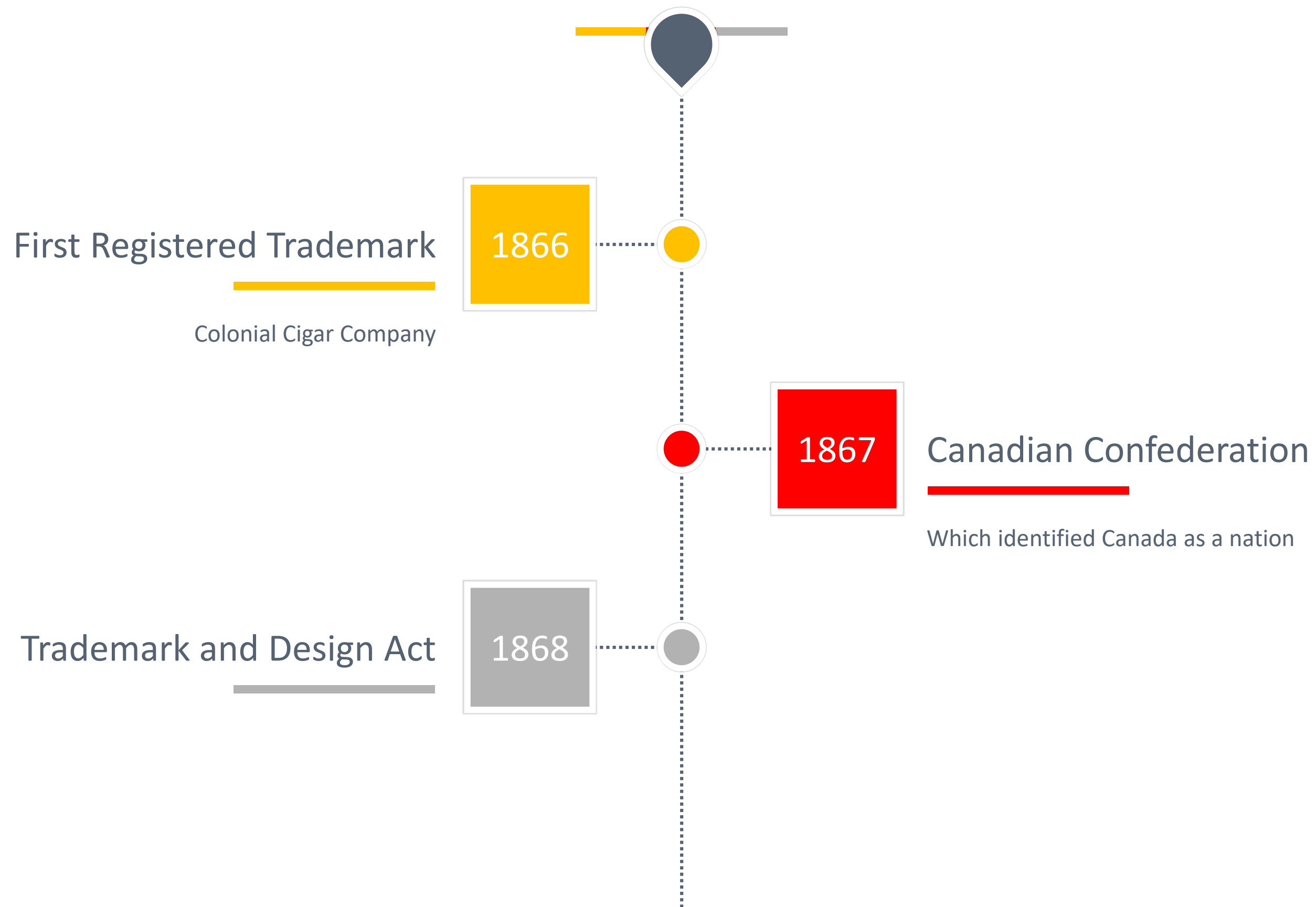
One year later

The Trademark and  
Design Act of 1868  
came into effect





# Oddly Enough...



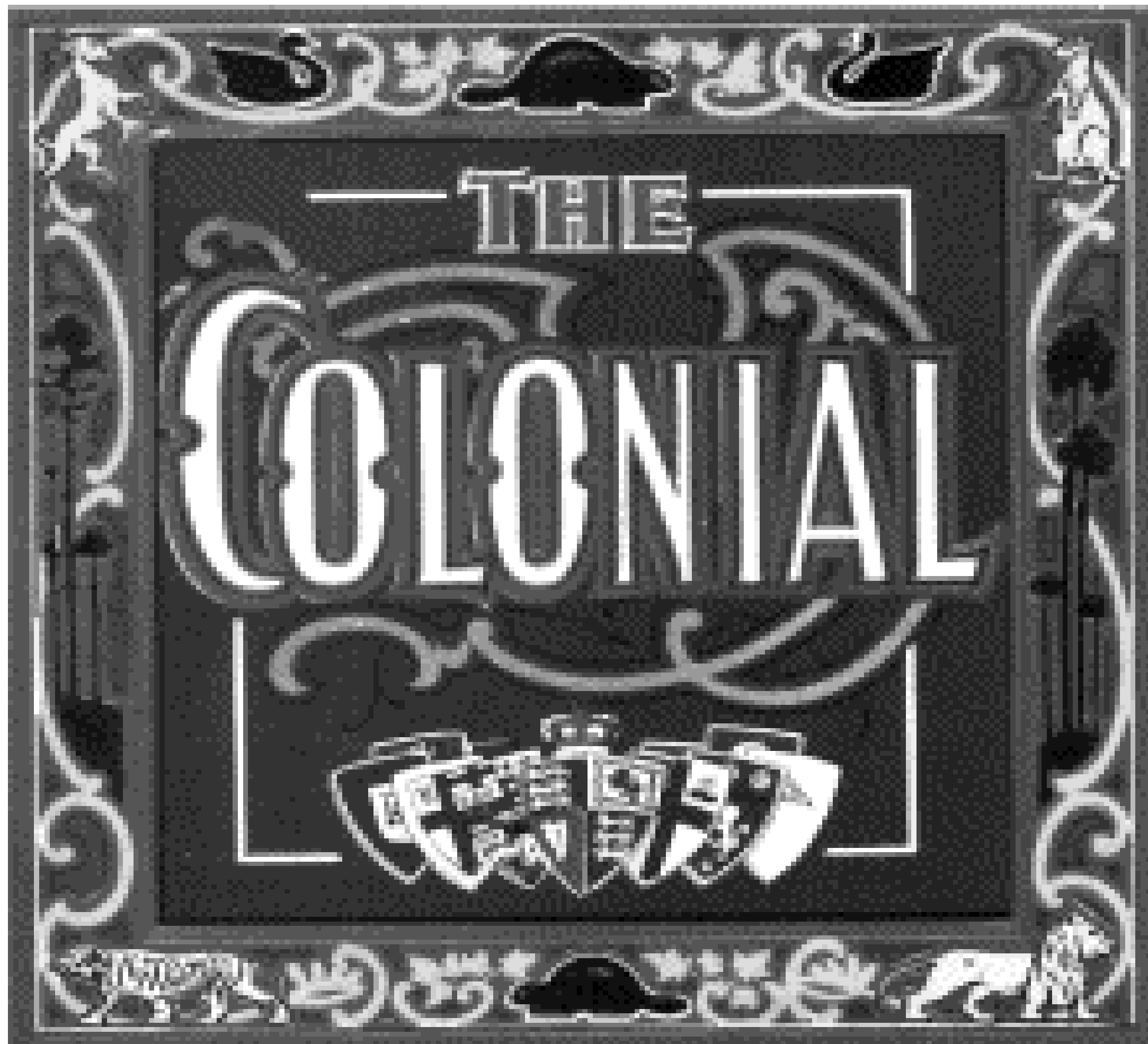
## How?

The government approved the registration in anticipation of creating the ***Trademark and Design Act***



[This Photo](#) by Unknown Author is licensed under [CC BY-SA-NC](#)





Still in use to this day!





Fast-Forward to *Today...*





Trademarks are now governed by  
the *Trademark Act of 1954*

This outlines the **rules and regulations** of trademarking in Canada  
It even gets down to the *nitty gritty* application requirements

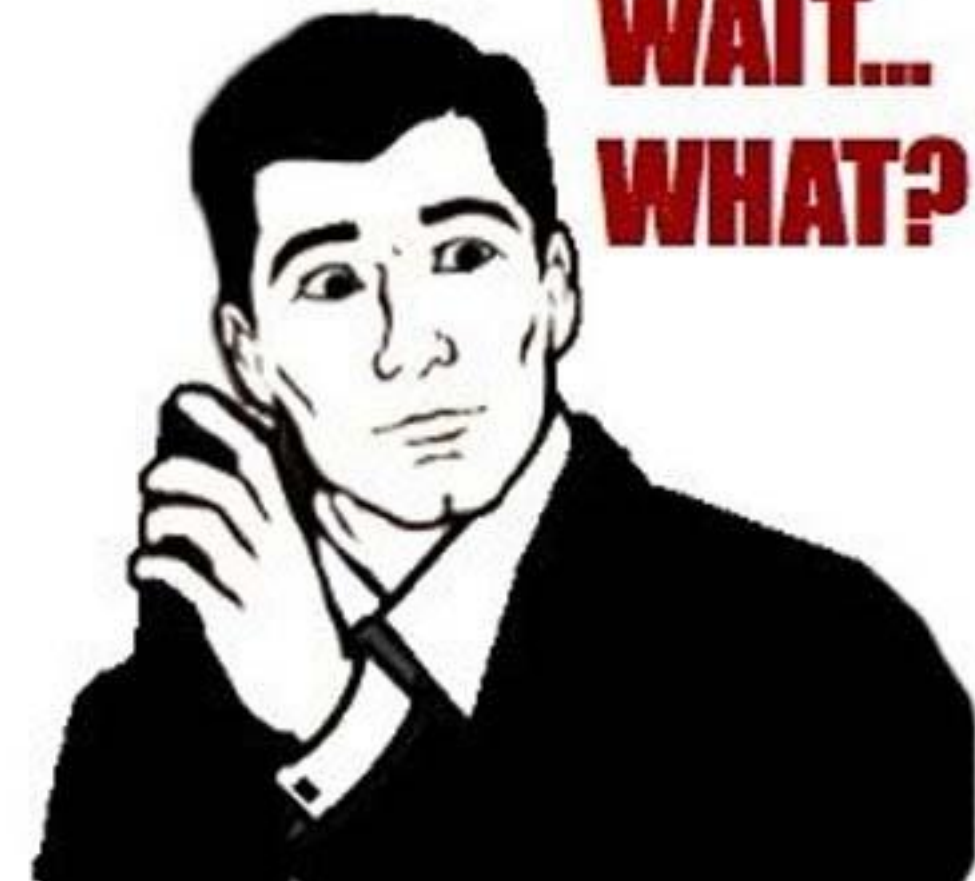




# Wait!

Who regulates the trademark registration process?

**WAIT...  
WHAT?**







# Well Historically Speaking

It was the **Minister of Agriculture** was responsible for keeping the books for the **Trademark Register** and the **Register for Industrial Designs!**




(we know, a bit random)





# These Days..



-  The process is controlled by the Canadian Intellectual Property Office established in 1992
-  Also known as CIPO
-  CIPO's database has trademark information dating as far back as 1866, including “The Colonial” cigar company trademark registration #ATM127





## Despite the historical age

of our trademark system, Canada's legal landscape for intellectual property protection has definitely **changed over the years**

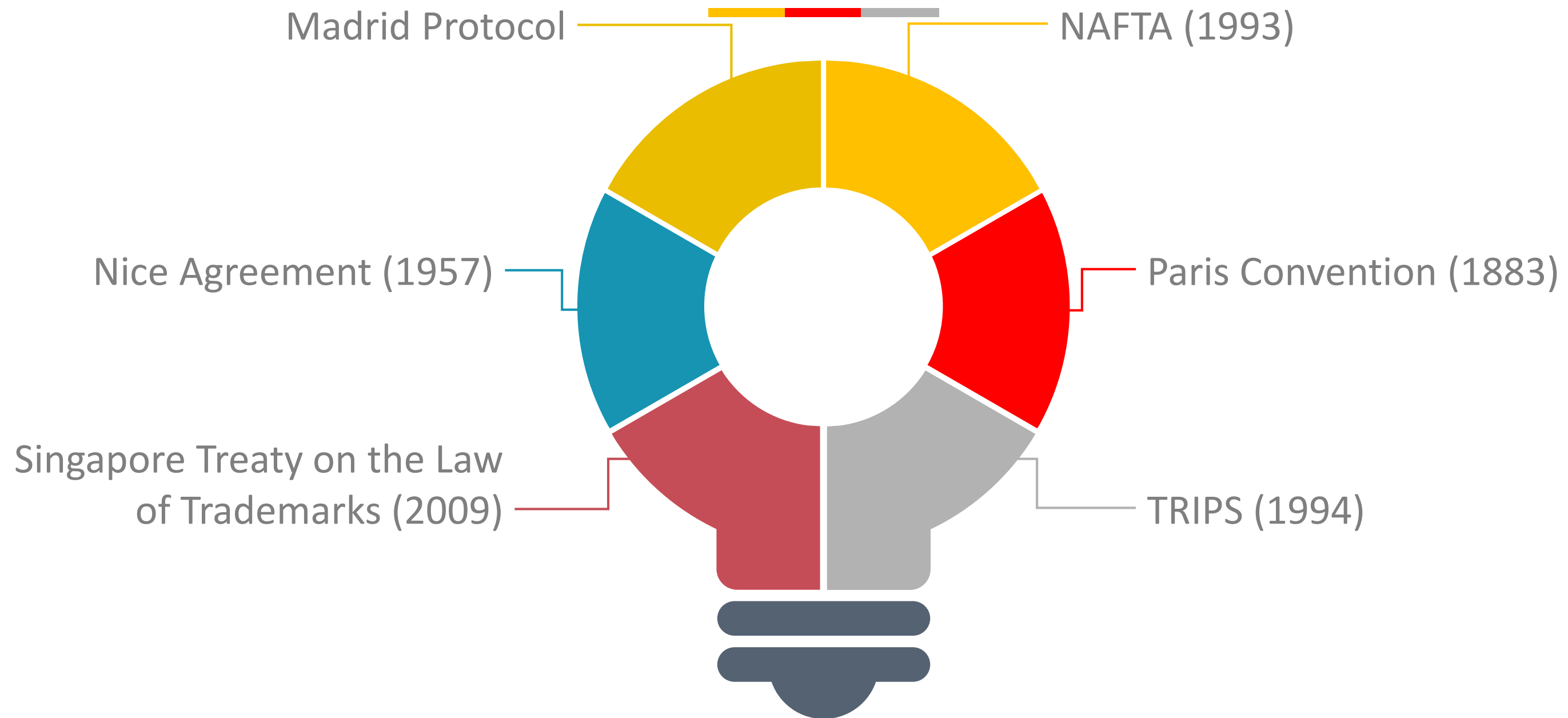
---

In 2014, CIP0 proposed to make ***significant amendments*** to the Trademark Act

The changes aim to modernize Canadian trademark law and bring it in to the 21st century

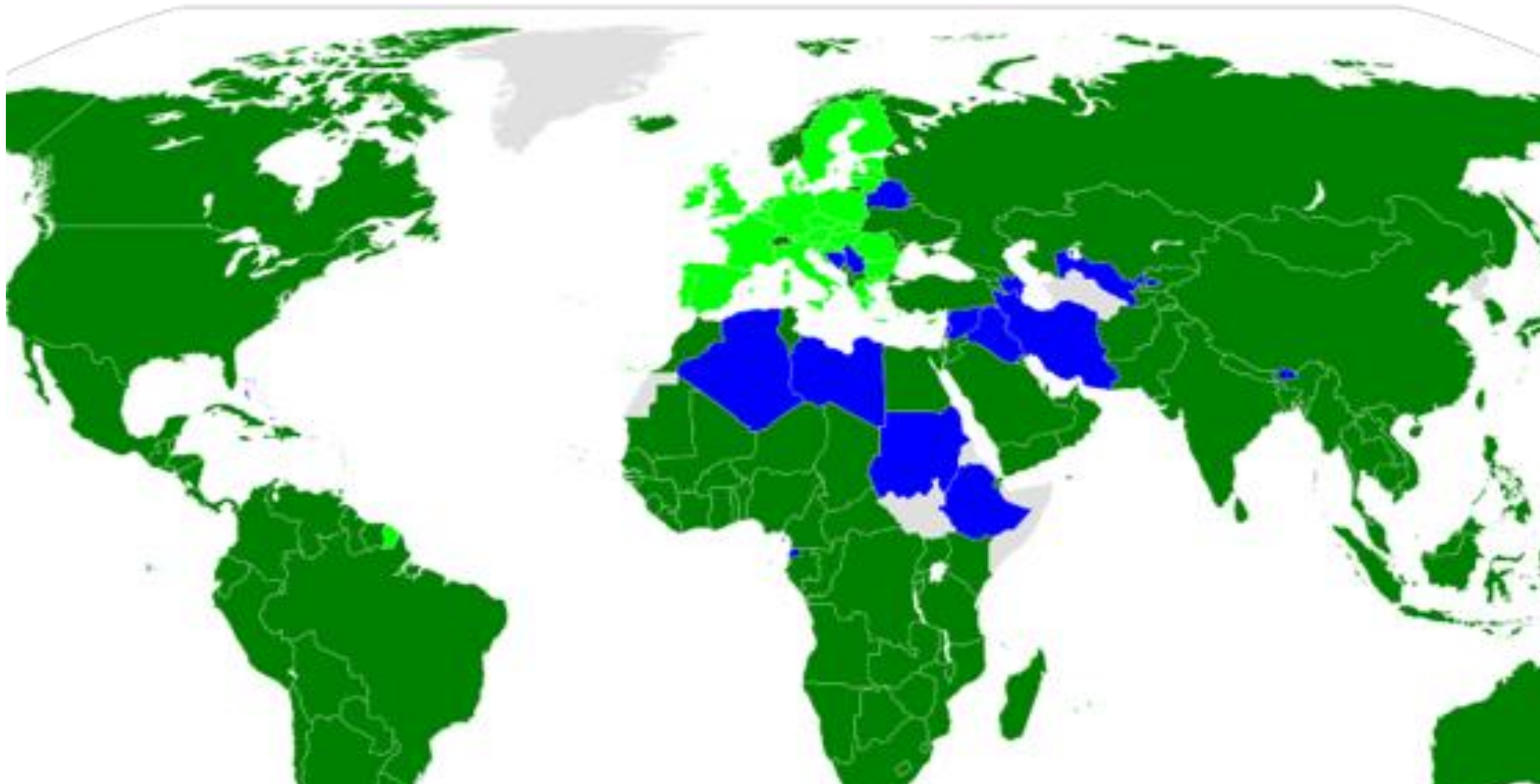


# Speaking of Which..

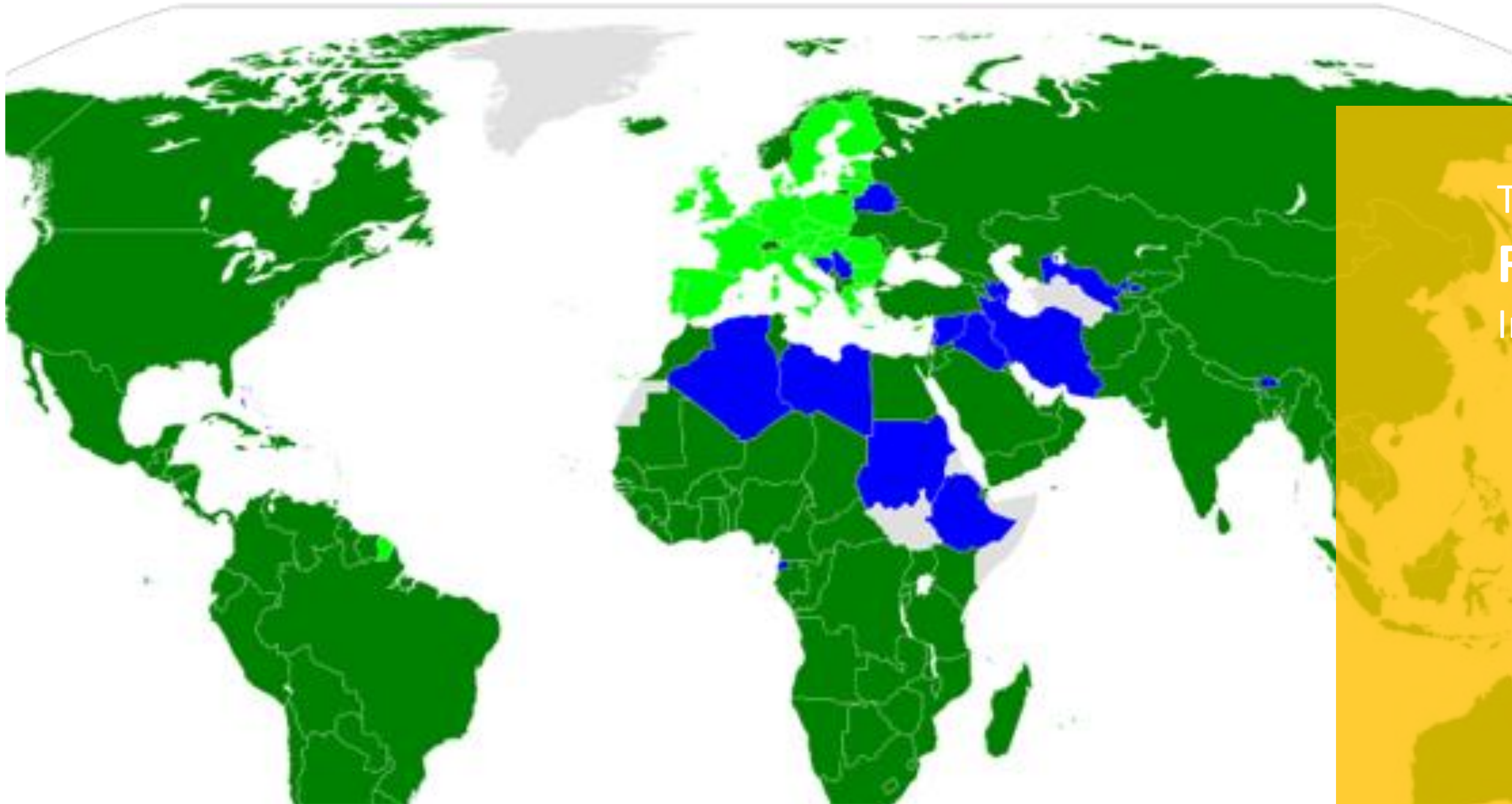


Let's take a look at the **treaties** and **agreements** currently governing how we register trademarks **worldwide**.









# TRIPS

The agreement of **Trade-Related aspects** of Intellectual Property Rights

Signed in 1994 by all United Nations countries of the WTO

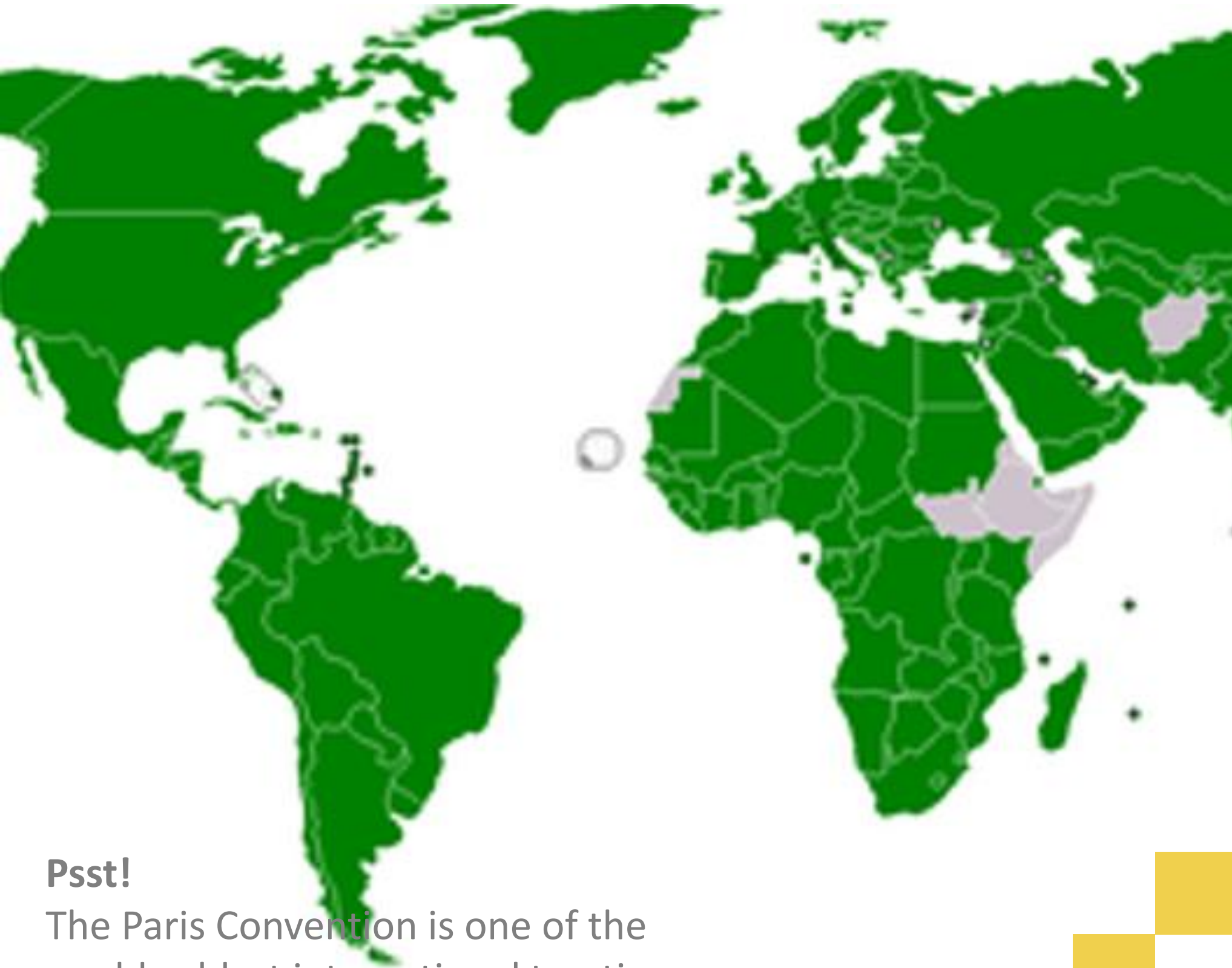
The agreement establishes the minimum standards for regulating Intellectual Property

(Clearly, the 90's was a pretty great decade for Intellectual Property rights)









**Psst!**

The Paris Convention is one of the worlds oldest international treaties on intellectual property

# The Paris

## Convention of 1883

Applies to **protecting industrial property** in the widest sense of the term

### Includes:

Patents

Trademarks

Industrial Designs

Utility models

Service Marks

Trade Names

Geographical Indications

And the repression of unfair competition



Next Up



# NAFTA

---



## The North American Free Trade Agreement

---

Signed in **1993** was the first international trade agreement to include *obligations to protect intellectual property rights*

[This Photo](#) by Unknown Author is licensed under [CC BY-NC](#)



# The Three Pronged Approach

①

First

Sets forth *minimum standards*  
for intellectual property

②

Second

Requires *effective enforcement*  
of intellectual property rights at the  
borders of NAFTA signatory  
countries

③

Third

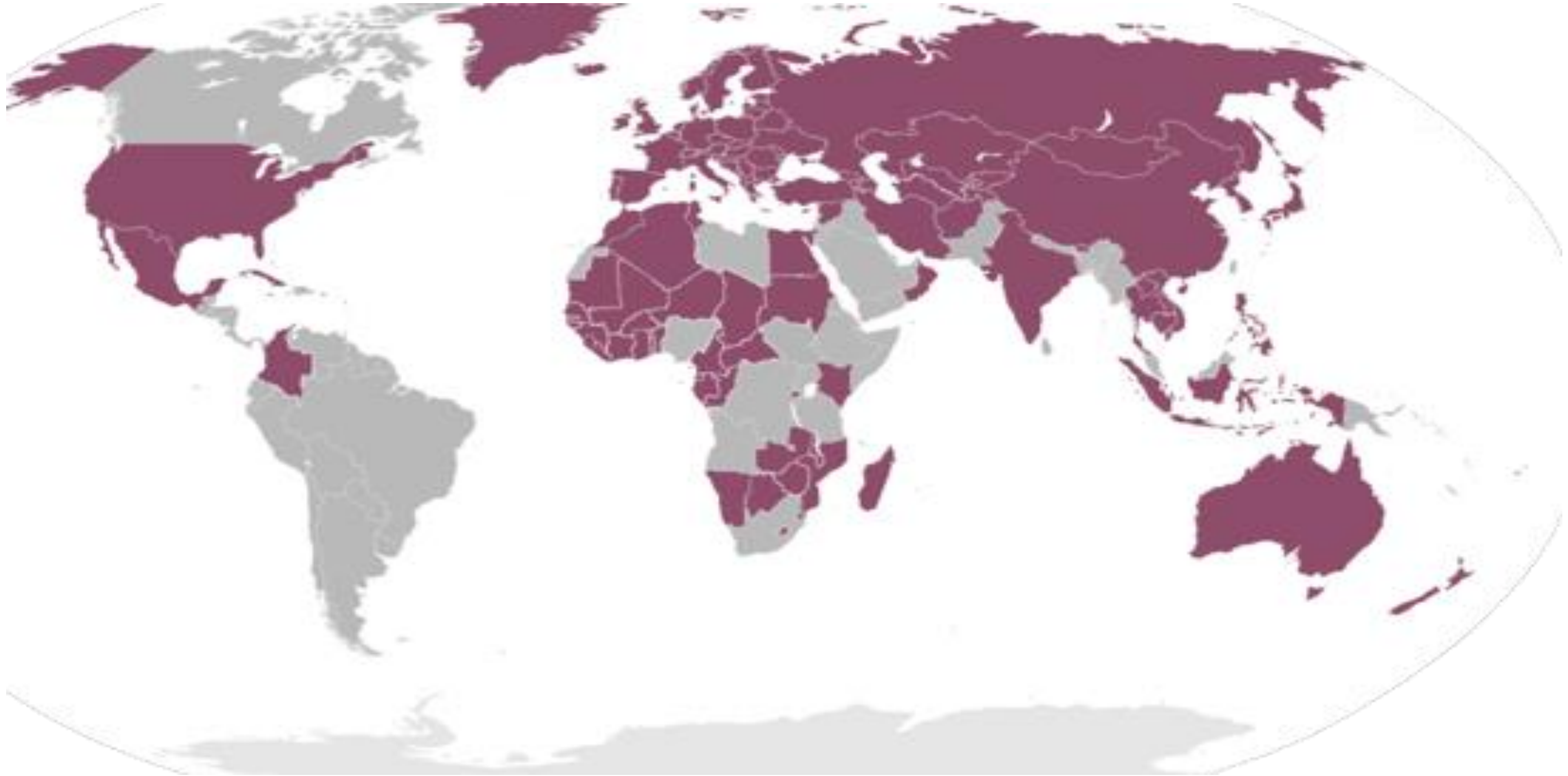
Distributes *resolution procedure*



A close-up photograph of two people in business attire shaking hands. The person on the left is wearing a light-colored shirt, and the person on the right is wearing a dark suit jacket. The background is blurred, showing other people in business clothes.

Beyond involvement with **NAFTA** and the **WTO**, CIPO aims to join forces with even more international trademark treaties to *simplify global IP processes* for Canadian businesses.







# The Madrid Protocol



Originally named the  
*Protocol relating to the  
Madrid Agreement of 1989*

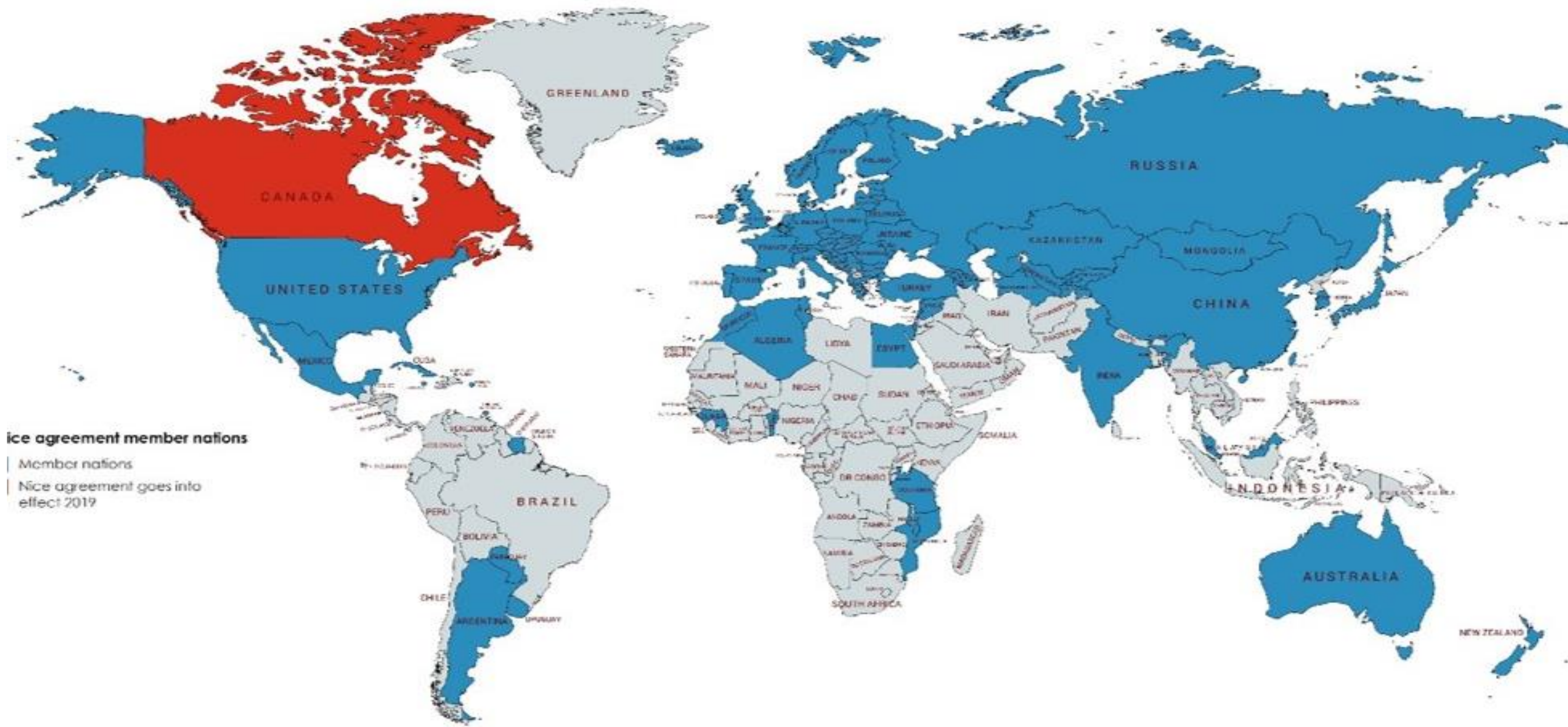
Madrid's system for the international  
registration of trademarks

The Madrid System is a *convenient* and *cost-effective* solution  
for registering and managing trademarks **worldwide**.

Filing a single application

Filing a *single* application and paying one set of fees allows an  
applicant to apply for protection in up to **118 countries**.





ice agreement member nations

- Member nations
- Nice agreement goes into effect 2019



# The Nice Agreement of 1957

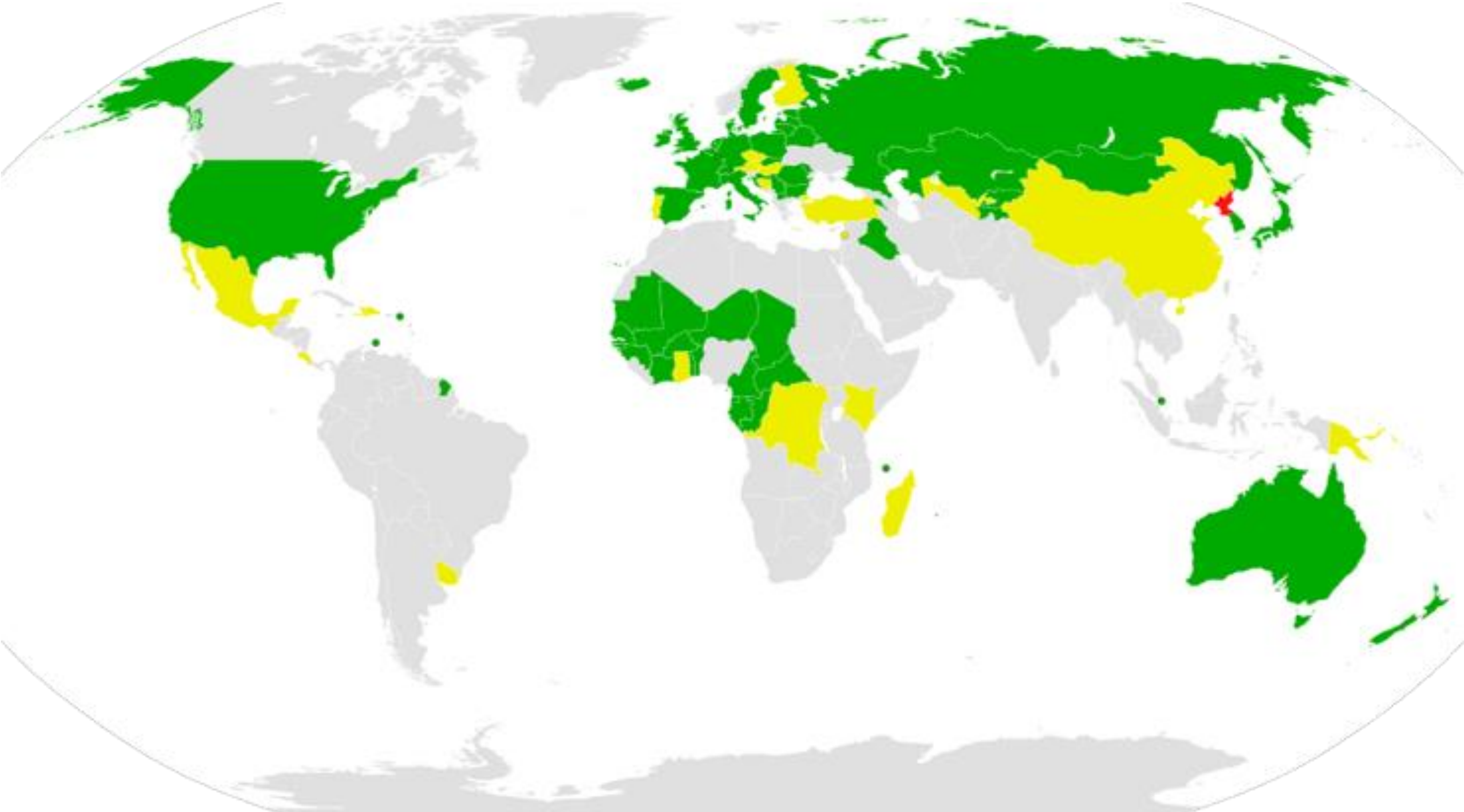
## The Purpose

The Nice Agreement sets forth a classification system of goods and services for the registration of trademarks and service marks

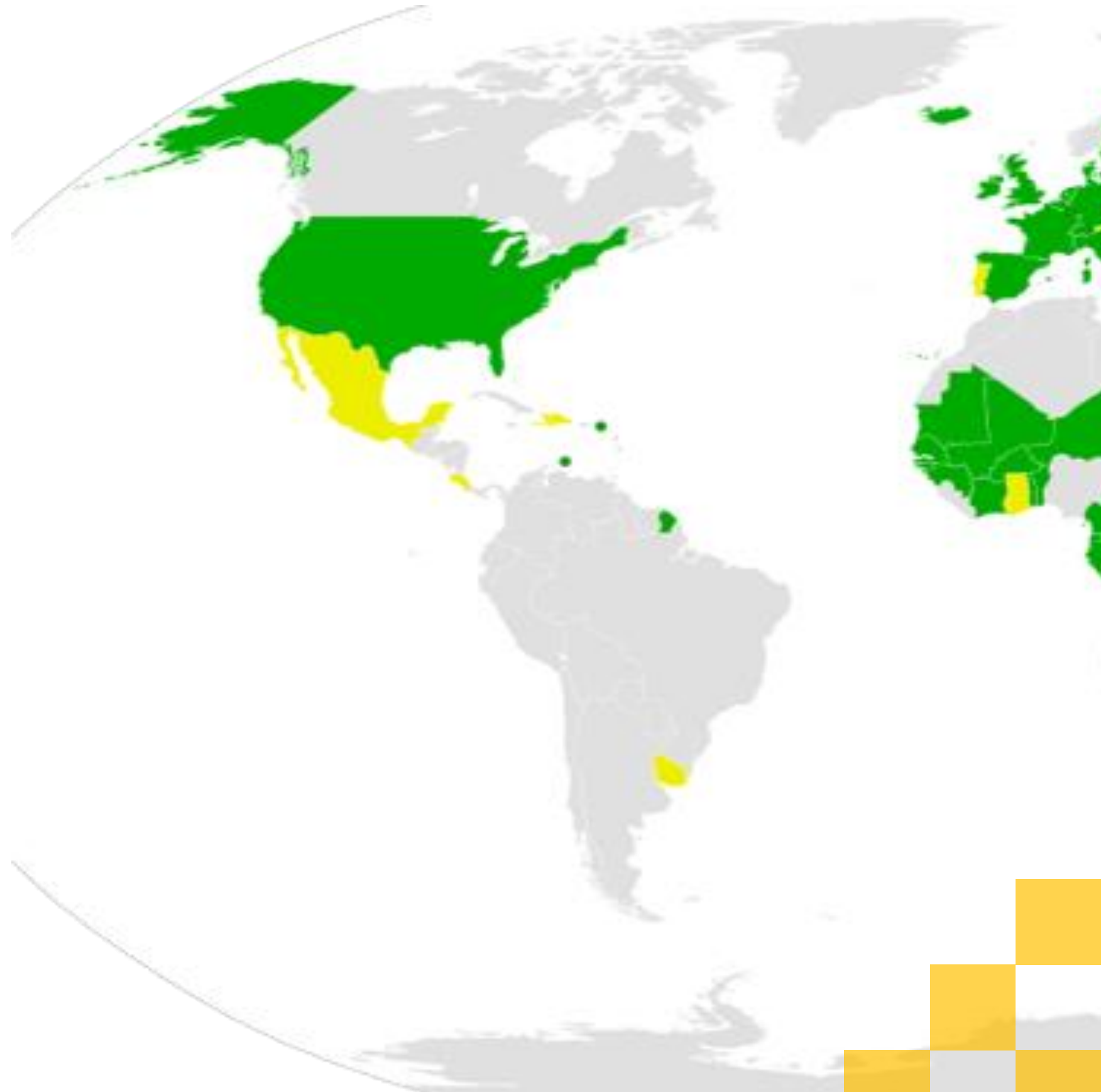
The adoption of the Nice agreement **greatly streamlines** applications for trademarks in foreign jurisdictions of signatory countries.











# Singapore Treaty on the Law of Trademarks

Building on the Trademark Law Treaty of 1994, the Singapore Treaty on the Law of Trademarks seeks to ***establish a modern international framework*** related to the administrative trademark registration process.

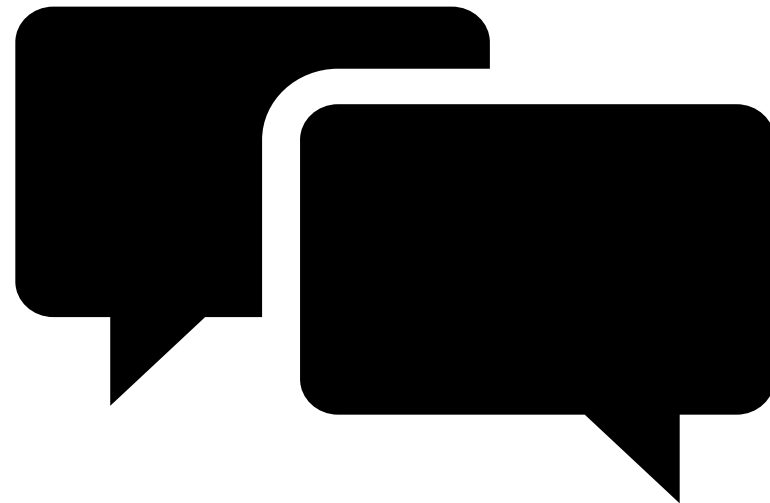




CIPO's proposed amendments mean good things for businesses – both ***domestic*** and ***international***



# 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

Roadmap to Canadian Trademarks