

## **TRADE MARKS GENERAL INFORMATION**

A trade mark is a word or a group of words, possibly combined with a particular styling of this word or group of words, used to distinguish wares or services on the market. It is possible to prevent others from commercially using a trade mark, in association with particular wares or services, by registering this trade mark before the government of a country. Examples of publicly known registered trade marks are *McDonalds* and *Coca-Cola*.

It is necessary to register the trade mark in each country in which such a protection is desired, and the decision whether a trade mark will be registered or not will be taken by the trade marks offices of the countries in which a trade mark application is filed.

Our role is to act on your behalf before the governments of the countries in which you wish to protect your trade mark to attempt registering your trade mark therein.

### **STEPS TOWARDS REGISTERING A TRADE MARK**

#### **1) Registrability search**

The first step which we highly recommend is to accomplish a registrability search for the trade mark, to confirm that this trade mark is not already in use in the countries in which an application will be filed.

#### **2) Filing a trade mark application**

If the search is favourable, i.e. if the other trade marks that were found do not seem to be opposable to your trade mark, then we can prepare and file a trade mark application.

### **3) Trade mark application examination**

The next step is the standard examination procedures of the Canadian trade mark office. It may happen that the application be required to be modified during this step, depending on the trade mark office requirements.

An acceptable application will be published in the Canadian Trade Marks Journal. During this period, it is possible for third parties to file an opposition to the registration of the trade mark if valid reasons are submitted (e.g. if the trade mark is already in use by another firm).

### **4) Registration of the trade mark**

Finally, the trade mark office may grant the registration to the applicant.

The trade mark registration is valid for a 15 year period, and can be renewed indefinitely thereafter as long as renewal taxes are paid every 15 years to the Canadian trade mark office. We remind our clients of these deadlines, though without any obligation on our part. For the registration to remain valid, it is also compulsory that the trade mark remain in use on the market; the trade mark office can at any time, out of its own decision or under a third party demand, require that the owner of a registered trade mark submit evidence that the trade mark has been in use in Canada before the request.

It is also possible to register a trade mark in other countries, with varying formalities. It would be advisable to discuss this matter with us, to determine the best course of action to undertake, e.g. a group or regional filing.

We remain available for any complementary information that you may require concerning trade marks, at your convenience.