



ADVANTAGES OF REGISTERING A TRADE-MARK

A trade-mark is a word, expression, logo or combination of these elements that is used to distinguish your wares or services from those of another company. A trade-mark is recognized as such once it is used as a trade-mark according to the Trade-Mark Law. Use of a trade-mark occurs when the mark is either applied to the wares or their packaging or otherwise clearly associated to the wares when they are sold and transferred to a buyer; or when the mark is displayed in the performance or advertising of services.

Some protection automatically arises when a trade-mark is used. However, this protection has limited value in many aspects, among which its enforcement being geographically limited to the specific regions where the mark has actually been used in Canada.

For any mark that has a significant commercial value to its owner, be that for example a company name, a product name or a slogan, trade-mark registration is strongly recommended. Trade-mark registration provides its owner with exclusive rights on the trade-mark allowing him to prevent others from using a confusing trade-mark. In the case where a registered trade-mark has been used before the registration was applied for, the trade-mark protection will have some retroactive effect back to the date of first use.

Although a trade-mark registration owner may take legal action against trade-mark infringers before the Courts to obtain injunctions issued against them and/or compensation for damages suffered at the hands of the infringers who are using a confusing mark, it is more frequent that a trade-mark registration will offer other advantages to the registration owner that rely directly or indirectly on the power to bring infringers before the Courts, among which:

- Prevent use of a similar mark by competitors to avoid that they piggy-back on the notoriety of the mark.
- Help to develop notoriety around the goods and services based on association to the trade-mark.
- Enable to charge premium prices on the trade-marked products and services.
- Publicise the registered trade-mark owner as a market leader.
- Facilitate the conclusion of licensing and other commercial agreements: as an asset, the trade-mark can be bought, sold, licensed or mortgaged.
- Make it easier to affirm and protect right to use the trade-mark.
- Increase the value of the trade-mark.
- Protects the trade-mark in the entire country(ies) where registration is obtained.
- Comforts owner of registration that the trade-mark is unique to him.

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