



\$600

s. 16(2)

3 years

6 months

A little registration can avoid a lot of litigation.

- Canada is a large market just next door.
- It is inexpensive to apply for a Canadian trademark.
- It is very expensive to re-brand or acquire trademark rights if someone else has acquired prior rights in your trademark in Canada.

\$600: The initial cost to **file** a Canadian trademark application, inclusive of our fees and all government fees. As there are no classes in Canadian trademark practice the government fee never varies no matter how many goods or services are included in the application. The total cost, inclusive of government fees, from start to finish, is often under \$1800.

s. 16(2) of the Trade-Marks Act: **Registration and use** of a trademark in the country of origin of the applicant (eg. the USA) is an independent basis for registration of the same mark in Canada. No need to have use in Canada prior to registration.

Three+ years from filing date: The minimum time frame to **confirm use** in an application based on 'intent to use' in Canada.

Six months: The deadline for claiming **priority** in Canada from a trademark application in the United States.

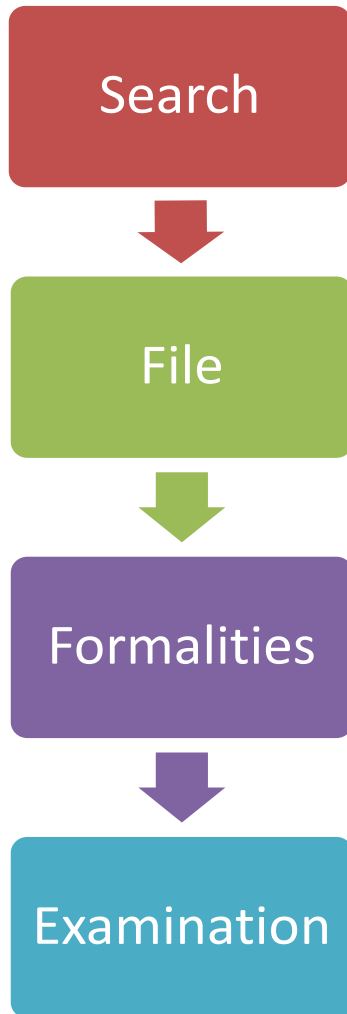
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The Canadian Trademark Registration Process



We strongly recommend conducting a pre-filing search, at a cost ranging from \$175 for a knock-out search, to \$595 for a review of the register, to \$1200 for a full common law search. We would be pleased to discuss the choices and make a recommendation for your situation.

Trademark applications may be filed based on use in Canada or intent-to-use. Use and registration abroad is also a permitted filing basis. You must provide a full description of the wares and services to be used in association with the trademark. There are no class-based filings in Canada. This is the 'make or break' step in filing – a well drafted-application will save time, grief and cost. Cost: \$600 CDN inclusive of our fees and government fees.

The application is reviewed for completeness and assigned an Application Number and filing date, entered into the trademark register and given the status of "Formalized". A proof-sheet of the particulars of the application is sent to the applicant to be reviewed for accuracy. This step is usually completed several days after the application is submitted, if filed electronically.

The application is reviewed by an Examiner for registrability and whether the application contains adequate information. The Examiner's Report, if any, is usually received approximately 7 months after the application is filed. The applicant must submit a Response within 6 months of receipt of the Examiner's Report, or the application will be deemed abandoned. Our fees for reporting and responding to an Examiner's Report start at \$375.

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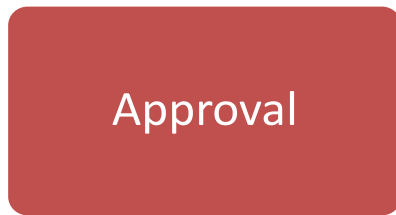
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If the Applicant has overcome all of the Examiner's objections, the Examiner will approve the Application for publication. At this time, the Applicant has an opportunity to make any necessary corrections to the wares and services (and in some cases the application filing basis) that will not be permitted after publication. Cost for reporting approval: \$175

If the trademark application is approved by the Examiner, approximately 5 weeks later it will be published in one edition of the Trademarks Journal for opposition purposes. Anyone may oppose a trademark application within 2 months of the publication date. For more information see our flowchart of Opposition Proceedings in Canada.

If the trademark application is not opposed (or the opposition is resolved in a manner that permits the application to proceed) the application will be allowed for registration. If the application was filed on the basis of 'intent to use' the applicant must also submit a Declaration of Use stating that the trademark is now in use in Canada. Our fees for preparing: \$200.

The registration certificate will issue several days after the Trademarks Office receives the registration fee (\$200) (and Declaration of Use, if applicable). Cost to pay the registration fees, forward certificate, maintain renewal deadlines and advise on maintenance: \$450. The total process can take 12-18 months to complete for an application that is relatively trouble-free. The total cost, assuming no opposition, will be approximately \$1225-\$2100.

Approximate costs for filing and prosecuting an application:

	Our fee	Official fee
Filing the application	\$350.00*	\$250.00
Reporting an Examiner's Report	\$175.00	--
Responding to an Examiner's Report	\$200.00+	--
Notice of Approval and preparation of Declaration of Use	\$375.00	--
Notice of Allowance and payment of registration fee	\$250.00	\$200.00
Total	\$1350	\$450
Renewing a registration	\$350.00*	\$350.00

All amounts in CDN dollars *Volume discounts available

What is registrable?

- Logo/device/design marks
- Words, slogans, symbols
- Names with acquired distinctiveness
- Characters, letters, numbers
- Distinguishing guises/shape of goods or packaging
- 2-dimensional marks, 3-dimensional marks
- Certification marks. Service marks.

Registrability requirements:

- Trademark must be capable of distinguishing the products or services of the owner from the products or services of others;
- Descriptive marks and marks that are confusing with prior marks of record are not registrable.

Convention priority

- Claimed with no additional cost.
- A copy of the Priority document is not required.

Information and documentation required for filing:

- Name and address of the Applicant;
- The trademark or a drawing if it has design elements;
- Specification of the wares [products] and/or services;
- Status of use of the trademark in Canada including date of first use if applicable;
- [optional] particulars of any foreign applications or registrations and status of use of the same trademark in any country.

How long is the application process?

A relatively trouble free application will advance through examination, approval and be allowed for registration within 14-18 months of the filing date. Dec of Use must be filed prior to registration; filing can be deferred up to 3 years after allowance (in 6 month intervals).

Registration term and subsequent renewal:

15 years; renewable for further 15 year periods.

Registration maintenance:

- Registrations become vulnerable to cancellation after 3 years of non-use.
- Evidence of use is not required at time of renewal

Only in Canada:

- Specification of wares and services in ordinary commercial terms - no International Classes, and thus no fees for adding more 'classes' of wares/services to the application
- A Priority claim must be based on the first filing in Applicant's country of origin.
- Use in Canada is required prior to registration or use and registration of the same mark abroad.

Clearance searches:

	Cost
Identical screening search:	\$175.00
Search of the Register with filing recommendation:	\$595.00
Full availability search (Register and common-law):	\$1200.00