

The Canadian Trademark Registration Process

Search

We strongly recommend conducting a pre-filing search, at a cost ranging from \$700 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.

File

Trademark applications may be filed in Canada without first commencing sales of the products/services. You must provide a full description of the products and services to be used in association with the trademark. This is the 'make or break' step in filing – a well drafted-application will save time, grief and cost. Cost: \$950 CDN inclusive of our fees and government fees for **one** class of products/services.

Formalities

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.

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The application is reviewed by an Examiner for registrability and content. The Examiner's Report, if any, is usually received approximately 18 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 \$375CAD.

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 goods and services that will not be permitted after publication.

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 registered and the certificate of registration will issue. The total process can take 24-28 months to complete for an application that is relatively trouble-free.