

Significant and swift upcoming changes in the Canadian Trade-Mark landscape

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Following a commitment made in its Economic Action Plan 2014, the Canadian government tabled on March 28, 2014, amendments to the *Trademarks Act* in the *Budget Implementation Act* (BIA) that will allow Canada to accede to three trademark treaties: Madrid Protocol, Singapore Treaty and Nice Agreement. The Government of Canada confirmed its intention to have Canada join these international trademark agreements in its 2014 Economic Action Plan. The BIA received royal assent on June 19, 2014. According to the Canadian Intellectual Property Office ("CIPO"), the legislative amendments should come into force at the end of 2015 or early 2016.

Updating the *Trade-marks Regulations* therefore became necessary in view of the recent amendments to the Canadian *Trade-Marks Act* contained in Division 25 of the BIA also known as Bill C-31. On October 2, CIPO therefore published [significant draft amendments](#) to the *Trade-marks Regulations*. CIPO will welcome feedback on the proposed amendments from October 1 to November 30, 2014.

Ratification of the three above-mentioned treaties will, according to the Canadian Government, "provide Canadian businesses with access to a trademark regime that aligns with international best practices, reduces cost and administrative burden, facilitates expansion in foreign markets and also draws foreign investment to Canada". CIPO has committed itself to working with stakeholders to ensure effective implementation of these treaties. On September 16, CIPO accordingly held a technical briefing on the revised changes to the *Trade-marks Act* contained in Bill C-31 and discussed the amendments contained in Bill C-31.

On August 25, 2014, the Canadian Intellectual Property Office (CIPO) joined Europe's Office for Harmonization in the Internal Market (OHIM) database of goods and services, also known as [TMclass](#). TMclass is an online tool that allows an applicant to verify whether a particular term is acceptable in other Participating Offices. As a result, the [Canadian Wares and Services Manual](#) now includes several thousand new entries classified in accordance with the Nice Agreement.

As part of the efforts to enable Canada to accede to the Singapore Treaty, the Madrid Protocol and the Nice Agreement, CIPO is now conducting pre-consultations concerning the amendments to the *Trade-marks Regulations*.

The new draft regulations reflect the requirements of the trade-mark treaties and aim to increase legal certainty, streamline and clarify CIPO's procedures, and align Canada's trade-mark protection regime with international norms.

Accordingly, Part 1 of the draft Regulations relate to issues such as examination, general Provisions, correspondence, advertisement of applications, application requirements or Nice classification. Part 2 relates to the Implementation of the Madrid Protocol. The proposed amendments also include in Part 3 measures relating to the opposition regime and summary cancellation proceedings.

It is the intention of the Registrar that the new regulations will come into force 30 days after the day on which they are registered. Overall, the Canadian Government aims at implementing these changes in a fast pace. As Canada will have its next federal election in November 2015, swift review and approval of the draft regulations which are currently circulated is to be expected.

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