

## **Latest Estimates on Effective Date of Canadian Trademarks Act Amendments**

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In March 2014, the Canadian government introduced major amendments to the Canadian Trademarks Act. These were planned to facilitate the implementation of major treaties such as the Nice Agreement, the Singapore Treaty and the Madrid Protocol.

It was initially believed that the amendments to the Canadian Trademarks Act would be implemented in 2016 or 2017. Now, the Canadian Trademarks Office recently announced that the amendments to the Trademarks Act will not come into force until at least the beginning of 2018.

This will impact the applicants who were waiting for the new Act to be enacted before paying the registration fees. Under the current Act, applicants who file an application on a basis of proposed use need to file a Declaration of Use to obtain their certificate of registration.

The new Act will eliminate the need to file a Declaration of use. This should also apply to applications pending at the time of enactment. Pending applications that have been allowed will be able to proceed directly to registration without having to file a Declaration of Use.

Therefore, an applicant having not yet commenced use of its mark, with a deadline to file a Declaration of Use in 2017, could anticipate requesting consecutive extensions of time until the new law comes into force. The Registrar typically allows up to six extensions of time of six months each.

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