Canada (CA)

Regular TM renewal time

Renewal terms are 10 years. At the time of renewal, it will be necessary to classify the goods and services according to the Nice classification if there are not already classified according to this classification. Registration can be renewed for all or some of the goods/services covered by the registration certificate.

The registration can only be renewed within the prescribed period which starts six months before and ends six months after the expiration of the registration term. At any time after the registration of a mark, a registered owner can request to the registrar to amend the statement of the goods or services in respect of which the trademark is registered so long as the scope of the statement of goods or services is not broadened.

Formal requirements for renewal

A fee per class is required. The first class is CAD 555 and CAD 173 for each additional class. There is no requirement to file an Affidavit of Use or evidence of use.

Publication of renewals

No, but the Registrar issues a certificate of renewal.

Grace period for renewals

If the trademark has not been renewed by the initial deadline, the Registrar issues the renewal notice, which is sent to the owner and to his agent if any. This renewal notice provides a grace period of 6 months calculated from the initial renewal deadline (non-extendable) and indicates the final deadline for renewing the mark.

Extensions of time due to force majeure for renewal could be granted for a maximum of seven days. An applicant may apply for an extension of time due to force majeure to renew a registration under section 46 after the time limit has passed. The applicant must pay the prescribed fee, as well as explain the reason(s) why it could not do the act within the prescribed period. Evidence that the event has occurred is not required so long as the event was clearly described in the request. If the Registrar grants the extension of time, the period may only be extended by a maximum of seven days.

Additional fees during grace period

There is no additional renewal fee required for renewal during the grace period.

Proceeding after expiry of grace period

If a trademark is not renewed before the deadline, the registration will be expunged.

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Notification of owner/agent of pending cancellation due to non-payment

If the registered owner pays at least the base renewal fee, the Office will renew the registration and then issue a notice which requires the registered owner to group all the goods or services according to the classes of the Nice Classification system. If the base fee is not paid, the renewal will not be processed. If the registered owner provides the goods or services grouped according to the classes of the Nice Classification system, the Office will issue an adjusted renewal fee notice if an additional fee must be paid.
If the registered owner does not provide the Nice classification, the Office will issue a further notice giving the owner two additional months to provide the statement of goods or services grouped according to the classes of the Nice classification. If the Nice information is provided following the 2-month notice, the Office will issue an adjusted renewal fee notice if an additional fee must be paid. The registration will be expunged if the registered owner has not provided the statement of goods or services grouped according to the Nice classification two months after the receipt of the further notice or if any adjusted renewal fee is not paid.

Restoration of lapsed TM

Once a trademark has been expunged, it can no longer be reinstated.

Possibility of reregistration by 3rd parties after lapse

Anybody can seek trademark protection for an abandoned mark. However, the trademark may still be in uses and the owner could still adduce prior user's rights.

Additional Information

Extensions of time due to force majeure for renewal could be granted for a maximum of seven days.

An applicant may apply for an extension of time due to force majeure to renew a registration under section 46, after the time limit has passed. The applicant must pay the prescribed fee, as well as explain the reason(s) why it could not do the act within the prescribed period. Evidence that the event has occurred is not required so long as the event was clearly described in the request.

If the Registrar grants the extension of time, the period may only be extended by a maximum of seven days. Examples of force majeure events include, but are not limited to: ice storms, fires, explosions, earthquakes, droughts, tidal waves, floods; wars, hostilities (whether or not war declared), invasions, acts of foreign enemies, mobilisations, embargos; rebellions, revolutions, insurrections, or civil wars; contamination by radio-activity from any nuclear fuel, or from any nuclear waste from the combustion of nuclear fuel, radio-active toxic explosive, or other hazardous properties of any explosive nuclear assembly; riots, commotions, strikes, go slows, lock outs or disorder (unless solely restricted to employees of the party); virus/bacterial epidemic outbreaks; acts or threats of terrorism.

Latest update

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