

TRADE-MARK APPLICATIONS IN CANADA

A trade-mark registration provides protection for a period of 15 years. The registration can be renewed for successive terms of 15 years upon payment of the applicable renewal fee.

It is best to base an application on use in Canada whenever possible. In the absence of use in Canada, the application can be based on proposed use. If available, an alternate (or additional) basis of use and registration (or application for registration) in the home country may be included. If the Canadian application is filed within six months of the home application a claim to convention priority can be made. A certified copy of the priority application is NOT required.

We can prepare, execute as agent, and file the application papers without further formality, so it is best that you provide us with all the relevant facts so that we can proceed efficiently.

INFORMATION REQUIRED

(a) full identification of the applicant including its exact true corporate name, its jurisdiction of incorporation, and its full post office address (including street address);

(b) identification of the trade-mark: (i) if the mark is a foreign word a translation must be provided; (ii) if the mark includes foreign characters a translation and transliteration must be provided; (iii) if the mark includes a design feature a sharp black and white print of the mark or an electronic copy will be required. As the design may refer to colour, please advise if colour is to claimed as a feature of the mark.

(c) a list of the specific wares and/or services in ordinary commercial terms; Canada does not use the international classification system, so all goods and services for which there is a basis may be included in a single application without extra charge;

(d) advice as to whether the mark has been used in Canada and if so the date of first use; if the mark has been used in Canada by someone other than the present owner, please identify all such predecessors in title who may have used the mark, back to the date of first use;

(e) advice as to whether any or all of the wares and/or services should be included on a proposed use basis;

(f) advice as to whether there has been any use in Canada by licensees, or if any such licensed use is anticipated in the foreseeable future;

(g) advice as to whether there has been use of the mark in other countries and particulars of any corresponding registration or pending application for the trade-mark in the home country; for applications based on use and registration in the home country there is a requirement to provide a certified copy of such home registration and to pay an associated fee of \$50.00.

COSTS

The current government fee for filing a trade-mark application is \$250.00 and our service charge for preparing and filing the application is \$700.00, for a total of \$950.00. These fees are, of course, subject to change. Once an application is allowed, it is necessary to pay a registration fee of \$200.00, with our service charges being \$250.00. If the application was filed on the basis of proposed use it is also necessary to submit a declaration of use which adds \$200.00 in service charges. If use has not commenced within three years from the filing date it should be possible to obtain an extension for the filing of the declaration of use.

The government fee for renewal of a trade-mark registration is \$350.00 and our charge for paying the renewal fee is \$350.00 for a total of \$700.00. All fees mentioned herein are in Canadian dollars and are based on electronic filing procedures. If paper submissions are required, there are increased charges both in government fees and our service charges.

If you have any questions on the Canadian situation please let us know.

MACRAE & Co.

222 Somerset Street West
Suite 600
Ottawa, Ontario
K2P 2G3
Canada

Website: www.macrae.ca
Email: mail@macrae.ca
Tel: (613) 234-3559
Fax: (613) 234-3563

Our Mailing Address:

MacRae & Co.
P.O. Box 806
Station "B"
Ottawa, Ontario
K1P 5T4
Canada

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