

Newsletter



Robinson Sheppard Shapiro
Avocats • Lawyers

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Save money! File trademark applications now!

Registering or renewing your trademarks promptly could save you a bundle: recent amendments to the trademark legislation will make things more costly when they come into force.

On March 28, 2014, the Government of Canada passed into law Bill C-31, which included significant amendments to the *Trade-marks Act* that were designed to put Canada in a position to adhere to major international trademark treaties.

Amongst the significant changes was the adoption of the Nice Classification of goods and services set out in the Nice Agreement. When the new law comes into force, all of the goods and services which an Applicant wants to cover will have to fall into pre-determined classes. It is likely that the Trade-marks Office will charge a separate filing fee per class, as is done by the United States Patent and Trademark Office.

At the moment, the Government filing fee for an application regardless of the number of classes remains the same (Can\$250). Accordingly, there will be significant cost savings for multiclass applications filed before the new

amendments come into force, which may not occur until 2017.

Another change is the term of a trademark registration which will be reduced from 15 years to 10 years. Under current practice, it is possible to renew registrations as far in advance of the renewal deadline as the Registrant chooses.

Under the new provisions, Registrants will only be able to renew their registrations within a prescribed 12-month period, namely 6 months prior to the renewal deadline and 6 months after the renewal deadline.

The Trade-marks Office has indicated that for those registrations with a renewal deadline that falls on a date *before* the amendments come into force, it will continue to grant renewals with a term of 15 years. For these registrations with a renewal deadline that falls on a



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date *after* the amendments come into force, the renewal will be granted only for a term of 10 years. As such for these registrations with expiry dates falling in 2016, Registrants should consider renewing their registrations at this time in order to take advantage of another 15-year term. The online renewal fee remains at Can\$350.

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