

## **TRADE-MARK APPLICATION PROCESS IN CANADA**

### **Step #1: PRELIMINARY TRADE-MARK SEARCH RECOMMENDED**

We strongly recommend that an in-depth trade-mark search be conducted prior to the filing of a trade-mark application to research whether the trade-mark is available and registrable. We will provide a written opinion and advice in the event that concerns arise due to the search results.

A trade-mark search and written opinion generally will take five (5) business days to complete.  
A trade-mark application generally is prepared and filed within one (1) to two (2) days.

### **Step #2: FILING OF TRADE-MARK APPLICATION / FILING NOTICE**

If the application is filed on-line, the Trade-mark Office generally will issue a Filing Notice within one (1) day which acknowledges receipt of the application and assigns an application number. If it is necessary to file the application by hand, a Filing Notice generally will issue within one (1) month.

Examination generally will occur within six (6) to eight (8) months following the filing of a new trade-mark application.

### **Step #3: EXAMINER'S REPORT / OFFICE ACTION**

If there are no requirements for the amendment of the application or objections to the registration of the trade-mark, the Trade-mark Office will approve the application for advertisement in the Trade-marks Journal and an Approval Notice will issue. However, if there are requirements and/or objections, the Trade-mark Office will issue an Examiner's Report / Office Action which will provide a period of time within which to respond. If the response is accepted, the application will be approved for advertisement in the Trade-marks Journal.

In the case of minor requirements, approval generally will occur within two (2) months following examination. However, if written argument is submitted, it may take several months to receive further communication.

### **Step #4: APPROVAL NOTICE**

If the Trade-mark Office considers the trade-mark to be registrable and accepts the contents of the application as being sufficient, it will issue an Approval Notice advising that the application has been scheduled to be advertised in the Trade-marks Journal.

Advertisement generally will occur within one (1) to two (2) months following the issuance of an Approval Notice.

### **Step #5: ADVERTISEMENT IN THE TRADE-MARKS JOURNAL**

The details of the application will be advertised in the Canadian Trade-marks Journal which is published on a weekly basis by the Trade-mark Office. Any third party may initiate opposition proceedings within two (2) months following advertisement if they believe that their rights may be affected by the registration of the trade-mark. If no opposition is lodged, the Trade-mark Office will allow the application for registration and a Notice of Allowance will issue.

Allowance generally will occur within three (3) to four (4) months following the advertisement of the trade-mark.

### **Step #6: NOTICE OF ALLOWANCE**

**USE:** If the applicant has used the trade-mark in Canada in association with all of the products and services at the time the application was filed, the Notice of Allowance will set out a six (6) month deadline to pay the government registration fee (the deadline is non-extendable).

**PROPOSED USE:** If the applicant has not used the trade-mark in Canada in association with all of the products and services at the time the application was filed, the Notice of Allowance will provide the applicant with a period of time to put the trade-mark to use. The deadline is extendable if necessary. Once the mark has been put to use, a signed Declaration of Use must be filed with the Trade-mark Office.

Registration generally will occur within one (1) to two (2) months following the payment of the government registration fee (and the filing a Declaration of Use if applicable).

### **Step #7: CERTIFICATE OF REGISTRATION**

Once the government registration fee is paid (and if applicable, a Declaration of Use is submitted), the Trade-mark Office will issue a Certificate of Registration certifying that the trade-mark has been registered. The trade-mark will be registered for a period of fifteen (15) years. At the end of this period, the mark can be renewed. A trade-mark may be renewed every fifteen (15) years without limitation.