

Leaflet Trademarks in Canada

Duration

The duration of registration of a trademark registered before 17 June 2019 in Canada is 15 years from the date of registration. The duration of registration of a trademark registered on or after 17 June 2019 in Canada is 10 years from the date of registration. A registered trademark which is due for renewal after 17 June 2019 is indefinitely renewable for further 10-year periods

Compulsory use

At any time after 3 years from the date of registration, upon the request of a third party, the Registrar may require that the trademark owner provides evidence that the trademark is in use in Canada. If the trademark owner is unable to provide evidence showing use of its trademark in Canada or is unable to provide satisfactory reasons as to why the trademark was not in use, the registration will be expunged from the Register.

Marking

Generally, marking like 'Registered Trademark' or '®' is optional. However, taking into account the compulsory use requirements in Canada, such marking is recommended. For the Province of Quebec (additional) marking with 'Marque Déposée' is recommended. Marking with the symbol 'TM', or for Quebec 'MC' ("Marque de Commerce"), is possible irrespective of whether the trademark is registered; the symbol '®' should be used only if the trademark is registered.