



19 December 2019

(19-8801)

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**Council for Trade-Related Aspects of
Intellectual Property Rights**

Original: English/French

**NOTIFICATION OF LAWS AND REGULATIONS
UNDER ARTICLE 63.2 OF THE TRIPS AGREEMENT**

CANADA: TRADE-MARKS ACT

Notifying Member	CANADA
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Details of the notified legal text

Title	Trade-marks Act
Subject matter	Trademarks
Nature of notification	<input checked="" type="checkbox"/> Main dedicated intellectual property law or regulation <input type="checkbox"/> Other law or regulation
Link to legal text*	https://ip-documents.info/2019/IP/CAN/19_7247_00_e.pdf
Notification status	<input type="checkbox"/> First notification <input type="checkbox"/> Amendment or revision to notified legal text <input checked="" type="checkbox"/> Replacement or consolidation of notified legal text(s)
Previous notification(s) referred to	IP/N/1/CAN/24 , IP/N/1/CAN/C/8 , IP/N/1/CAN/P/15 , IP/N/1/CAN/T/7 ; IP/N/1/CAN/22 , IP/N/1/CAN/T/6

Brief description of the notified legal text

The consolidated version of the Trade-marks Act incorporates amendments made by Bill C-86 to, among other things:

- Add bad faith as a ground of opposition to the registration of a trademark and for the invalidation of a trade-mark registration;
- Prevent the owner of a registered trade-mark from obtaining relief for certain acts during the first three years after the trademark is registered unless the trademark was in use in Canada during that period or special circumstances exist that excuse the absence of use;
- Clarify that certain prohibitions of the Act do not apply with respect to a badge, crest, emblem or mark that was the subject of a public notice of adoption and use as an official mark if the entity that made the request for the public notice is not a public authority or no longer exists; and
- Modernize the conduct of various proceedings before the Registrar of Trade-marks, including by providing the Registrar with additional powers in such proceedings.

Bill C-86 also makes certain housekeeping amendments to provisions of the Trade-marks Act that are enacted by the Economic Action Plan 2014 Act, No. 1 and the Combating Counterfeit Products Act.

Language(s) of notified legal text	English, French
Entry into force	13 December 2018
Other date	

Notification details

Submission date of notification	27 September 2019
Other information	<p>IP/N/1/CAN/T/7 (Bill C-86) amends the Trade-marks Act</p> <p>Bill C-86 (see subsection B of Division 7 of Part 4): https://www.parl.ca/DocumentViewer/en/42-1/bill/C-86/royal-assent</p> <p>Trade-marks Act (as amended): https://laws-lois.justice.gc.ca/eng/acts/t-13/FullText.html</p>
Agency or authority responsible	<p>Innovation, Science and Economic Development Canada Copyright and Trademark Policy Directorate</p> <p>235 Queen Street Ottawa, Ontario K1A 0H5 Canada Telephone: 343-291-3163</p>

* Links are provided to texts of laws and regulations notified under the TRIPS Agreement in the form supplied by the Member concerned; the WTO Secretariat does not endorse or revise their content.