

## Trademarks

### What is a trademark?

A trademark is a unique and also valuable form of intellectual property. It is a combination of letters, words, sounds, or designs that distinguish one business' good or services from those of others in the marketplace.

### Why are trademarks important?

Trademarks are important because over time, a trademark comes to represent not just the actual goods and services you provide, but also your business' reputation and brand. Registering your trademark legally protects it from unauthorized use by others and grants you exclusive rights to use it throughout Canada for 10 years from the date of registration.

### What can be protected by a trademark?

A trademark can protect letters, words, symbols, designs, tastes, textures, moving images, mode of packaging, holograms, sounds, scents, 3D shapes or colours, or a combination of these, used to distinguish your goods and services from others in the marketplace.

### What cannot be registered as a trademark?

Generally, trademarks that cannot be registered include names and surnames; clearly descriptive marks (which describe a characteristic, or the quality, of your goods and services); deceptively misdescriptive marks; places of origin; words in other languages; trademarks that are confusingly similar to registered or pending trademarks; and trademarks that are identical to, or likely to be mistaken for, prohibited marks.

### Where to apply?

In Canada, trademarks can be registered with the Canadian Intellectual Property Office (CIPO). You can submit a trademark registration application online through the CIPO Trademarks e-Filing service. After your application is received, CIPO will conduct searches, verify compliance with the relevant legislation, and publish the application in a Trademarks Journal to allow the public an opportunity to oppose the application. If no one opposes the application or an opposition is decided in favour of the applicant, the trademark will be registered.

### **How long is the trademark protected?**

A trademark registration remains valid for 10 years from the date of registration. After that, it can be renewed every 10 years for an additional fee.

### **5 reasons to register your trademark:**

- It provides proof of ownership to your trademark
- It gives you the exclusive right to use the trademark in Canada for 10 years
- It discourages others from using your trademark without permission
- It gives you more enforcement options
- It protects the value of your trademark

### **What if my trademark has been infringed?**

If you believe someone is using your trademark without your permission or is using a confusingly similar trademark, they may be committing trademark infringement. An unauthorized user can face lawsuits from the trademark owner, and certain unauthorized activities may also result in fines and even imprisonment. Since enforcement is the responsibility of the trademark owner, it is important to monitor the marketplace for any unauthorized use or imitation of your trademark.