

INTELLECTUAL PROPERTY

TRADE-MARKS IN CANADA: PROCEDURES & ESTIMATED COSTS

by Paul Bain

Using an unregistered mark, confers only limited rights and protections on the user/owner. Registration provides enhanced rights and advantages, including:

- Proof of ownership
- Exclusive use across Canada for up to 15 years (subject to renewals)
- The right to sue others for infringement and claim additional damages
- The right to claim priority and to apply for registration in the U.S., and many other countries, for up to 6 months.

The cost and procedures related to applications for trade-mark registration in Canada are set out below.

1. Searches

Prior to investing time and money in developing a new brand or trade-mark, and before using a mark in business or making application to register, it is prudent to undertake searches and to have the searches reviewed by counsel. There are different levels and types of searches which may be appropriate, depending on the circumstances. Clients may also request a written opinion.

| | Fees | Disbursements ¹ (Search Company Fees) |
|--|--------------------------------|---|
| Full Availability (comprehensive search) | \$500 – 1,000 ² | \$485 |
| Registry (check of Trade-mark registry) | \$400 | \$210 |
| Design (for a logo) | \$500 | \$225 |
| Combined Design/ Word | \$500 - \$1,000 ² | \$585 |
| Combined U.S./ Canadian | \$1,000 - \$1,500 ² | \$1,100 |

¹ one day turnaround

² for search and legal opinion

2. Applications

The following approximate fees apply for a single, straightforward trade-mark application in Canada. In the event of unanticipated

complications, additional fees would be payable, based on the amount of time required to deal with the issues.

| | Fees | Disbursements (Government fees) |
|--|---------------------------|------------------------------------|
| Initial consultation / basic pre-screening | \$500 - \$1,000 | |
| Preparing / Filing Trade-Mark Application | \$1,000 - \$1,500 | \$250 |
| Responding to Trade-Marks office / prosecuting Application to conclusion | \$500 / per office action | |
| Registration and obtain Certificate | \$250 | \$200 |

Please note that the process of obtaining registration can be relatively slow, normally between 15-20 months from application to final registration in Canada.

FOR MORE INFORMATION CONTACT:



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