

The Canadian Trademark Registration Process

Search

We strongly recommend conducting a pre-filing search, at a cost ranging from \$175 for a knock-out search, to \$595 for a review of the register, to \$1200 for a full common law search. We would be pleased to discuss the choices and make a recommendation for your situation.

File

The trademark application is filed based on use in Canada or intent-to-use. You must provide a full description of the wares and services to be used in association with the trademark. There are no class-based filings in Canada. This is the 'make or break' step in filing – a well drafted-application will save time, grief and cost. Cost: \$750 CDN inclusive of our fees and government fees.

Formalities

The application is reviewed for completeness and assigned an application Serial Number and filing date, entered into the trademark register and given the status of "Formalized". A proof-sheet of the particulars of the application is sent to the applicant to be reviewed for accuracy. This step is usually completed several days after the application is submitted, if filed electronically.

Examination

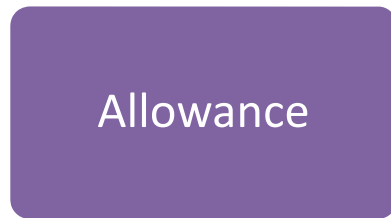
The application is reviewed by an Examiner for registrability and to determine whether the application contains adequate information. The Examiner's Report, if any, is usually received approximately 7 months after the application is filed. The applicant must submit a Response within 4 months of receipt of the Examiner's Report, or the application will be deemed abandoned. Our fees for reporting and responding to an Examiner's Report start at \$375.



If the applicant has overcome all of the Examiner's objections, the Examiner will approve the application for publication. At this time, the applicant has an opportunity to make any necessary corrections to the wares and services (and in some cases the application filing basis) that will not be permitted after publication.



If the trademark application is approved by the Examiner, approximately 5 weeks later it will be published in the Trademarks Journal for opposition purposes. Anyone may oppose a trademark application within 2 months of the publication date. For more information see our Flowchart of Opposition Proceedings in Canada.



If the trademark application is not opposed, the application will be allowed for registration. If the application was filed on the basis of intent-to-use the applicant must also submit a Declaration of Use stating that the trademark is now in use in Canada. Our fees for preparing: \$200.



The registration certificate will issue several days after the Trademarks Office receives the registration fee (\$200) and Declaration of Use, if applicable. Cost to pay the registration fee, forward certificate, maintain renewal deadlines and advise on maintenance: \$550.

The total process can take 12-18 months to complete for an application that is relatively trouble-free. The total cost, assuming no opposition or contentious issues (eg. confusion), will be approximately \$2000 (or \$1750 under our Flat-Fee Program).