

Publisher's Note

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Fox on Canadian Law of Trade-marks and Unfair Competition

Fox on the Canadian Law of Trade-marks and Unfair Competition, 4th edition remains the authoritative text for trademark lawyers and agents in Canada. It provides intellectual property law practitioners with the most comprehensive coverage of trademark issues available today.

This release features the addition of the *Trademarks Regulations*, SOR/2018-227 (October 30, 2018). This release also features updates to the CIPO document *Modernizing Canada's Trademarks Regime — An Overview*, in Appendix III.

Highlights

- **Trademarks Regulations SOR/2018-227** — The Government of Canada is modernizing Canada's intellectual property (IP) regime and joining several international IP treaties. Canada will accede to the Singapore Treaty on the Law of Trademarks, the Protocol Relating to the Madrid Agreement Concerning the International Registration of Marks, and the Nice Agreement Concerning the International Classification of Goods and Services for the Purposes of the Registration of Marks. The Trademarks Regulations will repeal and replace the existing Trade-marks Regulations in order to reflect the requirements of the three treaties, while also including changes to modernize the administration of trademark rights to align with modern business practices and increase clarity and legal certainty for users of the trademark system. These changes will simplify

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certain requirements, reduce administrative burden for users, clarify communication procedures, and align the procedures for the different types of administrative proceedings before the Trademarks Opposition Board. Changes concerning administrative proceedings before the TMOB are being made in order to address inefficiencies, outdated requirements (e.g. prohibitions on electronic filing of certain documents) and areas of misalignment between the different types of proceedings, and to codify existing practices currently governed by practice notices.

- **Modernizing Canada's Trademarks Regime — An Overview** — Canada's accession to the Singapore Treaty, the Madrid Protocol and the Nice Agreement requires significant changes to Canada's trademarks regime. The Trademarks Act was amended in 2014 and the new Trademarks Regulations are now finalized and have been published in the Canada Gazette, Part II. CIPO is also drafting new practice notices and information guides, revising the Trademarks Examination Manual and developing improved e-services for clients. Canada's modernized trademarks legislative framework will come into force on June 17, 2019 and will enable Canada to accede to the Singapore Treaty, the Madrid Protocol, and the Nice Agreement.