

Publisher's Note

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Previous release was 2019 — 2

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Odutola

Odutola on Canadian Trade-mark Practice

This landmark practitioner's treatise provides an insightful analysis of trade-mark law practice and procedure before the Canadian Trade-marks Office and Trade-marks Opposition Board. It remains the most comprehensive text of its kind. The publication is supported by extensive references to case law, statutes, annotated cross-references to the *Trade-marks Act* and *Trade-marks Regulations*, Trade-marks Office and Trade-marks Opposition Board practice notices, and other source materials.

This release features the addition of the *Trademarks Regulations*, SOR/2018-227 (October 30, 2018) including the Regulatory Impact Analysis Statement. This release also features the addition to the appendices of CIPO's Modernizing Canada's Trademarks Regime — An Overview, November 14, 2018; and A Guide to Trademarks, October 9, 2018.

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

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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 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 Changes concerning administrative proceedings before the TMOB are being made in order to address inefficiencies, outdated requirements (e.g. prohibitions on electronic filing of certain documents) and areas of misalignment between the different types of proceedings, and to codify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.