



Official Marks

What is it?

An Official Mark is an unusual type of trade-mark protection reserved for 'public authorities' – those applicants that meet the two-fold test of governmental control and public duty. Government bodies, Crown agencies, public utilities, universities and colleges all qualify as public authorities. Official marks may be words, logos, slogans badges, emblems, crests, arms, flags, or any other form of mark'.

What does it do?

An Official Mark prohibits other parties from using the mark or a 'confusingly similar' mark. Official Marks also act as a bar against future trade-mark registrations that are identical to or confusingly similar to the official mark, notwithstanding that a party might have rights established by pre-existing use.

An Official Mark isn't registered or owned in the way a trade-mark is. It is really a public notice that a public authority is claiming protection of a mark. An Official Mark can be enforced to stop others from using the Official Mark or very similar marks in trade.

Enforcement

If someone else in Canada tries to file a trade-mark application for a mark that is similar to your Official Mark, the Trade-marks Office may 'cite' your Official Mark against that person's application and effectively stop it.

If you become aware of someone using your Official Mark without authority you can get a court order to stop it.

Registration Process

An Official Mark notice is filed with the Trade-mark Office and an advertisement of Official Notice is placed in Canadian Trade-marks. The process takes 2 to 4 months and costs approximately \$1,000.

