



The Trademark registration process

Trade-mark registration involves:

- Searches of trade-mark, corporate and trade directories to assess risks
- Preparation and filing of the trade-mark application;
- Examination of the application by the Trade-marks Office;
- Publication of the application in the Trade-marks Journal;
- 2-month waiting period to allow for opposition (challenges by other parties); and
- 3 to 4-month period to complete the "allowance" and registration processes by the Trade-marks Office including payment of final registration fee and filing of proof of use.
- It takes 14-18 months to obtain a registration, provided there is no opposition by a third party and no significant issues raised by the Trade-marks Office. If an opposition is filed, the process will take much longer.

Compliance with the TM Act

The application must comply with the *Trade-Marks Act*. A trade-mark may be refused for many reasons, such as where a mark:

- is *confusingly similar* to a previously registered trade-mark.
- is either *clearly descriptive* or *deceptively misdescriptive* of the character or quality of the wares or services with which the mark will be used.
- is the name in any language of the wares or services.
- has a wares and services listing does not meet the TMO standards.

Opposition

Opposition is a litigation-like process whereby anyone can challenge your trade-mark application. The process is multi-faceted and can take years to complete. Minimizing the risk of opposition is one of reasons that great care must be taken in the searches and risk assessment at the outset of the process.

