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## Canadian Trademark Application Flowchart

A decision is made to submit the trademark Optional Thomson & Thomson Search Phase: Scope of search includes: active USPTO trademark applications and registrations filed with the USPTO since 1884, and expired, cancelled application to register the trademark. Two or abandoned marks since 1984. Canadian Intellectual Property Office trademark applications and types of trademark applications may be filed: registrations filed with CIPO since 1980. New applications and status changes are filed daily, and (1) a "USE" application for a trademark provide enhanced Opposition Board detail; search for trademarks that may not be registered but currently in use in Canada; or (2) an "intent to may be protected under common law rights, common law databases include Gale, Dun & use" (ITU) if the trademark has not yet been Bradstreet and American Business Information databases; and domain names including the generic used, but there is a good faith intent to do so. top level domains .com, .net, .edu, .info, .org, .gov, .biz. Includes identical and similar Madrid Protocol applications and registrations, which have requested protection in Canada. Based on the results, an opinion is drafted regarding the availability of the trademark for registration (CAD\$3,800 legal fee) Intent to Use (ITU) Application: An application is filed with the CIPO for the trademark that will be use at a future date. The filing of ITU application establishes a filing date that prevents a competitor from subsequently using the same trademark. A specimen of the mark is required. USE Application: An application is filed with the (CAD\$760 legal fee + CAD\$300 government fee). CIPO for the trademark claming a date of first use prior to the application filing date. A specimen of the mark is required. (CAD\$760 legal fee and CAD\$300 government fee) Trademark examiner reviews ITU application after approximately 6 – 8 months. Trademark examiner reviews USE application after approximately 6 - 8 months. Examiner approves Examiner rejects Examiner rejects Examiner approves Examiner rejects Examiner rejects application without application due to application due to application due to application without application due to changes (40% cases) changes (40% cases) minor technical substantive issue minor technical substantive issue issue (40% cases). (20% cases). issue (40% cases). (20% cases). Trademark is Revised application Trademark is Revised application Revised application Revised application published for is prepared and filed is prepared and filed published for is prepared and filed is prepared and filed opposition in the (CAD\$380 legal (CAD\$760 - \$1,520 opposition in the (CAD\$380 legal (CAD\$760 - \$1,520 Trademarks Journal legal fee). Trademarks Journal fee). legal fee). in about 2 months. in about 2 months. An affidavit is filed during 10th year after Applicant must file a Declaration of Use Trademark becomes registration (CAD\$380 legal fee + CAD\$400 (DOU) with specimens within 6 months of registered. Applicant government fee). Afterwards, an affidavit must allowance of ITU application (CAD\$380 legal may now use ® fee). The time period may be extended up to 3 be filed every ten years after the date of designation on years, (CAD\$380 legal fee). registration (CAD\$380 legal fee + CAD\$400 Opposition products. (Legal fee proceedings (2-3%). government fee). CAD\$380 + Litigation at hourly government fee rates. CAD \$200).