

Index

All references are to sections of the text, unless otherwise indicated. The following abbreviations are used in this index: TA Trademarks Act, 1985.

ABANDONMENT

- Applications
 - voluntary, § 6:29 to § 6:38, APP 1A.3, APP 3E.7
 - where incorrect name used, § 7:6
- Assignment, effect on, § 12:3
- Assignment request, of, § 12:9
- Basis of filing, § 6:34
- Deemed
 - failure to respond to action/objection, § 5:10, § 5:21
- Default notice, issuance of, § 5:13, § 5:21, APP 1A.3
- Extension of time and
 - prior to deemed, § 5:13, § 5:21
- Failure to respond to/during opposition proceedings see OPPOSITION PRACTICE
- Security interest request, of, § 12:26
- Trade-mark application, effect of, § 7:52
- Under s. 40(3), § 5:21

ACCESS TO DOCUMENTS

- Generally, § 1:12, § 1:13
- Access by public to files, § 1:13, § 5:3, § 5:5
- Applications for registration, § 1:12, § 1:13, APP 1A.3
- Arguments in proceedings, § 1:13
- Correspondence, § 1:12, § 1:13, APP 1F.1, APP 4A.1
- Extracts from register, § 1:13
- File histories, § 1:13
- Index searches see INDEX
- Photocopying, § 1:13
- Requests for public notice, § 1:13
- Trade-mark files, § 1:13
- Unpublished requests for official marks, § 1:13, § 3:87 to § 3:98

ACQUIRED DISTINCTIVENESS

- Based on use in Canada, § 8:19, § 8:20, § 9:34, § 10:40 to § 10:42

ACQUIRED DISTINCTIVENESS

—Cont'd

- Clearly descriptive marks, § 9:34, § 9:36, § 9:46
- Evidentiary requirements, § 8:21, § 8:26
- Portion of trade-mark, § 8:37, § 8:38, § 9:46

ACTIONS

- See OBJECTIONS

ADDRESS OF APPLICANT

- Amendments re, § 6:9, § 6:42, § 7:8, APP 6A
- Examination requirements
 - generally, § 3:19 to § 3:21, § 7:8
 - applicant domiciled abroad, § 3:31, § 3:33, § 7:8
 - applicant domiciled in Canada, § 3:20
 - mistakes, common, § 3:21
 - representative for service in Canada, § 4:35
- Objections re
 - agent requirement, § 7:8
 - Canadian mailing address, § 7:8
 - overcoming, § 7:8
 - foreign applicant, § 7:8
 - priority claim, § 7:8
 - overcoming, § 7:8

ADVERTISEMENT

- Advertised application and notices, publication of on CIPO website, § 1:16
- Amendments after see AMENDMENTS
- Amendments before see AMENDMENTS
- Approval for advertisement, § 3:1, § 3:2, § 5:22, § 5:24, § 5:28
- Correction following, § 5:28
- Effect of, § 5:24, § 6:29 to § 6:38
- Erratum notice, § 5:31, § 6:32
- In the Trade-marks Journal
 - generally, § 5:7, § 5:28
 - official marks, § 3:87 to § 3:98, § 11:6

ADVERTISEMENT—Cont'd

- In the Trade-marks Journal—Cont'd
 - prohibited marks, § 3:87 to § 3:98, § 11:6, § 11:17, § 11:22
 - translations, § 5:27
- Pre-advertisement search, § 5:4, § 5:7, § 5:28
- Refusal of, § 5:22
- Time to object, § 5:28
- When re-advertisement required, § 5:28
- Withdrawal, § 5:24

AGENT

- Appointment
 - generally, § 4:4 to § 4:10
 - associate agent, § 4:50, § 7:54
 - correspondence requirements, § 4:9
 - foreign applicant, by, § 3:31, § 3:71, § 4:4 to § 4:10
 - nomination in writing, § 4:9
 - online, § 4:50, APP 4A.1
- Associate agent, § 4:50, § 7:54
- Authority to correspond, § 3:20, § 4:4 to § 4:10, § 7:54
- Electronic filing
 - details re, § 4:32 to § 4:50, APP 4A.1
 - form, separate, APP 4A.7
- Eligibility to practice
 - generally, § 4:5
 - fees, annual, § 4:5, § 4:6
 - firms with listed agents, § 4:5
 - foreign agents, § 4:6
 - lawyers, § 4:6
- Fees
 - annual, § 4:5, § 4:6
 - exemptions, § 4:6
 - reinstatement, § 4:8
 - renewals, § 4:6
- List
 - generally, § 4:5 to § 4:8, § 4:21, § 4:30, § 4:31
 - fees for entry, § 4:6 to § 4:8
 - reinstatement on, § 4:8
 - removal from, § 4:7
- Nomination see Appointment
- Objections re, § 7:54
 - overcoming, § 7:54
- Reinstatement, § 4:8
- Removal from list, § 4:7
- Renewal requirements
 - generally, § 4:6, § 4:7

AGENT—Cont'd

- Renewal requirements—Cont'd
 - effect of non-compliance, § 4:7
- Revocation, § 4:9
- Signature, § 3:51

AGRICULTURAL PRODUCT LEGEND

- Generally, § 7:49

AGRICULTURE AND AGRI-FOOD CANADA (AAFC)

- Address, APP 3E.9, APP 3E.10
- Jurisdiction, GI applications
 - examination, § 3:77, § 5:3, § 5:7, § 5:23, APP 3E.9
 - removal from list, § 5:26, § 16:3
- Memorandum of Understanding, § 5:3
- News release, APP 3E.10
- Request for clarification, § 5:9

ALLOWANCE

- See DECLARATION OF USE
- Notice of, § 13:1 to § 13:3
 - amendments to application after issuance of notice, § 13:2
 - revocation of notice, § 13:3

AMENDMENTS

- Generally, § 6:1 to § 6:27, § 6:29 to § 6:38
- Address of applicant, re see ADDRESS OF APPLICANT
- Affidavits, where required
 - basis of application, to amend application/registration and use abroad, § 3:31
 - date of first use/making known, to amend, § 6:16, § 7:39
 - identity of applicant, to amend
 - generally, § 3:31, § 6:5, § 6:16
 - Canadian corporations, § 6:8
 - foreign corporations, legal status, § 6:8
 - improper/erroneous identification, § 6:6
- Annulment of, § 6:3 to § 6:27
- Basis of application, re, post-advertisement
 - actual use to proposed use, § 6:34
 - application/registration and use abroad claim
 - adding, § 6:34

AMENDMENTS—Cont'd

Basis of application, re, post-advertisement—Cont'd
 application/registration and use abroad claim—Cont'd
 changing details of registration, § 6:34
 foreign registration, § 6:34

Basis of application, re, pre-advertisement generally, § 6:17, § 6:18
 actual use to proposed use, § 6:3 to § 6:27, § 7:7
 application/registration and use abroad adding, § 3:31
 changing foreign registration, § 3:31
 specifying country of use, § 7:39
 combined bases, § 6:18
 priority convention claim
 changing to proposed use, § 7:8
 correcting country, § 6:18
 correcting date, § 6:18, § 7:59
 deleting, § 7:59, § 7:62
 proposed use to actual use, § 6:18, § 7:39
 proposed use to making known, § 6:18

Before examination, § 6:3 to § 6:27, APP 4A.2

Cancellation see CANCELLATION

Claims see Basis of application

Clerical errors see CLERICAL ERRORS

Confirming letter, APP 4A.2

Counter statement see OPPOSITION PRACTICE

Date of first use, re
 post-advertisement, § 6:33
 pre-advertisement, § 6:16, § 7:39

Date of making known, re
 post-advertisement, § 6:33
 pre-advertisement, § 6:16

Disclaimers, to add, § 6:23, § 6:37, § 7:35

Documentation requirements, § 6:3 to § 6:27, APP 4A.2

During examination, § 6:3 to § 6:27, APP 4A.2

Fees for
 address/name of owner or representative, § 6:42, APP 6A
 assignment of pending trade-mark, § 6:26, § 6:42
 clerical errors, § 6:6, APP 6A
 during examination, § 6:26

AMENDMENTS—Cont'd

Fees for—Cont'd
 extension of time to file declaration of use, § 6:42
 foreign trade-mark registration, § 6:26
 post-advertisement generally, § 6:42
 practice notice re, APP 6A

Forms see FORMS

Identity of applicant/owner, re see IDENTITY OF APPLICANT

Identity of trade-mark, re
 post-advertisement, § 6:32

Non-temporal, generally, § 6:39 to § 6:41
 errors and clerical errors, § 6:40
 post decision amendments: abandonment, expungement and refusal, § 6:41

Official marks, re, § 6:11, § 6:43

Opposition proceedings, in see OPPOSITION PRACTICE

Post advertisement, generally, § 6:29 to § 6:38

Post-refusal, generally, § 6:24

Post-registration
 Corrections, APP 4A.2
 Fee Review, CIPO—Updated Explanatory Note, APP 6A

Pre-advertisement, generally, § 6:3 to § 6:27

Predecessor-in-title, re
 post-advertisement, § 6:30
 pre-advertisement, § 6:10, § 7:7

Pre-examination, § 6:3 to § 6:27, APP 4A.2

Refusal
 letter of, APP 4A.2

Registry, to see Post-registration

Scope, § 6:1 to § 6:27, § 7:44

Statement of opposition see OPPOSITION PRACTICE

Statement of wares/services, post-advertisement
 generally, § 6:35, § 7:45

Statement of wares/services, pre-advertisement
 generally, § 6:19, § 7:28
 certification marks, § 7:25, § 7:28
 clarification, § 6:20, § 7:28, § 7:44, § 7:63
 class of wares/services, general, § 7:42

AMENDMENTS—Cont'd

- Statement of wares/services, pre-advertisement—Cont'd
 - deletion
 - generally, § 6:21
 - Bank Act objection, to address, § 7:48
 - certification mark application, § 7:25
 - duplication, to eliminate, § 7:41
 - entitlement objection, to overcome, § 7:52, § 7:53
 - extension, improper, to eliminate, § 7:44
 - priority convention claim application, § 7:63
 - protected GI used as generic term, § 7:46
 - registered trade-mark used as generic term, § 7:46
 - restriction/substitution, by, § 6:21, § 7:44
 - extension, § 6:21, § 7:44
 - foreign application or registration, in, § 6:22, § 7:43, § 7:44
 - foreign terms, § 7:35
 - priority claim in country of union, § 7:63
 - protected GI used as generic term, § 7:46
 - registered trade-mark used as generic term, § 7:46
 - restriction, § 6:21, § 7:44
 - substitution, § 6:21
- Trade-mark, re, post-advertisement
 - clerical errors, § 6:32
 - drawings, requiring, § 6:32
 - opposition proceedings, during, § 6:32
- Trade-mark, re, pre-advertisement
 - generally, § 6:12, § 7:11, § 7:20
 - design marks, § 6:14
 - foreign registration, § 6:15
 - word trade-marks
 - generally, § 6:13
 - hyphenated, § 6:13
 - word-and-design trade-marks, § 6:13
- Transfer of ownership, re, § 6:25, § 12:22
- Type of trade-mark, re
 - post-advertisement, § 6:31
 - pre-advertisement, § 6:11

AMENDMENTS TO REGISTRAR

- Post registration, § 14:8 to § 14:14
 - amendments by registrar, § 14:9
 - application for amendment other than to extend statement of goods/services, § 14:10, APP 14A.3
 - amendment of statement of goods/services, § 14:10
 - amendment to identity of registered owner, § 14:10
 - certification mark, § 14:10
 - disclaimer, § 14:10
 - formalities of application, § 14:10
 - merger of divided application, § 14:10
 - voluntary cancellation, § 14:10, APP 14A.3
- application for amendment to extend statement of goods/services, § 14:11
- correction of obvious error, § 14:13
- grouping of goods/services (Nice Classification), § 14:12
- removal of registration, § 14:14

APPEAL

- Appealable matter
 - registration refused, § 5:20
- Federal Court, § 5:20
- Time period for, § 5:20

APPLICANT

- Address see ADDRESS OF APPLICANT
- Agent see AGENT
- Application checklist, § 3:1, § 3:2
- Associations, § 3:12, § 7:4, APP 3A
- Banking institution as applicant, § 7:48
- Change of name see CHANGE OF NAME
- Charities, § 3:9, APP 3A
- Citizenship of, § 4:49
- Corporation as, § 3:3 to § 3:18, § 3:25, § 6:5, § 6:8, § 7:4, APP 3A
- Foreign legal entity, § 3:10, § 3:16, § 7:8
- Governments, § 3:3 to § 3:18, § 3:88, § 3:89, § 7:3, § 11:5, APP 3A
- Identity see IDENTITY OF APPLICANT
- Individuals as, § 3:4, § 3:6, § 3:10, § 6:6, § 7:3, § 7:4, APP 3A
- Joint applicants, § 3:10, § 7:5
- Joint ventures, § 3:3 to § 3:21, § 7:5, APP 3A

INDEX

APPLICANT—Cont'd

- Legal entity, § 3:3 to § 3:18, § 6:5, § 7:3, § 7:4
- Non-profit organizations, § 3:9, APP 3A
- Partnerships, § 3:3 to § 3:21, § 6:5, § 7:5, APP 3A
- Representative for service see REPRESENTATIVE FOR SERVICE
- Trusts, § 3:8, § 6:5, § 6:6
- Use of French or English form of corporate name, § 3:15
- Wrong entity, § 6:7, § 6:8

APPLICATION PROCESS

- Amendments see AMENDMENTS
- Approval, § 5:22, § 5:24
- Correspondence see CORRESPONDENCE
- Emergencies, § 4:12
 - examination requirements see EXAMINATION REQUIREMENTS
- Fees see FEES
- Filing see FILING PROCEDURES
- Forms see FORMS
- Objections see OBJECTIONS
- Processing see PROCESSING OF APPLICATIONS
- Scanning documents, § 4:11, APP 3E.3

ASSIGNMENT

- Generally, § 12:1, § 12:2 to § 12:20
- Abandonment of, § 12:9
- Abandonment of application
 - effect on assignability, § 12:3
- Address requirement, § 12:15
- Amendments to
 - affidavits, where required, § 12:22
 - after recording, § 12:22
 - before recording, § 12:22
- Assignable rights
 - expungement proceedings, § 12:7
 - official marks, § 6:43, § 10:26, § 12:4
 - opposition proceedings, § 12:5, § 12:6
 - scope generally, § 12:5
- Assignee
 - entitled to prosecute application/registration, § 12:16 to § 12:17
 - establishing ownership in name of, § 12:9, § 12:16, § 12:19, APP 12B.2
- Assignment and Renewal section
 - examination by, § 12:12

ASSIGNMENT—Cont'd

- Associated marks, § 12:8, § 12:12
- Certification marks, § 12:4, § 12:8
- Conditions, § 12:5
- Confusion and, § 12:3, § 12:8
- Correspondence re, § 12:9, § 12:10
- Defined, § 12:2 to § 12:20
- Documentation requirements, § 12:12, § 12:13, § 12:22, APP 12B.2
- Effective date, § 12:13
- Entry in register
 - see also Recording—Effect of entry in register
 - generally, § 12:14, § 12:16
- Estate administrator, by, § 12:13
- Evidence of transfer, § 12:9, § 12:12, § 12:13, APP 12B.2
- Examination of, § 12:12
- Executor, by, § 12:13
- Expungement and, § 12:3, § 12:7
- Failure to record, § 12:14
- Fees, § 6:26, § 6:42, § 12:9
 - effect of non-payment, § 12:9
- Filing, § 12:10, § 12:14
- Formalities, § 12:9
- Geographical indications, § 12:4, § 12:8
- Goodwill and, § 12:3, § 12:5
- Identification of applicant, § 12:15
- Inactive trade-marks, § 12:4
- Partial
 - generally, § 12:3, § 12:5, § 12:8
 - associated marks, § 12:8
 - certification marks, § 12:8
 - distinctiveness and, § 12:5
 - geographical indications, § 12:8
 - proposed use applications, § 12:8
 - vesting
 - registration, § 12:19
 - wares/services, partial list, § 12:5, § 12:8
- Practice notices, relevant
 - Transfers and/or Change of Name, APP 12B.2
- Recording
 - address requirement, § 12:9, § 12:15, APP 12B.2
 - effect of entry in register, § 12:14, § 12:16
 - evidentiary requirements, § 12:9, § 12:12, § 12:13, APP 12B.2

ASSIGNMENT—Cont'd

- Recording—Cont'd
 - fees, § 12:9, APP 12B.2
 - non-mandatory, § 12:11
 - partial transfers, of, § 12:16
 - time for filing, § 12:14
- Registered trade-marks see Registration, of
- Registration, of, § 12:3 to § 12:5, § 12:19
- Representative for service
 - appointment of, § 12:15
- Scope of, § 12:5
- Subject matter generally, § 12:3
- Trade-mark applications, ordinary
 - generally, § 12:4
 - based on application/registration and use in country of union, § 12:18
 - based on proposed use, § 12:5, § 12:8
 - based on registration, § 12:5
 - based on use, § 12:5
 - priority claim, § 12:18
- Trade-mark applications, pending, § 12:3, § 12:4
- Trustee in bankruptcy, by, § 12:13
 - jurisdiction of Registrar, § 12:9
- Vesting, partial
 - effect of: applications
 - generally, § 12:17
 - application/registration and use in country of union, § 3.3
 - foreign assignee, § 12:18
 - priority claim, foreign application, § 12:18
 - effect of: registrations, § 12:19

ASSOCIATE AGENT

- Appointment, § 4:50

ASSOCIATED MARKS

- Confusion, § 10:21, § 10:45
- Family of marks, § 10:45
- Objections re, § 10:21
- Partial assignment/transfer, § 12:8
- Qualified approval, § 5:22
- Transfers, § 12:8

BANK ACT

- Generally, § 1:3
- Objection re, § 7:48
 - overcoming, § 7:48
- Security interests, § 12:24

CANADA AGRICULTURAL PRODUCTS ACT

- Generally, § 1:3
- Agricultural product legend, § 7:49
- Objection re, § 7:49
- Overcoming, § 7:49

CANADIAN INTELLECTUAL PROPERTY OFFICE (CIPO)

- Actions see OBJECTIONS
- Correspondence procedures see CORRESPONDENCE
- Designated establishments
 - generally, § 4:1 to § 4:3, § 4:12, § 4:13
 - addresses, § 4:12, APP 1F.1, APP 4A.1
 - emergency procedures, § 4:12
 - fax delivery to, § 4:12, § 4:13, APP 4A.1
 - forwarding correspondence, § 1:10 to § 1:13
 - hand delivery to, § 4:12, APP 4A.1
 - holiday delivery to, § 4:12, APP 4A.1
 - time, local, § 4:13
- E-services, § 1:14 to § 1:27, § 4:25 to § 4:62, APP 3E.3, APP 4A.3, APP 6A
 - electronic filing online, § 4:26 to § 4:50, APP 3E.3, APP 4A.3
- Headquarters
 - location, § 1:10 to § 1:13
 - storage of correspondence, § 1:12, APP 1F.1, APP 4A.1
- International preliminary examining authority, as
 - patent fee schedule, APP 6A
- International search authority, as
 - patent fee schedule, APP 6A
- Objections see OBJECTIONS
- Offices, designated see Designated establishments
- Official languages, § 1:11
- Practice notices see PRACTICE NOTICES
- Publications
 - Canadian Trade-marks Database Online, § 1:26
 - Guide to Trade-marks, § 1:15
 - practice notices see PRACTICE NOTICES
 - Trade-marks Examination Manual, § 1:24

**CANADIAN INTELLECTUAL
PROPERTY OFFICE (CIPO)****—Cont'd**

Publications—Cont'd

Trade-marks Examination of Goods
and Services Manual, § 1:25,
§ 3:35

Trade-marks Journal, § 2:10, § 3:1,
§ 3:2, APP 2A

Trademark regime, modernization of,
explanation of, APP N

Trade-marks office

access to documents see ACCESS TO
DOCUMENTS

actions see OBJECTIONS

Assignment and Renewal section,
§ 12:12, § 12:21, § 12:26

emergency closure, § 4:12

fees see FEES

index, official, § 1:26, APP 1A.2, APP
1C.3

inquiries at, § 1:11

INTREPID database see INTREPID
DATABASE

reprographics centre, § 1:13

Vienna Classification Schema, APP 1B.3

Web site

Canadian Trade-marks Database
Online, § 1:26, APP 1A.2, APP
1C.3

e-services, § 1:14 to § 1:27, APP 3E.3,
APP 4A.3, APP 6A

general information, § 1:15

Guide to Trade-marks, § 1:15

practice notices, § 1:23

see also PRACTICE NOTICES

Trade-marks Examination Manual,
§ 1:24

Trade-marks Examination of Wares and
Services Manual, § 1:25, § 3:35

Trade-marks Journal, § 2:10, § 3:1,
§ 3:2, APP 2A

URL, § 1:14 to § 1:27

**CANADIAN TRADE-MARKS
DATABASE ONLINE**

Generally, § 1:26, APP 1A.2, APP 1C.3

CERTIFICATE

Certified copy, § 4:2, § 8:23

Corresponding registration, § 3:31, § 4:2,
§ 7:57

CERTIFICATION MARKS

Amendments re

defined standard, § 7:26, § 7:28

different type of mark, § 6:1, § 6:2,
§ 6:11

Assignment of, § 12:4, § 12:8

Authority of applicant to control, § 3:75
to § 3:84

Defined, § 2:6, § 3:75 to § 3:84, APP
3E.2

Examination requirements

generally, § 3:75 to § 3:84, § 11:24

defined standards statement, § 7:26,
APP 3E.2

exception, descriptive marks, § 3:74

geographical indications see
GEOGRAPHICAL INDICA-
TIONS

particulars of defined standard, § 7:26,
APP 3E.2

Geographical indications see

GEOGRAPHICAL INDICATIONS

Mark not used by applicant, § 3:75 to
§ 3:84

May be geographically descriptive, § 2:7,
§ 3:74

Objections re

generally, § 7:24 to § 7:32

area: services performed, § 7:31

overcoming, § 7:31

area: wares produced, § 7:31

overcoming, § 7:31

class of persons: services performed,
§ 7:30

overcoming, § 7:30

class of persons: wares produced,
§ 7:30

overcoming, § 7:30

engaged in manufacture/sale of wares,
§ 7:25

overcoming, § 7:25

engaged in performance of services,
§ 7:25

overcoming, § 7:25

standards of certification, § 7:26

overcoming, § 7:26

use by licen, see Before filing date,
§ 7:27

overcoming, § 7:27

CERTIFICATION MARKS—Cont'd

- Objections re—Cont'd
 - working conditions: services performed, § 7:29
 - overcoming, § 7:29
 - working conditions: wares produced, § 7:29
 - overcoming, § 7:29
- Places of origin and, § 9:45
- Practice notices, relevant
 - Certification Marks—Compliance with Paragraph 30(f), APP 3E.2
- Purpose of, § 2:6
- Purpose to certify, § 2:6
- Registrability see
 - generally, § 2:6, § 7:22 to § 7:32
- Use by others, § 3:75 to § 3:84

CHANGE OF FILING DATE

- Application see AMENDMENTS
- Foreign application, § 6:18
- Insufficient funds, where, § 4:14 to § 4:24

CHANGE OF NAME

- Abandonment of request, § 12:21
- Amendments re, § 12:21
- Evidence of change
 - generally, § 12:21, APP 12B.2
 - amalgamation, of, § 12:21, APP 12B.2
 - corporate continuation, of, § 12:21, APP 12B.2
 - merger, of, § 12:21, APP 12B.2
- Fees, § 12:21, APP 12B.2
- Practice notices, relevant
 - Transfers and/or Change of Name, APP 12B.2
- Time for filing/requesting, § 12:21

CLERICAL ERRORS

- Generally, § 6:39 to § 6:41
- Date of first use, § 6:33
- Date of making known, § 6:33
- Defined, § 6:40
- Drawings, § 6:32, § 6:40
- Expungement, § 6:39 to § 6:41
- Fees to correct, § 6:6, APP 6A
- Identity of applicant/owner
 - generally, § 6:4, § 7:6
 - Canadian corporations, § 6:8
 - legal status, § 6:6
 - name, § 6:6
- Written descriptions, § 6:40

COINED WORDS

- Alternative meaning
 - for surname, § 8:15
- Descriptiveness, § 2:22, § 9:12, § 9:41, § 9:42
- Disclaimer requests
 - overcoming, § 8:33, § 9:12, § 9:41
- Distinctiveness, § 2:22, § 9:41
- Foreign words as, § 9:41
- Hyphenated, § 9:42
- Misdescriptiveness, § 9:12, § 9:42
- Selecting as mark, § 2:22

COLLATERAL

- See SECURITY INTERESTS

COLOUR

- As trade-mark, § 2:2 to § 2:12
- Feature of trade-mark, § 7:13, APP 3E.1
- Lining, § 7:13
- Specimens, APP 3E.1

COMPANY

- See IDENTITY OF APPLICANT—corporation

CONFUSION

- Generally, § 10:1
- Associated marks and, § 10:21, § 10:45
- Definitions
 - confusion, § 10:2
 - inherent distinctiveness, § 10:40 to § 10:42
 - likelihood of confusion, § 10:2
- Disclaimer, effect of, § 10:10, § 10:41, § 10:53 to § 10:63
- Doubt as to, § 10:64
- Objections based on
 - see also OBJECTIONS—Prohibited marks
 - generally, § 10:11 to § 10:21
 - famous marks, § 10:44
 - official marks, § 10:14, § 10:32, APP C1 [TA 12(1)(e)]
 - see also OBJECTIONS—Prohibited marks
 - pending marks, § 7:51 to § 7:53, § 10:12, APP C1 [TA 16]
 - pharmaceutical products, use in association, § 10:50
 - plant variety denomination, § 10:15, § 10:19, § 11:25, APP C1 [TA 12(1)(f)]

CONFUSION—Cont'd

- Objections based on—Cont'd
 - previously registered marks, § 10:13, APP C1 [TA 12(1)(d)
 - prohibited marks, § 10:14, § 11:9, APP C1 [TA 12(1)(e)]
 - protected GIs for spirits, with, § 10:17, § 10:19, § 11:26, APP C1 [TA 12(1)(h)]
 - protected GIs for wines, § 10:16, § 10:19, § 11:26, APP C1 [TA 12(1)(g)]
 - wares/services, nature of, § 10:46 to § 10:50
- Overcoming objections, methods for
 - generally, § 10:22 to § 10:63
 - acquisition/assignment of cited mark, § 10:26
 - assignment of application, § 10:26
 - consent, obtaining
 - generally, § 10:34
 - certification marks, § 10:36
 - distinguishing guises, § 10:35
 - official marks, § 10:37
 - ordinary marks, § 10:35
 - proposed use, § 10:35
 - deletion of wares/services, § 10:25
 - exclusion of wares/services, § 10:24
 - expungement of cited mark, § 10:27
 - extensions of time, § 10:33
 - Federal Court proceedings, § 10:29
 - s. 45 proceedings, § 10:28
 - unregistered confusing mark, § 10:31
 - redefinition of wares/services, § 10:23
 - specification of wares/services, § 10:23
 - surrounding circumstances, rebuttal based on
 - generally, § 10:39 to § 10:63
 - associated marks, § 10:45
 - co-existence, state of register, § 10:42
 - disclaimer of common element, § 10:41
 - distinctiveness, inherent, extent known, § 10:40 to § 10:42
 - family of marks, § 10:45
 - resemblance, degree of, § 10:52
 - time used, extent and length of, § 10:43 to § 10:45
 - trade, nature/channels of, § 10:52

CONFUSION—Cont'd

- Overcoming objections, methods for
 - Cont'd
 - surrounding circumstances, rebuttal based on—Cont'd
 - trade-mark in entirety, considering generally, § 10:53 to § 10:63
 - common element in trade-marks, § 10:62
 - descriptive words, § 10:59
 - design mark vs. word mark, § 10:58
 - first syllable/word, § 10:54
 - laudatory words, § 10:59
 - numerals, § 10:56
 - phonetic equivalent, § 10:57
 - prefixes, § 10:54, § 10:55
 - reversed order, § 10:61
 - same idea suggested in English or French, § 10:60
 - suffixes, identical, § 10:55
 - visual equivalent, § 10:57
 - wares/services, nature of
 - generally, § 10:46 to § 10:50
 - differences in prices, § 10:48
 - different but same broad category, § 10:49
 - pharmaceutical products, use in association, § 10:50
 - similarity of wares/services, § 10:47
 - transfer of cited mark, § 10:26
 - withdrawal of official mark, § 10:27, § 10:32
- Practice notices, relevant
 - Entitlement, Confusing Marks, APP 1C.1
- Test for determining
 - average consumer, § 10:6
- To bilingual entry
 - generally, § 10:3 to § 10:10
 - bilingual, § 10:7
 - first impression, § 10:4, § 10:32
 - languages spoken other than English or French, § 10:8
 - imperfect recollection, § 10:5, § 10:32
 - official marks, § 10:32, § 11:9
 - surrounding circumstances, § 10:2, § 10:3 to § 10:10, § 10:32, § 10:39 to § 10:63

CONFUSION—Cont'd

- To bilingual entry—Cont'd
 - trade-mark in entirety
 - generally, § 10:9, § 10:53 to § 10:63
 - disclaimer, effect of, § 10:10, § 10:41, § 10:53 to § 10:63

CONSENT

- Agreements, § 10:35
- Certification marks, § 10:36
- Form of, § 8:41
- Living individuals, § 8:28, § 8:39 to § 8:42, § 11:20
- Names, § 8:39 to § 8:42, § 11:20
- Official marks, § 10:32, § 10:34, § 10:37
 - see also Prohibited marks
- Ordinary marks, § 10:35
- Portraits, § 8:39 to § 8:42
- Prohibited marks, see also Official marks
 - armed forces insignia, § 11:22
 - arms/crests/flags, official, § 11:12
 - connection with royalty, suggesting, § 11:11
 - false connection with living individual, suggesting, § 11:20
 - Geneva Cross, § 11:13
 - national flag, § 11:17
 - Red Crescent, § 11:14
 - Red Cross, § 11:13
 - sign listed in art. 6ter of Paris Convention, § 11:19
 - United Nations, § 11:21
 - universities' insignia, § 11:22
- Signatures, § 8:39 to § 8:42
- Surnames, § 8:39 to § 8:42

COPYRIGHTS

- Defined, § 2:28
- Infringement, § 2:28
- Office, APP 1F.1, APP 4A.1
- Practice notices, relevant
 - Correspondence Procedures, Updated, APP 1F.1, APP 4A.1
 - Dies non for Trade-mark Business, § 4:12, APP 4A.1
- Subsisting in trade-mark, § 2:28
- Term of, § 2:28
- Time limits
 - filing, § 4:12, APP 4A.1

CORPORATE NAMES

- See also TRADE NAMES IDENTITY OF APPLICANT
- Change see AMENDMENTS
- Errors see CLERICAL ERRORS
- Failure to register as trade-mark, § 2:12
- Infringement of trade-mark by use, § 2:12, APP 2A
- NUANS search, § 2:25, APP 2A
- Practice notices, relevant
 - Corporate Name, Protecting, APP 2A
- Protecting, APP 2A
- Registration
 - effect of, § 2:12, APP 2A
 - trade-mark, as
 - availability may be limited, APP 2A
 - failure to register, § 2:12
- Trade-mark and, § 2:11, § 2:12, APP 2A
- Trade name and, § 2:11, APP 2A

CORRESPONDENCE

- Generally, § 1:12, § 4:1 to § 4:3, APP 1F.1, APP 3B, APP 4A.1
- Agent see AGENT
- Amendments, re, § 4:2, § 4:4 to § 4:10
- Assignments, re, § 12:9, § 12:10
- Authority to correspond
 - agents, § 3:20, § 4:4 to § 4:10, § 7:54
 - Registrar, APP 3B
 - representative for service, § 4:4 to § 4:10, § 7:54
- Cancellation of registration, re, § 4:2
- Communication procedure, § 4:2
- Contents, prescribed, § 4:2, § 4:13
- Delivery date
 - deemed, § 4:1 to § 4:3, § 4:12, § 4:13
 - dies non practice, § 4:11 to § 4:13, APP 4A.1
 - emergency office closure, during, § 4:12
 - extension of time, § 4:12, APP 4A.1
 - faxed documents, § 4:13
 - hand delivered documents, § 4:12
 - holidays, on, § 4:12, APP 4A.1
- Designated offices
 - generally, § 4:1 to § 4:3, § 4:12, § 4:13
 - addresses, § 4:12, APP 1F.1, APP 4A.1
 - emergency procedures, § 4:12
 - fax delivery to, § 4:12, § 4:13, APP 4A.1

CORRESPONDENCE—Cont'd

- Designated offices—Cont'd
 - forwarding correspondence, § 1:10 to § 1:13
 - hand delivery to, § 4:12, APP 4A.1
 - holiday delivery to, § 4:12, APP 4A.1
 - time, local, § 4:13
- Dies non practice, § 4:11 to § 4:13, APP 4A.1
- Electronic see ELECTRONIC FILING ONLINE
- Fax transmission considerations
 - generally, § 4:13, APP 4A.1
 - acknowledgment of filing, APP 4A.1
 - affidavits excepted, § 4:13
 - confirmation not issued, § 4:13
 - contents, prescribed, § 4:13, APP 4A.1
 - date of receipt, determining, § 4:13, APP 4A.1
 - document deemed original, § 4:13, APP 4A.1
 - evidence excepted, § 4:13
 - mode of payment, § 4:13, APP 4A.1
 - notice of filing, APP 4A.1
 - numbers, designated, § 4:13, APP 4A.1
 - processing time, § 4:26 to § 4:29
 - single application only, § 4:13
 - statutory declarations excepted, § 4:13
- Format requirements, physical
 - generally, § 4:1 to § 4:3
- Hand delivery considerations, § 4:12, § 4:26 to § 4:29
- Language requirements, § 4:1 to § 4:3
- Opposition proceedings, in see OPPOSITION PRACTICE
- Practice notices, relevant
 - Correspondence, Electronic, Registrar May Receive, APP 3B
 - Correspondence, Trade-marks Office Facsimile, APP 4A.1
 - Correspondence Procedures, Updated, APP 1E.1, APP 4A.1
 - Data Quality, Improving—Trade-Mark Applications, APP 3E.3, APP 4A.3
 - Dies Non for Trade-mark Business, § 4:12, APP 4A.1
 - Emergency Procedures, § 4:12
 - Representative for service see REPRESENTATIVE FOR SERVICE

CORRESPONDENCE—Cont'd

- Service of documents on Registrar in legal proceedings, § 4:3
- Third party intervention, § 7:55

COUNTRY OF UNION

- Country of origin, § 3:31, § 3:33, § 6:18, § 7:8, § 7:58 to § 7:64
- Paris Convention see PARIS CONVENTION

DATE

- Amending, § 6:16, § 6:33, § 7:39
- Indefinite, § 7:39
- Objections re, § 7:39
 - overcoming, § 7:39
- Of first use in Canada, § 3:1, § 3:2, § 3:23, § 3:24, § 6:1, § 6:2, § 6:16, § 6:33, § 6:34
- Of making known, § 3:1, § 3:2, § 3:29, § 4:47, § 6:1, § 6:2, § 6:16, § 6:33, § 7:39, § 7:51 to § 7:53
- Of priority, § 1:5, § 2:23, § 2:25, § 3:33, § 4:13, § 6:18, § 7:7, § 7:51 to § 7:53, § 7:59, § 7:62, § 7:64, § 12:18, APP 3E.6
- Specifying, § 3:24

DATE OF FIRST USE

- Amending, § 6:16, § 6:33, § 7:39
- Indefinite, § 7:39
- Objections re, § 7:39
 - overcoming, § 7:39
- Specifying, § 3:24

DEADLINES

- See also EXTENSIONS OF TIME
- How to compute, § 4:11 to § 4:13, APP 4A.1
- Practice notices, relevant
 - Dies Non for Trade-Mark Business, § 4:12, APP 4A.1
 - Emergency Procedures, § 4:12
 - Extensions of Time in Examination, APP 5C.1
 - Priority claim, § 3:33, § 4:12, § 4:13, § 7:59, § 7:64
 - To appeal, § 5:20
 - To extend see EXTENSIONS OF TIME
 - To respond, § 5:21, APP 5C.1

DECEPTIVELY MISDESCRIPTIVE

- See DESCRIPTIVENESS OBJECTIONS—misdescriptiveness, deceptive, re

DECLARATION OF USE

- Application based on proposed use, § 13:4 to § 13:8
- denial of extension of time request, § 13:8
- extensions of time to file, § 13:8, APP 13A
- form and content, § 13:5
 - complete or partial, § 13:6
 - nature of declaration of use, § 13:7
- Partial declaration of use—wares/services, practice notice, APP 13A.1

DEFAULT NOTICE

- Generally, § 5:13, § 5:21, APP 1A.3

DEFINED STANDARDS

- Amendments re, § 7:26, § 7:28
- Objections re
 - lack of particulars, § 7:26
 - overcoming, § 7:26
- set by entity other than applicant, § 7:26
 - overcoming, § 7:26
- unclear, § 7:26
 - overcoming, § 7:26
- unrelated to character of wares/services, § 7:28
 - overcoming, § 7:28
- unrelated to quality of wares/services, § 7:28
 - overcoming, § 7:28
- Particulars, § 7:26, APP 3E.2
- Practice notices, relevant
 - Certification Marks, Compliance with Paragraph 30(f), APP 3E.2
- Statement, § 3:75 to § 3:84, § 7:26

DEFINITIONS

- “Action,” § 5:10
- “Any person,” § 15:20
- “Assignment,” § 12:2 to § 12:20
- “Certification mark,” § 2:6, § 3:75 to § 3:84, APP 3E.2
- “Change in date of first use,” § 6:34
- “Change in identity,” § 6:4
- “Clearly descriptive,” § 9:21
- “Clerical error,” § 6:40
- “Coined word,” § 9:41
- “Confusion,” § 10:2
- “Copyright,” § 2:28
- “Country of origin,” § 3:31

DEFINITIONS—Cont’d

- “Country of the Union,” § 3:1, § 3:2, § 3:29
- “Deceptively misdescriptive,” § 9:22
- “Depicted,” § 9:24
- “Distinguishing guise,” § 2:5, APP 3E.1
- “Entitlement,” § 2:23
- “Famous,” § 8:18
- “General class of wares or services,” § 3:34 to § 3:47
- “Geographical indication,” § 2:7, § 3:77, APP 3E.10
- “Hatching,” § 7:13
- “Industrial design,” § 2:29
- “Inherently distinctive,” § 10:40 to § 10:42
- “Intangible,” § 12:24
- “Integrated circuit typography,” § 2:30
- “Keep list,” § 5:5
- “Likelihood of confusion,” § 10:2
- “Mark,” § 2:8
- “Meaningful representation,” § 3:71, § 3:72, § 7:18 to § 7:21
- “Member,” § 4:5
- “Merely suggestive,” § 9:29
- “Name,” § 8:2 to § 8:5
- “Nunc pro tunc,” § 12:12
- “Office action,” § 3:1, § 3:2
- “Official mark,” § 2:10
- “Package,” APP 3E.1
- “Patent,” § 2:27
- “Public authority,” § 3:89
- “Responsible authority,” § 3:77, APP 3E.9
- “Services,” § 3:34 to § 3:47
- “Shaping of wares or their containers,” APP 3E.1
- “Sounded,” § 9:26, APP 9A.2
- “Specify,” § 3:35
- “Surname,” § 8:2 to § 8:5
- “Trade-mark”
 - “certification mark,” § 2:6
 - copyright and, § 2:28
 - “distinguishing guise,” § 2:5
 - general definition, § 2:2 to § 2:12
 - “geographical indication,” § 2:7, APP 3E.10
 - industrial design and, § 2:29
 - integrated circuit typography and, § 2:30

DEFINITIONS—Cont'd

- “Trade-mark”—Cont'd
 - mark v. trademark, § 2:9
 - “non-traditional,” § 2:8
 - “ordinary,” § 2:4
 - patent and, § 2:27
 - “primarily merely,” § 8:9
 - “proposed,” § 2:4
 - “registered,” § 2:13
 - regular, § 2:4
 - trade name and, § 2:11
 - unregistered, § 2:14
- “Trade name,” § 2:11
- “Transfer,” § 12:2 to § 12:20
- “University,” § 3:88
- “Upload,” § 4:41
- “Wares,” APP 3E.1
- “Written,” § 9:25

DESCRIPTIVENESS OBJECTIONS

- Generally, § 9:1 to § 9:19
- Character of wares/services
 - generally, § 9:3, § 9:7, APP 9A.2, APP C1 [TA 12(1)(b), re]
 - acronyms, § 9:11
 - coined words, § 9:12
 - embellishments, § 9:9, § 9:26
 - foreign equivalent/languages/words, § 9:4, § 9:41
 - laudatory expressions, § 9:8
 - lettering, fancy, § 9:9, § 9:26
 - overcoming
 - disclaimer, § 8:37, § 8:38, § 9:36, § 9:38 to § 9:46
 - disclaimer requirement, § 8:37, § 8:38, § 9:12, § 9:35, APP 9A.2
 - distinctiveness, § 8:37, § 8:38, § 9:34, § 9:46
 - merely suggestive, § 9:32
 - more than one meaning/multiple meanings, § 9:31
 - multiple impressions, § 9:31
 - multiple wares/services, § 9:33
 - non-descriptive elements, additional, § 9:35
 - phonetic equivalent, § 9:26
 - punctuation marks, § 9:10, § 9:26
 - typographic characters, § 9:10, § 9:26
- Condition of production of wares, re, § 9:14

DESCRIPTIVENESS OBJECTIONS**—Cont'd**

- Disclaimer requests, overcoming
 - generally, § 8:37, § 8:38, § 9:38 to § 9:46, APP 9A.2
 - coined words, § 9:41
 - composite marks in English and French, § 9:40
 - composite marks in English or French, § 9:39
 - distinctiveness, portion of mark, re, § 8:37, § 8:38, § 9:46
 - domain names, § 9:43
 - geographical location/origin, § 9:44
 - certification marks, § 9:45
 - hyphenated marks, § 9:42
 - portion previously registered, § 8:38, § 9:46
- Domain names, re, § 9:43, APP 9A.1
- Explanation for
 - duty of examiner to provide, § 9:27 to § 9:29
- Geographical location/origin of wares/services, re
 - generally, § 9:17, § 9:44, § 9:52
 - certification marks, § 9:45
 - geographical indication, re, § 9:18
 - overcoming, § 9:44, § 9:52
- Misdescriptiveness, deceptive, re
 - generally, § 9:12, § 9:19, § 9:51, § 9:52, APP 9A.2
 - disclaimers, effect of, § 9:12, § 9:19, § 9:38 to § 9:46, APP 9A.2
 - geographical location/origin, § 9:52
 - overcoming
 - generally, § 9:51, § 9:52
 - disclaimers ineffective, § 9:12, § 9:19, § 9:38 to § 9:46
 - geographical location/origin, § 9:44
 - test applicable
 - generally, § 9:22, § 9:23 to § 9:26
 - “deceptively misdescriptive,” § 9:22, § 9:23 to § 9:26
 - “depicted,” § 9:24
 - “sounded,” § 9:26
 - “written,” § 9:25
- Name of wares/services, any language
 - generally, § 9:5, APP C1 [TA 12(1)(c), re]
 - overcoming
 - deleting wares/services, § 9:48

DESCRIPTIVENESS OBJECTIONS**—Cont'd**

- Name of wares/services, any language
 - Cont'd
 - overcoming—Cont'd
 - foreign word, use of, § 9:47
 - part of composite mark
 - disclaimer requirement, § 9:6
 - test applicable, § 9:5
- Persons employed in performance of services, re, § 9:15
- Persons employed in production of wares, re, § 9:15
- Pharmaceutical trade-marks, re, § 9:16
- Place of wares/services, re, see
 - Geographical location/origin
- Practice notices, relevant
 - Descriptiveness and Terms such as .com, .ca, .Jr., .uk, u.s, APP 9A.1
 - “Sounded” Test Applied to Composite Marks which Include Words that Are the Dominant Feature of the Mark, Paragraph 12(1)(b), APP 9A.2
- Quality of wares/services see Character of wares/services
- Tests applicable
 - “clearly descriptive,” § 9:21, § 9:23 to § 9:26
 - “depicted,” § 9:24
 - linguistic construction, § 9:28
 - “sounded,” § 9:26, APP 9A.2
 - suggestive trade-marks, § 9:29
 - “written,” § 9:25
 - “deceptively misdescriptive,” § 9:22, § 9:23 to § 9:26
 - “depicted,” § 9:24
 - “sounded,” § 9:26, APP 9A.2
 - “written,” § 9:25

DISCLAIMERS

- Amendments re, § 6:23, § 6:37, § 7:35
- Composite trade-mark, for
 - clearly descriptive wording, § 9:38 to § 9:46
 - confusing elements generally, § 10:10
 - foreign words, § 7:35
 - names, § 8:29
 - official/prohibited marks
 - armed forces insignia, § 11:22
 - commercial words, recognized, denoting attributes of wares/

DISCLAIMERS—Cont'd

- Composite trade-mark, for—Cont'd
 - official/prohibited marks—Cont'd
 - services, § 11:24
 - Geneva Cross, § 11:13
 - national flag, § 11:17
 - official arms/crests/flags, § 11:12
 - Paris Convention, art. 6ter, listed signs, § 11:19
 - Red Cross, § 11:13
 - royalty, terms suggesting, § 11:11
 - United Nations, § 11:21
 - universities' insignia, § 11:22
 - surnames, § 8:29
- Confusion objections, to overcome
 - generally, § 10:10, § 10:41, § 10:53 to § 10:63
 - official/prohibited marks, relating to see Composite trade-mark, for
- Descriptiveness objections, to overcome
 - generally, § 3:48, § 3:49, § 9:12, § 9:38 to § 9:46, APP 9A.2
 - coined words, § 9:41
 - hyphenated marks, § 9:42
 - composite marks in English and French, § 9:40
 - composite marks in English or French, § 9:39
 - distinctiveness, portion of mark, re, § 8:37, § 8:38, § 9:46
 - domain names, § 9:43
 - geographical location, § 9:44
 - certification marks, § 9:45
 - portion previously registered, § 8:38, § 9:46
- Double, § 3:49
- Effect, § 3:48, § 3:49, § 4:36, § 9:12, § 9:19, § 9:38 to § 9:46, § 10:10
- Electronic filing, § 4:36
- Foreign terms, re, § 7:35
- Form, approved, § 3:48, § 3:49
- Independent, for components, § 3:48, § 3:49
- Misdescriptiveness objections, to overcome
 - ineffective, § 9:12, § 9:19, § 9:38 to § 9:46
- Multiple, § 3:49
- Names, re see Surnames, re
- Official marks see Composite trade-mark, for

DISCLAIMERS—Cont'd

- Partial, § 3:48, § 3:49, § 9:6, § 9:12, § 9:35, § 9:38 to § 9:46
- Practice notice, relevant
 - Disclaimers, **APP 3F.2**
- Prohibited marks see Composite trade-mark, for
- Purpose, § 3:48, § 3:49
- Surnames, re
 - generally, § 8:35
 - coined words containing, § 8:33
 - compound, § 8:31
 - followed by “and Sons,” “Bros.,” etc., § 8:34
 - hyphenated, § 8:31
 - possessive or pluralized, § 8:30

DISTINCTIVENESS

- Acquired
 - based on use in Canada, § 8:19, § 8:20, § 9:34, § 10:40 to § 10:42
 - clearly descriptive marks, § 9:34, § 9:36, § 9:46
 - composite marks, § 8:37, § 8:38, § 9:46
 - evidentiary requirements, § 8:21, § 8:26
- Assignable rights and, § 12:5
- Clearly descriptive marks, § 9:34, § 9:36, § 9:46
- Comparison of, § 8:26, **APP C1 [TA 12(2) and TA 14]**
- Composite marks, § 8:37, § 8:38, § 9:46
- Defence, as, § 3:33
- Determination of, § 8:21, § 10:54
- Disclaimer requests and, § 8:37, § 8:38, § 9:46
- Distinguishing guises, § 3:85, **APP 3E.1**
- Inherent, extent known, § 10:40 to § 10:42, § 10:54
- Limited registration, § 8:22, § 12:5
- Multiple filing bases, § 3:32
- Names, § 8:19 to § 8:26, § 8:37, § 8:38
- Not without distinctive character
 - based on foreign registration and use, § 8:23
 - clearly descriptive marks, § 9:34, § 9:36
 - evidentiary requirements, § 8:24 to § 8:26
 - portion of trade-mark, § 9:46

DISTINCTIVENESS—Cont'd

- Portion of trade-mark, re, § 8:37, § 8:38, § 9:46
- Practice notices, relevant
 - Three-dimensional Marks, **APP 3E.1**
- Proposed use basis, 7:22, 7:23
- Signatures, § 8:19 to § 8:26
- Surnames, § 8:19 to § 8:26, § 8:37, § 8:38

DISTINGUISHING GUISES

- Acquired distinctiveness
 - evidence of, § 3:85, § 7:22, § 7:23, **APP 3E.1**
- Amendments re
 - design marks, § 6:14
- Colour as element, § 6:14, § 7:14, **APP 3E.1**
- Defined, § 2:5, § 3:85, **APP 3E.1**
- Distinctiveness, § 3:85, **APP 3E.1**
- Examination requirements
 - generally, § 3:85
 - acquired distinctiveness, evidence of, § 3:85, **APP 3E.1**
 - three-dimensional trade-marks and, § 3:86, **APP 3E.1**
- Functionality assessment, **APP 3E.1**
- Objections re
 - generally, § 7:9 to § 7:38
 - colour: mode of packing wares, § 7:14
 - overcoming, § 7:14
 - colour: mode of wrapping wares, § 7:14
 - overcoming, § 7:14
 - drawings, § 7:23
 - proposed use basis, § 7:22, § 7:23
- Packaging wares, mode of, and, § 3:85, § 7:9 to § 7:38, **APP 3E.1**
- Practice notices, relevant
 - Three-dimensional Marks, **APP 3E.1**
- Registrability, § 2:6, § 3:85, § 7:23, **APP 3E.1**
- Shaping of wares or their containers and, § 3:85, § 6:14, § 7:9 to § 7:38, **APP 3E.1**
- Wares, and, **APP 3E.1**
- Wrapping wares, mode of, and, § 3:85, § 7:9 to § 7:38, **APP 3E.1**

DOMAIN NAMES

- Descriptiveness objections re, **APP 9A.1**
- Disclaimers re, § 8:34, § 9:43, **APP 9A.1**

DOMAIN NAMES—Cont'd

Misdescriptiveness objections re, **APP 9A.1**

Obscene or scandalous, § **11:18**

Practice notices, relevant

Descriptiveness and Terms such as .com, .ca, .fr., .uk, u.s, **APP 9A.1**

Security interests, as, § **12:23 to § 12:27**

Surname objections re, § **8:34**

Use as part of trade-mark, § **9:43**

DRAWINGS

Generally, § **3:71, § 3:72, § 4:36, § 7:13, § 7:19, § 7:20**

Amendments re, § **6:14, § 6:32**

Broken lines, § **3:71 to § 3:74, § 6:14, § 7:20, APP 3E.1**

Clear drawing, § **3:71, § 3:72, § 7:17, § 7:19, § 7:20, APP 3E.1, APP 3E.3, APP 4A.3**

Description of colour, § **4:36, § 7:13**

Electronic filing, § **4:36**

Format, § **3:72, § 4:36, APP 3E.3, APP 4A.3**

Limited to one mark, § **3:52, § 7:11**

Marks in special form, **APP 3E.4**

Multiple, § **7:11**

Objections re

colour: visible surface, § **7:13**
overcoming, § **7:13**

distinguishing guises, § **7:23**

meaningful representation
generally, § **7:18 to § 7:21**

unclear drawings, § **7:16, § 7:19**

overcoming, § **7:17, § 7:19**

written description inconsistent, § **7:20**

Three-dimensional marks, § **3:73, § 3:74, § 7:13, § 7:19, § 7:23, APP 3E.1**

EFFECTIVE FILING DATE

Priority claim, § **3:33, § 4:13, § 6:18, § 7:51 to § 7:53, § 7:58 to § 7:64, APP 3E.6**

ELECTRONIC FILING ONLINE

Generally, § **4:25 to § 4:62, APP 3E.3, APP 4A.3**

Agent details

generally, § **4:50, APP 4A.1**

appointment of agent, § **4:50**

appointment of associate agent, § **4:50**

ELECTRONIC FILING ONLINE

—Cont'd

Amendments, § **4:35**

Applicant details, § **4:33, § 4:35, APP 4B.3**

Attachments, § **4:41, APP 4A.1**

Authorization statement, § **4:41**

Availability, § **4:26 to § 4:29**

Bases for filing

generally, § **4:46**

application abroad and use, **APP 4A.15**

made known in Canada, § **4:47, APP 4A.12**

proposed use in Canada, **APP 4A.16**

registration abroad and use, **APP 4A.14**

Browser requirements, § **4:27**

Claims, see also Bases for filing

non-filing basis claims, § **4:49**

Closing details

generally, § **4:49, APP 4A.1**

Confirmation receipt, § **4:15, APP 4A.1**

Correspondence details, § **4:34, APP 4B.2**

Eligible users, § **4:31**

Entitlement statement, § **4:38**

Fee information, § **4:40, APP 4A.1**

Forms

agent of applicant, for, § **4:32 to § 4:50, APP 4A.7**

Language preferences, § **4:34**

Login, § **4:32 to § 4:50, APP 4B.1**

New application, creating, § **4:33, APP 4B.3**

Non-filing basis claims

generally, § **4:49**

priority claim based on foreign application, § **4:49**

s. 12(2) and s. 14 claims, § **4:49**

“One application—one mark” rule, § **4:31**

Payment systems, § **4:18, § 4:29**

Practice notices, relevant

Data Quality, Improving—Trade-Mark Applications, **APP 3E.3, APP 4A.3**

Processing time, § **4:26 to § 4:29**

Purpose, § **4:26 to § 4:29**

Renewal of registrations

generally, § **4:30**

correspondence options, § **4:55**

payment procedures, § **4:40**

ELECTRONIC FILING ONLINE**—Cont'd**

- Representative for service details
 - generally, § 4:50, APP 4A.1
 - appointment of representative, § 4:50
- Saved application, loading, § 4:32 to § 4:50, APP 4A.8
- Technical requirements, § 4:27
- Time zone, § 4:26 to § 4:29
- Trade-mark details
 - generally, § 4:36, APP 4A.9
 - disclaimers, § 4:36
 - identification, § 4:36
 - services details, § 4:37, § 4:38, APP 4A.11
 - type, § 4:36
 - wares details, § 4:37, § 4:38, APP 4A.10
- Training manual, § 4:28
- Transactions available, § 4:30, § 4:31
- View/print/save, § 4:12, APP 4A.1
- Welcome menu, § 4:32 to § 4:50, APP 4A.6

ENTITLEMENT

- Confusing marks, § 2:24, § 7:51 to § 7:53, APP 1C.1
- Co-pending applications
 - generally, § 2:24, APP 1C.1
 - objections re, § 7:51 to § 7:53
 - opposition proceedings, effect of, § 7:53
- Date of, § 7:51 to § 7:53
- Defined, § 2:23
- Objections re, § 7:51 to § 7:53
 - overcoming, § 7:52, § 7:53
- Opposition based on, § 15:6, APP 15C § 15C:1 et seq.
- Practice notices, relevant
 - Entitlement, Confusing Marks, APP 1C.1
- Statement
 - actual use claim, § 3:23
 - electronic filing, § 4:38
 - form, § 3:50, § 4:38
 - multiple claims, § 3:32

ERRATUM NOTICE

- Generally, § 5:28, § 6:32

EVIDENCE

- Affidavits
 - acquired distinctiveness, re, APP 3E.1
 - agent's qualifications, re, § 4:5
 - date amendments, re, § 6:16, § 7:39
 - distinguishing guise, re, § 3:85, APP 3E.1
 - electronic, APP 3B
 - error, to correct, § 3:13, § 3:15, § 6:5, § 6:6, § 6:8, § 12:22
 - expedited examination, re, § 5:8
 - faxing, § 4:13
 - foreign registration, re, § 7:57
 - “not without distinctive character,” to show, § 8:25
- Comparison of s. 12(2) and s. 14, § 4:49, § 8:24, § 8:26
- Distinguishing guise, § 3:85, APP 3E.1
- Requirements
 - acquired distinctiveness see DISTINCTIVENESS
 - assignments, re, § 12:9, § 12:12, § 12:13, APP 12B.2
 - “not without distinctive character” see DISTINCTIVENESS
 - opposition proceedings in see OPPOSITION PRACTICE
- Restriction as to territory, § 4:49, § 8:22, § 8:26, § 12:5, APP 3E.1
- S. 12(2), § 4:49, § 8:18 to § 8:20, § 8:24, § 8:37 to § 8:42, § 9:34, § 9:46
- S. 14, § 4:49, § 8:18, § 8:19, § 8:24, § 8:37 to § 8:42, § 9:34, § 9:46
- Survey evidence see SURVEY EVIDENCE

EXAMINATION

- Amendments by examiner, § 5:18
- Expedited
 - circumstances justifying, § 5:8
 - request for, § 5:8
 - affidavit, supporting, § 5:8
 - prejudice requirement, § 5:8
 - statutory declaration, supporting, § 5:8
 - time for filing, § 5:8
- Geographical indications, for see GEOGRAPHICAL INDICATIONS
- Official marks, for, § 5:7

EXAMINATION—Cont'd

- Practice notices, relevant
 - Examination, Extensions of Time In, **APP 5C.1**
 - Examination Procedures, New—Compliance with Paragraph 30(a), **APP 3C.2, APP 7A.1**
- Report of examiner, see also OBJECTIONS
 - generally, § **5:9**
 - content, prescribed, § **5:12**
 - first action, § **5:10**
 - response to, § **5:12 to § 5:14**
 - second action, § **5:19**
 - secondary examination following, § **5:19**
- Requirements, formal see EXAMINATION REQUIREMENTS
- Response to objections, proper
 - content of, § **5:14**
 - extension of time, § **5:13, APP 5C.1**
 - practice notices re, **APP 5C.1**
 - form of, § **5:14**
 - initial, § **5:15**
 - interview, personal, § **5:16**
 - supplemental, § **5:17**
 - time for filing, § **5:12, § 5:13, APP 5C.1**
- Routine, § **5:7**
- Secondary, § **5:19**

EXAMINATION REQUIREMENTS

- Generally, § **3:1, § 3:2**
- Address of applicant see ADDRESS OF APPLICANT
- Agent
 - appointment, § **3:20, § 3:21**
 - effect of failure to appoint, § **3:21**
- Basis of application see Claims
- Certification marks, for see CERTIFICATION MARKS
- Claims
 - generally, § **3:22 to § 3:32**
 - actual use
 - generally, § **3:23**
 - date of first use, § **3:24, § 7:39**
 - entitlement statement, § **3:23**
 - predecessor-in-title, § **3:25**
 - priority convention claim and, § **3:33**
 - application/registration and use abroad
 - generally, § **3:31, § 8:23**

EXAMINATION REQUIREMENTS

—Cont'd

- Claims—Cont'd
 - application/registration and use abroad
 - Cont'd
 - certificate of foreign registration, § **3:31, § 7:57, § 8:23**
 - country of associated use, § **3:31, § 7:39**
 - country of origin, § **3:31**
 - data, prescribed, § **3:31**
 - filing fee, § **3:31**
 - identity of applicant/owner, § **7:56, § 7:57, § 8:23**
 - identity of trade-mark, § **8:23**
 - particulars of foreign registration, § **3:31**
 - post-filing assertion, § **3:31**
 - priority convention claim and, § **3:33**
 - same wares/services, assertion re use, § **3:31, § 8:23**
 - scope of wares/services, § **3:37 to § 3:46, § 8:23**
 - translation of foreign registration, § **3:31, § 7:57**
 - valid/subsisting foreign application/registration, § **3:31**
 - declaration, § **3:50**
 - distinctiveness, proof of, § **3:32**
 - generally, § **3:32**
 - entitlement statement, § **3:32**
 - making known in Canada, § **3:29, § 3:33**
 - priority convention claim see PRIORITY CONVENTION CLAIM
 - proposed use, § **3:27, § 3:33**
- Consent see CONSENT
- Disclaimers
 - coined words, re, § **8:33**
 - composite trade-mark, for, § **7:35, § 8:29, APP 9A.2**
 - double, § **3:49**
 - effect, § **3:48, § 3:49, § 4:36**
 - electronic filing, § **4:36**
 - foreign terms, re, § **7:35**
 - form, approved, § **3:48, § 3:49**
 - independent, for components, § **3:48, § 3:49**
 - multiple, § **3:49**
 - partial, § **3:48, § 3:49**
 - purpose, § **3:48, § 3:49**

EXAMINATION REQUIREMENTS

—Cont'd

- Disclaimers—Cont'd
 - surnames, re
 - generally, § 8:35
 - coined words containing, § 8:33
 - compound or hyphenated, § 8:31
 - followed by “and Sons,” “Bros.,” etc., § 8:34
 - possessive or pluralized, § 8:30
- Documents, see also FORMS
 - generally, § 3:52
 - colour, § 3:52
 - electronic filing, APP 3E.3, APP 4A.3
 - format, § 3:52, APP 3E.3, APP 4A.3
 - language, § 3:52
 - paper applications, APP 3E.3, APP 4A.3
 - practice notice re, APP 3E.3, APP 4A.3
 - size, § 3:52
- Drawings
 - generally, § 3:71, § 3:72, § 4:36
 - black and white, § 7:17
 - description of colour, § 4:36, § 7:13
 - electronic filing, § 4:36
 - format, § 3:72, § 4:36, APP 3E.3, APP 4A.3
 - marks in special form, APP 3E.4
 - three-dimensional marks, § 3:73, § 3:74, § 7:13, § 7:19, APP 3E.1
- Entitlement statement, § 3:23, § 3:32, § 3:50, § 4:38
- Extension of wares/services, application for
 - generally, § 3:86
- Forms see FORMS
- Geographical indications, for, see GEOGRAPHICAL INDICATIONS
- Identity of applicant see IDENTITY OF APPLICANT
- Official marks, for see OFFICIAL MARKS
- Practice notices, relevant
 - Certification Marks—Compliance with Paragraph 30(f), APP 3E.2
 - Examination Procedures, New—Compliance with Paragraph 30(a), APP 3C.2, APP 7A.1
 - Pharmaceuticals—Compliance with Paragraph 30(a), APP 3C.1

EXAMINATION REQUIREMENTS

—Cont'd

- Practice notices, relevant—Cont'd
- Priority Claims—Requirements for Country, Date and Number, APP 3E.6
- Programs—Data Transmission Services
 - Compliance with Section 30(a), APP 3E.5
- “Sounded” Test Applied to Composite Marks which Include Words that Are the Dominant Feature of the Mark, Paragraph 12(1)(b), APP 9A.2
- Special Form, Marks in—Compliance with Paragraph 30(h), APP 3E.4
- Three-dimensional Marks, APP 3E.1
- Representative for service
 - appointment, § 3:20, § 3:21
 - effect of failure to appoint, § 3:21
 - mistakes, common, § 3:21
- Signature of applicant, § 3:51
- Signatures of living individuals, § 8:39 to § 8:42
- Statement of goods and services
 - generally, § 3:34 to § 3:47, § 7:40 to § 7:50, APP 7A.1
 - accessories, APP 7A.1
 - acronyms, use of, § 3:36
 - botanicals, § 3:36
 - broadening scope not permitted, § 3:35
 - Canada, services provided in, § 3:36
 - clothing, re, § 3:36, § 7:40 to § 7:50, APP 7A.1
 - commercial terms, ordinary, APP 7A.1
 - computer software re, § 3:36, § 7:41, APP 3E.5, APP 7A.1
 - domain names, APP 7A.1
 - electronic mail services, APP 3E.5
 - elements of, § 3:36
 - exclusions as to wares/services, § 3:36
 - footwear, re, § 3:36, APP 7A.1
 - foreign application or registration
 - scope of wares/services, § 3:37 to § 3:46, § 7:43
 - guidelines, general, § 3:35, APP 7A.1
 - hair care preparations, re, § 3:36, APP 7A.1
 - herbal supplements, § 3:36
 - homeopathic remedies, § 3:36
 - houses, APP 7A.1

EXAMINATION REQUIREMENTS**—Cont'd**

- Statement of goods and services—Cont'd
 - “including,” **APP 7A.1**
 - intangible things, **APP 7A.1**
 - limitations as to channels of trade, **§ 3:36**
 - “merely incidental” to sale of goods, **APP 7A.1**
 - mistakes, common, **§ 3:36**
 - nutraceuticals, **§ 3:36**
 - “parts and fittings,” re, **APP 7A.1**
 - pharmaceutical preparations, re, **§ 3:36, § 7:42, APP 3C.1**
 - public benefit, **APP 7A.1**
 - restrictions as to wares/services, **§ 3:36, § 7:44**
 - “services,” **§ 3:34 to § 3:47, APP 3E.5**
 - skin care preparations, **§ 3:36, APP 7A.1**
 - “specify,” **§ 3:35**
 - “such as,” **APP 7A.1**
 - telecommunications equipment, re, **§ 3:36, APP 7A.1**
 - telecommunication services, re, **§ 3:36, APP 3E.5, APP 7A.1**
 - services related to electronic transmission of data, **§ 3:36**
 - terminology, inclusive, **§ 3:36**
 - web sites, **APP 7A.1**
- Three-dimensional marks, for
 - generally, **§ 3:73, APP 3E.1**
 - as two-dimensional marks, **§ 3:74, APP 3E.1**
- drawings, **§ 3:73, § 3:74, § 7:13, § 7:19, APP 3E.1**
- functionality, **APP 3E.1**
- shaping of wares or their containers and, **APP 3E.1**
- wares and, **APP 3E.1**
- Translation/transliteration of words, **§ 3:53 to § 3:70, § 7:35, § 7:57**
 - veterinary pharmaceutical preparations, **§ 3:36**
 - wine and beer, **§ 3:36, APP 3D.1**
- Word marks
 - accents, foreign language, **§ 3:33, § 3:52**
 - representation of, **§ 3:52, § 4:36, APP 3E.4**

EXTENSION OF TIME

- Abandonment and
 - extension not sought, **§ 13:8, § 15:24**
 - Application for registration, to file, **§ 4:12, APP 4A.1**
 - Correspondence delivery, **§ 4:12, APP 4A.1**
 - Default notices, to respond to
 - generally, **§ 5:13**
 - fees, **§ 5:13**
 - retroactive, **§ 5:13**
 - Emergency, **§ 3:33, § 4:12**
 - Ending on holiday or weekend, **§ 3:33, § 4:12, APP 4A.1**
 - Fees, **§ 5:13**
 - generally, **§ 5:13, § 5:21, APP 5C.1**
 - pending court proceedings, **§ 10:33**
 - pending opposition proceedings, **§ 10:33**
 - Fees see FEES—extension of time, for
 - Holidays, **§ 3:33, § 4:12, APP 4A.1**
 - How to compute, **§ 4:12, APP 4A.1**
 - Practice notices, relevant
 - Dies Non for Trade-mark Business, **§ 4:12, APP 4A.1**
 - Extension Fee of 016750, **APP 4A.5**
 - Extensions of Time In Examination, **APP 5C.1**
 - Priority claim, **§ 3:33**
 - Renewals, for, **§ 5:13**
 - Review of Registrar’s discretion re, **§ 5:13**
 - Statutory, **§ 3:33, § 4:12, APP 4A.1**
 - Weekends, **§ 3:33, § 4:12, APP 4A.1**
- FEES**
- Generally, **§ 1:14 to § 1:27**
 - Agents’
 - annual, **§ 4:5, § 4:6**
 - exemptions, **§ 4:6**
 - renewals, **§ 4:6**
 - Amendments, for
 - address/name of owner or representative, **§ 6:42, § 12:21, APP 6A, APP 12B.2**
 - assignment of pending trade-mark, **§ 6:26, § 6:42, § 12:9, APP 12B.2**
 - clerical errors, **§ 6:6, APP 6A**
 - during examination, **§ 6:26**
 - foreign trade-mark registration, **§ 6:26**
 - post-advertisement generally, **§ 6:42**

FEES—Cont'd

- Amendments, for—Cont'd
 - practice notices re, **APP 1A.3**
- Copies of documents, for, § **1:13**
- Deficiencies
 - generally, § **4:23, APP 4A.4**
 - corrective payments, § **4:23, APP 4A.4**
 - insufficient funds, § **4:24, APP 4A.4**
- Extension of time, for
 - generally, **APP 4A.5**
 - declaration of use, to file, § **6:42, § 13:8**
 - default notices, to respond to, § **5:13**
 - objections/office actions, to respond to, § **5:13**
 - opposition proceedings, in see **OPPOSITION PRACTICE**
- Filing
 - generally, § **4:21, APP 1A.3, APP 4A.4, APP 6A**
 - assignments, § **6:26, § 6:42, § 12:9, APP 12B.2**
 - change of name, § **12:21, APP 12B.2**
 - declaration of use, § **6:42**
 - geographical indications, § **3:77, APP 3E.9, APP 3E.10**
 - industrial designs, **APP 6A**
 - official marks, § **3:89, § 3:93, § 3:97, APP 2B.1**
 - security agreements/interests, § **12:25, § 12:26, APP 12B.1**
 - Tariff, § **4:21, APP 1A.3, APP 2B.1, APP 3E.7, APP 4A.5, APP 12B.2**
- Geographical indications, for, § **3:77, APP 3E.9, APP 3E.10**
- Index searches, § **1:13**
- Industrial designs, for, **APP 6A**
- Methods of payment
 - generally, § **4:14 to § 4:24**
 - bank transfers, § **4:20**
 - cash, § **4:15**
 - credit card accounts, § **4:17, APP 5A**
 - credit cards, § **4:16, § 4:17**
 - deposit accounts, § **4:19**
 - online payment systems, § **4:18, § 4:29**
- Official marks, for, § **3:89, § 3:93, § 3:97, APP 2B.1**
- Opposition proceedings, in see **OPPOSITION PRACTICE**
- Overpayments, § **4:22, APP 3E.7, APP 4A.4, APP 4A.5**

FEES—Cont'd

- Practice notices, relevant
 - Fee, Extension, of 016750, **APP 4A.5**
- Fee Review, CIPO—Updated Explanatory Note, **APP 6A**
- Fees, Payment of Official Notice, **APP 4A.4**
- Filing, Procedures at Time of, **APP 1A.3, APP 3E.7**
- Refunds, § **3:1, § 3:2, § 3:97, § 4:22, APP 2B.1, APP 4A.4, APP 4A.5**
- Tariff, § **4:21, APP 1A.3, APP 2B.1, APP 3E.7, APP 4A.5, APP 6A, APP 12B.2**

FILING DATE

- See also **DATE**
- Application, § **12:17, APP 1A.3, APP 3E.7, § 7:51 to § 7:53**
- Change, § **6:18, § 6:34, § 7:7, § 7:39, § 7:64**
- Denial, § **3:1, § 3:2, § 3:23, § 3:34 to § 3:47**
- Effective, § **3:33, § 6:18, § 7:51 to § 7:53**
- Facsimile, via, § **4:13**
- Insufficient funds, and, § **4:24**
- Minimum requirements, § **3:1, § 3:2, § 3:21, § 3:23, § 3:34 to § 3:47, § 5:3, APP 1A.3, APP 3E.7**
- Online, § **4:26 to § 4:29**
- Priority, § **1:5, § 2:25, § 3:33, § 4:13, § 4:49, § 6:18, § 7:7, § 7:52, § 7:58 to § 7:64, APP 3E.6**
- Time zones, different, § **4:13**

FILING PROCEDURES

- Computation of time, § **4:11, § 4:12**
- Dies non practice, § **4:11, § 4:12, APP 4A.1**
- Electronic filing see **ELECTRONIC FILING ONLINE**
- Extension of time, § **4:12, APP 4A.1**
- Facsimile transmission considerations, § **4:13, APP 4A.1**
- Fees see **FEES**
- Hand delivery considerations, § **4:12, § 4:26 to § 4:29**
- Holidays, on, § **4:12, APP 4A.1**
- Notice of filing, § **4:12, § 4:26 to § 4:29, § 5:3, APP 4A.1**

FILING PROCEDURES—Cont'd

- Practice notices, relevant
 - Dies Non for Trade-mark business, § 4:12, APP 4A.1
 - Fee Review, CIPO—Updated Explanatory Note, APP 6A
 - Fees, Payment of Official Notice, APP 4A.4
 - Filing, Procedures at Time of, APP 1A.3, APP 3E.7
 - Time limits, § 4:12, APP 4A.1

FORMS

- Application for Registration of Trade-mark
 - online forms, § 4:32 to § 4:50

FUNCTIONALITY

- Generally, APP 3E.1

GEOGRAPHICAL INDICATIONS

- AAFC
 - address, APP 3E.9, APP 3E.10
 - jurisdiction
 - examination, § 3:77, § 5:3, § 5:7, § 5:23, APP 3E.9
 - removal from list, § 5:26
 - Memorandum of Understanding, § 5:3
 - news release, APP 3E.10
 - request for clarification, § 5:9
- Acquisition through use, § 11:32
- Assignment of, § 12:4, § 12:8
- Cancellation, § 11:28
- Certification marks as, § 2:7
- Confidentiality of application, APP 3E.9
- Customary names, § 11:29
- Defined, § 2:6, § 3:77, APP 3E.10
- Descriptiveness objection re, § 9:18
- Effect of listing, § 11:30, APP 3E.10
- Examination of applications, § 5:1, § 5:3, § 5:7
- Examination requirements
 - generally, § 3:77, APP 3E.9
 - address of principal office, § 3:77, APP 3E.9
 - administrative practices, § 3:77, APP 3E.9
 - country of origin, APP 3E.9
 - date of official protection and recognition, § 3:77, APP 3E.9
 - evidence of recognition, § 3:77
 - historical exports to Canada, § 3:77

GEOGRAPHICAL INDICATIONS**—Cont'd**

- Examination requirements—Cont'd
 - identity of responsible authority, § 3:77
 - indication, § 3:77, APP 3E.9
 - labels, copies of, § 3:77
 - laws, relevant, § 3:77, APP 3E.9
 - locality description, § 3:77, APP 3E.9
 - production annual, § 3:77, APP 3E.9
 - region description, § 3:77, APP 3E.9
 - sales, annual, § 3:77
 - statement of knowledge and belief, § 3:77, APP 3E.9
 - statement of quality, reputation, etc., § 3:77, APP 3E.9, APP 3E.10
 - territory description, § 3:77, APP 3E.9
- Failure to take proceedings, § 11:31
- Fees, § 3:77, APP 3E.9, APP 3E.10
- Generic names, § 11:30
- Good faith filing of trade-mark, § 11:32
- Jurisdiction
 - AAFC, § 3:77, § 5:7, APP 3E.9
 - administration, § 3:77
 - CIPO, § 3:77, § 5:3
 - examination, § 3:77, § 5:3, § 5:7, § 5:23, APP 3E.9
 - processing, § 3:77, § 5:3
 - publication, § 3:77, § 5:23
 - registration, § 3:77
 - removal from list, § 5:26
- List of, § 3:77, § 5:23, § 5:26, § 11:30, APP 3E.10, APP 10A
- Memorandum of Understanding re, § 5:3
- Notice of entry on list, § 5:23
- Objection process, § 5:23, APP 3E.9, APP 3E.10
- Objections related to
 - confusion with, § 10:16 to § 10:19, § 11:26
 - descriptiveness of wares/services, § 9:18
 - use as generic term, § 7:46
 - wine or spirit not originating in territory, § 11:26
 - overcoming: acquisition through use, § 11:32
 - overcoming: cancellation, § 11:28
 - overcoming: customary names, § 11:29
 - overcoming: disclaimer, § 11:27
 - overcoming: disuse, § 11:28

GEOGRAPHICAL INDICATIONS**—Cont'd**

- Objections related to—Cont'd
 - wine or spirit not originating in territory, § 11:26—Cont'd
 - overcoming: failure to take proceedings, § 11:31
 - overcoming: generally, § 11:27
 - overcoming: generic names, § 11:26
 - overcoming: good faith filing, § 11:32
- Process for protection, APP 3E.9
- Publication in Gazette, § 3:77, § 5:23
- Recommendation for publication, § 5:23
- Removal from list, § 5:26
- Responsible authority, APP 3E.9
- TRIPS Agreement and, § 1:7, APP 3E.9
- Use as generic term, § 7:46

GRADE NAMES

- Generally, § 7:49

HATCHING

- Generally, § 7:13

HOLIDAYS

- Generally, § 3:33, § 4:12, APP 4A.1

IDENTITY OF APPLICANT

- Amendments re
 - generally
 - post-advertisement, § 6:30
 - pre-advertisement, § 6:4, § 7:6
 - affidavit evidence, where required
 - generally, § 6:5
 - Canadian corporations, § 6:8
 - foreign corporations, legal status, § 6:8
 - corporations, pre-advertisement
 - generally, § 6:8
 - amalgamation, § 6:8
 - Canadian corporations, § 6:8
 - erroneous or improper identification, § 6:8
 - foreign corporations, § 6:8
 - merger, § 6:8
 - name change, § 6:8
 - death of applicant, upon, § 6:6
 - indeterminate legal entities, pre-advertisement, § 6:5
 - individuals, pre-advertisement
 - generally, § 6:6

IDENTITY OF APPLICANT—Cont'd

- Amendments re—Cont'd
 - individuals, pre-advertisement—Cont'd
 - erroneous or improper identification, § 6:6
 - misidentification of legal status, § 6:6
 - wrong entity or person, § 6:6
 - non-legal entities
 - pre-advertisement, § 6:5
 - operating divisions, pre-advertisement
 - generally, § 6:7
 - erroneous or improper identification, § 6:7
 - wrong entity or person, § 6:7
 - post-advertisement, generally, § 6:30
 - predecessor-in-title, post advertisement, § 6:30
 - predecessor-in-title, pre-advertisement, § 6:10, § 7:7
 - sole proprietorships, pre-advertisement
 - generally, § 6:7
 - erroneous or improper identification, § 6:7
 - wrong entity or person, § 6:7
 - trading styles, pre-advertisement
 - generally, § 6:7
 - erroneous or improper identification, § 6:7
 - wrong entity or person, § 6:7
- Examination requirements
 - generally, § 3:1 to § 3:18
 - charities, § 3:9, APP 3A
 - corporations
 - generally, § 3:14, APP 3A
 - Canadian, § 3:15
 - foreign, § 3:36
 - government entities, § 3:17, APP 3A
 - foreign governments, § 3:18
 - individuals, § 3:3 to § 3:18, APP 3A
 - mistakes, common
 - associations, § 3:12
 - corporations, Canadian, § 3:15
 - individuals, § 3:5
 - joint ventures, § 3:13
 - partnerships, § 3:11
 - sole proprietorships, § 3:7
 - trading styles, § 3:7
 - multiple applicants/owners
 - generally, § 3:10

IDENTITY OF APPLICANT—Cont'd

- Examination requirements—Cont'd
 - multiple applicants/owners—Cont'd
 - associations, § 3:10, § 3:12, APP 3A
 - joint ventures, § 3:13, APP 3A
 - partnerships, § 3:11, APP 3A
 - non-profit organizations, § 3:9, APP 3A
 - quasi-governmental institutions, § 3:17
 - sole proprietorships, § 3:3 to § 3:18, APP 3A
 - trading styles, § 3:3 to § 3:18, APP 3A
 - trusts, § 3:8
- Objections re
 - generally, § 7:2 to § 7:8
 - associations, § 7:4
 - change in identity, § 7:6
 - overcoming, § 7:6
 - corporations, § 7:4
 - error in identity, § 7:6
 - overcoming, § 7:6
 - individuals, § 7:4
 - legal entity - missing components, § 7:4
 - overcoming, § 7:4
 - legal entity status, § 7:3
 - overcoming, § 7:3
 - multiple applicants/owners, § 7:5
 - overcoming, § 7:5
 - predecessor-in-title, § 7:7
 - overcoming, § 7:7
 - trading styles, § 7:4

INDEX

- Cards, expunged, § 1:26, APP 1A.2
- Classification scheme, § 1:8, APP 1C.3
- Official, APP 1A.2, APP 1C.3
- Paper records, APP 1A.2
- Pharmaceutical index, § 5:4, § 5:5, § 9:16
- Practice notices, relevant
 - Trade-mark Index, Official, Notice Regarding, APP 1A.2
 - Vienna Classification 2011, APP 1E.4
- Searches, § 1:13, § 1:26, § 2:25, § 5:4 to § 5:6, APP 1C.3

INDUSTRIAL DESIGNS

- Defined, § 2:29
- Delaying registration, APP 6A
- Distinguished from trade-marks, § 2:29
- E-services respecting, APP 6A

INDUSTRIAL DESIGNS—Cont'd

- Examination request, accelerated, APP 6A
- Fees, APP 6A
- Issuing correcting certificate, APP 6A
- Non-renewable, § 2:29
- Office
 - e-services, APP 6A
 - fees, APP 6A
- Practice notices, relevant
 - Fee Review, CIPO—Updated Explanatory Note, APP 6A
- Regulations, APP 6A
- Reinstating of abandoned application, APP 6A
- Term of, § 2:29
- Time limits
 - filing, § 4:12, APP 4A.1

INHERENT DISTINCTIVENESS

- See DISTINCTIVENESS

INTEGRATED CIRCUIT

TYPOGRAPHIES

- Deadline for filing application, § 2:30
- Defined, § 2:30
- Practice notices, relevant
 - Correspondence Procedures, Updated, APP 1F.1, APP 4A.1
- Registrar, § 1:10 to § 1:13, APP 1F.1, APP 4A.1
- Term of registration, § 2:30

INTREPID DATABASE

- Generally, § 1:26, APP 1A.2
- Contents, § 1:26
- “Copy and paste,” APP 3E.3, APP 4A.3
- Data quality, APP 3E.3, APP 4A.3
- Drawing format, § 3:72, APP 3E.3
- Entry into, § 3:72, APP 1A.3, APP 3E.3, APP 3E.7
- Official register, as, § 1:26, APP 1A.2

LICENSEE

- Amendments re, § 7:27
- Certification mark, of
 - use before filing, § 7:27
- Objections re, § 7:27
 - overcoming, § 7:27
- Predecessor-in-title as, § 3:25

LIKELIHOOD OF CONFUSION

- See CONFUSION

MADRID PROTOCOL

- Administration by WIPO, § 1:9
- Inapplicable in Canada, § 1:9
- In Canada, general principles, APP O

MAKING KNOWN

- Date of
 - affidavits re, § 6:16, § 7:39
 - amendments re
 - post-advertisement, § 6:33
 - post-registration, § 14:10
 - pre-advertisement, § 6:16
 - clerical errors in, § 6:33
- Filing basis
 - change from proposed use, § 6:18
 - electronic filing, § 4:47, APP 4A.12
 - examination requirements, § 3:29, § 3:33

MEAT INSPECTION ACT

- Generally, § 1:3
- Grade names, § 7:49
- Objection re, § 7:49
- overcoming, § 7:49

MISDESCRIPTIVENESS OBJECTIONS

- Generally, § 9:1 to § 9:3, § 9:19, § 9:51, § 9:52
- Character of wares/services
 - generally, § 9:3, § 9:7, APP C1 [TA 12(1)(b), re]
 - acronyms, § 9:11
 - coined words, § 9:12
 - embellishments, § 9:9, § 9:26
 - laudatory expressions, § 9:8
 - lettering, fancy, § 9:9, § 9:26
 - overcoming
 - generally, § 9:51, § 9:52
 - deleting wares/services, § 9:51, § 9:52
 - disclaimer ineffective, § 9:12, § 9:19, § 9:38 to § 9:46
 - geographical location/origin, § 9:52
 - merely suggestive, § 9:51, § 9:52
 - punctuation marks, § 9:10, § 9:26
 - typographic characters, § 9:10, § 9:26
- Condition of production of wares, re, § 9:14
- Disclaimer ineffective, § 9:12, § 9:19, § 9:38 to § 9:46
- Geographical location/origin of wares/services, re, § 9:52

MISDESCRIPTIVENESS OBJECTIONS

—Cont'd

- Pharmaceutical trade-marks, re, § 9:16
- Place of wares/services, re see Geographical location/origin of wares/services, re
- Quality of wares/services, re see Character of wares/services
- Test applicable
 - “deceptively misdescriptive,” § 9:22, § 9:23 to § 9:26
 - “depicted,” § 9:24
 - “sounded,” § 9:26, APP 9A.2
 - “written,” § 9:25

MULTIPLE CLAIMS

- Amendments re, § 6:17, § 6:18
- Distinctiveness, proof of, § 3:32
- Entitlement statement, § 3:32
- Inconsistent, § 3:32
- Independent review, § 3:32

MULTIPLICITY, RULE AGAINST

- Generally, § 4:31, § 7:11

NAMES

- See SURNAME OBJECTIONS

NICE CLASSIFICATION SYSTEM

- Generally, § 3:33

NON-TRADITIONAL TRADE-MARKS

- Defined, § 2:8
- International obligations re, § 2:8
- Mark v. trade-mark, § 2:9
- Scents, § 2:8
- Sounds, § 2:8

NON-USE PROCEEDINGS

- See EXPUNGEMENT PROCEEDINGS

NUANS SEARCH

- Generally, § 2:25, APP 2A

OBJECTIONS

- See also CONFUSION; DESCRIPTIVENESS OBJECTIONS; SURNAME OBJECTIONS
- Address of applicant, re
 - agent requirement, § 7:8
 - Canadian mailing address, § 7:8
 - overcoming, § 7:8
- foreign applicant, § 7:8

OBJECTIONS—Cont'd

- Address of applicant, re—Cont'd
 - priority claim, § 7:8
 - overcoming, § 7:8
- Agent, re, § 7:54
 - overcoming, § 7:54
- Amendments to trade-mark, re, § 7:33
- Basis of use, re
 - proposed use to actual use, § 7:39
 - overcoming, § 7:39
- Bilingual trade-marks, re
 - generally, § 7:34
 - modified application, § 7:34
 - multiple use, § 7:34
 - separate application, § 7:34
 - separate use, § 7:34
- Certification marks, re
 - generally, § 7:24 to § 7:32
 - area: services performed, § 7:31
 - overcoming, § 7:31
 - area: wares produced, § 7:31
 - overcoming, § 7:31
 - class of persons: services performed, § 7:30
 - overcoming, § 7:30
 - class of persons: wares produced, § 7:30
 - overcoming, § 7:30
 - defined standards unrelated
 - to character of wares/services, § 7:28
 - overcoming, § 7:28
 - to quality of wares/services, § 7:28
 - overcoming, § 7:28
 - engaged in manufacture/sale of wares, § 7:25
 - overcoming, § 7:25
 - engaged in performance of services, § 7:25
 - overcoming, § 7:25
 - standards of certification, § 7:26
 - overcoming, § 7:26
 - use by licen, see Before filing date, § 7:27
 - overcoming, § 7:27
 - working conditions: services performed, § 7:29
 - overcoming, § 7:29
 - working conditions: wares produced, § 7:29
 - overcoming, § 7:29

OBJECTIONS—Cont'd

- Commercial words, recognized, denoting attributes of wares/services, confusion with, § 11:24
 - overcoming, § 11:24
- Confusing application, co-pending, re
 - generally, § 7:51 to § 7:53
 - co-pending application opposed, § 7:53
 - overcoming, § 7:53
 - entitlement date, § 7:51 to § 7:53
 - overcoming, § 7:52
- Country of use, unidentified, re, § 7:39
 - overcoming, § 7:39
- Date of first use, re
 - change to earlier date, § 7:39
 - overcoming, § 7:39
- Definition of see DEFINITIONS
- Descriptiveness, re see DESCRIPTIVENESS OBJECTIONS
- Disclaimer see DISCLAIMERS
- Distinguishing guises, re
 - generally, § 7:22, § 7:23
 - colour: mode of packing wares, § 7:14
 - overcoming, § 7:14
 - colour: mode of wrapping wares, § 7:14
 - overcoming, § 7:14
 - drawings, § 7:23
 - proposed use basis, 7:22, 7:23
- Drawings, re
 - distinguishing guises, § 7:23
 - meaningful representation
 - generally, § 7:18 to § 7:21
 - unclear drawings, § 7:16, § 7:19
 - overcoming, § 7:17, § 7:19
 - written description inconsistent, § 7:20
- Failure to respond to, § 5:12, § 5:13, § 5:21
- Foreign registration, corresponding, re
 - generally, § 7:56, § 7:57
 - addresses, different, § 7:8
 - certificate of registration, § 7:57
 - overcoming, § 7:57
 - owners, different, § 7:56, § 7:57
 - overcoming, § 7:56, § 7:57
 - trade-marks, difference in character, APP C1 [TA 14(1)], APP C1 [TA 16(2)]
 - translation of certificate, § 7:57
 - overcoming, § 7:57

OBJECTIONS—Cont'd

- Identity of applicant, re
 - generally, § 7:4
 - associations, § 7:4
 - change in identity, § 7:6
 - overcoming, § 7:6
 - corporations, § 7:4
 - error in identity, § 7:6
 - overcoming, § 7:6
 - individuals, § 7:4
 - legal entity - missing components, § 7:4
 - overcoming, § 7:4
 - legal entity status, § 7:3
 - overcoming, § 7:3
 - multiple applicants/owners, § 7:5
 - overcoming, § 7:5
 - predecessor-in-title, § 7:7
 - overcoming, § 7:7
 - trading styles, § 7:4
- Indefinite date, § 7:39
 - overcoming, § 7:39
- Name, personal, re see SURNAME
- OBJECTIONS**
- Nature of subject matter, re
 - generally, § 7:10 to § 7:14
 - colour: mode of packing wares, § 7:14
 - colour: mode of wrapping wares, § 7:14
 - overcoming, § 7:14
 - colour: visible surface, § 7:13
 - overcoming, § 7:13
 - extraneous elements, § 7:12
 - multiplicity, § 7:11
 - overcoming, § 7:11
 - overcoming, § 7:14
- Portrait, re
 - consent requirement, written, § 8:39 to § 8:42
 - example of consent, § 8:41
 - overcoming, § 8:40, § 8:41
 - constituting trade-mark as whole, § 8:27, § 8:28
 - overcoming, § 8:28
- Practice notices, relevant
 - Data Quality, Improving—Trade-Mark Applications, APP 3E.3, APP 4A.3
 - Name or Surname, Paragraph 12(1)(a) of the Act, APP 8A.1

OBJECTIONS—Cont'd

- Practice notices, relevant—Cont'd
 - Three-dimensional Marks, APP 3E.1
- Priority convention claim, re see PRIORITY CONVENTION CLAIM
- Prohibited marks, re
 - generally, § 10:14, § 11:9
 - armed forces' insignia, confusion with, § 11:22
 - overcoming, § 11:22
 - civil defence, int'l sign of, confusion with, § 11:16
 - overcoming, § 11:3
 - commercial words, recognized, denoting attributes of wares/services, confusion with, § 11:24
 - overcoming, § 11:24
 - connection with royalty
 - symbols/words suggesting, § 11:11
 - overcoming, § 11:11
- Geneva cross, confusion with, § 11:13
 - overcoming, § 11:13
- immoral words/devices, § 11:19
 - overcoming, § 11:18
- living individual, misrepresentation of, § 11:20
 - consent requirement, § 11:20
 - overcoming, § 11:20
- obscene words/devices, § 11:19
 - overcoming, § 11:18
- official arms/crest/flags, confusion with, § 11:12
- Paris Convention, art. 6ter, listed signs, confusion with, § 11:17
 - overcoming, § 11:19
- plant variety denomination, confusion with, § 11:25
 - overcoming, protected GI, § 11:25, § 11:26
 - overcoming: acquisition through use, § 11:32
 - overcoming: cancellation, § 11:28
 - overcoming: customary names, § 11:29
 - overcoming: disclaimer, § 11:27
 - overcoming: disuse, § 11:28
 - overcoming: failure to take proceedings, § 11:31
 - overcoming: generally, § 11:27
 - overcoming: generic names, § 11:30

OBJECTIONS—Cont'd

- Prohibited marks, re—Cont'd
 - plant variety denomination, confusion with, § 11:25—Cont'd
 - overcoming: good faith filing, § 11:32
 - public authorities, confusion with, § 11:22
 - overcoming, § 11:22
 - R.C.M.P, confusion with, § 11:23
 - overcoming, § 11:23
 - Red Crescent on white background, confusion with, § 11:14
 - overcoming, § 11:14
 - Red Cross, confusion with, § 11:13
 - overcoming, § 11:13
 - Red Lion and Sun used by Iran, confusion with, § 11:15
 - overcoming, § 11:15
 - royal arms/crest/standard, § 11:10
 - overcoming, § 11:10
 - scandalous words/devices, § 11:19
 - overcoming, § 11:18
 - United Nations, confusion with, § 11:21
 - overcoming, § 11:21
 - universities' insignia, § 11:22
 - overcoming, § 11:22
- Representation of subject matter
 - generally, § 7:15 to § 7:17
 - illegibility of characters/design, § 7:17
 - overcoming, § 7:17
 - legibility of application, § 7:16
- Representative for service, re, § 7:54
 - overcoming, § 7:54
- Signature, re
 - consent requirement, written, § 8:39 to § 8:42, § 11:20
 - example of consent, § 8:41
 - overcoming, § 8:40, § 8:41, § 11:20
 - constituting trade-mark as whole, § 8:27, § 8:28
 - overcoming, § 8:28
 - fictitious signature, § 8:17, § 8:42
 - prohibited mark, as, § 11:20
- Statement of wares and services, re
 - generally, § 7:40 to § 7:50
 - Bank Act, § 7:48
 - overcoming, § 7:48

OBJECTIONS—Cont'd

- Statement of wares and services, re
 - Cont'd
 - broader than foreign application/registration, § 7:43
 - overcoming, § 7:43
 - Canada Agricultural Products Act, § 7:49
 - overcoming, § 7:49
 - class of wares/services, general, § 7:42
 - overcoming, § 7:42
 - duplication of wares/services, § 7:41
 - overcoming, § 7:41
 - extension of statement after publication, § 7:45
 - overcoming, § 7:45
 - extension of statement before publication, § 7:44
 - overcoming, § 7:44
 - foreign terms, § 7:35
 - Meat Inspection Act, § 7:49
 - protected GI used as generic term, § 7:46
 - overcoming, § 7:46
 - qualification as service, § 7:47
 - overcoming, § 7:47
 - registered trade-mark used as generic term, § 7:46
 - overcoming, § 7:46
- Surname, re see SURNAME OBJECTIONS
- Third party intervention, re, § 7:55
 - overcoming, § 7:55
- Translation/transliteration, re
 - generally, § 7:35
 - overcoming, § 7:35
 - foreign application, § 7:57
 - overcoming, § 7:57
- Written description, re
 - absence/inconsistency/unclear, § 7:20
 - overcoming, § 7:20
 - unclear/ inconsistency with drawing, § 7:20

OFFICIAL MARKS

- See also OBJECTIONS—prohibited marks
- Amendments re, § 6:11, § 6:43
- Assignment, § 6:43, § 10:26, § 12:4
- Coats of arms, for, § 3:93, § 11:10

OFFICIAL MARKS—Cont'd

- Confidentiality of application, § 3:87 to § 3:98
- Confusion with, § 10:14, § 10:32, § 11:9
 - see also OBJECTIONS—Prohibited marks
- Consent to use, § 10:34, § 10:37
 - see also CONSENT
- Conversion of application, § 11:7
- Crests, § 3:93, § 11:10
- Defined, § 2:10
- Disclaimers armed forces insignia, § 11:22
 - commercial words, recognized, denoting attributes of wares/services, § 11:24
 - Geneva Cross, § 11:13
 - national flag, § 11:17
 - official arms/crests/flags, § 11:12
 - Paris Convention, art. 6ter, listed signs, § 11:19
 - Red Cross, § 11:13
 - royalty, terms suggesting, § 11:11
 - United Nations, § 11:21
 - universities' insignia, § 11:22
- Examination
 - streamlined procedure, § 5:7
 - time period, § 5:7
- Examination requirements
 - generally, § 3:87 to § 3:98
 - adoption and use in Canada, § 3:90, § 11:6, § 11:7
 - governmental control, evidence of, § 3:89, § 11:4, § 11:5
 - public authority status, evidence of, § 3:87 to § 3:98, § 11:4, § 11:5
 - public benefit, evidence of, § 3:89, § 11:4, § 11:5, APP 2B.1
 - registrability not assessed, § 2:10, § 3:88, § 10:20
 - statutory basis, § 11:8
 - universities, of, § 3:87 to § 3:98, § 11:2, § 11:3
- Fees, § 3:89, § 3:93, § 3:97, § 11:7, APP 2B.1
 - non-refundable, § 3:97
 - non-transferable, § 3:97
- Flags, § 3:93, § 11:12, § 11:17, § 11:18
- Forms, § 3:93
- Licence, see Consent to use
- Not registered, § 2:10, § 3:88, § 10:20

OFFICIAL MARKS—Cont'd

- Objections regarding
 - generally, § 11:1
 - adoption and use in Canada, § 11:6
 - overcoming, § 11:7
 - basis of request, § 11:6 to § 11:8
 - statutory basis, absence of, § 11:8
 - universities, requests by, § 11:2
 - overcoming, § 11:3
 - Objections related to see OBJECTIONS
 - prohibited marks
 - Publication in Trade-marks Journal
 - generally, § 2:10, § 3:87 to § 3:98
 - discretion to refuse, § 3:94
 - Public authority status
 - evidence of, § 3:87 to § 3:98, § 11:4, § 11:5
 - foreign entity, of, § 3:89
 - new/subsequent requests, upon, § 3:96
 - obligation to evaluate, § 3:89, APP 2B.1
 - test to evaluate, § 3:89, § 11:5, APP 2B.1
 - governmental control, § 3:89, § 11:4, § 11:5
 - public benefit, § 3:89, § 11:4, § 11:5, APP 2B.1
 - Standing to request publication, § 3:88, § 3:93
 - Transfers not recordable, § 6:43
 - Universities, of, § 3:87 to § 3:98, § 11:2, § 11:3, § 11:8, § 11:22
 - Wares and services, associated, § 11:8, § 11:9
 - Withdrawal of, § 10:27, § 10:32
- OPPOSITION PRACTICE**
- Opposition board, § 15:2, APP 17A, APP 17B
 - jurisdiction of opposition board, § 15:3
 - Opposition proceedings, § 15:4 to § 15:39, § 17:29
 - amendment of statement of opposition/counterstatement, § 15:25
 - applications
 - divisional, § 19:4.50
 - national, § 19:4
 - original, § 19:4.50
 - protocol, § 19:4
 - correspondence with Board, § 15:21

OPPOSITION PRACTICE—Cont'd

Opposition proceedings, § 15:4 to § 15:39, § 17:29—Cont'd
 counterstatement, § 15:12, § 15:24, APP 15C § 15C:1 et seq.
 decision and parallel proceedings, § 15:56 to § 15:59, § 17:29
 Appeals, § 15:58
 Concurrent Proceedings, § 15:57
 Remittal for Redetermination, § 15:59
 discretion of Registrar, § 17:29
 evidence, Rule 41 or 42, § 15:13
 applicant's evidence, § 15:39
 concurrent opposition and expungement proceedings, § 15:57
 cross-examination, § 15:15, § 15:40 to § 15:42, § 17:29
 extension of time to conduct cross-examination, § 15:15
 proceedings during cross-examination, § 15:41
 purpose and consequences, § 15:42
 further evidence, § 15:44
 modified rules of evidence, § 17:36
 nature and types, § 15:26
 affidavit or statutory declaration, § 15:27
 expert evidence, § 15:28
 file wrapper evidence from examination section, § 15:34
 foreign law, § 15:32
 interlocutory rulings on evidence, § 15:37
 state of the register, § 15:30
 survey evidence, § 15:29
 trade-mark agents, § 15:31
 website/Internet, § 15:35
 opponent's evidence, § 15:38
 reply evidence, § 15:14, § 15:43
 extensions of time, § 15:9, § 17:36
 beyond benchmark, exceptional circumstances, § 15:19
 consequences of granting extensions of time, § 15:10
 cooling-off period extension, § 15:10
 prior to filing counterstatement or applicant's rule 42(1) evidence, § 15:10

OPPOSITION PRACTICE—Cont'd

Opposition proceedings, § 15:4 to § 15:39, § 17:29—Cont'd
 extensions of time, § 15:9, § 17:36
 —Cont'd
 retroactive extension of time to file statement of opposition, § 15:11
 retroactive extensions of time generally, § 15:18
 table of deadlines for stages and extensions of time, APP 15B
 openness or publicity, § 17:38
 oral hearing, § 15:17, § 15:46 to § 15:55, § 17:29
 cancellation, § 15:52
 changes to schedule hearing date, § 15:49
 hearings on short notice, § 15:48
 jurisprudence, § 15:53
 postponement, § 15:51
 scheduling of hearings, § 15:47
 simultaneous translation, § 15:50
 pleadings, § 17:29, § 19:1 to § 19:3, § 19:6
 practice before board, practice notice, APP 15E
 prescribed fees, § 15:23
 procedure before board, practice notice, APP 15E.1
 case law digests, APP 15D § 15D:1 et seq.
 standing of interested parties, § 15:20
 stare decisis and opposition board decisions, § 15:33, § 17:39
 statement of opposition, § 15:5, APP 15C § 15C:1 et seq.
 content of and grounds raised in statement of opposition, § 15:6
 table of material dates for assessing grounds of opposition, APP 15A
 interlocutory rulings on pleadings, § 15:7
 specific grounds of opposition, § 15:8
 written argument, § 15:16, § 15:45

ORDINARY COMMERCIAL TERMS
 Generally, APP 7A.1

PARIS CONVENTION
 See also PRIORITY CONVENTION CLAIM

PARIS CONVENTION—Cont'd

Generally, § 1:4, § 2:26 to § 2:30, § 3:1, § 3:2, APP 1E.1

Article 6ter, § 11:17, § 11:19, APP 1A.1

Canadian accession to, APP 1A.1

Country of the Union

generally, § 3:29

defined, § 3:1, § 3:2

objections re

address, § 7:8

country of origin, § 7:62

national flag, § 11:18

substituting

post-advertisement, § 6:34

National treatment, § 1:4 to § 1:6

Practice notice re, APP 1A.1

Practice notices, relevant

Priority Claims—Requirements for
Country, Date and Number, APP
3E.6

Priority, see also PRIORITY CONVEN-
TION CLAIM

generally, § 1:5, § 3:33, § 3:37 to
§ 3:46

adding claim, § 6:18, APP 3E.6

claim requirements, APP 3E.6

electronic filing, § 4:49

entitlement objection re, § 7:51 to
§ 7:53

filing date, § 1:5, § 2:25, § 3:33,
§ 4:13, APP 3E.6

objection re address, § 7:8

Prohibited marks, objections re, § 11:17
overcoming, § 11:19

Purpose, § 1:4

Signatories, APP 1E.1

PATENTS

Clerical errors, § 6:40

Commissioner of, § 1:10 to § 1:13, APP
1F.1, APP 4A.1

Cooperation treaty, § 4:12, APP 4A.1

Defined, § 2:27

Distinguished from trade-marks, § 2:27

Office, § 4:12, APP 1F.1, APP 4A.1

Practice notices, relevant

Correspondence Procedures, Updated,
APP 1F.1, APP 4A.1

Dies Non for Trade-mark Business,
§ 4:12, APP 4A.1

PATENTS—Cont'd

Practice notices, relevant—Cont'd

Fee Review, CIPO—Updated Explana-
tory Note, APP 6A

Rights associated with, § 2:27

Term of, § 2:27

Time limits

filing, § 4:12, APP 4A.1

PHARMACEUTICAL INDEX

Generally, § 5:4, § 5:5, § 9:16

PHARMACEUTICAL MARKS

Confusion, § 10:50

Description of wares, § 3:36, § 7:42,
§ 10:50, APP 3C.1

Descriptiveness, § 9:16

Examination requirements, § 3:36, § 7:42,
APP 3C.1

Index, § 5:4, § 5:5, § 9:16

Misdescriptiveness, § 9:16

Objections re, § 7:42, § 9:16, § 10:50

Practice notices, relevant

Examination Procedures, New—

Compliance with Paragraph 30(a),
APP 3C.2, APP 7A.1

Pharmaceuticals—Compliance with
Paragraph 30(a), APP 3C.1

PLACE OF ORIGIN

Generally, § 2:20, § 3:35, § 11:24, APP
9A.1

Certification mark

descriptive of, § 3:76, § 7:24 to § 7:32,
§ 9:45

Misdescription of, § 9:3, § 9:19, § 9:22,
§ 9:52, APP 9A.1

Misleading indication of origin of wine/
spirits, § 11:27

PLANT BREEDERS' RIGHTS ACT

Generally, § 5:6, § 11:25

PLANT VARIETIES JOURNAL

Generally, § 5:6, § 11:25

PLANT VARIETY DENOMINATION

Generally, § 11:25

PRACTICE NOTICES

Generally, § 1:23

Amendments to the Trade-marks Act—
Exception for Generic Names for
Wines, APP 2C.1

PRACTICE NOTICES—Cont'd

Archive (no longer in effect), **APP 1C.4**
 Certification Marks—Compliance with Paragraph 30(f), **APP 3E.2**
 Conflict with legislation, § **1:23**
 Corporate Name, Protecting, **APP 2A**
 Corrections, **APP 4A.2**
 Correspondence, Electronic, Registrar May Receive, **APP 3B**
 Correspondence, Trade-marks Office Facsimile, **APP 4A.1**
 Correspondence Procedures, Updated, **APP 1F.1, APP 4A.1**
 Data Quality, Improving—Trade-Mark Applications, **APP 3E.3, APP 4A.3**
 Declaration of Use, Extensions of Time to File, **APP 13A**
 Declaration of Use, Partial, Wares/ Services, **APP 13A.1**
 Descriptiveness and Terms such as.com, .ca, .fr, .uk, u.s, **APP 9A.1**
 Dies Non for Trade-mark Business, § **4:12, APP 4A.1**
 Disclaimers, **APP 3F.2**
 Emergency Procedures, § **4:12**
 Entitlement - Confusing Marks, **APP 1C.1**
 Examination, Extensions of Time In, **APP 5C.1**
 Examination Procedures, New - Compliance with Paragraph 30(a), **APP 3C.2, APP 7A.1**
 Fee, Extension, of 016750, **APP 4A.5**
 Fee Review, CIPO—Updated Explanatory Note, **APP 6A**
 Fees, Payment of, Official Notice, **APP 4A.4**
 Filing, Procedures at Time of, **APP 1A.3, APP 3E.7**
 Name or Surname—Paragraph 12(1)(a) of the Act, **APP 8A.1**
 Order Amending Subsections 11.18(3) and (4) of the Trade-marks Act, **APP 2C.2**
 Paris Convention, Canada Accedes to Latest Text, **APP 1A.1**
 Pharmaceuticals—Compliance with Paragraph 30(a), **APP 3C.1**
 Priority Claims—Requirements for Country, Date and Number, **APP 3E.6**

PRACTICE NOTICES—Cont'd

Professional Designations and their initials—Paragraph 12(1)(b) of the Trade-marks Act, **APP 3F.1, APP 9A.3**
 Programs—Data Transmission Services—Compliance with Section 30(a), **APP 3E.5**
 Publication requirements, § **1:23**
 Public Authority Status Under Sub-paragraph 9(1)(n)(iii), **APP 2B.1**
 Section 45 Procedures, Changes Related to, **APP 14A.1**
 Section 44 Proceedings, Explanatory Notes to Rules of Practice, **APP 16C.2**
 Section 45 Proceedings Rules of Practice Effective June 17, 2019, **APP 16C.1**
 Security Agreements, **APP 12B.1**
 Service of Documents on Registrar of Trade-marks, **APP 16C.4**
 “Sounded” Test Applied to Composite Marks which Include Words that Are the Dominant Features of the Mark, Paragraph 12(1)(b), **APP 9A.2**
 Special Form, Marks in—Compliance with Paragraph 30(h), **APP 3E.4**
 Three-dimensional Marks, **APP 3E.1**
 Trade-mark Index, Official, Notice Regarding, **APP 1A.2**
 Trade-marks Opposition Board, Practice Before, **APP 15E.1**
 Transfers and/or Change of Name, **APP 12B.2**
 Vienna Classification, **APP 1C.3**

PREDECESSOR-IN-TITLE
 Amalgamated entity, § **3:25**
 Amendments re, § **6:10, § 6:30, § 7:7**
 Examination requirements, § **3:25**
 Licensee, § **3:25**
 Objections re, § **7:7**
 overcoming, § **7:7**

PRIMARILY
 Meaning of, § **8:9**
 Test to determine, § **8:9, § 8:16, § 8:17, § 8:19, APP 8A.1**

PRIORITY
 Filing date, § **1:5, § 2:25, § 3:33, § 4:13, § 4:49, § 6:18, § 7:7, § 7:52, § 7:58 to § 7:64, APP 3E.6**

PRIORITY CONVENTION CLAIM

- Amendments re
 - adding claim, § 6:18, APP 3E.6
 - changing to proposed use, § 7:8
 - clarifying scope of wares/services, § 7:63
 - correcting country, § 6:18, § 7:39, § 7:64
 - correcting date, § 6:18, § 7:59, § 7:64
 - deleting claim, § 7:59, § 7:62
 - deleting wares/services, § 7:63
- Assignment, § 12:18
- Electronic filing, § 4:49
- Examination requirements
 - country requirement, § 3:33, § 7:62, APP 3E.6
 - deadline for assertion, § 3:33, § 7:59, § 7:64, APP 3E.6
 - earliest application, generally, § 3:33, § 3:37 to § 3:46, § 7:60, APP 3E.6
 - number requirement, APP 3E.6
 - practice notice re, APP 3E.6
 - registration in name of applicant, § 3:33, § 7:61
 - same wares/services in Country of Union, § 3:33, § 7:63
 - scope of wares/services, § 3:37 to § 3:46
 - statement of wares/services, § 3:33, § 3:37 to § 3:46, § 7:63
- Filing date, § 1:5, § 2:25, § 3:33, § 4:13, § 4:49, § 6:18, § 7:7, § 7:52, § 7:58 to § 7:64, APP 3E.6
- Non-filing basis claim, as, § 3:33, § 4:49
- Objections re
 - generally, § 7:58 to § 7:64
 - address of applicant, § 7:8
 - overcoming, § 7:8
 - co-pending application/entitlement, § 7:51 to § 7:53
 - overcoming, § 7:52
 - Country of Union, § 7:62
 - overcoming, § 7:62
 - country of use, unidentified, § 7:39
 - deadline, six-month, § 7:59
 - overcoming, § 7:59
 - declaration amended post-deadline, § 7:64
 - overcoming, § 7:64

PRIORITY CONVENTION CLAIM**—Cont'd**

- Objections re—Cont'd
 - earliest application, § 7:60
 - overcoming, § 7:60
 - foreign applicant/registrant, different, § 7:61
 - overcoming, § 7:61
 - wares/services same in Country of Union, § 7:63
 - overcoming, § 7:63
- Practice notices, relevant
 - Priority Claims—Requirements for Country, Date and Number, APP 3E.6

PROCESSING OF APPLICATIONS

- Generally, § 5:1
- Abandonment proceedings
 - deemed abandonment, § 5:13, § 5:21
 - default notice, issuance of, § 5:13, § 5:21, APP 1A.3
 - extension of time, § 5:13, § 5:21
- Acknowledgment of receipt, § 5:2, APP 4A.1
- Advertisement in Trade-marks Journal
 - correction following, § 5:28
 - effect of, § 5:24
 - erratum notice, § 5:31
 - refusal of, § 5:22
 - time to object, § 5:28
- Allowance, see also DECLARATION OF USE; NOTICE OF ALLOWANCE
 - confirmation of notice of, § 5:31
 - declaration of use, § 5:31
- Appeal of Registrar's decision
 - forum of appeal, § 5:20
 - time for appeal, § 5:20
- Application number, assignment of, § 5:3
- Approval for publication in Trade-marks Journal
 - generally, § 5:22
 - associated marks, § 5:22
 - notice of approval, issuance of, § 5:22
 - qualified, § 5:22
 - refusal of advertisement, § 5:22
 - unqualified, § 5:22
 - withdrawal of notice of approval, § 5:24
- Examination see EXAMINATION

PROCESSING OF APPLICATIONS

—Cont'd

- Geographical indications, re, § 5:1, § 5:3, § 5:7
- Notice of approval
 - issuance of, § 5:22
 - withdrawal of, § 5:24
- Notice of filing, issuance of, § 4:12, § 4:26 to § 4:29, § 5:3
- Official marks, re, § 5:1, § 5:7
- Processing time, § 4:26 to § 4:29
- Proof sheet, issuance of, § 5:3
- Re-advertisement, § 5:28
- Search
 - generally, § 5:4
 - parameters of, § 5:6
 - Pharmaceutical Index, § 5:5
 - pre-examination, § 5:4
 - pre-publication, § 5:4, § 5:28
 - search sheet, summary, § 5:5
- Translation, § 5:4, § 5:27

PROHIBITED MARKS

- Consent to use, see CONSENT
- Examiner's reports see OBJECTIONS—prohibited marks
- Informing the applicant, § 11:10
- Misleading, § 10:1, § 10:14, § 10:22 to § 10:38
- Official marks see OFFICIAL MARKS
- Public authority see PUBLIC AUTHORITY STATUS
- Public notice, request for see PUBLIC NOTICE

PROPER RESPONSE

- Content of, § 5:14
- Extension of time, § 5:13, APP 5C.1
 - practice notices re, APP 5C.1
- Form of, § 5:14
- Initial, § 5:15
- Interview, personal, § 5:16
- Supplemental, § 5:17
- Time for filing, § 5:12, § 5:13, APP 5C.1

PROPOSED USE

- Generally, § 3:27
- Abandonment, § 5:21
- Amendments re see AMENDMENTS—Basis of application
- Declaration of use see DECLARATION OF USE

PROPOSED USE—Cont'd

- Entitlement date, § 7:51 to § 7:53

PROTECTED GEORAPHICAL INDICATIONS FOR WINES OR SPIRITS

- See also GEOGRAPHICAL INDICATIONS
- Disclaimer re, § 11:27
- Examiners' reports, § 11:27
- Objections re, § 10:16 to § 10:19, § 11:26, § 11:27

PUBLIC AUTHORITY STATUS

- Evidence of, § 3:87 to § 3:98, § 11:4, § 11:5
- Foreign entity, of, § 3:89
- New/subsequent requests, upon, § 3:96
- Obligation to evaluate, § 3:89, APP 2B.1
- Practice notices, relevant
 - Public Authority Status Under Sub-paragraph 9(1)(n)(iii), APP 2B.1
- Standing to request publication, § 3:88, § 3:93
- Test to evaluate, § 3:89, § 11:4, § 11:5, APP 2B.1
 - governmental control, § 3:89, § 11:4, § 11:5
 - public benefit, § 3:89, § 11:4, § 11:5, APP 2B.1
- Universities, of, § 3:87 to § 3:98, § 11:2

PUBLIC NOTICE

- Prohibited marks, re, § 3:88 to § 3:97, § 11:10, § 11:12

QUALITY MARKS

- Generally, § 9:1, § 9:2

RE-ADVERTISEMENT

- Generally, § 5:28

REGISTERED TRADE-MARKS

- Cancellation, voluntary, § 14:10
- Defined, § 2:13
- Renewal see RENEWAL
- Rights associated with, § 2:13
- Use as generic terms, § 7:46

REGISTRATION

- Registration and issuance of certificate of registration, § 13:9 to § 13:14
- duration, validity and effect, § 13:13

REGISTRATION—Cont'd

- Registration and issuance of certificate of registration, § 13:9 to § 13:14
 - Cont'd
 - formalities, § 13:10
 - summary of particulars of application for registration, § 13:11
 - incontestability, § 13:14

REGISTRATION RENEWAL

See RENEWALS

RENEWALS

- Renewal of registration, § 14:2 to § 14:7, APP 14A.1
 - consequences of failure to renew, § 14:4
 - effect of renewal, § 14:5
 - erroneous or unintended expungement, § 14:7
 - formalities, § 14:4
 - notice and period for renewal, § 14:3

REPRESENTATIVE FOR SERVICE

- Appointment
 - generally, § 4:4 to § 4:10
 - foreign applicant, by, § 3:20, § 3:21, § 4:4 to § 4:10
 - nomination in writing, § 4:9
 - online, § 4:50, APP 4A.1
- Authority to correspond, § 4:4 to § 4:10, § 7:54
- Electronic filing
 - details re, § 4:50, APP 4A.1
- Nomination see Appointment
- Objections re, § 7:54
 - overcoming, § 7:54
- Requirement of
 - Canadian applicant, § 3:20
 - foreign applicant, § 3:20, § 3:21, § 4:4 to § 4:10
 - mistakes, common, § 3:21
- Revocation, § 4:9

SECURITY INTERESTS

- Generally, § 12:23 to § 12:27
- Abandonment
 - request to record, of, § 12:26
- Correspondence re, § 12:26
- Creation
 - generally, § 12:23 to § 12:27
 - legislation, federal, § 12:24
 - legislation, provincial, § 12:24

SECURITY INTERESTS—Cont'd

- Discharge, § 12:27
- Enforceability, § 12:24
- Fees
 - generally, § 12:25, § 12:26, APP 12B.1
 - effect of non-payment, § 12:26
 - release of interest, re, § 12:27
- Jurisdiction
 - federal, § 12:24
 - provincial, § 12:25
- Perfection, § 12:24
- Practice notices, relevant
 - Security Agreements, APP 12B.1
- Recording
 - amendment to register, as, § 12:26, APP 12B.1
 - correspondence re, § 12:26
 - effect of, § 12:23 to § 12:27
 - fees, § 12:23 to § 12:27, APP 12B.1
 - formalities, § 12:25, § 12:26
 - notice upon approval, § 12:26
 - notice upon release of interest, § 12:11
 - release of interest, § 12:27
- Security agreements, § 12:24, § 12:26, § 12:27, APP 12B.1
- Validity, § 12:24

SELECTION OF TRADE-MARKS

- Generally, § 2:15 to § 2:24
- Caution in, § 2:15 to § 2:24
- Clearance, conducting, § 2:25
- Entitlement, see also ENTITLEMENT
 - generally, § 2:23
 - confusion with existing trade-mark, § 2:24, APP 1C.1
- Registrability, see also CONFUSION; DESCRIPTIVENESS OBJECTIONS; OBJECTIONS; SURNAME OBJECTIONS
 - generally, § 2:15 to § 2:24
 - clearly descriptive words, § 2:18, § 2:20, § 2:22
 - coined words, § 2:22
 - deceptively misdescriptive words, § 2:19, § 2:20
 - geographical names, § 2:20
 - names, § 2:17, § 2:20
 - signatures, § 2:17
 - suggestive words, § 2:21
 - surnames, § 2:17

SELECTION OF TRADE-MARKS

—Cont'd

Searches, conducting, § 1:13, § 1:26,
§ 2:25, APP 1C.3

STATEMENT OF GOODS/SERVICES

Accuracy, § 3:34 to § 3:47

Ambiguous, § 6:20, APP 7A.1

Amendments to see AMENDMENTS

Broad terms, § 3:34 to § 3:47

Electronic filing, § 4:37, § 4:38, APP
4A.11

Examination requirements

generally, § 3:34 to § 3:47, § 7:40 to
§ 7:50, APP 7A.1

accessories, APP 7A.1

acronyms, use of, § 3:36

application/registration and use abroad
same wares/services, assertion re
use, § 3:31, § 8:23

scope of wares/services, § 3:37 to
§ 3:46, § 7:43, § 8:23

botanicals, § 3:36

broadening scope not permitted, § 3:35

Canada, service performed in, § 3:36
clothing, re, § 3:36, § 7:40 to § 7:50,
APP 7A.1

commercial terms, ordinary, APP 7A.1

computer software re, § 3:36, § 7:41,
APP 3E.5, APP 7A.1

domain names, APP 7A.1

electronic mail services, APP 3E.5

elements of, § 3:36

exclusions as to wares/services, § 3:36

extension of wares/services, application
for

generally, § 3:86

footwear, re, § 3:36, APP 7A.1

foreign application or registration

scope of wares/services, § 3:37 to
§ 3:46, § 7:43

guidelines, general, § 3:35, APP 7A.1

hair care preparations, re, § 3:36, APP
7A.1

herbal supplements, § 3:36

homeopathic remedies, § 3:36

houses, APP 7A.1

“including,” APP 7A.1

intangible things, APP 7A.1

limitations as to channels of trade,
§ 3:36

STATEMENT OF GOODS/SERVICES

—Cont'd

Examination requirements—Cont'd

“merely incidental” to sale of goods,
APP 7A.1

mistakes, common, § 3:36

nutraceuticals, § 3:36

“parts and fittings,” re, APP 7A.1

pharmaceutical preparations, re, § 3:36,
§ 7:42, § 10:50, APP 3C.1

priority convention claim, § 3:33,
§ 3:37 to § 3:46, § 7:63

public benefit, APP 7A.1

restrictions as to wares/services, § 3:36,
§ 7:44

“services,” § 3:34 to § 3:47, APP 3E.5

criteria of elements of, § 3:36

scope of, for amendment see

AMENDMENTS

what is a service, § 3:34 to § 3:47,
APP 3E.5

skin care preparations, § 3:36, APP
7A.1

“specify,” § 3:35

“such as,” APP 7A.1

telecommunications equipment, re,
§ 3:36, APP 7A.1

telecommunication services, re, § 3:36,
APP 3E.5, APP 7A.1

services related to electronic trans-
mission of data, § 3:36

terminology, inclusive, § 3:36

three-dimensional marks, APP 3E.1

veterinary pharmaceutical preparations,
wine and beer, § 3:36, APP 3D.1

web sites, APP 7A.1

Extension of wares/services, application
for

generally, § 3:86

Manual, APP 3E.11

Objections re

generally, § 7:40 to § 7:50

Bank Act, § 7:48

overcoming, § 7:48

broader than foreign application/
registration, § 7:43

overcoming, § 7:43

Canada Agricultural Products Act,
§ 7:49

overcoming, § 7:49

STATEMENT OF GOODS/SERVICES**—Cont'd**

- Objections re—Cont'd
 - certification marks see CERTIFICATION MARKS—Objections
 - class of wares/services, general, § 7:42
 - overcoming, § 7:42
 - confusion, based on, § 10:46 to § 10:50, § 11:24
 - overcoming, § 10:23 to § 10:25, § 10:46 to § 10:50, § 11:24
 - defined standards, re see DEFINED STANDARDS
 - descriptiveness, based on, see DESCRIPTIVENESS OBJECTIONS
 - duplication of wares/services, § 7:41
 - overcoming, § 7:41
 - extension of statement after publication, § 7:45
 - overcoming, § 7:45
 - extension of statement before publication, § 7:44
 - overcoming, § 7:44
 - foreign terms, § 7:35
 - Meat Inspection Act, § 7:49
 - misdescriptiveness, based on, see MISDESCRIPTIVENESS OBJECTIONS
 - priority convention claims, § 7:63
 - overcoming, § 7:63
 - protected GI used as generic term, § 7:46
 - overcoming, § 7:46
 - qualification as service, § 7:47
 - overcoming, § 7:47
 - registered trade-mark used as generic term, § 7:46
 - overcoming, § 7:46
- Practice notices, relevant
 - Descriptiveness and Terms such as .com, .ca, .fr., .uk, u.s, APP 9A.1
 - Examination Procedures, New—
 - Compliance with Paragraph 30(a), APP 3C.2, APP 7A.1
 - Pharmaceuticals—Compliance with Paragraph 30(a), APP 3C.1
 - Programs—Data Transmission Services—Compliance with Section 30(a), APP 3E.5
 - Three-dimensional Marks, APP 3E.1

STATUTORY FRAMEWORK

- Generally, § 1:2 to § 1:9
- Federal statutes, miscellaneous, § 1:3
- Madrid Protocol, § 1:9
- NAFTA, APP 1A.1
- Paris Convention, § 1:4 to § 1:6, § 1:10 to § 1:13, APP 1E.1
- Trade-Mark Regulations, § 1:10 to § 1:13
- Trade-Marks Act, § 1:2 to § 1:9
- TRIPS Agreement, § 1:7, APP 1A.1
- Vienna Classification 2011, § 1:8, APP 1E.4

SUGGESTIVE TRADE-MARKS

- Generally, § 9:29

SUMMARY CANCELLATION PRACTICE

- Expungement/non-use proceedings, § 16:1 to § 16:24
 - appeal, § 16:23
 - decision, § 16:21
 - extensions of time, APP 16C.3
 - registrar's powers to maintain registration and simultaneously issue second s. 45 notice, § 16:22
 - hearing and decision of registrar, § 16:20
 - initiation of notice, § 16:2 to § 16:23
 - filing request to issue section 45 notice, § 16:5
 - at least three years after date of registration, § 16:5
 - initiating request by registrar at any time after date of registration, § 16:5
 - registrations subject to cancellation/expungement, § 16:3
- practice notice, APP 16C.1
 - explanatory notes to rules of practice, APP 16C.2
- rescindment or withdrawal by requesting party, § 16:19
- responses to section 45 notice and extensions of time, § 16:6 to § 16:17
 - default, failure to furnish any evidence, § 16:7
 - evidence in form of affidavit or statutory declaration, § 16:8 to § 16:16

SUMMARY CANCELLATION PRACTICE—Cont'd

- Expungement/non-use proceedings, § 16:1 to § 16:24—Cont'd
 - responses to section 45 notice and extensions of time, § 16:6 to § 16:17—Cont'd
 - expert evidence, § 16:15
 - special circumstances excusing non-use/absence of use, § 16:11
 - substance of affidavit by registered owner or third party, § 16:9
 - use of the registered trade-mark, § 16:10
 - section 45 correspondence and notification procedures, § 16:4
 - service of documents on Registrar, APP 16C.4
 - written argument, § 16:18

SURNAME OBJECTIONS

- Consent requirement, written, re, § 8:39 to § 8:42
 - example of consent, § 8:41
 - overcoming, § 8:40, § 8:41
- Constituting trade-mark as whole
 - generally, § 8:1, § 8:2 to § 8:5, APP C1 [TA 12(1)(a), re]
- overcoming
 - generally, § 8:6 to § 8:28
 - alternative meanings
 - generally, § 8:10
 - acronym, § 8:13
 - coined word, § 8:15
 - dictionary word, § 8:11
 - fictitious signature, § 8:17
 - foreign word, § 8:17
 - geographic location, § 8:14
 - given name, § 8:12
 - historical significance, § 8:16
 - invented word, § 8:17
 - distinctive character, not without
 - generally, § 8:19, § 8:23, APP C1 [TA 14(2)]
 - disclaimer requests and, § 8:19
 - evidence, nature and scope, § 8:25
 - evidence, onus and, § 8:24
 - foreign registration and use, based on, § 8:23

SURNAME OBJECTIONS—Cont'd

- Constituting trade-mark as whole
 - Cont'd
 - overcoming—Cont'd
 - distinctiveness, acquired
 - generally, § 8:19, § 8:20, APP C1 [TA 12(2)]
 - disclaimer requests and, § 8:19
 - evidence, nature and scope, § 8:21, § 8:22
 - limited registration, § 8:22
 - use in Canada, based on, § 8:20
 - famous individuals, § 8:18, APP 8A.1
 - identical listings, § 8:7
 - minimal number of listings, § 8:8
 - “primarily merely” test, § 8:9, § 8:16, § 8:17, § 8:19, APP 8A.1
 - twenty-five listing minimum, § 8:8
 - principles, general
 - famous individuals exception, § 8:4, APP 8A.1
 - listings of surnames or names, § 8:3
 - possessive or pluralized form, § 8:2 to § 8:5, § 8:30, APP 8A.1
 - “primarily merely” test, § 8:9, § 8:16, § 8:17, § 8:19, APP 8A.1
 - twenty-five listing minimum, § 8:3, APP 8A.1
- Disclaimer requirement
 - generally,], 35, APP C1 [TA 12(1)(a), re
 - compound or hyphenated surname, § 8:31
 - overcoming—providing disclaimer
 - generally, § 8:35
 - coined word, § 8:33
 - example of disclaimer, § 8:35
 - surname followed by “and Sons,” “Bros.” etc., § 8:34
 - overcoming—proving distinctiveness
 - generally, 14(1), APP C1 [TA 12(2)]
 - generally unavailable, § 8:37, § 8:38
 - overcoming—rebutting arguments
 - generally, § 8:6 to § 8:28, § 8:32 to § 8:35
 - coined word, § 8:33
 - portions previously registered, § 8:38

SURNAME OBJECTIONS—Cont'd

- Disclaimer requirement—Cont'd
 - surname forming part of trade-mark, § 8:29
 - surname in possessive or pluralized form, § 8:30
- Fictitious surnames, re, § 8:2 to § 8:5, § 8:42

SURVEY EVIDENCE

- Generally, § 7:39, § 8:21

THIRD PARTY INTERVENTION

- Generally, § 7:55

TRADE-MARK

- See also OBJECTIONS
- Generally, § 8:29, § 9:15, § 10:27, § 11:10
- Abandoned application
 - effect of, § 3:33, § 7:52
- Associated mark see ASSOCIATED MARKS
- Certification mark see CERTIFICATION MARKS
- Clearly descriptive, § 9:21, § 9:23 to § 9:26
 - see also DESCRIPTIVENESS OBJECTIONS
- Colour see COLOUR
- Composite
 - generally, § 6:12
 - confusion and, § 10:10
 - descriptiveness, § 9:6, § 9:15, § 9:38 to § 9:46
 - disclaimers re see DISCLAIMERS
 - distinctiveness, § 8:37, § 8:38, § 9:46
 - domain name, containing, § 9:43
 - geographic location, containing, § 9:44
 - in English and French, § 9:40
 - in English or French, § 9:39
 - prohibited marks and, § 11:11 to § 11:13, § 11:17, § 11:19, § 11:21, § 11:22, § 11:24
 - surname, containing, § 8:29, § 8:30, § 8:38
 - translation/transliteration, § 7:35
- Confusion with registered see CONFUSION
- Deceptively misdescriptive, § 9:22, § 9:23 to § 9:26
 - see also DESCRIPTIVENESS OBJECTIONS

TRADE-MARK—Cont'd

- Description of, § 1:26, § 3:71, § 3:72 to § 3:74, § 4:36, § 6:14, § 6:40, § 7:11, § 7:13, § 7:18 to § 7:23, § 9:1, § 9:2, APP 3E.1
- Distinguishing guise, see DISTINGUISHING GUISES
- Functionality see FUNCTIONALITY
- Identification of, § 4:36
- Initials, § 3:4, § 8:2 to § 8:5, § 10:56
- Letters, § 2:8, § 3:52
- Names see SURNAME OBJECTIONS
- Non-registrable, § 3:36, § 3:48, § 3:49, § 7:24 to § 7:32, § 7:35, § 8:9, § 8:20, § 8:26
- Non-traditional, § 2:8
 - mark v. trade-mark, § 2:9
- Numerals, § 2:8, § 3:52 to § 3:72, § 7:9 to § 7:38, § 10:56
- Registrability, § 2:16
 - see also OBJECTIONS
- Representation of wares, § 3:74, § 6:14, § 7:13, § 7:20, § 7:23
- Suggestive, § 2:21, § 8:15, § 9:29, § 9:32, § 9:51, § 9:52, § 10:45, § 10:52, § 11:10
- Surnames see SURNAME OBJECTIONS
- Translation/transliteration, § 3:53 to § 3:70, § 7:35
- Type of, § 2:3 to § 2:8, § 4:36, § 6:11, § 6:31, § 7:22 to § 7:32, § 12:4
- Use of, see USE

TRADE-MARK AGENT

- See AGENT

TRADE-MARKS JOURNAL

- Advertisement, see ADVERTISEMENT
- Contents, § 1:23
- Effect of advertisement in, see ADVERTISEMENT
- Erratum notices, § 5:28, § 6:32
- Information, APP 2A

TRADE-MARKS OFFICE

- Access to documents at, see ACCESS TO DOCUMENTS
- Actions see OBJECTIONS
- Assignment and Renewal section
 - change of name, § 12:21
 - examination of assignments, § 12:12
 - recording security interest, § 12:26

TRADE-MARKS OFFICE—Cont'd

Correspondence see CORRESPONDENCE

Emergency closure, § 4:12

Fees see FEES

Index, official see INDEX

Inquiries at, § 1:11

INTREPID database

- generally, § 1:26, APP 1A.2
- contents, § 1:26
- “copy and paste,” APP 3E.3, APP 4A.3
- data quality, drawing format, § 3:72, APP 3E.3, APP 4A.3
- entry into, § 3:72, APP 1A.3, APP 3E.3, APP 3E.7
- official register, as, § 1:26 APP 1A.2

Reprographics centre, § 1:13

TRADE-MARKS OPPOSITION BOARD

See OPPOSITION PRACTICE—Board

General characteristics of, § 17:11 to § 17:19

- appointment of members, § 17:14
- duties of opposition board members, § 17:16
- final decisions, § 17:19
- interlocutory rulings, § 17:18
- preliminary assessment of initial request to object, oppose or expunge, § 17:17
- independence of, § 17:12
- composition, § 17:13
- role of chairperson, § 17:15

Interplay of administrative law and board,

- introduction, § 17:1 to § 17:10
- administrative justice, § 17:3
- autonomy in administrative procedure, § 17:4

Canadian Intellectual Property Office, § 17:9, APP 17C

- Registrar of Trade-Marks, § 17:10
- creation and statutory basis of trade-marks opposition board, § 17:10

common law duty of procedural fairness, § 17:5

- audi alteram partem, right to be heard, § 17:6
- evidentiary requirements and fairness in administrative proceedings, § 17:8

TRADE-MARKS OPPOSITION BOARD**—Cont'd**

Interplay of administrative law and board, introduction, § 17:1 to § 17:10

- Cont'd
- common law duty of procedural fairness, § 17:5—Cont'd
- audi alteram partem, right to be heard, § 17:6—Cont'd
- he who hears must decide, § 17:7
- types of hearing, § 17:7
- disposition without oral hearing, § 17:7
- electronic hearings, § 17:7
- oral hearings, § 17:7
- public law, § 17:2

Jurisdiction and powers, § 15:2, § 15:3, § 17:25 to § 17:38

- cancel or withdraw forwarding of statement of opposition, § 17:35
- contentious proceedings, common law duties and adversarial principle, § 17:32
- extensions of time, § 17:36
- limits to powers, § 17:34
- advertisements, § 17:34
- exception to functus—authority to reconsider decisions, § 17:34
- finality of decisions, functus officio, § 17:34
- modified rules of evidence in opposition board proceedings, § 17:36
- openness or publicity in opposition proceedings, § 17:38
- re-opening deemed abandoned opposition/retroactive extensions of time, § 17:33
- return or remove evidence from record, § 17:36
- applicability of Federal Court Rules, § 17:36
- right to representation, § 17:37
- mandatory representation, § 17:37
- self-represented litigants, § 17:37
- scope of powers, § 17:27 to § 17:38
- no inquisitorial powers, § 17:31
- primary and auxiliary jurisdiction, § 17:28
- instances of auxiliary jurisdiction, § 17:30

TRADE-MARKS OPPOSITION BOARD**—Cont'd**

- Jurisdiction and powers, § 15:2, § 15:3, § 17:25 to § 17:38—Cont'd
 - scope of powers, § 17:27 to § 17:38
 - Cont'd
 - primary and auxiliary jurisdiction, § 17:28—Cont'd
 - instances of primary jurisdiction, § 17:29
 - suspension or stay of proceedings, § 17:36
 - vesting of jurisdiction, § 17:26
 - Types of proceedings before board, § 17:20 to § 17:24
 - nature of opposition proceedings, § 17:21
 - nature of opposition and summary cancellation proceedings, § 17:23
 - nature of opposition proceedings and infringement actions, § 17:24
 - nature of trade-mark examination and opposition proceedings, § 17:22

TRADE NAMES

- Distinguished from trade-mark, § 2:11
- Failure to register as trade-mark, § 2:12

TRANSFER

- See ASSIGNMENT

TRANSLATIONS

- Applications, § 3:33, § 5:27
- Foreign documents, § 7:57
- Foreign entity, § 6:8
- Foreign registration, § 3:31, § 3:33, § 3:37 to § 3:46, § 7:57
- Foreign word in mark, § 3:53 to § 3:70, § 7:35, § 7:57, § 9:47
- Geographical indication, § 3:77, § 11:26
- Transliteration, non-latin characters, § 3:53 to § 3:70, § 7:35

TRIPS AGREEMENT

- Administration, APP 1A.1
- Geographical indications and, § 3:77
- Implementation, § 1:7
- Non-traditional trade-marks and, § 2:8

TYPOGRAPHICAL ERRORS

- Generally, § 6:6, § 6:8

UNREGISTERED TRADE-MARK

- Conflict with, § 5:22
- Rights associated with, § 2:14

USE

- Amendments re see AMENDMENTS
- Applicant, by, § 2:13, § 2:14, § 3:24, § 3:27, § 3:48, § 3:49, § 7:6, APP 2A, APP 7A.1
- Assignment and, § 12:2 to § 12:20
- Basis of application
 - actual use, in Canada, § 3:1, § 3:2, § 3:22 to § 3:33, § 7:39, § 7:51 to § 7:53, § 8:19, § 8:20, § 12:5
 - change of see AMENDMENTS
 - proposed use, in Canada, § 3:1, § 3:2, § 3:22 to § 3:33, § 7:22, § 7:23, § 7:39, § 7:51 to § 7:53, § 8:18, § 8:19, § 12:5
 - use abroad, § 3:31 to § 3:33, § 6:22, § 7:39, § 7:43, § 7:51 to § 7:53, § 8:23, § 9:38 to § 9:46, § 12:18
 - Bilingual trade-mark, § 7:34
 - Certification mark, of, § 3:75 to § 3:84, § 7:22, § 7:23, § 10:36, APP 3E.2
 - Consent to see CONSENT
 - Corporate name, of, § 2:12, § 3:14, APP 2A
 - Date of first see DATE OF FIRST USE
 - Declaration of see DECLARATION OF USE
 - Disclaimer and, § 3:48, § 3:49
 - Entitlement, applicant's statement of claim of see ENTITLEMENT
 - Extent and length of time used, § 10:43 to § 10:45
 - Geographical indication, of, § 3:77, APP 3E.9
 - Licensee, by, § 3:25, § 3:27, § 7:27
 - Predecessor-in-title, by, § 3:25, § 7:7
 - Prohibited marks, of, § 2:10, § 3:87 to § 3:98, § 11:1, § 11:4, § 11:6 to § 11:23
 - Transfer and, § 12:2 to § 12:20
- VIENNA CLASSIFICATION 2011**
 - Generally, § 1:8, APP 1E.4
- VIENNA CLASSIFICATION 2017**
 - Generally, APP 1B.4
- WARES/SERVICES**
 - See STATEMENT OF WARES/SERVICES

WITHDRAWAL

- Advertisement, of, § 5:24
- Agent, § 4:9
- Claim, of, § 7:60
- Disclaimer, of, § 6:23
- Notice of approval, of, § 5:24
- Objection, of, § 5:19
 - generally, § 5:19
 - confusion, re, § 10:26, § 10:32, § 10:37, § 10:64
 - translation, re, § 7:35
- Official mark, of, § 6:43, § 10:32
- Representative for service, § 4:9
- Translation requirement, of, § 7:35

WORLD INTELLECTUAL PROPERTY ORGANIZATION (WIPO)

- Director General, APP 1A.1
 - administration by, § 1:9
- Vienna Classification 2011, § 1:8, APP 1E.4
- Vienna Classification 2017, APP 1B.4

WORLD TRADE ORGANIZATION

- Geographical indications and generally, § 3:77
 - statement of knowledge and belief, § 3:77, APP 3E.10
- Implementation Act, § 1:4, § 1:7
- TRIPS Agreement see TRIPS AGREEMENT