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ODUTOLA ON CANADIAN TRADEMARK PRACTICE

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Release No. 6, July 2025

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

What's New in this Update:

This release features updates to Appendix 1B (International Regulations and Instructions), Appendix 1C (Contracting Parties), Appendix C2 (Trademarks Regulations), Appendix PS (Procedural Summaries) and Appendix WP (Trade-Mark Law Words and Phrases) have also been updated in this release.

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Highlights:

- **Appendix PS (Procedural Summaries)—§ PS:3. Section 45 Proceedings under the Trademarks Act—Summary of Procedure—5.1 The pilot project on the Registrar-initiated section 45 expungement proceeding—The following is an excerpt from this newly added section—**

What to do: Is commencing a pilot project in order to obtain information on how much “deadwood” is on the Register of trademarks. The registrations chosen for participating in this pilot project will be randomly selected from those on the Register for more than three years to receive a section 45 notice requiring it to submit evidence of use or special circumstances excusing non-use. Registrations will be selected randomly from the following categories: registrations based on use; registrations based on proposed use for which a declaration of use was filed; registrations based on use and registration abroad; registrations including multiple bases; remaining registrations registered for more than three years: CIPO Practice notice concerning the pilot project on the. Registrar-initiated section 45 expungement proceeding.

- **Appendix WP (Trade-Mark Law Words and Phrases)—This appendix has been updated to include the phrase precision agriculture, as defined in recent case law. The following is an excerpt from this appendix—**

WP:175.5 Precision Agriculture—Federal

This patent infringement action relates to technology used in precision agriculture. Precision agriculture, or precision farming, uses computer systems to exercise precise control over farming equipment, and to collect and analyze detailed farming data. This allows farmers to plan and implement strategies that optimize yields, efficiency, and profitability.

.....
The relay device of Claim 1 must have a bus connector, a physical connector allowing it to connect to the message bus on a piece of farming equipment, whether a farming vehicle or a farming implement. ... the POSITA [person of ordinary skill in the art] would understand a message bus to be the internal network on a piece of farm equipment that allows transmission of messages from ECUs [electronic control units] connected to it.

Agi Suretrack LLC v. Farmers Edge Inc. (2024), 2024 CarswellNat 2740, 2024 FC 934 (F.C.) at para. 1, 100 McHaffie J.

ProView Developments

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