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ODUTOLA ON CANADIAN TRADEMARK PRACTICE

Bayo Odutola, B.C.L., LL.B. and Karen Hansen Release No. 8, November 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 Chapter 10 (Objections Based on the Likelihood of Confusion) and Chapter 19 (Pleadings Practice and Procedure in Opposition Proceedings). Appendix WP (Trade-Mark Law Words and Phrases) has also been updated in this release.

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Highlights:

 Part VIII (Fundamentals of Trade-marks Opposition Practice)— Chapter 19 (Pleadings Practice and Procedure in Opposition Proceedings)—II. General Principles Applicable to All Opposition Proceedings—Mechanics of Requests for Interlocutory Rulings—The following is an excerpt from this chapter—

The Registrar's power to strike pleadings is set out in the Act. As such, it empowers the Registrar to strike a portion or all of a pleading within a stage of the opposition proceedings. A request for leave to file an amended statement of opposition must be accompanied by an amended statement of opposition and the amendments must be clearly indicated, failing which it will be refused. [Amer Sports Canada Inc dba Arc'teryx Equipment v. adidas International Marketing BV, 2024 TMOB 185 at paras 17-18.]

The power to strike is limited to the statement of oppositions. The Board will not consider requests for an interlocutory ruling to strike all or any portion of the applicant's counter statement.

- A request for an interlocutory ruling has no effect on the applicant's deadline for filing and serving its counter statement unless an extension of time for doing so is concurrently submitted.
 - The sufficiency of pleadings may be addressed by way of a request for an interlocutory ruling accompanied by an extension of time request prior to the commencement of the evidence stage. In making such a request, the applicant need not necessarily cite the relevant provision it is relying as long as the request and relief are clear. [Country Prime Meats Ltd. v. Caesar P. Bacarella, 2025 TMOB 101, 2025 CarswellNat 1656 at para 5.]
- Appendix WP (Trade-Mark Law Words and Phrases)—This appendix has been updated to September 5, 2025 in this release. The following is an example of the definitions included in this appendix —

WP:148.50 Modem Chips British Columbia

... Modem chips are semi-conductors that enable cellular devices to connect to cellular communication networks and transmit voice calls and data. ... *Qualcomm Incorporated v. Barroqueiro* (2025), [2025] 8 W.W.R. 61, 504 D.L.R. (4th) 463, 100 B.C.L.R. (6th) 229, 2025 BCCA 65, 2025 CarswellBC 580 (B.C. C.A.) at para. 2 Fisher, Grauer, and Iyer JJ.A.

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