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FOX ON CANADIAN LAW OF TRADEMARKS AND UNFAIR COMPETITION Gill Release No. 5, July 2026
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Fox on the Canadian Law of Trademarks and Unfair Competition, 4th edition remains the authoritative text for trademark lawyers and agents in Canada. It provides intellectual property law practitioners with the most comprehensive coverage of trademark issues available today.

What's New in this Update:

This release features updates to Appendix K—Quantum Table – Trademark Infringement and Passing Off. This release also features updates to Appendix PS—Procedural Summaries III. Summary of Procedure to Appeals Pursuant to Section 56 of the Trademarks Act.

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Highlights

The following is an excerpt from the updates made to this chapter:

Quantum Table-Trademark Infringement and Passing Off-General Damages for Infringement—Given the removal of the instances of infringement that took place in 2018, the Court concluded that the total compensatory damages awarded to the Chanel Plaintiffs shall therefore be \$582,000, and to the Louis Vuitton Plaintiffs \$509,000. Both NGCI and Zi Ke Gao shall be jointly and severally liable for \$225,000 of the Chanel damages (12 instances of infringement that took place between 2019 and April 2024), all three Defendants shall be jointly and severally liable for \$147,000 (7 instances of infringement that took place between April 2024 and December 2024), and Zi Ke Gao and Claudia Zhao shall be jointly and severally liable for \$210,000 (10 instances of infringement that took place in 2025). Similarly, NGCI and Zi Ke Gao shall be jointly and severally liable for \$152,000 of the Louis Vuitton damages (8 instances of infringement that took place between 2019 and April 2024), all three Defendants shall be jointly and severally liable for \$126,000 (6 instances of infringement that took place between April 2024 and December 2024), and Zi Ke Gao and Claudia Zhao shall be jointly and severally liable for \$231,000 (11 instances of infringement that took place in 2025): *Chanel Limited v. Nichole G Collection Inc.*, 2026 CarswellNat 1170, 2026 FC 504 (F.C.).

Procedural Summaries-Summary of Procedure to Appeals Pursuant to Section 56 of the Trademarks Act-Case Law-Additional Evidence—The Court explained that in assessing a request to file additional evidence on appeal pursuant to subsection 56(5) of the *Trademarks Act*, the Court should consider whether the interests of justice favour granting leave on the basis of all relevant factors, including: (a) the relevance, credibility, and admissibility of the evidence; (b) the materiality of the evidence; (c) the circumstances surrounding the delay in filing the evidence; and (d) whether granting leave would cause prejudice to the opposing party. This approach effectively adopts and adapts the features of *Palmer* as factors for consideration in accordance with the existing jurisprudence on trademark appeals. It reflects both Parliament’s intent to end the unrestricted ability to file new evidence on appeal, and the unique approach to trademark appeals that Parliament has preserved through the adoption of the amended subsection 56(5). Those and any other relevant factors will be considered in assessing whether the interests of justice favour granting leave to adduce the new evidence. It was worth repeating, however, that the interests of justice include the important principles of finality, order, efficiency, and fairness in litigation: *Products Unlimited, Inc. v. Five Seasons Comfort Limited*, 2026 CarswellNat 88, 2026 CarswellNat 89, 2026 CF 48, 2026 FC 48 (F.C.).