

Trademarks

A trademark gives the owner the exclusive rights to words, symbols, and designs or combinations of these that distinguish from other companies in the marketplace. It provides a company with a stronger position to ensure that other companies are not trading on their image. Your trademark must fulfill certain criteria to be registered. It must not be too similar to one that is already registered or awaiting registration. To avoid problems, it is best to conduct a search of existing trademarks and trade names. You are responsible for monitoring the marketplace for cases of infringement and taking legal action if necessary.

Trademarks last for 15 years at a time and can be renewed indefinitely. They must be filed in each country individually in order for you to be protected. Contact a trademark agent or foreign embassy.

There are two types of trademarks:

TM signifies a common law trademark. It doesn't have to be registered with the government and the symbol can be added to a company's logo to provide protection.

A **registered trademark** (which is a capital *R* inside a circle) is registered with the government and offers greater protection. It protects you only in the countries you have registered in.

This can be a complicated process and you may want to involve a lawyer in the process. If you want to apply yourself, follow these steps:

- 1) Search the Canadian Intellectual Property Office website to ensure that the trademark is not already in use.
- 2) Search trade names in the area that you would like to operate in.
- 3) Apply and pay fees online, or
- 4) Print application form and send the cheque and form to CIPO.

There are costs per trademark, for the certificate of registration and an extra charge if the application is incomplete and documents have to be added. For current fees and requirements check the websites below.

For More Information

Internet: <http://strategis.ic.gc.ca>
<http://bsa.cbsc.org>