

TRADE-MARK PROCESS AND COSTS

Thank you for enquiring about the trade-mark process and potential cost. We hope that this summary will assist you in instructing us to prepare an application for registering your trade-mark.

Overview

On average, it will cost you approximately **\$2,000** and take between **one to two years** to obtain registration of a trade-mark in Canada. We spread this cost out over the course of the file. Complications during the application process, either from the Trade-marks Office (“TMO”) or from third parties opposing your application can extend the length and cost of the registration.

1. The first step is an initial search and opinion. This is generally completed within a week. Cost varies on the type of search and detail required, but is approximately \$275, and we charge \$225 to prepare an opinion (total **\$500**). We will bill you after preparing the opinion.
2. Upon your review of our opinion and your instruction to proceed, we prepare and file the application. The TMO filing fee is \$250, and we generally charge \$150 in fees for filing (total **\$400**).
3. After filing the application, the TMO will issue a filing receipt within 1-2 weeks. We review this for accuracy and report to you with your second account.
4. Approximately 6-8 months after application, the TMO will examine the mark and issue a report. If there are no technical or substantial issues with the application, the TMO approves the mark to be published. Any objections by the examiner must be dealt prior to publishing. We charge an hourly rate for all substantive objections and office action. Technical objections like disclaimers or translations are billed at a standard rate of \$175.
5. If there are no objections or the objections are overcome, the TMO issues a Notice of Approval. We send you a copy of this. The trade-mark is then published in the Trade-marks Journal within 4-6 months after approval. We review this publication for accuracy and send you a copy along with your fourth account of **\$300**. The purpose of publication is to allow any interested party to oppose your mark.
6. If no opposition is raised, the TMO allows the application and issues a Notice of Allowance. We report the Notice of Allowance to you along with our letter seeking instructions on the next steps. We also issue your fifth account in the amount of **\$150**.
7. Once you use the trade-mark in commerce, you are able to sign the declaration of use that we will prepare, and submit the \$200 registration fee. We charge \$300 in fees (total **\$500**) to complete your registration. You should receive a certificate of registration in 2-3 months after completion.

Foreign Registration

You may want to also consider registration of your mark in the US. You gain priority on US registrations within 6 months of your filing in Canada, which can be advantageous. The registration procedure in the US is similar to Canada, although the time frames can be shorter. However, where the registration in the US is based on the Canadian registration, the US registration will be suspended until the Canadian registration completes. Registration in the US, if straightforward and requested at the same time as the Canadian search and opinion, will cost approximately \$1,500-2,000. Note however that substantive objections by the Examiner and oppositions may need to be handled by a US attorney. If that occurs your costs may increase substantially as US attorney fees are much higher than in Canada.

For US registrations, there is an increased cost based on the number of “classes” or categories of wares and services associated with your mark. Each additional class of registration will increase your cost by approximately \$375, and this fee may be duplicated at both the US search and filing steps. With foreign registrations, we may proceed through a US attorney although communication will be directly through us. The fees for the US registration are dependent upon our partners in the US. US attorney fees are generally higher than in Canada.

<i>Step</i>	<i>Canada</i>	<i>United States</i> ¹
1. Search and opinion ²	\$500 -\$1,500	\$500-\$2,200
2. Preparation and filing application	\$400	\$400
3. Examination and Opposition	Varies ³	Varies ⁴
4. Registration	\$950 ⁵	\$950 ⁶

Your registration will also require to be renewed every 15 years in Canada, and in the US, two separate steps, one after 5 years, and one after 9 years. Each of these will cost you approximately \$500.00. We do **NOT** monitor your files for these deadlines after registration. That responsibility is up to you however we would be happy to assist you in the renewal process.

Please note that logos and designs will cost more to register. Also, if you have multiple trade-marks that are similar in nature and scope, we may be able to offer you a discount as our processes are similar.

¹ This cost depends on the search provider based in the US, and subject to change.

² For more information on the types of searches available, see our information sheet entitled “Trade-mark Searches”

³ Technical and formality objections will cost less than substantive objections.

⁴ Technical and formality objections may be handled by us; substantial objections based on case law must be outsourced to a US partner.

⁵ Includes all action and correspondence from Filing Notice to receipt of the Certificate of Registration; also includes monitoring fee (see next page)

⁶ These fees may be higher as there is often a per-item charge for extensions, amendments, etc.

We are committed to providing our clients with the best service possible. A component of this commitment is to ensure that the use of the latest tools and systems are being incorporated into our practice. Included in your registration fee is a monitoring system which notifies us in the event that a third party is attempting to register a mark which would be confusing with any of your marks. The opposition of the third party's application is important to defending and maintaining the strength of your own trade-mark. Please note that such monitoring is NOT comprehensive, meaning that it is based on a computer algorithm and may miss items, and further, it does NOT apply to design marks. As the search is performed by external agents, we take no responsibility if it does not inform us of marks relevant to your trade-mark defence. Should you require a comprehensive mandated monitoring of your mark for the purposes of defence (or require such a service for your design mark), the cost is approximately \$128.00 per year plus our fees. With either service, in the event that an application is commenced which is confusingly similar to your mark, we send you a letter asking for your instructions. You then have the opportunity to oppose the application of the confusing mark. The monitoring continues for the lifetime of your mark. The foregoing ONLY applies to Canada. However, there is a similar service in the US which we can arrange on your behalf through our US partners.

Should you have further questions, please contact us.

Davidson Lawyers LLP

Per:



Michael A. Poznanski

mikep@davidsonlaw.com

Follow my trade-mark blog at www.mikepoznanski.wordpress.com