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US Companies Must Prepare for Upcoming Changes to the French Language Requirements for Trademarks in Quebec, Canada

By: *Michael J. Schwab*

Amendments to the Charter of French Language (Charter) scheduled to come into force on June 1, 2025 will have major implications on trademark owners doing business in Quebec, Canada. This doesn't just impact Canadian companies, but also the many U.S. companies doing business in Canada. And, since most companies make labels and packaging well in advance of when those items circulate in public, they must start preparing to comply with the new rules now, long before the amendments take effect.

The Law Now, and What It Will Be Under Bill 96

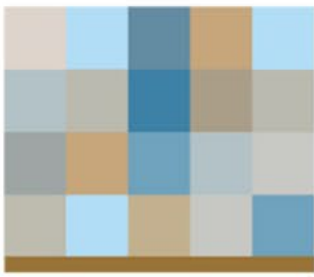
Other than certain exceptions for trademarks, the Charter requires all product labeling and commercial signs in Quebec to be in French. Starting on June 1, 2025 the trademark exception will be tightened.

Right now, the dominant inscription on any product or its packaging must be in French, but an optional inscription can be in a different language, as long as its appearance is less prominent than the French inscription. There is, however, an exception to this requirement. Recognized non-French language trademarks (registered or unregistered) can appear on packaging, advertising and promotional materials, as long as no comparable French version is registered.

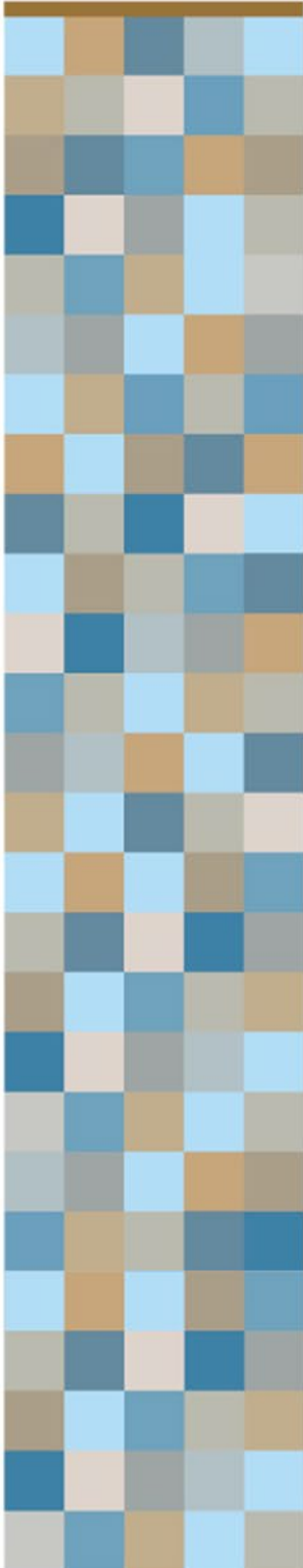
On or after June 1, 2025, businesses can still use just non-French-language trademarks, but only *if* they satisfy three conditions:

- The trademark must be registered before June 1, 2025 if companies want to retain the existing language on their packaging, labeling and advertisements. Business owners who don't register their trademarks will have to translate them into French and use that French version on all products, product packaging, promotions and advertising.

(Given this requirement, U.S. companies operating in Canada would do well to look for English and French trademarks and develop a French-language



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translation of English trademarks – which must be handled by qualified translators, because some words don't easily translate into French. This is important because most businesses will want one universal label for all products sold in Canada that also meets Quebec's standards, rather than a separate label for Quebec.)

- No comparable French language version of the trademark can be registered in Canada. Accordingly, companies should do an audit of their trademark portfolios to identify any trademarks that are not in French and file an application to register them in Canada.
- Any generic or descriptive term in a registered trademark appearing on products or their packaging must be translated into French. This lets companies keep the most important, original parts of their trademarks in a language other than French.

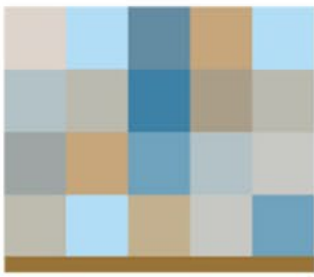
Tougher Sanctions in Store

Charter violations under Bill 96 will draw harsher penalties, especially when it comes to money. Fines will be much higher, and they'll be doubled for a second offense and tripled for a third.

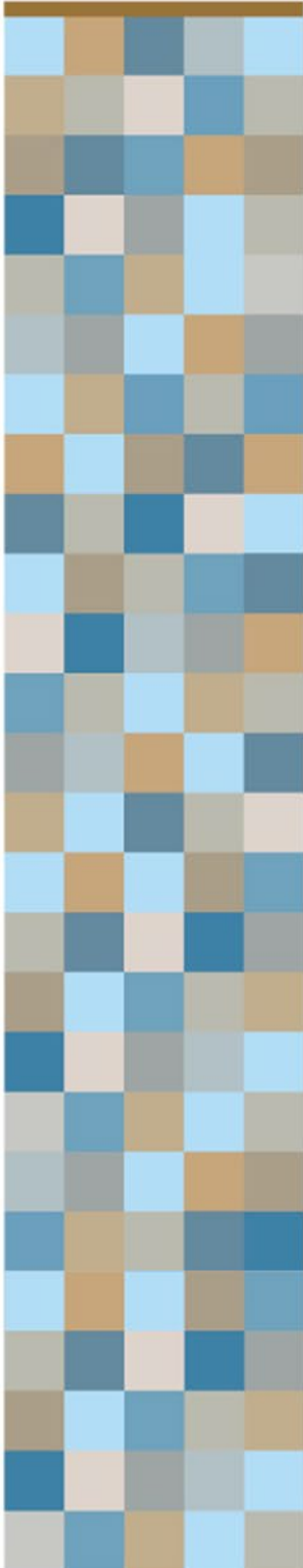
The fines also are time-sensitive and differ according to who commits the offense. Every day that a company is in violation of the law is considered a separate violation, which could draw a fine of between \$3,000 and \$30,000 per day. Plus, company directors and officers who run afoul of the law would pay twice as much in fines as rank-and-file company employees, who would be liable for a penalty between \$2,000 and \$20,000.

Moritt Hock & Hamroff has extensive experience helping companies comply with international laws including trademark and licensing laws in Canada. We also partner with qualified translators. If you have any questions regarding the matter raised in this Alert, please feel free to contact **Michael J. Schwab** at mschwab@moritthock.com or (212) 239-5527.

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