

Jun 22, 2022

Adoption of Bill 96 - Are Your Trademark Rights Secured?

By Michelle Lacroix

On May 24, 2022, the National Assembly of Québec adopted Bill 96, *An Act respecting French, the official and common language of Québec* (“**Bill 96**”), reforming language laws in the province.

Bill 96 will have broad implications for non-French trademarks used in Québec. All businesses which operate or plan to operate in Québec should conduct an immediate evaluation of their trademark portfolios and business operations (for more information on broader Bill 96 business considerations, see our recent bulletin here).

Currently, recognized trademarks in other languages (i.e. registered marks, applications for registration, and common law marks) are exempt* from French-language packaging, signage and advertising laws, so long as there is no corresponding French registration for the mark in Canada.

In accordance with Bill 96, as of **June 1, 2025**, only registered trademarks will be exempt* from French-language packaging, signage and advertising laws, assuming there is no corresponding French trademark in Canada. Businesses will no longer be able to rely on applied-for marks or common law rights. Non-compliance with the requirements of Bill 96 after June 1, 2025 may result in hefty penalties for individuals and businesses.

*There are still French-language requirements for generic descriptions of a mark if a mark is shown on outside signage or if a mark is shown on indoor signage which can be seen from the outside.

Key Takeaways for Businesses

With trademark examination times significantly delayed in Canada, we highly recommend filing all English and non-French trademark applications with the Trademarks Office as soon as possible so as to ensure you can continue to use your English and non-French trademarks in Québec after June 1, 2025.

Due to the significant backlog at the Canadian Trademarks Office, it may not be possible to achieve registration before June 1, 2025. We thus recommend filing applications which allow for accelerated examination whenever possible.

Please contact a member of our Intellectual Property Group for further advice on the implications of Bill 96 on your business and trademark portfolio.

Author



Michelle Lacroix
Trademark Agent | Associate
T 647.426.2312
mlacroix@airdmcburney.com

This communication offers general comments on legal developments of concern to business organizations and individuals and is not intended to provide legal advice. Readers should seek professional legal advice on the particular issues that concern them.