



How Your Trade-mark Application is Processed

Your application for a trade-mark will be processed by the Trade-marks Branch as shown below. Points at which you will be notified about the status of your application and about how long it should take are also shown.

The Trade-marks information phone number is **(819) 997-1936**. Please call this number to find out the status of your application or if you need more information about filing an application.

If you have specific questions on an application already filed, call or fax the numbers shown for the section where your file is in process. Note that all phone and fax numbers are area code **(819)**.

Always quote your application number for quick service. Fees quoted are those in force at the time of printing. Other fees may apply and a complete listing is included in the *Guide to Trade-marks* (see reverse).

Step/Section	What happens to your application	How you will be notified	...and when
1. Formalities Phone: 997-1070 Fax: 953-2244	If it is in order, complete and includes the \$150 filing fee, your application receives a filing date, an application number, and a file will be created. The application will be entered on the Trade-marks Database and other data bases maintained by external companies. Your application is now described as 'Pending' and moves to Step 2.	You will receive a formal filing acknowledgement and a proof sheet showing all the information about your application. Please review it carefully and advise us immediately if there are any errors or omissions.	The acknowledgement and proof sheet should be mailed to you between 2 and 3 weeks after your application is received, if it is correct. Otherwise, it will take longer.
2. Examination Phone: number as indicated on correspondence or 997-1936 Fax: 953-2476	A trade-mark examiner will review your application and determine if the trade-mark can be approved for advertisement in the <i>Trade-marks Journal</i> . If it cannot be approved, you will be advised why and may be able to amend certain aspects of your application so it can be approved. You may also submit arguments if your application has been objected to. If changes are not possible, you may abandon your application or it may be refused by the Registrar of Trade-marks. If your application is refused you may appeal this through the courts. Please note that failure to respond to the examiner's report and reminders may result in automatic abandonment. When approved, your application moves to Step 3.	With simple problems in your application, you will be contacted by phone and the problems can usually be resolved verbally. Or, an examiner's report will be sent to you detailing more complex problems. When your application is approved, you will receive a formal notice of approval.	The examiner's report or approval notice should be mailed to you in about 15 months if your application was received correctly and approved without amendments. Using the phone to resolve problems and a speedy response from you will help your application move quickly.
3. Advertising Phone: 997-1070 Fax: 953-2244	If it is approved, your application will be published in one issue of the <i>Trade-marks Journal</i> —published weekly and available by subscription and in some major libraries in Canada. Within 2 months of being advertised your application can be opposed by someone else and will then be removed from the normal processing cycle until the opposition has been resolved. See Step 4 for what will happen if your application is opposed.	You will not be notified at this stage unless your application is opposed by one or more parties. In this event, the Trade-marks Opposition Board will notify you in writing.	Your application should appear in the Journal about 5 weeks after it is approved.
4. Opposition Phone: 997-7300 Fax: 997-5092	If your application is opposed after being advertised in the Journal, the Opposition Board will forward to you a copy of the statement of opposition. Should you wish to contest the opposition, you will have one month to serve and file a counter statement. Both parties will, in turn, have an opportunity to file affidavit evidence and written arguments, as well as to make submissions at an oral hearing. If the opposition is withdrawn or is unsuccessful, your application will proceed to allowance. See step 5.	You will be notified that your application has been opposed when the Opposition Board forwards you a copy of the statement of opposition. However, it is your responsibility to keep track of your deadline for filing evidence (see section 38 of the <i>Trade-marks Act</i> , rules 35, 41, 42 and 47 of the Regulations).	An opposition is a complex adversarial proceeding. Most proceedings are resolved during the course of the opposition, but a complete opposition may last more than two years.

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5. Allowance Phone: 953-1154 Fax: 953-2244	Your application will now be allowed for registration. Note that this does not mean your trade-mark is registered—you have to submit the required registration fee of \$200 for the mark to be registered as described in Step 6. If your application is for a proposed mark you may request extensions of time until your mark is actually in use. There is a fee of \$50 per extension.	You will receive a notice that your application has been allowed for registration. If you do not respond to this in the indicated time, abandonment steps may be taken.	If the application was not opposed, the notice of allowance should be mailed to you 3 months after appearing in the Journal.
6. Registration Phone: 997-1070 Fax: 953-2244	You must send in the registration fee and, if you applied for a proposed trade-mark, a declaration of use indicating that the mark is being used. Your trade-mark now moves from 'Pending' status and becomes a 'Registered trade-mark'.	The official Registration Certificate for your trade-mark will be mailed to you.	The certificate should be mailed between 3 and 4 weeks after we receive your payment.

How long it will take to register your trade-mark can vary. If it is filed correctly, approved without changes, and it is not opposed, you should receive the notice of allowance about 20 months after filing. Send in the registration fee and the declaration of use (for proposed marks), and your mark should be registered about 4 weeks later.

If your application is submitted incorrectly, or if it is not approved on the first examination, it will take longer. You can make the process faster by responding quickly to notices from the Trade-marks Branch. Once approved your application should be allowed within 4 months unless it is opposed. The time from allowance to registration depends on you.

Please make all cheques payable to the Receiver General of Canada.

A more extensive *Guide to Trade-marks* is available free of charge from:

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 Canadian Intellectual Property Office
 Industry Canada
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 IC no. 11073 (French)