



CANADIAN TRADEMARK PACKAGES



TRADEMARK LAW BY

LUNOVA  LAW





Hello,  
my friend

Did you know that without a Trademark, **YOU DO NOT OWN YOUR BRAND?** Let's face it, protecting your intellectual property is important. The last thing you want to do is lose everything you've worked so hard to build. Trust me, I've seen it happen. As seasoned experts, we are here to guide you through the complicated realm of trademarks and we have three enticing packages for your consideration.



# Our Offers

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## OFFER ONE

### Brand Ideation and Vetting

Over 50% of trademark applications are refused. That's why working with an experienced trademark lawyer is so valuable. With our Brand Ideation and Vetting service, we take the time to truly understand your vision, values, and target audience. Our experienced team will analyze potential brand names, logos, slogans, and other key elements to ensure they meet all legal requirements. We conduct comprehensive trademark searches, identify any potential conflicts or risks, keeping you from any future legal disputes and headaches. This service launches your brand's identity in a valuable direction and provides you with peace of mind, knowing that your brand is built on a solid foundation.

## OFFER TWO

### Trademark Preparation and Filing

Did you know that it could take up to 24 months to process and register your trademark? If your brand concept has already taken shape, and you've completed your vetting process it's time to protect it. Our Trademark Preparation and Filing service is designed to navigate the complexities of Canadian Trademark Law on your behalf and follow it from start to finish. There are several nuances in trademark law and by leveraging our experience we will meticulously prepare all necessary documentation, ensuring accuracy and compliance with legal requirements. During this process should any substantive objections from an examiner or opposition proceedings arise, kindly note this will be billed at our standard hourly rates, and we handle the intricate details so you can keep your focus on growing your business knowing with confidence you're setting yourself up for long-term success.

## OFFER THREE

### Complete Trademark Strategy

If you're seeking the full benefits of a complete service, we offer an all-in-one package combining Brand Ideation and Vetting, and Trademark Preparation and Filing. By consolidating these services, we streamline the process, saving you time, effort, and potential complications. Our team will pay attention to every detail of this journey and legally safeguard the brand you've worked so hard to create. Substantive objections from an examiner or opposition proceedings that may arise will be taken under our wings and charged at our standard hourly rates. This package is ideal for those who desire a seamless experience and wish to lay a solid foundation for their brand's growth.

# Offer 1: Brand Ideation and Vetting



\$1,500

1 to 1 Strategy Session

1 Canadian Mark

Canadian Intellectual Property Office Search

Canadian Corporation Business Name Search

Common Law Searches

Internet Domain Name Searches

Trademark Availability Report

Social Media Handles Search (Twitter, Facebook, Instagram, YouTube)



# Offer 2: Trademark Preparation and Filing

\$2,000

Drafting Trademark Application

Filing Trademark Application

Monitoring and reporting on office actions during the application process  
(Approval, Advertisement, Registration)

# Offer 3: Complete Trademark Strategy

\$3,000



1 to 1 Strategy Session  
1 Canadian Mark  
Canadian Intellectual Property Office Search  
Canadian Corporation Business Name Search  
Common Law Searches  
Internet Domain Name Searches  
Trademark Availability Report  
Social Media Handles Search (Twitter, Facebook, Instagram, YouTube)  
Drafting Trademark Application  
Filing Trademark Application  
Monitoring and reporting on office actions during the application process  
(Approval, Advertisement, Registration)



# Add Ons

Maybe you have a short list of brand names you're considering for your trademark, or maybe you would like to complete searches beyond Canadian jurisdiction. If this is you we can complement Options 1, 2 and 3 with the following add-ons:



1 Canadian Mark  
\$300

2 Canadian Marks  
\$500

3 Canadian Marks  
\$700

4 Canadian Marks  
\$850



US Search for 1 Mark  
\$500

US Search for 2 Marks  
\$750

US Search for 3 Marks  
\$1,000

US Search for 4 Marks  
\$1,200



Register domain name  
\$100 per name

Register social media handles  
\$100 per handle

Worldwide Searches

\*Pricing available upon request

# A La Carte

We understand finding the perfect brand name is important to you. Before we dive deeper into one of our offers we'd recommend starting with a light search. This will allow us to gain valuable insights by completing a swift investigation to assess the viability of your chosen brand names.

\*Pricing available upon request





## What does having a registered trademark do for you?

A registered trademark has numerous benefits; however, we will set out what we believe to be the top ten benefits:

1. A registered trademark grants the owner the exclusive right to use the trademark (brand) across Canada. This is a broader scope of protection, as owners of trade names would only gain rights in the limited geographic region in which they were using that name. Therefore, a trademark registration allows an owner the freedom to expand its business across Canada.
2. If someone is using the same or similar name for goods and services, an owner of a registered trademark can sue for trademark infringement which is generally easier and less costly than suing for the tort of "passing off".
3. Having a registered trademark acts as a shield: Any party trying to register the same or similar business name and/or trademark for the same or similar goods and services would be prevented from doing so. In short, a registered trademark stops others from operating a competing business under the same or similar name as your business.
4. A registered trademark adds equity to an owner's business. Trademarks can be licensed and sold for money. Owning your brand name across Canada can be a very valuable asset to your business.
5. A registered trademark provides owners with better recourse in domain name disputes and other social media-related "username squatting".
6. A registered trademark exempts a company from adhering to the Charter of the French Language in Quebec requirements.
7. A Certificate of Registration can be placed with Canadian and US customs to prevent the import and export of goods with infringing trademarks.
8. Trademarks facilitate e-commerce. One such example is the Amazon marketplace which provides rights and remedies to those enrolled in their Amazon Brand Registry program.
9. In some cases, registration of a trademark in Canada can be used as a basis to obtain registration for the same trademark in foreign jurisdictions.
10. A trademark is the only type of Intellectual Property that can be registered that lasts in perpetuity (provided renewal fees are paid and the trademark continues to be used in commerce).



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## **What are trademarks?**

*Trademarks are indicators of source. They can be letters, words, sounds, or designs that distinguish one company's goods and services from others' goods and services in the marketplace. Simply put, a trademark identifies a product or service as belonging to a particular company and recognizes the company's ownership of that brand.*

## **What should I protect first?**

*Typically, we recommend that clients apply for the word mark first. Why? To maintain one's trademark rights, the trademark must be "used as filed". Often, logo marks change over time. So, if one registers the logo first and then modifies the logo, one may lose trademark rights for no longer using the trademark as filed. Conversely, a word mark can be stylized into any logo in the future. Other considerations apply, but if budget constraints exist, the starting point is usually the protection of a word mark.*

## **Are you registered to file trademark applications in the US?**

*We are not USA trademark agents so can't offer a legally valid and binding opinion. While we are not registered to file applications directly in the USA, we can file certain international applications under the Madrid Protocol. We are also able to conduct trademark searches in the USA, though our opinions cannot be taken as valid and binding USA opinions. Further, while we are not registered USA trademark agents, we coordinate with our USA counsel for direct USA filings. Please contact us to discuss.*



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## What happens if my trademark application is rejected?

A trademark may be rejected for numerous reasons. In Canada, the main grounds for the Canadian Intellectual Property Office (the "CIPO") to refuse registration of a trademark are set out below. A trademark is not registrable if it is:

- a word that is primarily the name or the surname of an individual who is living or has died within the preceding thirty (30) years;
- not distinctive of the goods and/or services provided;
- whether depicted, written or sounded, either clearly descriptive or deceptively mis-descriptive (in the English or French language) of the character or quality of the goods or services in association with which it is used or proposed to be used, or of the conditions of or the persons employed in their production or of their place of origin;
- the name in any language of any of the goods or services in connection with which it is used or proposed to be used;
- confusing with a registered trademark;
- a prohibited mark (primarily, Royal crests and symbols, Canadian government names and symbols, the Red Cross symbol, public body registrations, etc.);
- a plant variety designation under the Canadian Plant Breeders' Rights Act; or
- in whole or in part a protected geographical indication, where the trademark is to be registered in association with a wine or spirit not originating in a territory indicated by the geographical indication.

To avoid the possibility of rejection, trademark availability searches are recommended, as such searches greatly minimize the chance that your trademark will be rejected. This is especially important given that the length of time from the time of application to registration is generally over 24 months. During this time, a business may spend considerable time and money developing and promoting their brand and, if the trademark is ultimately rejected, this could be a poor use of resources.

If a trademark is rejected based on "confusion with a registered trademark", then an applicant would not be able to operate under that name, as doing so could result in legal proceedings.



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## **What's a trademark class and do I need more than one?**

*Trademarks are applied and registered for in relation to the goods and services provided under that trademark. Since June 17, 2019, Canadian applicants must classify all goods and services under the Nice Classification system. Nice Classification is an international system used to classify goods and services. Classes 1-34 include classes for "goods" and Classes 35-46 include classes for "services". Each class includes a heading of the general nature of the field in which the good or service belongs. Typically, you would register your trademark in relation to all classes of goods and services that you are currently providing to the public. If you are providing a variety of goods and services, then you will likely be required to file a trademark under several classes.*