WELCOME

Added experience. Added clarity. Added value.
“Official Mark” Protection for School Boards

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Official Marks

1. Benefits of Trademark Registration
2. What are “Official Marks”? 
3. Requirements and Process to obtain Official Marks
Benefits of Trademark Registration

- Provides the owner with the statutory exclusive right to use the trademark in association with particular goods or services across Canada
- The right to sue for infringement or depreciation of goodwill
- Access to the Federal Court whose judgments are enforceable across Canada
- A defence to passing off actions
- Provides notice that it is a trademark, thereby dissuading others from adopting or using a similar or identical mark and blocking registration of confusingly similar marks
What are “Official Marks”?

- Unique to Canada
- Subsection 9(1)(n)(iii) of the *Trade-marks Act*
- Provides broad privileges to owners of Official Marks
- Prohibits others from adopting or registering a trademark that is identical or so nearly resembling the official mark as to be mistaken for it
- Restricts ability of owners of registered trademarks to expand use of the mark
Requirements

• “Public authority” – two elements:
  a) significant degree of control exercised by government over the activities of the requesting party; and
  b) activities of the requesting party must benefit the public

• Adoption and use of the mark
Process and Benefits

• File request for public notice of the official mark with the Trademarks Office with submissions to support the public authority status of the requesting party

• Pay government filing fee

• Advertisement in Trademarks Journal within approximately two months

• No examination for compliance with *Trade-marks Act*

• Not subject to opposition proceedings

• No restriction to particular goods or services

• No renewal required
Conclusion

- Unique and valuable tool to protect valuable brands
- Enhanced protection compared to regular trademark registration
- Speedy, uncomplicated process
- No maintenance costs