

TRADE MARK REFLECTIONS LTD.  
TRADE MARK SEARCHES

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Canadian Intellectual Property Office  
Trade-marks Branch  
50 Victoria Street  
Place du Portage II  
Gatineau, Quebec K1A 0C9

Attention: Stephanie Golden

Re: Document Retention and Disposal

We are a company that is hired by Canadian law firms to review and obtain copies from files at the Canadian Trade-marks Office on a daily basis.

We regularly receive requests for copies of documents appearing on paper files which are no longer currently active. These documents may be both inactive as they apply only to the subject file and active documents which just happen to be physically stationed on an inactive file. For example, when an assignment document is filed at the Canadian Trade-marks Office it may be assigning numerous trade-marks. When the recordal takes place, the practice of the Trade-marks Office is to place all the related documents on one file only, namely, the file relating to the oldest file involved in the transaction. These documents remain on the designated file regardless of any change in status of the trade-mark from current to expunged or abandoned. Disposal of a file once the trade-mark is expunged (plus 6 years) may result in the disposal of these current documents.

The files residing at an archives also hold many documents important to the legal profession for their use in ongoing Federal Court cases as well as other matters. There are many boxes of Section 12, opposition and Section 45 evidence stored at an archives together with the inactive files. At our client's request, we review such evidence and provide pertinent information for ongoing cases.

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There is no possible way of knowing when evidence will be required or for what reason. From experience, it is very common to receive requests for copies of documents (file histories, chain-in-title, evidence, etc.) far older than six years.

Finally, in the past, abandoned and expunged files with extensions of wares in good standing have been archived. The plan to dispose of archives files could very well lead to the disposal of these current extension of wares applications/registrations.

For the reasons noted above, it is important that any decision to dispose of the archives files be carefully reconsidered.

Yours truly,

TRADE MARK REFLECTIONS LTD.



Linda J. Elford

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