

IP roadmap

Your path through a geographical indication objection proceeding



1 Filing a statement of objection

To start an objection proceeding, the objector must file a statement of objection with the Canadian Intellectual Property Office (CIPO) that includes the following:

- the reasons, in detail, for their objection to the entry of the geographical indication (GI) on the list.

The statement of objection must rely on at least 1 of the grounds set out in subsection 11.13(2) of the *Trademarks Act*.

- the objector's address in Canada (or their address abroad and the name and address of a person or a firm in Canada for the service of documents)
- payment of the prescribed fee

The objector must file a statement of objection within 2 months after the publication of the statement from the Minister in the *Trademarks Journal* proposing that the GI be entered on the list.

The objector must also serve the statement of objection on the GI's responsible authority.



2 Counter statement

Within 2 months of receiving the statement of objection, the responsible authority must file a counter statement and serve a copy on the objector. Otherwise, the GI will not be entered on the list. The counter statement can simply state that the responsible authority intends to respond to the objection.



3 Evidence

Within 4 months of receiving the counter statement, the objector must submit evidence supporting the statement of objection and serve a copy on the responsible authority. The evidence must be in the form of an affidavit or a statutory declaration. The objector can choose not to submit evidence, in which case they must submit a statement to that effect and serve it on the responsible authority.

What does it mean to "serve a copy"?

"Serving" is a special way of sending documents to the other party. For information on how to serve your documents, please see section 81 of the *Trademarks Regulations*.



4 Evidence

Within 4 months of receiving the objector's evidence (or statement), the responsible authority must submit evidence (or a statement that they do not wish to submit evidence) and serve a copy on the objector.



5 Reply evidence

Within 1 month of receiving the responsible authority's evidence (or statement), the objector may submit more evidence (if any) and serve a copy on the responsible authority.

Cross-examinations

After a party submits evidence, the other party may request the cross-examination under oath of any person who testified in an affidavit or declaration. This must be done before the notice for written representations is sent to the parties.



6 Notice for written representations

CIPO will give the parties notice that they may submit and serve written representations.



7 Written representations

The objector has 2 months from the date of the notice to submit written representations and serve a copy on the responsible authority.

The objector may choose not to submit written representations, in which case a statement that no representations will be submitted is optional. However, if the objector submits a statement, a copy must be served on the responsible authority.



8 Written representations

The responsible authority must submit their written representations and serve a copy on the objector within 2 months of the earlier of:

- the date of service of the objector's written representations (or statement)
- the expiry of the objector's deadline to submit and serve written representations

The responsible authority may choose not to submit written representations, in which case a statement that no representations will be submitted is optional. However, if the responsible authority submits a statement, a copy must be served on the objector.



9 Hearing

Either party may request an oral hearing within 1 month of the earlier of:

- the date of service of the responsible authority's written representations (or statement)
- the responsible authority's deadline to submit and serve written representations



10 Decision

CIPO will issue a written decision in accordance with its service standards. All decisions are published on CIPO's website and are appealable to the Federal Court.

Who is a GI's responsible authority?

The responsible authority is the owner of the GI.

- the date of service of the objector's written representations (or statement)
- the expiry of the objector's deadline to submit and serve written representations