



March 6, 2018

VIA EMAIL to ic.cipo-consultations-opic.ic@canada.ca

Mesmin Pierre
Director General
Trademarks Branch
Canadian Intellectual Property Office
50 Victoria Street, Room C236-10
Gatineau, Quebec
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Dear Mr. Pierre:

I write in connection with the Trademarks Regulations, published in the Official Gazette on February 10, 2019.

I have studied the Regulations, and despite years of practice with the current trademark regime in Canada, find the wording of many of the provisions in the Regulations as published in the Gazette to be very difficult to understand. These Regulations will be key to understanding and interpreting all aspects of trademark application, registration, opposition and cancellation, plus contain the full text, for Canada, relating to the extension of trademark rights under the Madrid Protocol. The Regulations will be used by all applicants, as well as their advisors, seeking trademark protection in Canada and abroad. It is important, and especially so for self-represented applicants, to understand the Regulations, since the impact of mistake in the interpretation of the Regulations may be lost rights in Canada and abroad.

In particular, I point to sections 32(2), 32(3), 154(2), 155, 159 and 160, all of which are important to the understanding and implementation of the amendments to the Trademarks Act. I strongly recommend that these sections be studied and clarified – the potential consequences of ambiguity, uncertainty and lack of clarity of the creation and enforcement of trademark rights in Canada and abroad merit further review and amendment.

I am happy to discuss this further with you, if you wish.

Kind regards,


Joanne Nardi
Manager – Global Trademarks & Intellectual Property

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