

## Canadian Intellectual Property Office Compresses the Schedule for Trademark Oppositions and Non-Use Cancellation Proceedings

Mark Davis, Jennifer McKenzie, Steven Kennedy, Lina El Mugammar

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trademark opposition

non-use cancellation proceedings

### Changes to Opposition Proceedings

Stages of Proceeding	Benchmark Extension	
	Current Version	Amendment
<i>Statement of opposition</i>	4 months	2 months
<i>Counter statement</i>	2 months	1 month
<i>Opponent's evidence</i>	Up to 3 months with party consent	Up to 2 months with party consent
<i>Applicant's evidence</i>	Up to 3 months with party consent	Up to 2 months with party consent
<i>Reply evidence</i>	Up to 4 months with party consent	Up to 1 month with party consent
<i>Opponent's written representations</i>	Up to 2 months with party consent	Up to 1 month with party consent
<i>Applicant's written representations</i>	Up to 2 months with party consent	Up to 1 month with party consent

- increase the penalty if an opponent fails to complete a cross-examination by the deadline set after obtaining an extension of time to submit and serve its reply evidence. The opponent's extended deadline will be reduced to one month from the earlier of (a) the previous cross-examination deadline, and (b) the date on which the opponent informs the Registrar that it will not proceed with the cross-examination.
- reduce the one-time “cooling-off” extension available for each party from 9 months to 7 months.
- introduce a new “acting diligently” section - a party may be granted an extension of time where the party is able to demonstrate a consistent overall pattern of reasonable effort, promptness and diligence in their efforts to meet an upcoming deadline. Such a request must explain why it is not possible to meet the upcoming deadline and set out the actions taken prior to the upcoming deadline to meet it.

## Changes to Non-Use Cancellation Proceedings

*Trademarks Act*

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