

Is Your Old Canadian Registered Trademark at Risk of Being Expunged?

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A New Canadian Intellectual Property Office (CIPO) Pilot Project Is Taking Aim at Registered Trademarks That Are No Longer in Use

The Canadian Intellectual Property Office (CIPO) has just announced in a December 16, 2024 information release that it is about to start a pilot summary cancellation project in January 2025. The purpose of the pilot project is to assess how many trademark registrations on the Canadian Trademark Register are in fact “deadwood” and not in use.

For the pilot project, the Registrar of Trademarks (the Registrar) will be issuing Summary Cancellation Notices on its own volition (approximately 100 a month) until at least April 2025, after which the number it issues will be reassessed on a go-forward basis. The Notices will require the registered owner of the trademark to provide evidence of use of the mark in Canada with all the goods and services identified in the registration. To the extent that affidavit evidence cannot be or is not provided by the owner, the registration will be expunged or expunged for those goods and services for which use cannot be demonstrated by evidence.

Two of the groups of trademarks that will be the focus of this pilot project are (a) trademarks that were registered in Canada based upon use and registration in a foreign country (like the US), and (b) registrations based upon declarations of use filed more than 3 years ago.

If you have any questions or concerns about this project, would like to review the status of your registrations, or are faced with a Summary Cancellation Notice, please reach out to our team at Cassels through [Stephen Selznick](#).

[A copy of the CIPO information release can be found here.](#)

This publication is a general summary of the law. It does not replace legal advice tailored to your specific circumstances.