

**From:** <[CorrespondenceMinister@ic.gc.ca](mailto:CorrespondenceMinister@ic.gc.ca)>

**Date:** July 9, 2014 at 6:20:28 PM EDT

**To:** <[lmclachlan@cfa.ca](mailto:lmclachlan@cfa.ca)>

**Subject:** Industry Canada

Dear Ms. McLachlan:

On June 2, 2014, the office of the Honourable Joe Oliver, Minister of Finance, forwarded to me a copy of your correspondence regarding Bill C-31, the *Economic Action Plan 2014 Act, No. 1*. I appreciate your taking the time to share your concerns.

The changes to the *Trade-marks Act* that are proposed in Bill C-31, Division 25, Part 6, will allow Canada to implement the Madrid Protocol, the Singapore Treaty, and the Nice Agreement. By ratifying these treaties, Canadian businesses will have access to a trade-mark regime that is aligned with best practices, reduces costs and red tape, and attracts foreign investment to Canada.

These changes are part of a series of amendments to modernize Canada's intellectual property (IP) regime in order to adapt to the reality of globalization and maintain a competitive environment for Canadians. The treaties will benefit both businesses and consumers. Not only will they help Canadian companies compete globally and protect their valuable IP in Canada and abroad, but they will ease the process for foreign applicants to register their trade-marks in Canada, giving consumers more choice. Canada will join its trading partners in a system that allows Canadian businesses to access common international trade-mark registration processes (one form, one language, one fee) and protection in as many as 91 countries. This will reduce the costs and complexity of IP administration.

In your letter, you mention concern with the lack of consultation. In fact, over the past 10 years, the Canadian Intellectual Property Office held three consultations regarding the Madrid Protocol and the Singapore Treaty. Two formal consultations took place in 2005 and 2010. In fall 2013, targeted consultations were undertaken with Canadian IP experts. The treaties were also tabled in Parliament in January 2014.

With regard to your concerns about trade-mark trolls, Canadian trade-mark law already has ways to protect legitimate trade-mark owners against bad-faith trade-mark filings. For example, a mark can be opposed on the basis that the "bad-faith applicant" is not entitled to use the mark. Additionally, a trade-mark may be challenged for non-use three years after registration.

The proposed changes to the *Trade-marks Act* in Bill C-31 will decrease overall costs, reduce paper burden, and allow for easier expansion abroad for Canadian businesses.

Please accept my best wishes.

Sincerely,

The Honourable James Moore, P.C., M.P.