

Voluntary Report – Voluntary - Public Distribution

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Report Name: Quebec Government Passes Legislation Impacting Trademarks
- Bill 96

Country: Canada

Post: Montreal

Report Category: Policy and Program Announcements, FAIRS Subject Report, Trade Policy
Monitoring

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Report Highlights:

On June 1, 2022, the Quebec government passed legislation titled Bill 96, An Act respecting French, the official and common language of Quebec, to make new amendments to Quebec's Bill 101. The declared purpose of Bill 96 is to reinforce and strengthen the use of the French language in Quebec by expanding the linguistic obligations and requirements originally outlined in Bill 101. Bill 96 has introduced significant trademark amendments and requirements for non-French trademarks on product packaging, labeling, public signage, posters & commercial advertising. These amendments will come into force on June 1, 2025.

Report:

In 1977, the Canadian province of Quebec passed [Bill 101, the Charter of the French Language in Quebec](#) (i.e., the French Charter). The French Charter's objective was to establish French as the province's official language by installing various linguistic requirements.

On June 1, 2022, the Quebec government passed legislation titled [Bill 96, An Act respecting French, the official and common language of Quebec](#), to make new amendments to the Charter's existing legislation. The declared purpose of Bill 96 is to reinforce and strengthen the use of the French language in Quebec by expanding the linguistic obligations and requirements outlined in the French Charter.

Bill 96 has introduced significant trademark amendments and requirements for non-French trademarks on product packaging, labeling, public signage, posters & commercial advertising. These pertinent amendments to the *French Charter highlighted in Sections 51.1 and 58.1* will come into force on **June 1, 2025**. The business community, including U.S. food and beverage producers, suppliers, and exporters should carefully review the contents of Bill 96 and understand how to come into compliance.

Trademark Amendments: non-French trademarks on product packaging and labeling ([Section 51.1. Page 32](#))

Since its adoption into law in 1977, the French Charter has required that inscriptions on product packaging and commercial publications be in French, or French and another language, under the condition that the inscriptions in the other language are not given greater prominence than the inscriptions in French (e.g., in terms of size, position, font, color, etc.). However, under the current French Charter regulations, *recognized* non-French trademarks are exempt from the translation requirement, whether the trademark is registered or pending registration, including common law trademarks, with the caveat that no corresponding French version is registered. The current exemption allows non-French trademark inscriptions to be used on a product, container, or wrapping without complying with the translation requirements. This exception is commonly referred to as the "Recognized Trademark Exemption."

As of June 1, 2025, under Bill 96, the "Recognized Trademark Exemption" will no longer apply to unregistered trademarks on product packaging/labeling and in public signage/commercial publications. *Trademarks will have to be registered to benefit from the exemption.* Businesses can only use non-French trademarks if they are registered with the Canadian Intellectual Property Office ("CIPO") and where no corresponding French version appears on the register.

The new trademark requirement under Bill 96, Section 51.1 below states that all non-French trademarks on product packaging and labeling in Quebec must be translated to French if they are not registered under the Federal [Trademarks Act](#).

51.1. Despite section 51, on a product, a registered trademark within the meaning of the Trademarks Act (Revised Statutes of Canada, 1985, chapter T-13) may be drawn up, even partially, only in a language other than French where no corresponding French version appears in the register kept according to that Act. However, if a generic term or a description of the product is included in the trademark, it must appear in French on the product or on a medium permanently attached to the product.

Moreover, the new provision (51.1.) includes a new caveat that if a generic term or description of the product is included in such registered trademark on products, the generic or description must also appear in French on the product or on a medium permanently attached to it. This generic term or description must appear in French elsewhere on the product or support permanently affixed to it. Thus, even if a non-French trademark is registered with the Canadian Intellectual Property Office, businesses will have to translate any *generic and/or descriptive terms* contained in the trademark to satisfy Bill 96 requirement.

The Quebec Government has yet to provide additional details and parameters about what constitutes a generic term or product description for the above. Canadian business associations and industry partners have been advocating for the Quebec government to provide additional information on how they interpret the term “description of the product.” Or determine what portion of a trademark is “generic” or “descriptive.” Once further guidance is provided, Post will release a follow up report.

Trademarks: Public signage, posters & commercial advertising ([Section 58.1. Page 35](#))

Similar to the trademark exemptions on product packaging and labeling inscriptions, the current French Charter’s regulations include a “Recognized Trademark Exemption” for *recognized* and common law non-French trademarks on public signs and in commercial advertising, whether the trademark is unregistered or pending.

Under Bill 96, section 58.1. (below), the *recognized* or common law trademark exemption will be replaced by registered trademarks only (i.e., trademarks registered under the Federal Trademarks Act). As a result, unregistered trademarks will no longer be exempt and will, therefore, need to be translated into French on public signage, posters, and commercial advertising. However, the second paragraph of section 58.1. indicates an additional requirement: A registered non-French trademark in public signage, posters & commercial advertising visible from outside premises must be translated, and the inscriptions in French must be given greater prominence (e.g., size, position, font, color, etc.)

58.1. *“Despite section 58, on public signs and posters and in commercial advertising, a trademark may be drawn up, even partially, only in a language other than French, provided the trademark is registered within the meaning of the Trademarks Act (Revised Statutes of Canada, chapter T-13) and no corresponding French version appears in the register kept according to that Act.”*

“When advertising in exterior spaces in Quebec, French text that accompanies a non-French registered trademark must be markedly predominant in comparison to the trademark (i.e., twice as big).”

In the interest of compliance with Bill 96, U.S. food and beverage businesses, as well as other U.S. non-agriculture businesses, operating in Quebec are encouraged to consider seeking trademark registration of any non-French trademarks to benefit from the “Recognized Trademark Exemption.” Local media and private sources have flagged the significant backlog of pending trademark applications in Canada. We highly recommend obtaining legal advice to help navigate the trademark registration system and register your non-French trademark on time.

Attachments:

No Attachments.