Public Signage and English-only Trademarks in Québec: New Salvo From the Office québécois de la langue française

June 22, 2012

The Office québécois de la langue française (the Office) has decided to increase pressure on businesses using English-only trademarks on public signage. According to the Montréal press, the Office recently ordered several local and multinational businesses to add a French generic expression to their English-only trademark. The deadline to comply with the Office’s demands, or to make arrangements for compliance, was June 20, 2012. It appears that a few dozen businesses received the Office’s demand letter.

In response to formal complaints from the public, the Office has already demanded several businesses to add a French generic name to their English-only trademarks. However, this time, it seems that the Office acted on its own initiative, as we announced on June 8, 2012.

According to the Montréal press, the Office threatened several non-complying businesses with revocation of their francization certificate and fines for non–compliance with the Charter of the French Language (the Charter). Consequences for revocation of the francization certificate could include losing the privilege of entering into commercial contracts with the Québec government and/or receiving subsidies or any other advantages from the Québec government. Fines under the Charter range from $1,500 to $20,000 (and double for subsequent offenses).

The Office is interpreting the Charter and its Regulation respecting the language of commerce and business to require English-only trademarks posted on store-front signage to be accompanied by a French generic name since, it argues, marks on signage function as business names. Only recognized trademarks, and not business names, may be in another language than French only.

Based on comments from the Retail Council of Canada, the targeted businesses intend to contest the Office’s steps.

Content shared on Bereskin & Parr’s website is for information purposes only. It should not be taken as legal or professional advice. To obtain such advice, please contact a Bereskin & Parr LLP professional. We will be pleased to help you.