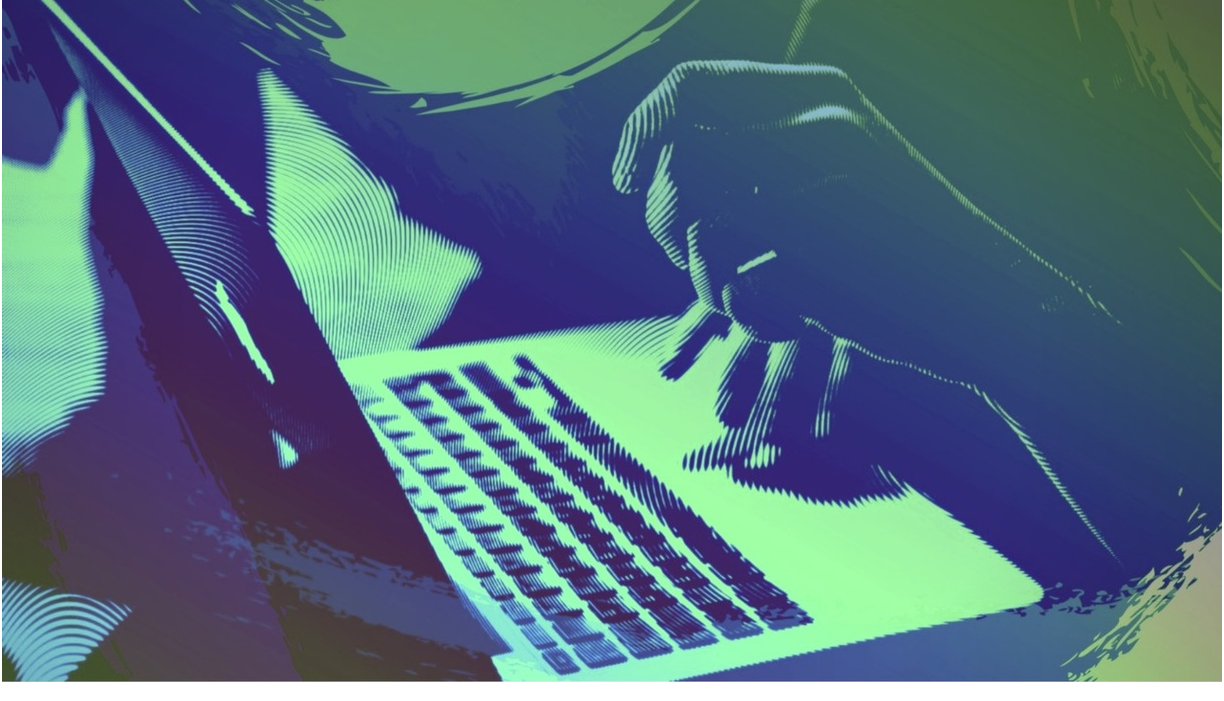


FEATURE POSTS



Good Faith in Canadian Trademark Applications

August 21, 2020 by Professor David Vaver

Under the Canadian trademark reforms that took effect on June 17, 2019, a new ground of opposition and invalidation in respect of a trademark registration has appeared: “that the application was filed in bad faith” (*Trademarks Act*, RSC 1985, c. T-13 (as amended), [ss. 38\(2\)\(a.1\)](#) & [18\(1\)\(e\)](#) (“Act” from now on)). The objection applies to (i) invalidation proceedings on registrations made, and (ii) oppositions on applications advertised, as from that date (Act, ss. [68.2](#), [72](#) & [73](#)). The underlying principle is that nobody should benefit from their wrong (*Bank of Montreal v Ng* (1989) 62 DLR (4th) 1, [9-10, 12](#)) – here the attempt to use the trademark system “in an improper manner or for an improper purpose” (*Re CKL Holdings NV’s TM App’n*, Case No O/036/18 (Dec. 18, 2017) at [\[21\]](#)). Such applications may mislead the Registrar of Trademarks as to their applicant’s genuineness and harm honest commerce through spurious assertions of right. Registry examiners nevertheless cannot object to an application on this ground: the cost of challenge is put on affected traders.

Written by [David Vaver](#), Professor of Intellectual Property Law, Osgoode Hall Law School, & IP Osgoode Advisory Board member.

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IP Osgoode Innovation Clinic Call for Clinical Fellows (2020/2021 academic year)



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LATEST POSTS

Domain Name Disputes in Charitable and Not-for-profit Sector

August 20, 2020 by Patrick Gauch

Many may remember the legal battles between the World Wrestling Federation and the Worldwide Fund for Nature, which is better known as the World Wildlife Fund. One is an entertainment company that is known for professional wrestling and the other is an international organization whose mission is to “[conserve nature and reduce the most pressing threats to the diversity of life on Earth](#)”. At dispute was the brand “WWF”. [After several high-profile lawsuits and negotiations, the World Wrestling Federation relented and is now known as World Wrestling Entertainment](#) (or WWE).

Written by Patrick Gauch, a second year Master of Laws (Business Law) Candidate at Osgoode Hall Law School and a Certified Association Executive working in the not-for-profit sector.

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Events

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European Policy for Intellectual Property 2020 Online Conference

9-11 September 2020

For more information and to register, please [click here](#).

IP Picks of the Week

[BC Freedom of Information and Privacy Association](#) (FIPA) and [BC Civil Liberties Association](#) (BCCLA) made joint submissions recommending key changes to BC’s [Personal Information Protection Act](#) (PIPA). The written submissions can be found [here](#).



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