Office de la propriété intellectuelle du Canada

IP roadmap

Your path through a geographical indication objection proceeding



Filing a statement of objection

To start an objection proceeding, the objector must file a statement of objection with the Canadian Intellectual Property Office (CIPO) that includes the following:

the reasons, in detail, for their objection to the entry of the geographical indication (GI) on the list.

The statement of objection must rely on at least 1 of the grounds set out in subsection 11.13(2) of the Trademarks Act.

- the objector's address in Canada (or their address abroad and the name and address of a person or a firm in Canada for the service of documents)
- payment of the prescribed

The objector must file a statement of objection within 2 months after the publication of the statement from the Minister in the Trademarks Journal proposing that the GI be entered on the list.

The objector must also serve the statement of objection on the GI's responsible authority.

What does it mean to "serve a copy"?

Evidence

authority.

"Serving" is a special way of sending documents to the other party. For information on how to serve your documents, please see section 81 of the Trademarks Regulations.

Within 4 months of receiving the

counter statement, the objector

statement of objection and serve a

copy on the responsible authority.

The objector can choose not to

must submit a statement to that

Counter statement

Within 2 months of receiving

the statement of objection, the

responsible authority must file a

counter statement and serve a

copy on the objector. Otherwise,

the GI will not be entered on the

list. The counter statement can simply state that the responsible authority intends to respond to

the objection.

an affidavit or a statutory declaration.

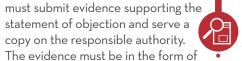
submit evidence, in which case they

effect and serve it on the responsible



Evidence

Within 4 months of receiving the objector's evidence (or statement), the responsible authority must submit evidence (or a statement that they do not wish to submit evidence) and serve a copy on the objector.



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Reply evidence

Within 1 month of receiving the responsible authority's evidence (or statement), the objector may submit more evidence (if any) and serve a copy on the responsible authority.



Cross-examinations

After a party submits evidence, the other party may request the cross-examination under oath of any person who testified in an affidavit or declaration. This must be done before the notice for written representations is sent to the parties.



Written representations

The objector has 2 months from the date of the notice to submit written representations and serve a copy on the responsible authority.

The objector may choose not to submit written representations, in which case a statement that no representations will be submitted is optional. However, if the objector submits a statement, a copy must be served on the responsible authority.



Notice for written representations

CIPO will give the parties notice that they may submit and serve written representations.



Written representations

The responsible authority must submit their written representations and serve a copy on the objector within 2 months of the earlier of:

- the date of service of the objector's written representations (or statement)
- the expiry of the objector's deadline to submit and serve written representations

The responsible authority may choose not to submit written representations, in which case a statement that no representations will be submitted is optional. However, if the responsible authority submits a statement, a copy must be served on the objector.

Who is a GI's responsible authority?

The responsible authority is the owner of the GI.





Decision

CIPO will issue a written decision in accordance with its service standards. All decisions are published on CIPO's website and are appealable to the Federal Court.

Is an oral hearing required?

No, an oral hearing is not necessary. If neither party requests an oral hearing, CIPO will issue a written decision without holding a hearing.



Hearing

Either party may request an oral hearing within 1 month of the earlier of:

- the date of service of the responsible authority's written representations (or statement)
- the responsible authority's deadline to submit and serve written representations

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