

Canada: New Regulations Governing Display of Non-French Trademarks

By Karen Lim

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On November 24, 2016, changes to Quebec's signage laws went into effect requiring businesses to add French-language descriptors or slogans to storefront signage displaying non-French trademarks. The amendments are intended to ensure the presence of French on storefronts that display non-French trademarks, while still respecting an exception under the law that allows "recognized" trademarks to appear exclusively in a language other than French, affirmed by the Quebec Court of Appeal in 2015.

The amendments by the Office québécois de la langue française (OQLF) to the regulations under the Charter of the French Language requires the inclusion of a "sufficient presence in French" in one of the following forms:

- A generic term or description of the business' products or services in French;
- A slogan in French;
- Any other term or indication in French favoring the display of information pertaining to the business' products or services.

These amendments target public storefront signs, and specifically include signs and posters "outside an immovable property" such as:

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- Signs or posters related or attached to an immovable property, including its roof;
 - Signs or posters outside premises situated in an immovable or a larger property complex, such as a mall or shopping center, underground or not;
 - Signs or posters inside an immovable property or premises, if their installation or characteristics are intended to be seen from the outside; and
 - With certain exceptions, signs or posters appearing on an independent structure near an immovable property or premise.

The French terms and information must be always readable, visible, well lit, and in the same field of vision as the non-French trademark, but need not be in the same place, in the same number, in the same materials, or in the same size.

The OQLF has made available two illustrative guides: One deals with the display of trademarks (see [OQLF 2016 Guide](#)); the other with general linguistic obligations of businesses (see [alternate OQLF 2016 Guide](#)).

Any new signage or replacement signs installed after November 24, 2016 must comply with the new rules. A three-year grace-period is provided for existing signage, thus requiring that all storefront signage in Quebec be compliant by November 24, 2019. Businesses that fail to comply face fines ranging between CDN \$1,500 to \$20,000.

Primary Contacts

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