

Delays in Canadian trademark examination prompt CIPO “pre-assessment” letters

17 mai 2022

In the last few years, the Canadian Intellectual Property Office (CIPO) received higher than anticipated trademark application filings. Currently, examiners are being assigned these applications more than three years after they were filed.

Once assigned, it can take several months before the applications are examined and can go through the rest of the prosecution process. This means that, even if the application passes the examination stage without any objections raised, and passes the opposition period unopposed, applicants may wait more than four years to receive a Certificate of Registration. This historically long wait is longer than what is experienced in most countries.

CIPO has introduced a series of measures to improve timeliness in trademark examination. These efforts include hiring more than 50 new trademark examiners, reducing the number of reports to be issued prior to refusing an application, and encouraging applicants to use terms from its pre-approved list of goods and services. **Trademark applications filed using terms from CIPO’s pre-approved list are prioritized in examination over other applications and currently have a reduced wait time of approximately 22 months, compared to more than 39 months for those filed without using pre-approved terms.**

In order to promote the use of pre-approved goods and services, in early April CIPO **began issuing “Trademark Pre-assessment Letters,” which report on the results of an automated analysis and a pre-assessment of goods, services and Nice classification information contained in all national trademark applications awaiting examination.** The automated analysis will, in appropriate cases, confirm that the description of goods and services covered by the application contains acceptable terms with proper classification, or contains acceptable terms without having used the pre-approved list. In either of these cases, no action will be required and the examination of the application will be accelerated.

Alternatively, CIPO’s letter will advise that it has identified:

- Goods or services that are not classed;
- An improper Nice class;

- A description of good or services that includes unacceptable terms; or
- A combination of the above.

Please note that CIPO does not identify the actual deficiency in its letters. By issuing these letters, CIPO hopes to encourage applicants to consider amending their applications to use terms from the pre-approved list of goods and services. However, it may not always be possible to make such amendments. The letter also provides the applicant with the option to voluntarily withdraw the application, if the applicant has lost interest in the trademark.

There is no deadline to take action, and no response to the letters is required.

It is important to note that further examination will be undertaken and that substantive objections may arise. Pre-assessment is not intended to replace examination, but is instead meant to make examination more straightforward, and, if successful, to reduce the overall wait times to examination.

Reach out to the author or any of the key contacts below if you have questions about the CIPO trademark examination process.

Par

[Peter C. Cooke](#)

Services

[Propriété intellectuelle, Marques de commerce](#)

BLG | Vos avocats au Canada

Borden Ladner Gervais S.E.N.C.R.L., S.R.L. (BLG) est le plus grand cabinet d'avocats canadien véritablement multiservices. À ce titre, il offre des conseils juridiques pratiques à des clients d'ici et d'ailleurs dans plus de domaines et de secteurs que tout autre cabinet canadien. Comptant plus de 800 avocats, agents de propriété intellectuelle et autres professionnels, BLG répond aux besoins juridiques d'entreprises et d'institutions au pays comme à l'étranger pour ce qui touche les fusions et acquisitions, les marchés financiers, les différends et le financement ou encore l'enregistrement de brevets et de marques de commerce.

blg.com

Bureaux BLG

Calgary

Centennial Place, East Tower
520 3rd Avenue S.W.
Calgary, AB, Canada
T2P 0R3

T 403.232.9500
F 403.266.1395

Ottawa

World Exchange Plaza
100 Queen Street
Ottawa, ON, Canada
K1P 1J9

T 613.237.5160
F 613.230.8842

Vancouver

1200 Waterfront Centre
200 Burrard Street
Vancouver, BC, Canada
V7X 1T2

T 604.687.5744
F 604.687.1415

Montréal

1000, rue De La Gauchetière Ouest
Suite 900
Montréal, QC, Canada
H3B 5H4

T 514.954.2555
F 514.879.9015

Toronto

Bay Adelaide Centre, East Tower
22 Adelaide Street West
Toronto, ON, Canada
M5H 4E3

T 416.367.6000
F 416.367.6749

Les présents renseignements sont de nature générale et ne sauraient constituer un avis juridique, ni un énoncé complet de la législation pertinente, ni un avis sur un quelconque sujet. Personne ne devrait agir ou s'abstenir d'agir sur la foi de ceux-ci sans procéder à un examen approfondi du droit après avoir soupesé les faits d'une situation précise. Nous vous recommandons de consulter votre conseiller juridique si vous avez des questions ou des préoccupations particulières. BLG ne garantit aucunement que la teneur de cette publication est exacte, à jour ou complète. Aucune partie de cette publication ne peut être reproduite sans l'autorisation écrite de Borden Ladner Gervais S.E.N.C.R.L., S.R.L. Si BLG vous a envoyé cette publication et que vous ne souhaitez plus la recevoir, vous pouvez demander à faire supprimer vos coordonnées de nos listes d'envoi en communiquant avec nous par courriel à desabonnement@blg.com ou en modifiant vos préférences d'abonnement dans blg.com/fr/about-us/subscribe. Si vous pensez avoir reçu le présent message par erreur, veuillez nous écrire à communications@blg.com. Pour consulter la politique de confidentialité de BLG relativement aux publications, rendez-vous sur blg.com/fr/ProtectionDesRenseignementsPersonnels.

© 2026 Borden Ladner Gervais S.E.N.C.R.L., S.R.L. Borden Ladner Gervais est une société à responsabilité limitée de l'Ontario.