



Bill 96 and its impact on the French-language requirements in Québec

Christian Bolduc and Francesca Roy

Smart & Biggar

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Legal updates: case law analysis and intelligence

- **Bill 96 introduces important amendments to the Charter of the French Language**
- **The scope of the “recognised trademark” exception will be restricted to registered trademarks for inscriptions on products, on public signage and in commercial advertising**
- **For inscriptions displayed on public signs visible from outside buildings, the “sufficient presence of French” requirement will be replaced by the more burdensome “markedly predominant” requirement**

The French language holds the status of official language in the province of Québec through the Charter of the French Language (RLRQ c C-11), thus making the use of the French language mandatory in all spheres of public life in the province, including commerce and business. The charter applies to businesses with an establishment in the province of Québec and, in certain regards, to businesses selling their goods and offering their services in Québec without necessarily being established in the province.

On 13 May 2021 the Québec government introduced “An Act respecting French, the official and common language of Québec” (Bill 96), with an intent to better protect the French language and promote its use in the province of Québec. Bill 96, which was adopted on 1 June 2022, introduces important amendments to the charter. This update focuses on the impact of Bill 96 on the changes affecting the language of commerce and business and, more specifically, on the “recognised trademark” exception.

The general rule under the French charter

The general rule under the charter is that markings on products, their packaging and accompanying documentation (eg, instruction manuals, certificates of warranty, promotional material and discount coupons) and commercial publications (eg, catalogues, brochures, invoices, websites and social media) must be in French, or in French and another language provided that the inscriptions in the other language are not given greater prominence than the inscriptions in French (eg, in terms of size, position, font and colour).

With regards to public signage and commercial advertising, the general rule is that any message displayed in a place accessible to the public (eg, signs, posters and billboards) must be in French, or in French and another language if French is “markedly predominant”, which means that the French language must have a greater visual impact than the text in the other language. There are situations where only French can be used.

The “recognised trademark” exception

Currently, under the charter and the “Regulation respecting the language of commerce and business” (RRQ c C-11, r 9), a trademark, whether it is registered or used without registration such that it has become known in Canada (ie, a common law trademark), may appear on products, commercial publications or public signs and commercial advertising exclusively in a language other than French unless a French version of the mark has been registered (the “recognised trademark” exception).

When a non-French “recognised trademark” appears on a sign outside a building, there is a requirement to include, in a permanent fashion, generic terms, slogans and/or other indications in French on the sign or on the face of the building in the same visual plane as the sign and with the same visibility as the “recognised trademark” to inform consumers and passers-by of the nature of the business. This additional requirement for public signage is referred to as the “sufficient presence of French” requirement.

Upcoming changes to the “recognised trademark” exception

Bill 96 introduced Sections 51.1 and 58.1 to the charter, which read as follows:

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51.1. Despite Section 51, on a product, a **registered trademark** within the meaning of the Trademarks Act (Revised Statutes of Canada, 1985, Chapter T-13) may be drawn up, even partially, only in a language other than French where no corresponding French version appears in the register kept according to that act. However, if a **generic term** or a **description of the product** is included in the trademark, it must appear in French on the product or on a medium permanently attached to the product. [emphasis added]

58.1. Despite Section 58, on public signs and posters and in commercial advertising, a trademark may be drawn up, even partially, only in a language other than French, provided the **trademark is registered** within the meaning of the Trademarks Act (Revised Statutes of Canada, Chapter T-13) and no corresponding French version appears in the register kept according to that act.

However, on public signs and posters visible from outside premises, French must be **markedly predominant** where such a trademark appears in a language other than French. [emphasis added]

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Accordingly, as of 1 June 2025, the scope of the “recognised trademark” exception will be restricted to registered trademarks, for inscriptions on products, on public signage and in commercial advertising. In those cases, the common law trademarks will no longer trigger the “recognised trademark” exception.

Brand owners should be aware that the current examination time at the Canadian Intellectual Property Office is approximately 43 months from the filing of an application. It is possible to reduce the examination time to about 21 months, and thus increase the likelihood of registering a trademark by 1 June 2025, if all the products/services covered by an application are from the pre-approved list in the Goods and Services Manual.

In addition, for inscriptions on products, if the registered trademark includes a generic term or a description of the product in a language other than French, the generic term or description will need to be translated into French and appear on the product or on a medium permanently attached to the product. It is unclear how the *Office québécois de la langue française* (the body in charge of enforcing the charter and the regulation) will interpret “generic” and “description of the product” in this context. Moreover, it is not known what a “medium permanently attached to the product” means. It is hoped that expected amendments to the regulation and new practical guides will bring some clarity.

For inscriptions displayed on public signs visible from outside buildings, the current “sufficient presence of French” requirement (French language must appear on the sign or nearby describing the nature of the business) will be replaced by the more burdensome “markedly predominant” requirement (French language must have a greater visual impact than the text in the other language).

Bill 96 does not restrict the “recognised trademark” exception to registered trademarks for product packaging and accompanying documentation and for commercial publications. Perhaps the expected amendments to the regulation will change this.

Christian Bolduc

Author | Principal

cbolduc@smartbiggar.ca

Smart & Biggar

Francesca Roy

Author | Associate

froy@smartbiggar.ca

Smart & Biggar

