



Rely on **TDS**

Sound Marks Now Being Accepted by Trademarks Office

By Silvia de Sousa



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Until recently, the Canadian Trademarks Office has prevented trademark owners in obtaining a trademark for a sound mark. Most relevant jurisdictions allow sound marks like the United States and Europe. The rationale behind the Canadian Trademarks Office position was that in order to obtain a registration of a trademark it had to be able to be depicted in a drawing. As a result of a recent Federal Court of Canada decision in the Metro-Goldwyn Mayer Studios Inc. case, the Canadian Trademarks Office is now required to register as a trademark in Canada the sound of a roaring lion that precedes most MGM film productions as the Court held that the sound of a roaring lion can be trademarked. This case has caused the Canadian Trademarks Office to issue a Practice Notice announcing that it is now accepting applications to register sound marks. The Practice Notice states that the application for the registration of a trademark consisting of a sound should:

1. state that the application is for the registration of a sound mark.
2. contain a drawing that graphically represents the sound.
3. contain a description of the sound.
4. contain an electronic recording of the sound.

What this means is that you are now able to legally protect the sounds associated with your brand and business. Also, this court decision may lead to the approval of other types of non-traditional trademarks like smell and holograms.

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While care is taken to ensure the accuracy for the purposes stated, before relying upon these articles, you should seek and be guided by legal advice based on your specific circumstances. We would be pleased to provide you with our assistance on any of the issues raised in these articles.

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Silvia's practice is concentrated in the area of business law with an emphasis on intellectual property law, life sciences law and technology law. Her practice also includes intellectual property transactions, commercial law, financings and licensing matters.