

Parlez-vous Français? New Language Requirements in Effect in Québec in June 2025

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Established through the Charter of the French Language, French is the official language of the Province of Québec. The Charter applies to businesses located in Québec and to other businesses providing services and selling goods in this province, making the use of French mandatory in connection with these business activities.

Historically, the Charter has provided for a “recognized trademark” exception to this French language requirement for registered and known (but unregistered) trademarks in Canada. In these cases, the “recognized trademark” may appear on goods, advertising, signage and commercial publications in a language other than French (unless the French version of the mark has been registered, in which case use of this French version remains mandatory). In addition, where the “recognized trademark” exception applies to use on signage or on the face of a building, it must also feature indications on the same visual plane that informs consumers and passersby of the nature of the business in the French language. This is referred to as the “sufficient presence of French” requirement.

Related People

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Related Capabilities

- Trademark, Copyright + Advertising
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In May 2021, the provincial government of Québec introduced (and later passed, in May 2022) an amendment to the Charter, referred to as “Bill 96,” which changes how “recognized trademarks” are treated in commerce and business. As of June 1, 2025, the scope of the “recognized trademark” exception will be restricted to registered trademarks, and inscriptions on products, on public signage and in commercial advertising. As a result, the “recognized trademark” exception will no longer be triggered by unregistered trademarks.

Currently, where the “recognized trademark” exception does not apply, the Charter requires that products, packaging, and related informational documents (instruction manuals, for example), and commercial publications (including websites and social media) public signage and commercial advertising, must be in French, or in French and another language so long as the “other language” is not given heightened focus in comparison to the French language. This includes font size, use of color, positioning, and overall size.

With the understanding that unregistered trademarks will no longer be an exception to this rule, this would require active steps by trademark owners to obtain registrations for trademarks, in order to continue to benefit from the exception, or to otherwise potentially implement significant updates to all impacted materials. For registered trademarks that feature generic or descriptive terms in a language other than French, the descriptive or generic term will need to be translated into French and appear on the product or on a medium permanently attached to the product. At this time, it is unclear how “generic” or “descriptive” may be interpreted in this context, or frankly, precisely what “medium

permanently attached to the product” means.

Additionally, where the “recognized trademark” exception is not available, the rule currently is that signs, posters, and billboards must be in French, or in French and another language so long as the French is featured in a predominant manner, with a greater visual impact than the other language. Thus, the current impact of Bill 96 is that both unregistered trademarks and registered trademarks appearing on public signage will be required to change from a “sufficient presence of French” to a “markedly predominant” use of the French language, meaning that the French language must have a greater visual impact than the text in the other language.

For businesses who seek to comply with Bill 96 by seeking new trademark registrations, a challenge here is that the Canadian Intellectual Property Office has significant delays in the examination of trademark applications (as of this writing, approximately 43 months). This makes it very difficult for businesses to come into compliance via new trademark applications by the current June 1, 2025 implementation date. This tension between the compliance deadline and registration speed has been broached with CIPO by Canadian practitioners.

In terms of next steps, we encourage interested parties with registered and unregistered trademark rights in Canada to review their business activities and trademark portfolios to determine:

- Whether new trademark applications should be filed. If so, if new applications are filed featuring pre-approved goods and services from CIPO’s manual, it may be possible to reduce the examination time from 43 months to about 21 months. Taking action now may make it possible to meet requirements by June 1, 2025. Expedited examination is also available under certain prescribed circumstances.
- Whether the loss of the “recognized trademark” exception will require changes to product packaging (generic/descriptive terms, unregistered trademarks), related documentation, commercial publications, and public signs visible from outside buildings.

Bill 96 expands the government’s powers of enforcement and all Québec residents will have standing to seek injunctive relief and damages. The potential business risk in Canada is therefore considerable, and taking action toward compliance now is recommended.

We will keep our readers updated on further guidance in connection with the impact of Bill 96.