

April 30, 2013

The Honorable John Knuble
Deputy Minister
Industry Canada
235 Queen Street
Ottawa, Ontario K1A 0H5
Canada

RE: Bill C-56

Dear Deputy Minister Knuble:

It was a great pleasure to meet with you and Assistant Deputy Minister Stewart on March 8 to introduce INTA and to indicate our interest in working with Industry Canada in advancing trade-mark protection and enforcement in Canada. Canada is an extremely important market to INTA's members and we greatly appreciate you taking the time to explore various issues within the trade-mark arena.

As promised, please find enclosed INTA's comments and recommendations on the government's Bill C-56 – "Combating Counterfeit Products Act," which had just been introduced prior to our meeting. INTA strongly supports the introduction of this legislation which greatly improves the remedies now available under current law and provides greater assistance by the Canadian government to trademark owners. Over the past few weeks, a number of INTA committees specifically focused on Canada reviewed in detail the Bill's provisions. We are very pleased to see improvements that will greatly assist trade-mark owners in their fight against counterfeiters. We do, however, respectfully request that the government consider some changes and even additions to Bill C-56 as it moves forward in the legislative process. These recommendations are focused on the Bill's core provisions that amend the Trade-mark Act's anticounterfeiting measures and in particular remedies (e.g. knowledge by counterfeiters of infringing acts) and customs procedures (e.g. bonding, recordal of trade-mark rights, sharing of information with trade-mark owners and capping their costs with regard to seized goods). We also suggest certain anticounterfeiting measures that might be added to Bill C-56 such as statutory damages and a simplified destruction procedure for counterfeit goods.

In its effort to strengthen anticounterfeiting measures in Canada, Bill C-56 also proposes significant changes to various other provisions of the Trade-marks Act. We are very pleased to see addressed in the Bill certain provisions (e.g. division of applications; reform of associated trade-marks; priority claim reform; non-traditional marks; proposed certification marks; flexibility in scope of summary cancellation; ability of Registrar to correct clerical errors; eliminating requirement to file certified copy of foreign registration) which were contained in INTA submissions in prior consultations by the Canadian Intellectual Property Office. Nonetheless, our current comments and recommendations suggest possible clarification and improvement to the legislation. While we are generally supportive of most of the provisions of the Bill, we raise some concerns such as the proposed destruction of

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documents by CIPO. We also suggest additional changes for your consideration that may fall outside the scope of Bill C-56, which during our meeting you had indicated an interest in receiving.

We hope that you find these comments and recommendations helpful. If Industry Canada has any questions or would like to discuss our comments in more detail, please contact Bruce MacPherson, INTA's Director, External Relations, at bmacpherson@inta.org.

Sincerely yours,

A handwritten signature in black ink, appearing to read "Toe Su Aung". The signature is written in a cursive style with a vertical line to its left.

Toe Su Aung
President

Enclosure

Cc: Iain Stewart, Assistant Deputy Minister, Strategic Policy Sector
Sylvain Laporte, Commissioner of Patents, Register of Trade-marks and CEO, CIPO
Paul Halucha, Director General, Marketplace Framework Policy Branch
Lisa Power, Director General, Trade-marks Branch, CIPO
Darlene Carreau, Chair of the Trade-marks Opposition Board