

OPINION

Quebec's bad law to make brands names be in French will have bad consequences

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People take part in a protest against Bill 96 in Montreal, on May 26, 2022.

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When your friends come from Montreal or Quebec City to visit you in Vancouver or Winnipeg, do you change their name from Stéphane to Steven or from Avril to April? The answer to this is likely “no,” and reasonably so.

Your name identifies you as a unique person with your own characteristics and is part of who you are. Your name may represent your cultural or familial heritage or connect you to a historical event, a place or a person. Your name has value and is indivisible from your reputation and how others perceive you.

The same is true for brands. A brand identifies the business, its unique characteristics and is part of the experience of interacting with the business. A business's brand name might represent its heritage.

A brand name also has value, often attached to its reputation, its capacity to attract customers or clients, and how recognizable it is in the marketplace and distinguished from other brand names. And the recognition and reputation of a brand name is usually built up over considerable time and at great expense.

Now the Government of Quebec is in the process of drafting regulations under their new language law, Bill 96. Among other changes, some of which have faced fierce opposition, Bill 96 is requiring companies to translate their brand names into French.

While it is true that sections 63 and 64 of the Charter of the French Language already require business names to be in Quebec's official tongue, the changes introduced by Bill 96 will go a step further.

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This will have massive negative effects, even outside of Quebec.

The supply chain within Canada is all connected. When manufacturers ship items in Canada, they don't have a supply chain for every different province. Most food, drug and mass retailers have national distribution models, which means that, with a few exceptions, the items sold by manufacturers must be able to be shipped to all provinces.

As a result, it is next to impossible for retailers and manufacturers to create a separate supply chain for the province of Quebec to accommodate the new law – at least without adding cost and complexity into what is presently a highly efficient system.

Many producers and manufacturers will have no choice but to significantly reduce the number of products they ship to – or within – Canada, or to delay the launch of new products into the Canadian market to ensure they are compliant with the new law. Businesses that wish to continue to do business in Quebec will have to incur additional costs to do so.

A brand name is not simply something to be translated on demand, just as a person's name – or indeed a French brand name – cannot and should not be anglicized for the benefit of English speakers. This is particularly critical when the brand name is used around the world. Creating a new brand name in a different language is not simply a matter of translating words from one language to another. The new brand name cannot conflict with an existing company or brand name.

To be sure, some businesses and brands have elected to translate their names, which is their choice. But this is a choice companies should be able to make of their own volition.

Quebec's new language law presents complex challenges for businesses that operate across Canada and multinationally. The rules need to be written and applied in such a way that businesses can navigate them and allow Canadian consumers to have the variety and product choices that they deserve.

Businesses and brands should ensure that Quebec consumers have the necessary information to make informed buying decisions in French. This is currently the case, as product packaging in Canada contains information in both French and English. But this does not and should not extend to a blanket requirement to translate the brand's name into French.

Just as you reasonably wish for your name to be respected as an individual, businesses and brands reasonably wish for their valuable and identifiable trade

names and brand equities to be similarly respected, regardless of their language of origin.

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