



Article

Québec's Bill 96 and trademark implications for businesses

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Québec's sweeping legislation may impact brand owners' businesses. This article provides an overview of what brand owners conducting business in Québec need to know.

In June 2022, the Province of Québec adopted the wide-ranging Bill 96 in a move to improve protection of the French language in Québec. This legislation amended several laws in Québec, including the *Charter of the French Language in Québec* (the Charter). The changes restrict the use of English and other non-French languages in Québec and create certain obligations to use the French language when conducting business in Québec, including with respect to trademarks. Draft regulations were published on January 10, 2024, and consultations have concluded.

The regulations have been finalized and ease some of the more stringent trademark-related provisions of Bill 96.

When Will This Take Effect?

Several elements of Bill 96 are already in effect, but most of the trademark-related provisions come into force in June 2025. Businesses should start preparing for the changes now.

What are Brand Owners' Obligations?

The Charter requires that all businesses that offer goods or services to consumers in Québec respect the consumers' right to be informed and served in French. Prior to Bill 96, many businesses relied upon an exception to the Charter that allowed recognized non-French trademarks (either registered or well-known unregistered trademarks) to appear without a French version.

Bill 96's finalized regulations clearly were affected by industry consultations and have largely left this exception in place. The exception applies to all trademark use in Québec, including, but not limited to:

Using non-French trademarks on public signage, commercial advertising, and posters.

Using non-French trademarks on commercial publications, including websites and social media.

Using non-French trademarks on a product (or items supplied with the product).

Public Signage, Commercial Advertising and Posters

Section 58 of the Charter and the current regulations require that public signs, posters, and commercial advertising be in French, or in both French and another language provided that there is a sufficient presence of French text on the sign, poster or advertising.

Bill 96 and the finalized regulations state that as of June 1, 2025, public signs, posters, and commercial advertising may contain recognized non-French trademarks, without a corresponding French version only where there is no corresponding French version of the trademark registered (Public Sign Exception).

Where public signs and posters are visible from outside premises (e.g., a space, whether enclosed or not) or an "immovable" (e.g., a building), French must be "markedly predominant," even when a non-French trademark is used pursuant to the Public Sign Exception. This means that a French trademark, slogan, or description will need to be displayed (either on the same sign as the

registered non-French trademark or elsewhere) with much greater visual impact than the non-French trademark.

“Markedly predominant” means:

The French elements occupy twice the space of the non-French elements in the same field of vision;

The French elements must be at least as permanent, visible, and legible as the non-French elements;

On dynamic signage, the French text appears twice as long as the non-French text; and

In respect of a trademark in any language other than French, there are French terms, such as a descriptive phrase or slogan, that take up the necessary space.

Certain French text, such as business hours, addresses, and similar information, will not count in meeting the necessary amount of French text.

Commercial Publications, including Websites and Social Media

Use of non-French trademarks in commercial publications (e.g., newsletters or websites) does not change under Bill 96. This means that registered Canadian trademarks and unregistered trademarks that have become known in Canada can be used exclusively in English or other languages as long as no French version is registered.

Trademarks Directly on a Product or Items Supplied with the Product

Section 51 of the Charter requires that every “inscription” on a product, or on its container or its wrapping, or on a document or object supplied with it, including the directions for use and warranty certificates, must be in French. The French inscription may be accompanied with a translation, but no inscription in any other language may be given greater prominence than that in French.

Bill 96 and the finalized regulations state that notwithstanding s. 51 of the Charter, as of June 2025, a non-French trademark can appear on its own in an inscription if it is a recognized trademark.

To rely on this exception, the recognized non-French trademark may be used on its own, with no corresponding French version, only where there is no registration of a corresponding French version.

Notwithstanding the above exception, if a generic term or a description of the product is included on the product, including as part of the trademark, that term or description must be translated into French and appear somewhere on the product or on a medium attached permanently to the product.

Note that if the generic term or description is part of the name of the enterprise or the name of the product as sold, it does not need to be translated. For instance, no part of the tradename “Black Market Wine Company” would need to be translated, including the “Wine Company” portion, and none of the trademark “BluePaper” would need to be translated, provided the trademark was the name of the product.

That said, there is a general rule that all French language on the product must be at least as prominent as the non-French version.

Grace Period

The finalized regulations provide a grace period for products manufactured before June 1, 2025. Products manufactured before June 1, 2025, that do not comply with the Charter may be made available for sale until June 1, 2027, provided there was no French version of the same trademark registered before June 26, 2024.

Risks of Noncompliance with Bill 96

Enforcement of the changes will likely be complaints-driven, but there are significant monetary penalties for violations and the Minister of French Language may suspend or revoke government-issued permits. Further, violations leave organizations vulnerable to private rights of action for injunctions, damages, punitive damages, and possible class actions.

What Should Brand Owners Do Now?

If doing business in Québec, we recommend the following:

Audit packaging, digital presence, commercial advertising and physical publications;

Identify all trademarks, including any French versions of non-French trademarks — whether registered or not;

Carefully consider developing French versions of trademarks and whether they would be beneficial for the business;

Consider registration of non-French trademarks to leave no doubt that they meet the recognized trademarks exception; and

Start the process now because Canadian trademark registration can take significant time.

Beyond trademarks, Bill 96 will affect payment processing, standard-form contracts, and more.

Additionally, the Québec government has signalled that narrower regulations for specific issues (like embossed metal products) will be revisited at a later date.

The Fine Print

Brand owners should obtain specific legal advice as this brief is intended only to raise awareness of the issues posed by Bill 96 and the final version of the regulations.

If you have any questions about the legal implications for your business, please contact one of the authors or any member of our [Trademarks](#) practice.

Practices

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- ▶ Trademarks