

# Release Notes - Canadian Trademark XML

Release date: June 22, 2019

## About this release

These release notes identify two sets of changes. The first section describes Canada's adherence to the Madrid Protocol, the Singapore Agreement and the Nice Agreement. Adherence to these treaties, as well as other legislative/regulatory changes, was enacted in Bill C-31 which comes into force on June 17, 2019. The second set of changes is related to national updates to the ST.96 structure.

With this release, CIPO is adopting ST.96 as the only production format for the distribution of the Canadian trademarks collection. The proprietary flat file version of the trademarks collection will be discontinued on June 17, 2019.

## Legislative updates:

### Divisional Application Bag

Sample: 1265029-00.xml

The new element ***tmk:DivisionalApplicationBag*** will contain divisional applications. The sub-elements will be ***tmk:InitialApplicationNumber*** and ***tmk:InitialApplicationDate***.

### International Mark Identifier Bag

Sample: 148256-00.xml

The new element ***tmk:InternationalMarkIdentifierBag*** will contain the international registration number for a protocol application/protocol registration. The sub-element, ***tmk:InternationalMarkIdentifier***, will contain the international registration number.

The term protocol application/protocol registration is used to identify marks received under the Madrid Protocol where Canada has been designated.

### Mark Multimedia Bag

Sample: 1869167-00.xml

The new element ***tmk:MarkMultimediaBag*** contains the electronic representation for a multimedia mark. Only MP4 format will be disseminated. Zero or more elements are possible. The sub-elements are ***com:FileName*** and ***tmk:MarkMultimediaFileFormatCategory***

### Mark Feature Category Bag

The new element ***catmk:MarkFeatureCategoryBag*** contains a list of all the trademark types (***tmk:MarkFeatureCategory***) for a trademark. This element is most important when the trademark is comprised of multiple types (TrademarkBag MarkFeatureCategory = Combined)

**Priority Partial Goods Services**

Sample: 167429-00.xml

The element ***tmk:PriorityPartialGoodsServices*** is used when a priority applies to only certain goods/services. The sub element is the ***tmk:ClassDescriptionBag*** (and its sub-elements).

**National Correspondent**

Sample: 2492-00.xml

The element ***tmk:NationalCorrespondent*** now contains the Applicant Address for Service thereby replacing Representative for Service which is no longer disseminated.

**Correspondent (Plaintiff - Opposition)**

Sample: 24688-00.xml

The element ***tmk:Correspondent*** is now mapped to the Opponent Address for Service thereby replacing Representative for Service which is no longer disseminated.

**Correspondent (Plaintiff - Section 45)**

Sample: 6008-00.xml

The element ***tmk:Correspondent*** is now mapped to the Section 45 Requester Address for Service thereby replacing Representative for Service which is no longer disseminated.

**Correspondence Address**

Sample: 1480716-00.xml

The element ***com:CorrespondenceAddress***, will be the address that the Office will send correspondence if different than the applicant's address.

**National Associated Mark Bag**

National associated marks are no longer tracked as per Bill C-31 therefore this element has been removed.

**Mark Current Status Code**

These new statuses may be disseminated.

<b>MarkCurrentStatusCode</b>	<b>CIPO Status</b>	<b>Samples</b>
Application Published	Registration Pending Default - Registration Pending	859546-00.xml 1069180-00.xml
Application Withdrawn	Withdrawn by Owner* Withdrawn	438192-00.xml 1869410-00.xml
Registration cancelled	Cancelled	340653-00.xml
Registration surrendered	Cancelled by Owner	148323-00.xml
Interruption of Proceeding	Deemed Never Filed Inactive - Transferred	1866088-00.xml

\*Note: The previous **Abandoned Voluntary** has been renamed to **Withdrawn by Owner**

### Mark Event Category (Actions)

These new mark event/actions may be disseminated.

MarkEventCategory*	Action	Samples
Application withdrawn	Withdrawn – Failure to Renew Withdrawn	1920581-00.xml 1878783-00.xml
Interruption of proceeding	Transferred Inactivated Abandoned – Section 36 Abandoned – Section 40(3) Abandoned Abandoned – Section 38 Opposition Abandoned – Section 36 Opp/S45 Merger Recorded Deemed Never Filed	1909306-00.xml      1936651-00.xml 1909306-00.xml
Registration cancelled	Expunged Failure to Renew Expunged – Non Use Expunged – Court Order Cancelled Section 50 UCA Expunged – Failure to Provide Information Cancelled Section 23 UCA Cancelled Section 48 UCA Removed Expunged – Failure to Provide Additional Renewal Fee Expunged under Section 44.1(1)	          148256-00.xml

**Note\*:** Several new mark event types were created and may be disseminated, which are mapped to National Prosecution History Entry unless specified otherwise above. See **Appendix G** – CIPO Office Actions in the Trademarks Data Dictionary.

### Multiple Designs/Electronic Representation Support

Representation can now be single or multiple designs which will be packaged with the XML dissemination file. An element **tmk:MarkImage** will be disseminated for each design file. Additionally, zero or more sound files may be disseminated as mp3 (wav files will no longer be disseminated). A **tmk:MarkSoundBag** will be disseminated for each sound file. Finally, zero or more video files may be disseminated as mp4. A **tmk:MarkMultimediaBag** will be disseminated for each video file.

Samples:

- Multiple Designs: 1024785-00.xml, 1024785.png and 1024785-1.png
- Multiple Representations: 1869167-00.xml, 1869167.mp3, 1869167-1.png, 1869167-1.mp4, 1869167-2.png)
- Multiple Sounds: 1874062.xml, 1874062.mp3, 1874062-1.mp3

## Footnotes

The following new footnotes may now be disseminated:

Footnotes	Samples
Remove Change of Name	1909306-00.xml
Remove Assignment - Transfer	1909306-00.xml
Ownership Change Merger	74226-00.xml
Change of Ownership of International Registration	1854623-00.xml

## Mark StandardCharacter Indicator

New element *tmk:MarkStandardCharacterIndicator* will be used in conjunction with *MarkFeatureCategoryType = Word*. It will be set to *True* when trademark type is **Standard Characters** and to *False* when it is a **Word mark**. Otherwise it will not be disseminated.

Sample:

- 980317-00.xml
- 111-00.xml

## Mark Feature Category Types

New trademark types and combined marks will be mapped as follows:

MarkFeature CategoryType	Trademark Type	Trademark Class	Samples
*Word	Standard Characters Word		111-00.xml 980317-00.xml
Figurative	Design		1031-00.xml
Combined	Multi-type		1024785-00.xml
3-D	Three-dimensional (3-D)	Distinguishing Guise	1905771-00.xml
Colour	Colour		1861396-00.xml
Sound	Sound		714314-00.xml
Hologram	Hologram		1840490-00.xml
Olfactory	Scent		1885932-00.xml
Motion	Motion		1864275-00.xml
Touch	Texture		
Taste	9-Taste		1858559-00.xml
Position	Position		1934706-00.xml
Other	Mode of packaging goods		

## National Updates:

### Nice classes for Sections 9s

Sample: 971566-00.xml

All Nice classes will be provided for Section 9s with no Goods/Services.

### MarkDisclaimerText

Sample: 116220-00.xml

**tmk:MarkDisclaimerText** will be disseminated in both languages, and disclaimer type 5 will be disseminated.

### GI Category Type 3 Descriptions

Sample: 1922530-00.xml

New CA element **catmk:NationalProductCategoryBag** was introduced to map GI category type descriptions for Agricultural Products and Foods.

### BasisInternationalRegistrationIndicator

**BasisInternationalRegistrationIndicator** will no longer be disseminated.

### Interested Parties

Sample: 1745-00.xml – Previous Owner, 149163-00.xml - Registrant

Updated interested party mapping includes Previous Owner and Registrant.

Relationship	ST.96 Mapping	InterestedParty Category	Registrant	Applicant
Owner (1)	Applicant			
Owner (1)	Applicant		X	
Owner (1)	Applicant / InterestedParty	Applicant	X	X
Owner (1)	Applicant / InterestedParty	Applicant		X
Previous Owner (2)	InterestedParty	Applicant /Registrant	X	X
Previous Owner (2)	InterestedParty	Previous Owner		
Previous Owner (2)	InterestedParty	Registrant	X	
Previous Owner (2)	InterestedParty	Previous Owner		X
Pending Owner (3)	N/A	N/A		
Trustee (4)	InterestedParty	Trustee		
Opponent (5)	OppositionProceedingBag/Plaintiff			
S45 Requester (6)	CancellationProceedings/Plaintiff			