

## Frequently Asked Questions

**9. We have been advised that our labelling and packaging must be changed if we wish to market our products in Quebec. Why would that be?**

Although federal legislation imposes only minimal requirements for both English and French language information on labels and packages, legislation in the Province of Quebec (the *Charter of the French Language*) requires that in general, product labels for products sold in Quebec must be provided in French as well as another language. Most importantly, the French language version must be “no less predominant” than the version in another language such as English. For this reason, most products in Canada are labelled with “mirror image” French and English language labels.

The *Charter of the French Language* contains a number of exceptions, however, and one of the unusual ones applies to trade-marks. According to the *Regulation respecting the language of commerce and business*, Division 1, s. 7(4), so long as there is no Canadian registration for a French-language version of a trade-mark, the trade-mark may be used in English or another language other than French and need not be translated into French. A recent court decision in Quebec confirmed the scope of this exception, but the Quebec government has indicated that it may amend the Regulation, so it will be important to seek advice before relying on the exception. On the basis of this exception, some companies decide to use and register only the English-language version of a trade-mark, even though they use the mirror-image packaging generally. For additional information about packaging and labelling requirements, contact Carol Anne O'Brien at [caob@caobrienlaw.com](mailto:caob@caobrienlaw.com) or (416) 640-7270.