



TITLE

**TRADEMARK AND OFFICIAL MARK REGISTRATION**

SCOPE

Provincial

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Alberta Health Services Executive Leadership Team

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**NOTE:** The first appearance of terms in bold in the body of this document (except titles) are defined terms – please refer to the Definitions section.

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## OBJECTIVES

- To outline the process for requesting registration of Alberta Health Services (AHS) owned **trademarks** and **official marks**.

## APPLICABILITY

Compliance with this document is required by all Alberta Health Services employees, members of the medical and midwifery staffs, students, volunteers, and other persons acting on behalf of Alberta Health Services (including contracted service providers as necessary).

## ELEMENTS

### 1. Request for a Trademark or Official Mark

- 1.1 All requests to register a trademark or official mark in the name of AHS are managed through AHS Legal and Privacy in consultation with Vice President, Provincial Clinical Excellence (VP, PCE) and AHS Community Engagement and Communications. AHS Legal and Privacy engages with trademark agents as appropriate, in accordance with the *Use of Legal Resources* Policy.
- 1.2 The requestor is to provide the name and full address of the principal office of the intended owner (i.e., AHS) for each trademark or official mark that is to be registered and a description of the general products/services that each trademark is being used in association with. A description is not required, but is recommended for official mark applications.
- 1.3 The requestor is to provide the date when use of the mark commenced. There is no definition as to what constitutes use for official marks; however, guidance can

be obtained from its application in relation to trademarks. For trademarks, use in association with:

- a) products/wares means use in the normal course of trade in direct association with the products (i.e., endorsement of the mark on the packaging or directly on the product); and
  - b) services means that the mark is displayed in the performance or advertisement of such services.
- 1.4 If the mark is a logo/design, AHS Legal and Privacy shall obtain a copy. An electronic copy showing the logo approximately 7cm (2 ¾ inches) x 7cm (2 ¾ inches) is preferable. The mark's colours need to be provided if the colours are anticipated to be an integral part of the mark; however, the mark may be registered in black and white if it is unclear if the same colours will always be used.
- 1.5 The requestor shall provide a business case for AHS seeking such intellectual property protection. The requestor shall also provide AHS Legal and Privacy a functional centre where the fees are to be deducted.
- 1.6 The requestor shall provide any findings of trademarks and trade names, whether or not registered, that are currently in use (i.e., that one may have come across in trade journals, directories, and other publications relative to the business). A search of existing trade names shall be conducted before filing a trademark or official mark application. AHS Legal and Privacy shall be consulted before ordering any formal trademark or trade name searches from third parties.

## 2. Registration of an Official Mark and a Trademark

- 2.1 If applying for an official mark, the application shall be filed in prescribed form (and with the prescribed fee) along with evidence of the public authority status of the applicant. AHS Legal Services provides written proof that AHS is a public authority under the *Trademarks Act* (Canada). The Trademarks Office requires that evidence of use of an official mark also be filed. If applying for a trademark, an *Application for Registration* (instead of a *Request for Public Notice*) shall be filed.
- 2.2 If approved, a *Certificate of Public Notice* in relation to an official mark, and a *Certificate of Registration* in relation to a trademark, will be issued by the Trademarks Office confirming registration of the trademark either as an official mark or a trademark.

## DEFINITIONS

**Official mark** means an authorized mark used by universities, governments, and public authorities in Canada for wares (goods) and services. Official marks are similar to trademarks, and are governed by the *Trademarks Act* (Canada). A public authority is an entity that requires ongoing governmental control and supervision and whose activities benefit the public. A mark must be in use to qualify as an official mark.

**Trademark** means a word, symbol, or design (or a combination of these features), used to distinguish the wares (goods) or services of one person or organization from those of others in the marketplace.

## REFERENCES

- Alberta Health Services Governance Documents:
  - *Intellectual Property Policy* (#1137)
  - *Use of Legal Resources Policy* (#1123)
- Non-Alberta Health Services Resources:
  - *Trademarks Act* (Canada)

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