

Trade-marks Database Tutorial

A trade-mark represents the reputation, experience and expertise of a business while differentiating products and services from those of competitors.

Whether you are just starting out on a new business venture or have been in business for a long time, it is important to understand trade-marks and to know how to consult the Trade-marks Database.

This tutorial explains the business benefits of using the Trade-marks Database and demonstrates how to search the database. The tutorial is designed to provide guidance to the average user and is not intended to replace professional or expert advice.

The tutorial will cover the following:

Lesson 1: Trade-marks in Business

- >> Selecting a trade-mark
- >> Protecting trade-marks
- >> Making strategic business decisions

Lesson 2: Search Basics

- >> Trade-mark records and their data categories
- >> Performing a basic search
- >> Using wildcards to enhance searches

Lesson 3: Refining Searches

- >> Using search field options
- >> Searching with multiple criteria

Lesson 4: Search Options

- >> Searching by trade-mark types
- >> Searching by the date of an action
- >> Limiting the number of records returned

Lesson 5: Design Searches

- >> Vienna Codes
- >> Organization of Vienna Codes
- >> Search by design using Vienna Codes

Lesson 6: Search Examples

- >> Searching availability of potential trade-marks
- >> Searching for competitive information
- >> Searching by design

Lesson 1: Trade-marks in Business

To effectively use the Trade-marks Database in business, it is important to understand how to use it to help your business. In this section you will learn about:

- Selecting Trade-marks
- Protecting Trade-marks
- Making Strategic Business Decisions

Selecting Trade-marks

Most likely you have an idea in mind for a name or symbol you would like to register as a trade-mark. Before going through the application process, be sure that the selected name or symbol can be a trade-mark and is available. Doing this early on can help avoid unnecessary conflicts with other businesses as well as potential legal expenses. There are two steps in this process.

1. Find out if your trade-mark is registrable

The first step is to learn what types of trade-marks can be registered. You can find a listing of the types of marks that do not ordinarily qualify as trade-marks in the *Guide to Trade-marks: Making sure your Trade-mark can be registered*.

2. Find out if it is available

If your name or symbol qualifies for registration, you will need to determine whether it is already used by another business. If it is, you may not be able to use it for your business. If the name or symbol you are considering is very similar to an existing mark, you may not be able to register it either.

Protecting Trade-marks

Registration of a trade-mark provides the owner with the exclusive right to use in Canada the trade-mark in association with its wares (goods) and services. Occasionally, a trade-mark may be used inadvertently and without authorization. The Trade-marks Database can help prevent accidental infringement before it takes place and assist in settling a trade-mark dispute.

Proof of Ownership

If you believe that another business is using your trade-mark, you can use the Trade-marks Database to prove that you own the trade-mark. You will need to search the database and present your registration information to the other business. Or, you can present your Registration Certificate. Keep in mind that it is always best to retain legal counsel in such situations.

Preventing Infringement

All active and inactive trade-marks are available for public viewing on the database. Using the database will help reduce risks of trade-mark infringement.

Making Strategic Business Decisions

Understanding how to use the search options of the trade-marks database can help you recognize trends, locate potential partners, develop your branding and make strategic business decisions based on trade-marks data.

Recognize Trends

Find out who your competition is, what they are doing and develop a comparative analysis of products or services.

Locate Partners

Reviewing businesses in your own industry or related businesses may identify potential partners. Use the trade-mark records to contact them and explore possibilities of working together.

Develop Branding

When developing your branding strategy, review the symbols and names that have already been registered in your industry. You will then be able to develop your branding by differentiating your business or by following established industry trends.

Lesson 2: Search Basics

The Trade-marks Database search system is a very flexible, yet powerful tool that can be used in many ways to meet your particular requirements. You can perform simple searches or you can perform very complex searches. In this section we will cover the following:

- Trade-mark Records and their Data Categories
- Performing a Basic Search
- Using Wildcards to Enhance Searches

Trade-mark Records and their Data Categories



A trade-mark record captures critical data about a trade-mark registrant and the registration steps, along with dates, company information and more.

Below are data categories found on trade-mark records:

Numbers	An application number is assigned when the trade-mark process begins and a registration number is assigned when it is registered
Status	The current status of the trade-mark
Dates	Record of when the trade-mark was first filed, formalized, advertised, registered, inactivated
Contact Information	Names and addresses of both the owner and their representatives for service and legal counsel
Trade-mark Information	Text and/or image of the trade-mark and descriptions including description of the trade-mark design
Wares and/or Services	Description of the wares/services that the business offers
Additional Information	Further information such as claims, associated trade-marks, and footnotes
Action	A record of the trade-mark process including relevant dates

For a more detailed description of each data category see the "Searchable Fields" section of the database Help file.

Performing a Basic Search

1. To go to the Trade-marks Database, click on the "Trade-marks Database" tab in the left navigation.



2. Go to Search Box 1 and enter the text you want to search for in the "Enter search text" field. Ignore the "Select search field" option and Searches 2 to 5 for now.

Enter words/numbers in the text box and select field from the drop down menu. There are five searches you can enter criteria for. Click here for [Help on Search](#), [Help on Fields](#), or [Help on Operators](#)

Search 1

Enter search text:

Select search field:

3. Click on the "Search" button and then view your results.

Enter words/numbers in the text box and select field from the drop down menu. There are five searches you can enter criteria for. Click here for [Help on Search](#), [Help on Fields](#), or [Help on Operators](#)

Search 1

Enter search text:

Select search field:

Using Wildcards to Enhance Searches

Wildcards are characters that the search engine recognizes. They add flexibility to your searches:

Use an asterisk (*) to replace a sequence of characters (e.g. to search for pharmacy and pharmaceutical, use "pharm*").

Use a question mark (?) to replace a single character (e.g. "organi?ation" will match different spellings: "organization" or "organisation").

Wildcards can be used in multiple search terms (e.g. Canad*, Gov*).

Wildcards can also be used in front of the search term (e.g. "*national" will match different terms such as "national", "international").

For more detailed information on wildcards see the "Truncation and Wildcard Characters" section of the database Help file.

Lesson 3: Refining Searches

If you've searched for a term and the database has returned hundreds of results, you will want to refine your search so that you can find the "needle in the haystack." In this section we will cover the following:

- Using Search Field Options
- Searching with Multiple Criteria


Using Search Field Options

Using the "Select search field" drop down menu, you can search in specific fields.

Enter words/numbers in the text box and select field from the drop down menu. There are five searches you can enter criteria for. Click here for [Help on Search](#), [Help on Fields](#), or [Help on Operators](#)

Search 1

Enter search text:

Select search field: 

Select the option by which you wish to search.

Canadian Trade-mark


[Notices](#)

The database was last update

Enter words/numbers in the te menu. There are five searches Click here for [Help on Search](#), [Help on Fields](#), or [Help on Operators](#)

Search 1

Enter search text:

Select search field: 

Use the fields for the following reasons:

Select this field:	For this reason:
Trade-mark Lookup (Default)	To search by all of the following fields: Trade-mark, Trade-mark description, Foreign Character Translation and Index Heading
Application Number	To search by the application number
Registration Number	To search by the registration number
Current Owner Name	To search by the current owner's name
Old Owner Name	To search by an old owner's name
Old and Current Owner Name	To search by all owners
Trade-mark	To search by words, numerals or letters in the trade-mark
Trade-mark Description	To search by a description of the trade-mark
Foreign Character Translation/Transliteration	To search trade-marks containing foreign characters

Index Heading	To search by trade-mark word component
Wares	To search by product(s) (wares) associated with a trade-mark
Services	To search by service(s) associated with a trade-mark
Wares and Services	To search by both product(s) and service(s)
Disclaimer	To search by a portion of a trade-mark that is disclaimed
Vienna Codes	To search by the design of a trade-mark according to its Vienna code number
Vienna Codes Description	To search by the description of a trade-mark's design elements

See the "Searchable Fields" section of the database Help file for detailed explanations of each search field option.

Searching with Multiple Criteria

By now you've noticed that there are five possible search boxes on the Trade-marks Database search page. To refine a search, you can combine up to five different criteria when performing a single search.

An "operator" is used to tell the search engine how to combine the different criteria. There are three types of operators: "AND, OR, BUT NOT"

Searches 2-5 have an option to select an "operator."

The image shows a web form titled "Search 2". It contains three main elements: a dropdown menu labeled "Select an operator" with "and" selected and circled in red; a text input field labeled "Enter search text:" which is currently empty; and another dropdown menu labeled "Select search field:" with "TM Lookup" selected.

When entering multiple search criteria, select an operator based on the result you need:

AND	Both search criteria will be included. (e.g. "red AND apple" will locate documents containing both these words)
OR	At least one of the search criteria will be included. (e.g. "red OR apple" will locate all documents containing at least one of these words)
BUT NOT	Excludes words or phrases.(e.g. "red BUT NOT apple" will locate documents that contain the word "red" but will exclude all documents containing the word "apple")

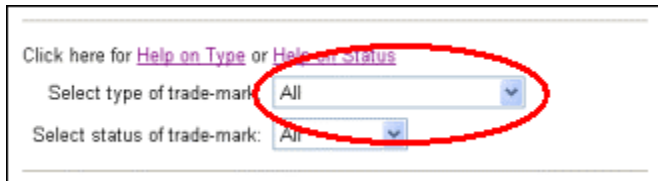
Lesson 4: Search Options

Further search options are available. In this lesson we will cover these options:

- Searching by Trade-mark Types
- Searching by Trade-mark Status
- Searching by the Date of an Action
- Limiting the Number of Records Returned

Searching by Trade-mark Types

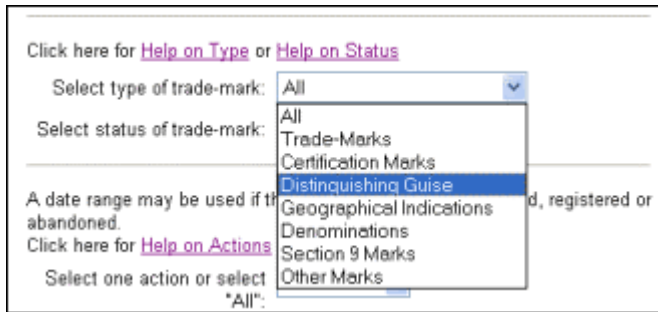
To search by trade-mark type, choose from the "Select type of trade-mark" drop down menu.



Click here for [Help on Type](#) or [Help on Status](#)

Select type of trade-mark: All

Select status of trade-mark: All



Click here for [Help on Type](#) or [Help on Status](#)

Select type of trade-mark: All

Select status of trade-mark: All

A date range may be used if the trade-mark is abandoned, registered or


Click here for [Help on Actions](#)

Select one action or select "All":

The "Select type of trade-mark" section of the database Help file gives an explanation on each trade-mark type.

Searching by Trade-mark Status

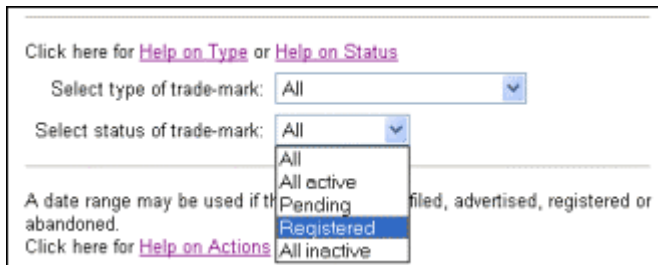
To search by status, choose from the "Select status of trade-mark" drop down menu.



Click here for [Help on Type](#) or [Help on Status](#)

Select type of trade-mark: All

Select status of trade-mark: All



Click here for [Help on Type](#) or [Help on Status](#)

Select type of trade-mark: All

Select status of trade-mark: All

A date range may be used if the trade-mark is filed, advertised, registered or abandoned.

Click here for [Help on Actions](#)

The "Trade-mark Status" section of the database Help file gives an explanation on the status of each trade-mark.

Searching by the Date of an Action

You can also search within a date range, optionally combined with an action of the trade-mark registration process.

A date range may be used if the trade-mark is filed, advertised, registered or abandoned.
Click here for [Help on Actions](#)

Select one action or select "All":

Select the date from (YYYY, MM, DD):

Select the date to (YYYY, MM, DD):

The "Actions" section of the database Help file gives an explanation of the actions and help on searching within date ranges.

Limiting the Number of Records Returned

You can limit the number of records returned and displayed per results screen.

Click here for [Help on Documents returned](#)

Select the number of documents to be returned:

Select the number of documents per page:

By limiting the number of records returned, you may not get a complete list of records if the number of records exceeds the set limit. For example, if you set a limit of 20 records, but your search request contains 50 records, you will not see 30 of the records that match your criteria.

Lesson 5: Design Searches

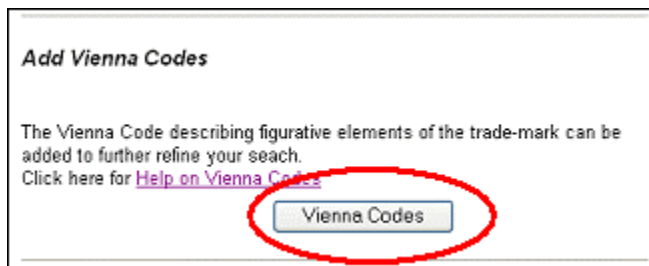
The Trade-marks Database can also be searched by the graphic elements of the trade-mark design (often referred to as a "logo" or "symbol"). In this tutorial the "symbol"/"logo" will be referred to as the "design" so as to maintain consistency with the terminology of the Trade-marks Database. In this lesson you will learn the following:

- Vienna Codes
- Organization of Vienna Codes
- Search by Design Using Vienna Codes

Vienna Codes

To classify the design of trade-marks, an internationally-accepted standard has been developed. Each graphic element in a trade-mark design is assigned a numerical code. This standard is referred to as a "Vienna code classification."

Click on the "Vienna Codes" button to access Vienna codes search options.



Organization of Vienna Codes

Vienna codes are organized into groups and sub-groups by the type of graphic element that each group represents. They are grouped into four levels:

- Category
- Division
- Section
- Auxiliary

Here is an example of how it works:

Let's say you have a trade-mark that consists of three stars:

Category	1 CELESTIAL BODIES, NATURAL PHENOMENA, GEOGRAPHICAL MAPS
Division	1.1 STARS, COMETS
Section	1.1.1 Stars
Auxiliary	A 1.1.4 Three stars

Search by Design Using Vienna Codes

Select a description, such as three stars by choosing it from the Vienna Code lists. Expand each level by clicking on the red arrows.

Now you can make a selection by checking a box and then performing a search.

Back to search Search Clear selection

Vienna Code Category / Division / Section / Auxiliary

- 1 CELESTIAL BODIES, NATURAL PHENOMENA, GEOGRAPHICAL MAPS
- 1.1 STARS, COMETS
- 1.1.1 Stars
- A 1.1.2 One star
- A 1.1.3 Two stars
- A 1.1.4 Three stars
- A 1.1.5 More than three stars Note: Not including constellations and groups of stars of division 1.11.
- A 1.1.6 Stars with three points
- A 1.1.9 Stars with four points
- A 1.1.10 Stars with more than four points
- A 1.1.12 Stars with uneven points Note: Including sparks consisting of uneven-pointed stars.

To locate trade-marks with a number of design criteria, you will need to perform searches on multiple Vienna codes. Example 3 in lesson 6 demonstrates how to do this.

Lesson 6: Search Examples

We will now look at three examples to see some searches in progress:

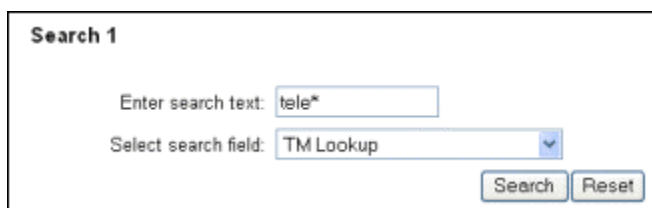
- Example 1: Searching Availability of Potential Trade-marks
- Example 2: Searching for Competitive Information
- Example 3: Searching by Design

Example 1: Searching Availability of Potential Trade-marks

Situation:

You operate a telecommunications business and want to register a new trade-mark that begins with the word "tele."

1. Type the word "tele" followed by an asterisk. Then click on "Search."

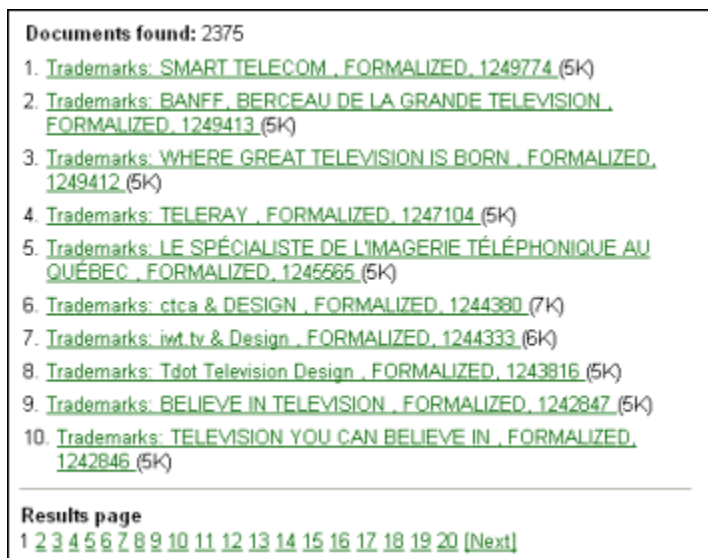


Search 1

Enter search text:

Select search field:

2. Take a look at the results and compare them to the trade-mark you have in mind.



Documents found: 2375

1. [Trademarks: SMART TELECOM , FORMALIZED , 1249774 \(5K\)](#)
2. [Trademarks: BANFF, BERCEAU DE LA GRANDE TELEVISION , FORMALIZED , 1249413 \(5K\)](#)
3. [Trademarks: WHERE GREAT TELEVISION IS BORN , FORMALIZED , 1249412 \(5K\)](#)
4. [Trademarks: TELERAY , FORMALIZED , 1247104 \(5K\)](#)
5. [Trademarks: LE SPÉCIALISTE DE L'IMAGERIE TÉLÉPHONIQUE AU QUÉBEC , FORMALIZED , 1245565 \(5K\)](#)
6. [Trademarks: ctca & DESIGN , FORMALIZED , 1244380 \(7K\)](#)
7. [Trademarks: iwt.tv & Design , FORMALIZED , 1244333 \(6K\)](#)
8. [Trademarks: Tdot Television Design , FORMALIZED , 1243816 \(5K\)](#)
9. [Trademarks: BELIEVE IN TELEVISION , FORMALIZED , 1242847 \(5K\)](#)
10. [Trademarks: TELEVISION YOU CAN BELIEVE IN , FORMALIZED , 1242846 \(5K\)](#)

Results page

[1](#) [2](#) [3](#) [4](#) [5](#) [6](#) [7](#) [8](#) [9](#) [10](#) [11](#) [12](#) [13](#) [14](#) [15](#) [16](#) [17](#) [18](#) [19](#) [20](#) [\[Next\]](#)

Example 2: Searching for Competitive Information

Situation:

You operate a business that offers geographical data products and services via the Internet. Before registering a trade-mark, you need to learn what types of trade-marks your competition has been using.

You will search your sector by selecting the "Wares and Services" option from the drop down menu and searching on the following terms: "geograph*," "data," "Internet."

1. Enter the term "geograph*" into Search 1.
Select the "Wares and Services" option.

Search 1

Enter search text:

Select search field:

2. Enter the term "data" into Search 2.
Enter the term "internet" into Search 3.
Select the "Wares and Services" option for both.

Search 2

Select an operator:

Enter search text:

Select search field:

Search 3

Select an operator:

Enter search text:

Select search field:

Click the "Search" button and your results will be displayed.

Example 3: Searching by Design

Situation:

You operate an apple pie stand. You want a logo with an apple and a triangle. Prior to completing your logo design, you want to see if a similar trade-mark design has been filed or is registered.

To perform this search, you will need to locate the respective Vienna Code(s).

1. Click on the "Vienna Codes" button at the bottom of the page.

Add Vienna Codes

The Vienna Code describing figurative elements of the trade-mark can be added to further refine your search.
Click here for [Help on Vienna Codes](#)

You will see the following screen:

Vienna Code	Category / Division / Section / Auxiliary
1	▶ CELESTIAL BODIES, NATURAL PHENOMENA, GEOGRAPHICAL MAPS
2	▶ HUMAN BEINGS Note: (a) Inscriptions representing a human being will be placed in 27.3.1. (b) Heads will be placed in the appropriate sections of divisions 2.1, 2.3, 2.5 or 2.7, and not in 2.9.25.
3	▶ ANIMALS Note: (a) Heads of quadrupeds and of quadrumana will be placed in the appropriate sections of divisions 3.1 to 3.5 and not in 3.6.25. (b) Written or typographical matter representing an animal is classified under 27.3.3.
4	▶ SUPERNATURAL, FABULOUS, FANTASTIC OR UNIDENTIFIABLE BEINGS Note: Not including human beings and fantastic animals composed of letters or figures and classified in the appropriate sections of division 27.3.
5	▶ PLANTS

2. Locate the Vienna Code for an apple: 5.7.23 and check the box (category 5, division 5.7, section 5.7.13 and select auxiliary 5.7.23).

5.7.11	▶ <input type="checkbox"/> Oranges, mandarines or tangerines, grapefruit
5.7.12	▶ <input type="checkbox"/> Lemons
5.7.13	▼ <input type="checkbox"/> Apples
A 5.7.22	<input type="checkbox"/> Open fruits, slices or quarters of fruit
A 5.7.23	<input checked="" type="checkbox"/> One fruit
5.7.14	▶ <input type="checkbox"/> Stone fruits (apricots, peaches, prunes, plums, dates, etc.) (except 5.7.16 and 5.7.19)
5.7.15	▶ <input type="checkbox"/> Pears
5.7.16	▶ <input type="checkbox"/> Cherries

3. Next, locate the Vienna Code for a triangle: 26.3.1 and check the box (category 26, division 3 and select section 26.3.1).

25	▶ ORNAMENTAL MOTIFS, SURFACES OR BACKGROUNDS
26	▼ GEOMETRICAL FIGURES AND SOLIDS Note: (a) Including human beings, animals, plants or objects. (b) Not including forming geometrical figures, which are classified in division 27.
26.1	▶ <input type="checkbox"/> CIRCLES, ELLIPSES
26.2	▶ <input type="checkbox"/> SEGMENTS OR SECTORS OF CIRCLES OR ELLIPSES
26.3	▼ <input type="checkbox"/> TRIANGLES, LINES FORMING AN ANGLE
26.3.1	▶ <input checked="" type="checkbox"/> One triangle
26.3.2	▶ <input type="checkbox"/> Two triangles, one inside the other
26.3.3	▶ <input type="checkbox"/> More than two triangles, inside one another
26.3.4	▶ <input type="checkbox"/> Several triangles, juxtaposed, joined or intersecting
26.3.10	▶ <input type="checkbox"/> Triangles containing one or more circles, ellipses

4. Click on the "Back to Search" button if you want to add other search criteria. This will bring you back to the main search page and the Vienna Codes will automatically be added.

Add Vienna Codes

The Vienna Code describing figurative elements of the trade-mark can be added to further refine your search.
 Click here for [Help on Vienna Codes](#)

** Figurative elements included **

If you do not want to add other search criteria, click the "Search" button.

- Alternatively, if you know the Vienna Code you want to search, enter it into the "Search Text" box and select "Vienna Code" from the search field drop down list.

Search 1

Enter search text:

Select search field: ▼

Search 2

Select an operator: ▼

Enter search text:

Select search field: ▼

Congratulations!

You have completed the tutorial and are now ready to perform all sorts of trade-mark searches. If you require further information on any particular topic, you will find additional help files in the database.