



Making your mark and protecting your brand online in Canada

Part one – Brand enforcement online

October 2020

In short:

The inherent tension between national trademark laws on the one hand and the borderless nature of the internet on the other presents both opportunities and risks to companies using their brands online.

Title: Cross-border use of trademarks in the online reality

Key takeaways

- The extent to which using a trademark online constitutes use of that trademark in any particular jurisdiction varies by country.
- “Mere accessibility” of a website will not generally trigger liability or enforcement rights, whereas a website that targets a country, provides services or benefits to individuals in that country, or has a commercial effect in that country may trigger that country’s trademark laws.
- Organizations should ensure their trademark strategy aligns with their online presence and they are monitoring and documenting where engagement is coming from.

Key contact



Adam Haller
Senior Associate, Trademark Agent
Tel +1 416 216 1941
adam.haller@nortonrosefulbright.com