

RICHERS, MCKENZIE & HERBERT LLP

BARRISTERS & SOLICITORS • PATENT AND TRADE-MARK AGENTS

CANADIAN TRADE-MARK REQUIREMENTS FOR JEWELLERY AND ARTICLES MADE FROM PRECIOUS METALS

2 Bloor Street East, Suite 1800
Toronto, Ontario, Canada, M4W 3J5
Tel (416)961-5000
Fax (416)961-5081
e-mail riches@patents-toronto.com

The Canadian *Precious Metals Marking Act* governs the use of quality marks with jewellery or other articles made of or with precious metals, such as gold, silver, platinum, palladium and their alloys.

Under the Canada *Precious Metals Marking Act*, where an article made of precious metals is sold or displayed and has applied thereto a quality mark, it is necessary that the article also have applied thereto at least one of the following:

- a) a hallmark, pursuant to the laws of the United Kingdom;
- b) a mark applied by the government of a foreign country indicating the correctness of the quality of the precious metal; or
- c) a trade-mark which is the subject of a pending Canadian trade-mark application or issued Canadian trade-mark registration.

"Quality marks" include marks used to indicate the quality, quantity, fineness, weight, thickness or proportion or kind of precious metal.

As such, in Canada it is not possible to mark jewellery or other articles as being made of "18K" gold or "sterling" silver, unless the item is also marked with either a Canadian trade-mark, a U.K. hallmark, or another foreign government applied mark.

Dealers who sell or import jewellery or other articles into Canada made of or with precious metals, and which do not comply with the Canadian *Precious Metals Marking Act*, may be liable on conviction, to pay a fine, or have such articles seized.