

NEW FRENCH LANGUAGE REQUIREMENTS FOR SIGNS IN QUEBEC

Posted on November 16, 2016

Categories: [Insights](#), [Publications](#)

Context

On November 9th, 2016, the Government of Quebec released into the Quebec Official Gazette the final version of amendments to the *Regulation respecting the language of commerce and business* (the "**Regulation**") ([French Language: the Quebec Government Proposes New Rules for the Public Display of Trademarks](#)). The amended Regulation will come into effect on November 24th, 2016.

Requirements

The amended Regulation requires that organizations currently displaying trademarks in a language other than French ensure a "sufficient presence of French" outside of their premises, on signs or posters.

Under the amended Regulation, outdoor signs and posters include signs present (i) outside of a building (on the structure or separate from it), (ii) outside of a shop (whether located inside a building or on the street), and (iii) inside a building or a shop to the extent that the trademark can be seen from outside.

No material changes from the [draft regulation](#) published in May 2016 are in the final version of the amended Regulation. As explained in our earlier [Bulletin](#) regarding the draft regulation, the new requirements can be fulfilled in three ways, namely by displaying in French:

1. a generic term or a description of the products or services concerned;
2. a slogan; [or]
3. any other term or indication, favouring the display of information pertaining to the products or services to the benefit of consumers or persons frequenting the site.

The requirements will be met if one the three alternatives listed above results in:

1. French having a permanent visibility, similar to the non-French trademark, [and]
2. French being readable and appearing in the same visual field than the non-French trademark.

Opening hours, phone numbers, percentage (such as discount percentage), indefinite and definite articles as well as terms requiring to be within a radius of one meter to be readable (except if non-French trademark

requires it as well) will not be taken into account to assess if the requirements are satisfied.

Exceptions

Exceptions to the amended Regulations exist. The requirements do not apply to (i) a totem displaying more than two trademarks, (ii) trademarks on a totem or on a separate structure outside of a building when the totem reproduces a trademark displayed on the building (but requirement still apply to the trademark present on the building), (iii) trademarks reproduced on vehicles and display units, and (iv) products, catalogs and brochures, which are not considered to be on display.

Guides

The *Office québécois de la langue française* has published a [Guide](#) to assist organizations to comply with the amended Regulation and illustrating the new obligations with concrete examples.

Once in force (expected on November 24th, 2016), the amended Regulation will have immediate effect and organizations will have a three-year period to comply with the new rules.

The amended Regulation will likely have an impact on a large number of businesses since all businesses operating with premises in Quebec that display on their signs non-French trademarks will need to update their signs to comply with the amended Regulation.

by John Clifford and Alexandre Koch

A Cautionary Note

The foregoing provides only an overview and does not constitute legal advice. Readers are cautioned against making any decisions based on this material alone. Rather, specific legal advice should be obtained.

© McMillan LLP 2016