



# DEBATES OF THE SENATE

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ECONOMIC ACTION PLAN 2014 BILL, NO. 1  
Fourth Report of Banking, Trade and Commerce Committee  
on Subject Matter—Debate Continued

Question by:

The Honourable Diane Bellemare

Thursday, June 5, 2014

## THE SENATE

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### ECONOMIC ACTION PLAN 2014 BILL, NO. 1

FOURTH REPORT OF BANKING, TRADE AND  
COMMERCE COMMITTEE ON SUBJECT  
MATTER—DEBATE CONTINUED

**Hon. Diane Bellemare:** Honourable senators, I would like to provide some more information.

**Hon. Leo Housakos (The Hon. the Acting Speaker):** Senator Bellemare's time is up, but she may ask Senator Ringuette a question if she likes.

**Senator Bellemare:** Thank you. I have a question for Senator Ringuette.

**The Hon. the Acting Speaker:** Would the Honourable Senator Ringuette agree to take a question?

**Senator Ringuette:** Absolutely.

**Senator Bellemare:** Isn't it true that, in light of the testimony regarding Division 25 on trademarks, we could respond to this opposition simply by deleting four clauses from the bill that have to do with sections 16, 30 and 40 of the current Trade-marks Act?

• (1500)

As those people came to tell us, it is those clauses, related to administrative changes, that have a major legal impact.

Isn't it true that they came and told us that we were also opening a constitutional Pandora's box, since by removing the declaration on the use of a trademark we would be doing away with the justification for having trademark registration come under federal jurisdiction? Isn't it true that if we eliminate that

provision, it can be argued in the Supreme Court that trademark is a provincial jurisdiction? In a previous ruling, the Supreme Court held that it was a federal responsibility because trademark registration was based on the goodwill attached to the brand. If that were no longer the case, the provinces could get involved and there would be chaos in Canada. Isn't that right, Senator Ringuette?

**Senator Ringuette:** I would like to thank Senator Bellemare for her excellent question. No, this was not scripted. My comments are sincere, especially with respect to the quality of the senator's question.

Yes, Senator Bellemare, there is a risk of chaos, not just economic chaos, but constitutional and legal chaos as well. It would certainly be a financial boon for those in the legal field, but I don't think they have had to look for work in the past few years.

You are basically right. In the past two weeks, I have received a lot of letters, and I suppose you have too, from leading companies and associations of manufacturers, exporters and others who are sharing their concerns with the Minister of Finance. They have shared their comments with us, and in this chamber, we are adding our voices to theirs to send a message to the Minister of Finance and ask him to make the necessary changes.

Our Canadian businesses have had to deal with a very difficult economic situation in recent years. Please, let's be more vigilant so that they don't have to deal with situations that will create chaos here for most of them, as Senator Bellemare said.

Thank you for your question, senator.

(On motion of Senator Martin, debate adjourned.)