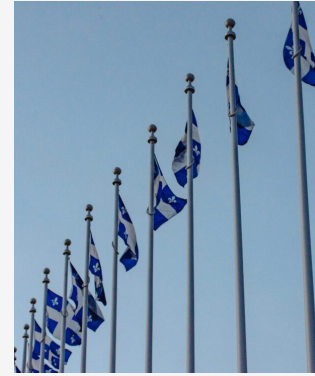


# Québec further tightens language rules for commerce and business: what you need to know

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Author: [Alexandre Fallon](#)

In January 2024, the Québec government proposed extensive amendments to the *Regulation respecting the language of commerce and business* (the Proposal). In this Update, we review the key proposed changes and their potential impact on businesses in Québec. For greater context on the evolution of Québec's language laws in recent years, please see our earlier [Update](#) on Québec's 2022 changes to the *Charter of the French Language* (the Charter), and our subsequent [Update](#) on the corresponding *Regulation respecting the language of the civil administration*.

## Overview

The Proposal updates the wording of certain provisions in an effort to ensure harmonization with the Charter. The changes

- further narrow cases where an inscription on a product may be solely in a language other than French
- clarify the application of the Charter to common law or "recognized" trademarks
- set rules for public signs and posters of trademarks and business names
- facilitate the implementation of the Charter with regard to contracts of adhesion (non-negotiable contracts)
- further specify the scope of the requirement on the "marked predominance" of French, requiring that French text have "greater visual impact" than text in any other language, which is achieved with text at least twice as large while maintaining the same legibility and permanent visibility as non-French text

## Inscriptions on products

By way of background, the Charter requires that text appearing on products sold in Québec be in French, and that no other language have greater prominence than French on those products, their packaging, and accompanying documentation.

However, provided that the product was manufactured outside of Québec, labelling that is

**engraved, baked, inlaid in, riveted, welded to, or embossed in a permanent manner on the product itself**, is exempt. This is true other than for any text regarding safety, which must be translated into French. Under the Proposal, however, Québec seeks to restrict this exemption by requiring that, like safety indicators, any inscriptions of information “necessary for use” of the product also be

- translated into French, and included *on* the actual product (or in a way that permanently accompanies the product), and
- presented on the product itself as prominently as any non-French information

These changes could cause significant headaches for manufacturers who may be required to reproduce non-French text appearing on a product in French *using the same means* (i.e. additional required engraving, embossing, etc.) This could include inscriptions on home appliances, car dashboards and electronics, which often have engraved or embossed text in English only.

The Proposal also requires that any digital display on a product must be able to display text that is in French.

Confoundingly, Québec is proposing to implement these significant changes — which both impact the manufacturing of the products in question — whether text made to appear on a physical product as part of its manufacturing process or digital interfaces with *only 15 days notice* further to the publication of the final regulation in the *Gazette officielle du Québec*. This is in marked contrast to the flexibility afforded to manufacturers in respect of the changes to the rules on the use of non-French language trademarks, which we review in the following section.

## Translation and registration requirements for trademarks containing text in a language other than French on products

The Charter requires that, from June 1, 2025, trademarks that contain text in a language other than French must have a Canadian registration to appear on products in Québec. We previously expected that this rule would not apply to the display of trademarks that are well-known or established by use (common law trademarks) on product packaging or documentation supplied with a product. However, the Proposal states that this new requirement to secure a Canadian registration of the trademark also will apply when it is used on product packaging and documentation supplied with a product.

The Charter also requires that, from June 1, 2025, generic or descriptive terms included in a trademark registered in Canada be translated into French when they appear on a product. The Proposal clarifies that this requirement will also extend to product packaging and documentation supplied with a product, and the Proposal attempts to clarify what type of terms will be captured by this new requirement, namely

- a word or words describing the nature of the product, and
- a word or words describing the characteristics of a product

When the translation obligation is triggered, the French translation of the generic or descriptive terms included in the trademark must appear at least as prominently as the original terms whenever the trademark appears on the product, its packaging, and any documents that come with the product.

Québec has thankfully provided some transitional measures to help businesses comply with these changes. If a business applies to register a trademark that contains non-French text

before June 1, 2025, it will be considered compliant while waiting for the registration. Businesses can also continue to sell products that were made before June 1, 2025, have non-French text trademarks that are not registered in Canada, or which contain generic or descriptive terms that are not translated into French, until June 1, 2027.

## Translation and registration requirements for non-French trademarks on exterior signage

Under the Charter, Québec signaled that, as of June 1, 2025

- trademarks with any non-French text on exterior signage (which includes signage seen inside common areas of buildings, like office towers and shopping centers) would need to be registered in Canada to avoid a translation requirement (i.e. abolishing any exemption for common law trademarks), and
- French text accompanying non-French language trademarks on exterior signage would need to be “markedly predominant” to other languages on that signage.

The Proposal confirms this approach and, unlike its approach to trademarks on products, Québec will not count exterior signage with trademark applications pending as compliant. Business will need to secure Canadian trademark registrations prior to June 1, 2025 to display non-French language trademarks.

The Proposal also tries, unsuccessfully, to clarify what is meant by “markedly predominant”. It stipulates that, in order to be compliant, French text must be “at least twice as large as the text in another language”. This appears to suggest that the *size of the text* must be twice as large as any term in the non-French language trademark, implying double font size, regardless of the surface area taken up by the French text. Nonsensically, this would seem to apply, for example, even where a lengthy French phrase might be selected as the means to display French signage alongside the non-French trademark.

Despite the above, Québec’s presentations explaining the Proposal puzzlingly continue to emphasize the importance of the surface area occupied by French relative to another language, which is the standard that would apply under existing regulation, and would allow the display of a longer slogan in French, all while keeping the same font size as the elements in another language. Unfortunately, by trying to clarify its position, Québec has arguably created more confusion and a stricter standard than intended.

## Translation requirements for non-negotiable contracting (contracts of adhesion)

The Proposal does, however, have some positive clarifications for business owners operating in Québec when it comes to contracting by telephone or online. The Charter requires that, as of June 1, 2023, businesses entering into **non-negotiable contracts by phone or online** with a Québec counterparty had to provide a French version of that contract, even in situations where the counterparty explicitly expressed a desire to contract in English. Implementing these requirements resulted in clunky while seemingly useless practices.

## Online

Under the Charter, transactional websites in Québec have to build in functionality to allow a user to switch from English to French at each step of their contracting process, even for users who were given the opportunity at the outset of the contracting process to transact in English or in French, and chose to transact in English.

The Proposal provides some relief in this regard as it specifies that businesses contracting online in Québec do not need to provide for the ability to switch from English to French at each step of customer-specific transactions where the option to transact in French was offered, but declined, at the outset of the contracting process. Instead, businesses only need to make available a French version of any standard terms that the contracting party is required to accept as part of the contracting process.

## Telephone

Charter requirements had also resulted in a call centre practice of operators having to read out contract disclosures in French over the phone even when a caller had opted to be served in English.

Under the Proposal, where a consumer wishes to transact in English, the call centre operator can send the caller a set of disclosures in French via text or email, instead of having to review them with the consumer over the phone.

## Conclusion

If you think these proposed changes may impact your business operations in Québec, please let us know, as we would be happy to assist you with a risk assessment and implementation and compliance plan.

| <b>Summary of key changes to the <i>Regulation respecting the language of commerce and business</i></b> |   |   |  |  |
|---|---|---|--|--|
| <b>Topic</b>  | <b>Current or previous rule</b>   | <b>Proposed or amended rule</b>   | <b>Effective date</b>  | <b>Impact or comment</b>   |
| Inscriptions on products  | Exemption for non-French labelling engraved, baked, etc. on the product itself, except for safety information | Exemption narrowed to require French translation and prominence for information necessary for use of the product            | 15 days after publication of final regulation                                | Significant burden for manufacturers of physical products  |
| Information displayed on digital interfaces of products   | Translation arguably not required   | Digital interfaces must be able to display text in French   | 15 days after publication of final regulation                                | Significant burden for manufacturers of physical products that have digital interfaces                 |
| Trademarks with non-French text on products, packaging and accompanying documentation                   | Acceptable if recognized at common law  | Must be registered in Canada; generic or descriptive non-French words must be translated and as visible as non-French words | June 1, 2025 (compliant as long as registration application in by this date) | Potential need to register trademarks, translate generic words and modify product and packaging design |

| Summary of key changes to the <i>Regulation respecting the language of commerce and business</i> |  |   |   |  |
|--|--|---|---|--|
| Trademarks on exterior signage with non-French text  | Acceptable if recognized at common law; French text must be present in the same visual field without having to be bigger than trademark                              | Trademarks must be registered in Canada; French text must be at least twice as large as non-French text   | June 1, 2025                                  | Potential need to register trademarks, enlarge French text and modify signage design |
| Transactions by telephone or online  | Must provide French version of contract even if counterparty chooses English; must allow switching from English to French at each step of online contracting process | Only standard terms must be made available in French; can send French disclosures by text or email for phone transactions; no need to enable switch from English to French at each step of online transaction | 15 days after publication of final regulation | Some clarity and relief for businesses contracting through websites or call centres  |