

Draft Regulations

Draft Regulation

Charter of the French language
(chapter C-11)

Language of commerce and business — Amendment

Notice is hereby given, in accordance with sections 10 and 11 of the Regulations Act (chapter R-18.1), that the Regulation to amend mainly the Regulation respecting the language of commerce and business, appearing below, may be made by the Government on the expiry of 45 days following this publication.

The draft Regulation, in particular,

— updates the wording of certain provisions, particularly to ensure harmonization with the amendments made by the Act respecting French, the official and common language of Québec (2022, chapter 14) to the Charter of the French language (chapter C-11);

— specify certain cases in which an inscription on a product may be only in a language other than French;

— sets rules applicable to public signs and posters of trade marks and enterprise's names.

The draft Regulation also provides for provisions to facilitate the implementation of the Charter of the French language, in particular with regards to contracts of adhesion and inscriptions on products. Lastly, it provides for the scope of the requirement on the markedly predominance of French and revokes the Regulation defining the scope of the expression “markedly predominant” for the purposes of the Charter of the French language (chapter C-11, r. 11).

The impact on enterprises may vary from business to business, regardless of the business's size. According to estimates, the direct cost of complying with the new provisions will likely be 7 to 15 million dollars. The provisions proposed introduce no new administrative formalities.

Further information on the draft Regulation may be obtained by contacting Josée Saindon, Director General, Direction générale des relations avec les entreprises et l'Administration, Office québécois de la langue française, 800, rue du Square-Victoria, 31^e étage, Montréal (Québec), H4Z 1C8; telephone: 514 873-6565, extension 8031; email: josee.saindon@oqlf.gouv.qc.ca.

Any person wishing to comment on the draft Regulation is requested to submit written comments within the 45-day period to the Minister of the French Language, 800, rue D'Youville, 13^e étage, Québec (Québec) G1R 3P4.

JEAN-FRANÇOIS ROBERGE
Minister of the French Language

Regulation to amend mainly the Regulation respecting the language of commerce and business

Charter of the French language
(chapter C-11, ss. 54.1, 58 and 93)

1. The Regulation respecting the language of commerce and business (chapter C-11, r. 9) is amended in section 2 by replacing “disk, film or tape” by “album or film”.

2. Section 3 is amended

(1) by inserting “only” after “intended” in paragraph 1;

(2) in paragraph 6

(a) by inserting “, except if it concerns safety or is necessary for the use of the product,” after “inscription”;

(b) by striking out the last sentence.

3. Section 7 is amended by striking out paragraph 4.

4. Section 10 is amended

(1) by replacing the first paragraph by the following:

“The documents referred to in section 52 of the Charter of the French language (chapter C-11) may be in two separate versions, one exclusively in French, the other exclusively in another language, if the French version is accessible under no less favourable conditions.”;

(2) by replacing “catalogues, brochures, folders, commercial directories and any similar publications” in the third paragraph by “documents”.

5. Sections 11 to 14 are amended by replacing the words “Catalogues, brochures, folders, commercial directories and any similar publications” and “catalogues, brochures, folders, commercial directories and any

similar publications” wherever they appear by “Documents referred to in section 52 of the Charter of the French language (chapter C-11)” and “documents referred to in section 52 of the Charter of the French language (chapter C-11)”, respectively.

- 6.** Section 19 is revoked.
- 7.** Section 25 is amended by striking out paragraph 4.
- 8.** Sections 25.1 to 25.5 are revoked.
- 9.** The following is inserted after section 27:

**“DIVISION IV.1
PROVISIONS TO FACILITATE THE
IMPLEMENTATION OF CHAPTER VII OF THE
CHARTER OF THE FRENCH LANGUAGE**

§I. Inscription concerning a product and documents related to the product

27.1. For the purposes of section 51 of the Charter of the French language (chapter C-11) and of this Regulation, an inscription on a product includes the inscription displayed for the user using an integrated software.

27.2. For the purposes of section 51.1 of the Charter of the French language (chapter C-11), as made by section 43 of the Act respecting French, the official and common language of Québec (2022, chapter 14),

- (1) a product includes its container or wrapping and any document or object supplied with it;
- (2) no generic term or description of a product included in a trademark in another language may be given greater prominence than that in French or be available on more favourable terms.

27.3. For the purposes of section 51.1 of the Charter of the French language (chapter C-11), as made by section 43 of the Act respecting French, the official and common language of Québec (2022, chapter 14),

- (1) a description refers to one or more words describing the characteristics of a product;
- (2) a generic term refers to one or more words describing the nature of a product.

27.4. For the purposes of section 51.1 of the Charter of the French language (chapter C-11), as made by section 43 of the Act respecting French, the official and common language of Québec (2022, chapter 14), a registered trademark includes a trademark in respect of which an

application for registration is pending, as of the filing date of the application with the Registrar of Trademarks instituted under the Trademarks Act (R.S.C., 1985, c. T-13).

27.5. For the purposes of section 52 of the Charter of the French language (chapter C-11) and of this Regulation, the documents referred to in that section include the information published on websites or posted on social media.

§II. Contracts of adhesion

27.6. For the purposes of section 55 of the Charter of the French language (chapter C-11),

(1) a document related to a contract of adhesion includes a document

- (a) attesting to the existence of the contract, such as an insurance certificate;
- (b) whose attachment to the contract is required by law, such as a resiliation or resolution form;

(c) that otherwise constitutes an ancillary document;

(2) the requirement to issue a French version of a contract of adhesion that is entered into by telephone is met if the adhering party has stated the express wish to enter into the contract in a language other than French, provided that

(a) the adhering party had an opportunity to consult the applicable standard clauses in French using a technological means; or

(b) the contract is to take effect immediately and the adhering party does not have the technological means to access the applicable standard clauses in the contract;

(3) the requirement to issue a French version of a contract of adhesion entered into using a technological means is met by giving the adhering party the applicable standard clauses in French.

§III. Public signs and posters

27.7. On public signs and posters that are both in French and in another language, French is markedly predominant where the text in French has a much greater visual impact than the text in the other language.

In assessing the marked predominance of French, the text in French for the business hours, telephone numbers, addresses, numbers, percentages or definite, indefinite or partitive articles is not considered.

In assessing the visual impact, the following are not considered where their presence is specifically allowed under an exception provided for in the Charter of the French language (chapter C-11) or in a regulation made for the application of the Charter:

- (1) a family name or a place name;
- (2) a trademark, except the trademark that appears on public signs and posters visible from outside premises and written, even partially, only in a language other than French;
- (3) other terms in a language other than French.

27.8. For the purposes of the second paragraph of section 58.1 and section 68.1 of the Charter of the French language (chapter C-11), as made by sections 48 and 49 respectively of the Act respecting French, the official and common language of Québec (2022, chapter 14), and subparagraph 2 of the third paragraph of section 27.7, public signs and posters are visible from outside premises where they may be seen

- (1) from outside a space, closed or not, including on an immovable, a group of immovables or inside a shopping centre;
- (2) on a bollard or other independent structure, including a pylon sign except, in the latter case, where more than two trademarks or enterprise names appear on the public signs and posters.

27.9. For the purposes of section 27.7, French text has a much greater visual impact where, within the same visual field, the following conditions are met:

- (1) the French text is at least twice as large as the text in another language;
- (2) the French text's legibility and permanent visibility are equivalent to those of the text in another language.

Public signs and posters whose components in French are permanent and that, in relation to those in another language, are designed, lighted and situated so as to make them easy to read, both at the same time, at all times are considered to meet the requirements for legibility and visibility.

A "same visual field" refers to an overall view where all the components of the public signs and posters are visible and legible at the same time without having to move.

For the purposes of the first paragraph, public signs and posters that are of a precarious nature through their materials or the manner in which the public signs and posters are attached, in particular public signs and posters likely to be easily removed or tore off, are not considered to ensure permanent visibility, unless the display system is the subject of measures for guaranteeing the presence or replacement of the public signs and posters.

27.10. For the purposes of the second paragraph of section 58.1 and section 68.1 of the Charter of the French language (chapter C-11), as made by sections 48 and 49 respectively of the Act respecting French, the official and common language of Québec (2022, chapter 14), to ensure that French is markedly predominant, public signs and posters of a trademark or an enterprise's name visible from outside premises must be accompanied at least by terms in French, such as a generic term, a description of the products or services concerned, or a slogan.

For the purposes of the first paragraph, "generic term" and "description" have the meaning assigned by section 27.3 with regard to both products and services."

10. Until 1 June 2027, products that are non-compliant with section 51.1 of the Charter of the French language (chapter C-11) as made by section 43 of the Act respecting French, the official and common language of Québec (2022, chapter 14), may be distributed, retailed, leased, offered for sale or lease, or otherwise offered on the market, by gratuitous or onerous title, provided they were both

- (1) manufactured before 1 June 2025; and

- (2) no French-language version of the product's recognized trademark within the meaning of the Trademarks Act (R.S.C., 1985, c. T-13) was registered as of (*insert the date of publication of this Regulation in the Gazette officielle du Québec*).

11. The Regulation defining the scope of the expression "markedly predominant" for the purposes of the Charter of the French language (chapter C-11, r. 11) is revoked.

12. This Regulation comes into force on 1 June 2025, except the provisions of sections 1, 2, 4 and 5 as well as those of section 9, insofar as they enact sections 27.1 and 27.5 and subdivision II of Division IV.1, which come into force on the fifteenth day following the date of the Regulation's publication in the *Gazette officielle du Québec*.

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