

Catherine Blair
416-865-3701
cblair@litigate.com

March 31, 2026

Coconuts, Crayons, and Strawberries: Unveiling the Pitfalls of Scent Mark Registration

Cat Blair authored an article for Western University examining the registrability of scent marks within trademark law, and the significant challenges their intangible and subjective nature presents in meeting legal standards for distinctiveness, clarity, and functionality. In the piece, Cat explores the ambiguities that persist following Canada's 2019 amendments to the *Trademarks Act*, highlighting how vague or overly technical descriptions, the subjective perception of scent, and the doctrine of functionality create legal uncertainty and ultimately conflict with the fundamental purpose of trademark protection.

Continue reading:
https://ojs.lib.uwo.ca/index.php/uwojls/article/view/22676/18757