TRADEMARK REGISTRABILITY ASSESSMENT

VITEPAY

CA • NICE Classes: 36, 42 • July 06, 2026

Trademark register — data as of: July 01, 2026 · Canada — app 2026-07-01 / reg 2026-04-29 (pending + registered); WIPO — app 2026-07-02 / reg 2026-06-25 (pending + registered)

Applicant origin: Portugal

Practical Outlook

Registration Outlook:

Fixable

The name can likely be registered, but something needs attention first — narrowing or changing the goods/services classes, adding a disclaimer, or adjusting an element of the mark. The name itself stays.

Summary:

Yes, you can likely register VITEPAY in Canada, but you'll need to work through some obstacles first. The main issue is that Canada examines trademarks in both English and French, and in French 'vite' means 'fast' — so 'VITEPAY' reads as 'quick pay', which the examiner may treat as directly describing your service. On top of that, there's already a Canadian mark called 'VITE PAYÉ' in a related class, which sounds and means almost the same thing. The good news: because 'VITE' and 'PAY' are weak elements, the other side's protection is also narrow, and you can argue that your one-word coined form creates a different commercial impression. Small changes to your mark or a tightly-worded goods description would meaningfully improve your odds.

What to do before filing:

1. Tighten your Class 42 wording to something narrow like 'software as a service for online payment processing for merchants' to distance yourself from 'VITE PAYÉ' and 'VISTAPAY'.
2. Consider adding a distinctive element or prefix to VITEPAY (or filing a stylized logo version) to move away from the 'quick pay' descriptive reading in French.
3. Explore a coexistence letter with the owner of 'VITE PAYÉ' — this is the citation most likely to be raised by the examiner or in an opposition.
4. If you are already using VITEPAY in Canada, start collecting proof of use (sales, ads, customer numbers) as backup evidence in case the office maintains a descriptiveness objection.

Per-Class Assessment

□	*How registration works: The trademark office examines each class separately. If they find a similar mark in any class, they will send a provisional refusal. This is a normal part of the process and you can respond with arguments about why your services are different.*

Class	Status	Prov. Refusal Chance	Success Chance	Key Obstacle

36	**Provisional refusal likely**	55%	60%	The Canadian examiner is likely to object that 'VITEPAY' is clearly descriptive in French ('vite' = fast) combined with ...
42	**Provisional refusal likely**	60%	55%	Two concerns in this class: descriptiveness (same 'quick pay' reading in French), and a potential conflict with the Cana...

□	*Estimated Timeline: Canadian trademark examination typically takes 18–30 months from filing to first office action, and if a descriptiveness objection or citation is raised, allow another 6–12 months to respond and negotiate before publication and any opposition period.*

Detailed Analysis

Mark Analysis

Mark Type:	WORD
Distinctiveness Category:	SUGGESTIVE

Distinctiveness Scale

Generic | Descriptive | **Suggestive** | Arbitrary | Fanciful

← Weak Strong →

□	• Generic: Common name for the goods/services category • Descriptive: Immediately describes goods, services, or characteristics • **Suggestive:** Hints at qualities but requires imagination to connect • Arbitrary: Real word completely unrelated to the goods • Fanciful: Invented word with no dictionary meaning

Reasoning:

VITEPAY is a compound of 'VITE' (French for 'quick/fast') and 'PAY' (English for payment). For online payment services in Canada — a bilingual EN/FR jurisdiction — both components carry meaning that consumers will readily understand: 'quick payment'. 'PAY' is descriptive/laudatory for payment services, and 'VITE' is a laudatory adjective in French connoting speed. The combination sits at the border between suggestive and descriptive: it hints at a fast payment service but requires a small step to connect the two languages. The weak-component rule fires because 'PAY' is directly descriptive and 'VITE' is laudatory in one of Canada's two official languages, so the overall floor cannot be null.

Assessment Summary

Registration of VITEPAY in Canada for online payment services is uncertain and will likely require active prosecution. The main absolute-grounds concern is descriptiveness under s.12(1)(b): because Canada examines in both English

and French, 'VITE' (French for 'fast') combined with 'PAY' reads as directly descriptive/laudatory for payment services. The main relative-grounds concern is the Canadian citation 'VITE PAYÉ' in Class 42, which is phonetically and conceptually near-identical; the second citation 'VISTAPAY' is limited to property-management software and poses only a low risk. Both filed classes carry the same combined risk profile — neither class is 'clean'. Mitigating factors include that 'VITE'/'PAY' are weak elements that narrow the cited mark's scope, and that VITEPAY as a compressed single word can be argued as a coined portmanteau. A realistic path forward combines a descriptiveness rebuttal, narrowed goods/services wording, and — if raised — a coexistence discussion with the 'VITE PAYÉ' owner.

Registration Probability: 58%

Recommendations

• [MARK_MODIFICATION] Consider adding a distinctive coined prefix or fanciful element to VITEPAY (e.g., a house brand element) — to move the mark away from the direct 'quick pay' reading in French/English and reduce the descriptiveness objection under s.12(1)(b) — expected impact: strengthens inherent distinctiveness and materially improves examination odds.
• [GOODS_SCOPE] Consider narrowing the Class 42 specification to a precise sub-category (e.g., 'software as a service for online payment processing for merchants') — to differentiate from the broad Class 42 scope of 'VITE PAYÉ' and eliminate any overlap read against 'VISTAPAY' — expected impact: reduces goods_overlap with cited marks and weakens the conflict argument.
• [DESIGN_ELEMENT] Consider filing a composite/logo version of VITEPAY with distinctive stylization or a device element alongside the word application — to add visual distinctiveness that supports the mark against descriptiveness objections — expected impact: gives an alternative path to registration if the word mark is refused on absolute grounds.
• [EVIDENCE_GATHERING] If VITEPAY is already in use in Canada, begin compiling evidence of use, sales figures, advertising, and consumer recognition — to support an acquired-distinctiveness argument under s.12(2) if the examiner maintains the descriptiveness objection — expected impact: opens a fallback registration path that does not depend on inherent distinctiveness.
• [COEXISTENCE] Consider an early approach to the owner of 'VITE PAYÉ' for a coexistence letter delimiting each party's services — to neutralize the most likely relative-grounds citation in Class 42 — expected impact: converts a probable MEDIUM conflict into a manageable filing risk.

□	*Absolute grounds are inherent registrability criteria examined by the trademark office independently of any existing marks. These are legal requirements that every trademark must satisfy on its own merits.*

Absolute Grounds Assessment

Overall Absolute Risk: MEDIUM

Ground	Risk Level	Reason

Inherent Distinctiveness Whether the mark is distinctive enough to identify the source of goods/services	**MEDIUM**	In Canada, examination is bilingual: the mark must be assessed in both English and French. 'PAY' is directly descriptive of payment services, and 'VITE' means 'quickly/fast' in French — a laudatory term. The combination 'quick pay' reads as clearly descriptive/laudatory of a characteristic of online payment services under s.12(1)(b) of the Trade-marks Act (clearly descriptive of the character or quality of the services). The mark may still be argued as suggestive because it is a coined portmanteau rather than a dictionary phrase, but the examiner is likely to raise a descriptiveness objection.
Deceptive/Misleading Whether the mark could mislead consumers about the nature or quality of goods	No Risk Identified	-
Public Order Morality Whether the mark contains content contrary to public order or accepted moral principles	No Risk Identified	-
Prohibited Elements Whether the mark includes state emblems, flags, official symbols or other prohibited elements	No Risk Identified	-
Geographic Indications Whether the mark contains protected geographic indications or misleading geographic terms	No Risk Identified	-
Linguistic/Cultural Whether the mark has negative or problematic meanings in local languages or cultures	**LOW**	Assessed in both official languages: in EN, 'VITEPAY' reads as an invented word with 'PAY' as a recognizable payment reference; in FR (including Canadian French/Quebec register), 'VITE' is an everyday adverb meaning 'quickly/fast' and 'PAY' is understood via English proximity, so the whole mark reads as 'quick pay'. FR drives the elevated reading because Bill 96 and Canadian bilingual examination practice give the French meaning full weight. No offensive or vulgar connotation identified in either language.
Personality Rights Whether the mark infringes on another person's name, image, or identity rights	No Risk Identified	-
Well-Known Marks Whether the mark conflicts with well-known marks that enjoy broader protection	No Risk Identified	-

□	*Relative grounds assess potential conflicts with existing registered or pending marks. An examiner or third party may oppose your trademark if it is confusingly similar to a prior mark in the same or related goods/services.*

Relative Grounds Assessment

Overall Relative Risk: MEDIUM

Analysis Notes: Two Canadian citations were reviewed. 'VITE PAYÉ' shares the exact French concept ('quickly paid') and overlaps in Class 42 with services that plausibly cover payment-related activities, driving MEDIUM conceptual and phonetic risk. 'VISTAPAY' shares the 'PAY' suffix and structure but its registered goods_services (property management software) are commercially distinct from a general online payment merchant, producing LOW risk. Goods overlap for 'VITE PAYÉ' was inferred from class scope (no goods_services text), while 'VISTAPAY' overlap relied on the actual registry specification.

Similar Marks Analysis:

Vis — Visual | Phon — Phonetic | Conc — Conceptual | Goods — Goods and services Overlap

Mark	Class	Vis	Phon	Conc	Goods	Risk
VITE PAYÉ	35, 37, 42, 43	MEDIUM	HIGH	HIGH	✓	**MEDIUM**
'VITE PAYÉ' and 'VITEPAY' share the identical dominant element 'VITE' and both convey the same concept — 'quick payment/quickly paid' — in French. Phonetically the marks are nearly indistinguishable when spoken in French Canadian: /vit-pay-ay/ vs /vit-pay/. Visual similarity is medium because of the space and accented É. Goods overlap is RELATED: the cited mark covers Class 42 (which can include SaaS/technology services) and the TARGET is an online payment merchant in Classes 36/42; no goods_services text was provided for the cited mark so scope was inferred from classes. Conflict risk is MEDIUM rather than HIGH because the cited mark's actual scope (unknown) may not touch payment services directly, and 'VITE' + 'PAY(É)' has weak inherent distinctiveness which narrows both parties' scope of protection. TMView: CA500000084160300						
VISTAPAY	9, 42	MEDIUM	MEDIUM	LOW	✗	**LOW**
Both marks end in '-PAY' and share a similar 7–8 letter structure, giving medium visual/phonetic similarity, but the leading elements 'VITE' vs 'VISTA' are conceptually distinct (fast vs view/vista). Crucially, the cited registration's actual goods_services text is limited to property management software (database management, billing, CRM in the property management field), which is a distinct commercial sector from a general online payment merchant. Because same-class number (42) alone does not create overlap when actual specifications differ, goods overlap is UNRELATED and conflict risk is LOW. TMView: CA500000219352900						

Assumptions and Limitations

Assumptions:

• ASSUMPTION: The applicant is domiciled in Portugal (PT) and has no French-Canadian corporate presence. | WHY: APPLICANT_ORIGIN is PT and the mark uses a French word ('vite'). | IMPACT: Does not change deceptive_misleading (no geographic claim), but reinforces that the French reading of 'VITE' will be examined at full weight in Canada.
• ASSUMPTION: 'VITE PAYÉ' (mark_id 0) covers services in Class 42 that could plausibly include payment-related technology, since no goods_services text is provided. | WHY: The registry entry has an empty goods_services array. | IMPACT: Affects goods_overlap and conflict_risk for the cited mark 'VITE PAYÉ'; if its actual Class 42 scope is unrelated to payments, conflict_risk would drop to LOW.
• ASSUMPTION: The mark is filed as a plain word mark (no stylization). | WHY: No logo image was provided. | IMPACT: Affects mark_type and the visual similarity assessment for both citations.

Limitations:

• LIMITATION: No logo/design was provided for the TARGET mark, so visual distinctiveness was assessed on the word form only. | CONSEQUENCE: mark_type is set to WORD and visual similarity in relative_grounds.similar_marks[]

is based on text comparison only. | WHAT WOULD REDUCE IT: Upload your logo/design for composite mark analysis. • LIMITATION: The business description ('Online payment merchant') is short and does not specify the exact Class 36/42 wording intended. | CONSEQUENCE: Goods/services scope was inferred, which affects goods_overlap and per_class_assessment for both classes. | WHAT WOULD REDUCE IT: Provide a specific description of your goods/services.