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## Can novel findings from emerging neuroscientific technologies be incorporated into trademark law in Canada?

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**Can novel findings from emerging neuroscientific technologies be incorporated into trademark law in Canada?**

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Functional magnetic resonance imaging (fMRI) scans can be used to obtain information about individuals' brain responses to sensory stimuli. Such data on patterns of neural activity can provide insights into consumers' subjective perceptions and decision-making while making purchasing decisions. Such stimuli can include images, words, and other symbols that can also comprise trademarks. Trademarks are signs or combination of signs used exclusively by market players to distinguish their goods or services from those of others. It has been suggested, in the American context, that neurological evidence (coined 'neuromarks' (Mark Bartholomew, "Neuromarks" (2018) Minn L Rev at 521-585)) may be incorporated into trademark law. My research examines whether 'neuromarks' can have a place under current Canadian trademark law, and if not currently, whether, given Canada's international treaty and trade agreement commitments, Canadian law can adapt to permit them.

**Word Count:** 136