



LE REGISTRAIRE DES MARQUES DE COMMERCE  
THE REGISTRAR OF TRADE-MARKS

**Citation: 2011 TMOB 256**  
**Date of Decision: 2011-12-22**

**IN THE MATTER OF AN OPPOSITION  
by Attitudes in Dressing, Inc. to  
application No. 1,312,372 for the trade-  
mark PRINCESS AURORA in the name  
of Disney Enterprises, Inc.**

[1] On July 31, 2006 Disney Enterprises, Inc. (the Applicant) filed an application to register the trade-mark PRINCESS AURORA (the Mark), based upon proposed use in Canada. The wares and services were subsequently revised on June 20, 2008, and are set out in Schedule A to this decision.

[2] The Application was advertised for opposition purposes in the *Trade-marks Journal* of August 13, 2008. A statement of opposition was filed by Attitudes in Dressing, Inc. (the Opponent) January 13, 2009. The Applicant filed and served a counter statement on March 13, 2009, denying all the allegations in the statement of opposition.

[3] The Opponent filed the affidavit Michael Rubin, CEO for the Opponent, as well as certified copies of the subject application and its own Canadian trade-mark registration No. TMA693,872 for PRINCESS AURORA. The Applicant did not file any evidence; only the Applicant filed written submissions and was represented at the oral hearing.

Grounds of Opposition pursuant to the *Trade-marks Act* R.S.C. 1985, c. T-13

*Section 38(2)(a)/30*

[4] In its statement of opposition the Opponent pleaded under s. 38(2)(a) that the Mark is not registrable pursuant to s. 30(i) because at all material dates including the date of filing the application, the Applicant could not have been satisfied that it was entitled to use the Mark in association with the wares in the application (as originally filed), which included:

Belts, coats, ear muffs, gloves, hats, head bands, head wear, hosiery, jackets, jerseys, kerchiefs, leotards, leg warmers, pajamas, pants, roves, sandals, scarves, shirts, shorts, slippers, socks, stockings, sweaters, tights, t-shirts, vests, backpacks, beachbags, handbags and shopping bags.

*Section 38(2)(b)/12(1)(d)*

[5] The Opponent pleaded that the Mark is not registrable pursuant to s. 12(1)(d) of the Act as it is confusing within the meaning of s. 6 with the Opponent's registered trade-mark No. TMA693,872 for PRINCESS AURORA.

[6] Registration No. TMA693,872, is registered in association with the following wares:

Women's and girl's dance, figure skating, gymnastic, cheering and aerobic apparel and accessories, namely, warm up suits, body suits, leotards, tights, liturgical dance clothing, skirts, cover-ups, leggings, socks, stockings, tee shirts, shirts, jerseys, sweaters, jumpers, pajamas, robes, bathrobes, jackets, coats, vests, ear muffs, pants, shorts, belts, headbands, bandanas, neckerchiefs, visors, berets, caps, hats, scarves, shawls, shoulder wraps, leg warmers, gaiters, gloves, slippers, and sandals; bags, namely dance gear bags, handbags, beach bags, shopping bags, and backpacks.

*Section 38(2)(c)/16(3)(b)*

[7] The Opponent pleaded that the Applicant is not the entity entitled to registration having regard to the provisions of s. 16(3)(b) of the Act, as at the date of filing of the application, the proposed mark was confusing with the Opponent's PRINCESS AURORA trade-mark for which an application had been previously filed in Canada by the Opponent on February 14, 2005, under application No. 1,247,727.

*Section 38(2)(d)/2*

[8] The Opponent alleged that the Mark is not distinctive within the meaning of s. 2 of the Act. The Mark does not actually distinguish the wares and services with which it is used from the wares of services of others, or is not adapted so to distinguish them; in particular, the Applicant's proposed Mark is not distinctive as it is likely to cause confusion with the PRINCESS AURORA trade-mark of the Opponent.

Onus

[9] The Applicant bears the legal onus of establishing, on a balance of probabilities, that its application complies with the requirements of the Act. However, there is an initial evidential burden on the Opponent to adduce sufficient admissible evidence from which it could reasonably be concluded that the facts alleged to support each ground of opposition exist [see *John Labatt Limited v. The Molson Companies Limited* (1990), 30 C.P.R. (3d) 293 (F.C.T.D.) at 298].

Grounds that may be summarily dismissed

[10] In its statement of opposition the Opponent pleaded under s. 38(2)(a) that the Mark is not registrable pursuant to s. 30(i) because at all material dates including the date of filing the application, the Applicant could not have been satisfied that it was entitled to use the Mark in association with the wares in the application, which (as originally filed) included:

Belts, coats, ear muffs, gloves, hats, head bands, head wear, hosiery, jackets, jerseys, kerchiefs, leotards, leg warmers, pajamas, pants, roves, sandals, scarves, shirts, shorts, slippers, socks, stockings, sweaters, tights, t-shirts, vests, backpacks, beachbags, handbags and shopping bags.

[11] I note that the wares specifically listed above no longer form part of the Application. In any event where an applicant has provided the statement required by s. 30(i), this ground should only succeed in exceptional cases such as where there is evidence of bad faith on the part of the applicant [*Sapodilla Co. Ltd. v. Bristol-Myers Co.* (1974), 15 C.P.R. (2d) 152 (T.M.O.B.) at 155]. As the application includes the required statement and there is no allegation or evidence of bad faith or other exceptional circumstances, the s. 30(i) ground is dismissed.

[12] With respect to ground of opposition pleaded under s. 38(2)(c), the material date for assessing entitlement is the date of filing of the Applicant's trade-mark. In addition, s. 16(4) requires that the Opponent's trade-mark was pending at the time of advertisement of the subject Application. Consequently, the Opponent's allegation that the Applicant is not the entity entitled to registration having regard to the provisions of s. 16(3)(b) of the Act cannot be considered since the Opponent's application had already issued to registration on August 10, 2007, approximately one year before the advertisement of the subject Mark. This ground is therefore dismissed.

[13] The remaining grounds under s. 38(2)(b) and (d) will be considered after the summary of the relevant evidence below.

#### Opponent's Evidence

##### *Affidavit of Michael Rubin*

[14] Mr. Rubin explains that he is the CEO of the Opponent, and that he has held this position since 1983. The general business of the Opponent since its inception in 1983 has been the manufacture and distribution of dance apparel, active wear, accessories and shoes. The Opponent also operates under the trading style Body Wrappers, has over 32 employees, manufactures most of its product lines in its factory in New Jersey, and has its main showroom at 1350 Broadway in New York City.

[15] The affiant provides that the PRINCESS AURORA trade-mark is used by the Opponent in association with a collection of dance apparel, active wear, and accessories for children. Printouts from the website *www.bodywrappers.com* are attached featuring this collection (Exhibit A); the wares appear to be available for purchase over the Internet. Exhibit B is a 2006 catalogue for the PRINCESS AURORA product line; Exhibit C is a Fall/Winter 2007 catalogue and Exhibit D is a sample advertisement and a promotional postcard for the collection. Attached as Exhibit E and F are particulars of the United States registration and International Registration, respectively.

[16] More specifically, the affiant states that the Opponent's mark has been in use by the Opponent since 2005 in both the United States and Canada. Total annual sales of PRINCESS AURORA products in the U.S., since inception, have been approximately \$380,000 USD per year; sales in Canada have been approximately \$45,000 per year, since inception. No further details of sales in Canada are provided.

[17] Mr. Rubin states that worldwide advertising expenditures have been approximately \$50,000 USD per year. Copies of ads placed in *Young Dancer* magazine (March/April 2005 and September/October 2005) are attached as Exhibit G; no information as to the circulation of this magazine in Canada is provided. Exhibit H and I are copies of ads that ran in four different monthly editions of *Dancer Magazine* in 2006. The Affiant provides that *Dancer Magazine* is available in Canada by subscription; however, I note that no details such as the dates and number of Canadian subscribers are provided.

[18] Also provided are copies of promotions for PRINCESS AURORA wares that ran in seven monthly editions of *Dance Teacher* magazine during the period March 2005 to July 2006. According to the affiant *Dance Teacher* magazine is distributed in Canada, and I note that the bar code on the cover pages provided includes the price in Canadian dollars. However, no details are provided, such as when and how many were distributed and/or sold in Canada. Also attached are copies of promotions in a sampling of 2005, 2006 and 2007 editions of *DanceRetailerNews*. The affidavit is silent with respect to whether this magazine was available in Canada at any time.

## Discussion

### *Sections 38(2)(b)/12(1)(d)*

[19] The material date for determining the likelihood of confusion under s. 12(1)(d) is the date of my decision [*Park Avenue Furniture Corporation v. Wickes/Simmons Bedding Ltd. and The Registrar of Trade Marks* (1991), 37 C.P.R. (3d) 413 (F.C.A.)].

[20] The test for confusion is one of first impression and imperfect recollection. Section 6(2) of the Act indicates that use of a trade-mark causes confusion with another trade-mark if the use of both trade-marks in the same area would be likely to lead to the inference that the wares or

services associated with those trade-marks are manufactured, sold, leased, hired or performed by the same person, whether or not the wares or services are of the same general class. The purchaser in mind is described as the casual consumer somewhat in a hurry (*Mattel, Inc. v. 3894207 Canada Inc.* (2006), 49 C.P.R. (4th) 321 (S.C.C.) at para. 58 [*Mattel*]). The question is whether this mythical consumer with a vague recollection of the first mark will, on seeing the second comer's mark, infer as a matter of first impression that the wares with which the second mark is used are in some way associated with the wares bearing the first mark [*United States Polo Assn. v. Polo Ralph Lauren Corp.*, [2000] 9. C.P.R. (4th) 51 (F.C.A.) at 58].

[21] In applying the test for confusion, the Registrar must have regard to all the surrounding circumstances, including those specifically enumerated in s. 6(5) of the Act, namely: (a) the inherent distinctiveness of the trade-marks and the extent to which they have become known; (b) the length of time each has been in use; (c) the nature of the wares, services or business; (d) the nature of the trade; and (e) the degree of resemblance between the trade-marks in appearance or sound or in the ideas suggested by them.

[22] These factors need not be attributed equal weight; rather, the weight to be given to each relevant factor may vary, depending on the circumstances [see *Clorox Co. v. Sears Canada Inc.* (1992), 41 C.P.R. (3d) 483 (F.C.T.D.); *Gainers Inc. v. Marchildon* (1996), 66 C.P.R. (3d) 308 (F.C.T.D.)]. Furthermore, the list of factors set out is not exhaustive of matters that could be considered [see in general *Mattel supra*; *United Artists Corp. v. Pink Panther Beauty Corp.* (1988), 80 C.P.R. (3d) 247 (Fed. C.A.) at 263-264; *Veuve Cliquot Ponsardin v. Boutiques Cliquot Ltée.* (2006), 49 C.P.R. (4th) 401 (S.C.C.)].

[23] In most instances, the dominant factor in determining the issue of confusion is the degree of resemblance between the trade-marks in their appearance or sound or in the ideas suggested by them, and other factors play a subservient role in the overall surrounding circumstances [see *Beverly Bedding & Upholstery Co. v. Regal Bedding & Upholstery Ltd.* (1980), 47 C.P.R. (2d) 145, conf. 60 C.P.R. (2d) 70 (F.C.T.D.)]. Recently, in *Masterpiece Inc. v. Alavida Lifestyles Inc.* (2011), 92 C.P.R. (4th) 361 (S.C.C.), the Supreme Court of Canada considered the importance of s. 6(5)(e) in conducting an analysis of the likelihood of confusion (see para 49):

...the degree of resemblance, although the last factor listed in s. 6(5), is the statutory factor that is often likely to have the greatest effect on the confusion analysis ... if the marks or names do not resemble one another, it is unlikely that even a strong finding on the remaining factors would lead to a likelihood of confusion. The other factors become significant only once the marks are found to be identical or very similar... As a result, it has been suggested that a consideration of resemblance is where most confusion analyses should start.

[24] In this proceeding, it is self-evident with regard to s. 6(5)(e), that the trade-marks at issue are identical in sound, appearance and in ideas suggested. Accordingly, as reasoned in *Masterpiece, supra*, the remaining factors must be carefully considered since they take on added significance in these circumstances.

*Section 6(5)(a) - Inherent distinctiveness of the trade-marks and the extent to which they have become known*

[25] It is my view that PRINCESS AURORA although composed of dictionary words, is inherently distinctive as the Mark has no clear connotation in association with the wares and/or services. At the most the Mark suggests that the wares are perhaps princess-like, or related to a person or fictional character - Princess Aurora. No evidence of use of the Mark by the Applicant has been provided, and as such I conclude that it has not become known at all in Canada. On the other hand, the Opponent has provided some Canadian sales figures, and I must conclude that the Opponent's trade-mark is known at least minimally in Canada. This factor is in the Opponent's favour.

*Section 6(5)(b) - The length of time each has been in use*

[26] Although, not strong, the Opponent's sales figures do support its assertion of use in Canada since 2005; at the filing date the Applicant had not yet commenced use. This factor is therefore in the Opponent's favour.

*Section 6(5)(c) and (d) - The nature of the wares, services or business; the nature of the trade*

[27] The Applicant applied to register its Mark in association with hundreds of wares that appear to be related to various merchandising efforts around a specific fictional character - Princess Aurora. However, the wares in the application as advertised do not include dance, figure

skating, gymnastic apparel and accessories, (see Opponent's wares as set out above). In fact, the Applicant's wares do not include any clothing or bags of any kind.

[28] As for the nature of the trades, from the evidence it appears that the Opponent's wares are available in Canada through dance magazines and over the Internet. There is no evidence of the channels of trade of the Applicant; however, I am prepared to infer from the breadth of the wares in the application that the wares would likely be sold in a broad range of retail situations, and I note that the application contains no limitations in that regard. Nonetheless, since the application does not include dance or gymnastic apparel and related accessories as in the Opponent's registration, I see no reason why any of the Applicant's wares would be sold through specialized channels of trade such as dance websites and dance magazines. In sum, I find that the nature of the wares does not overlap and the nature of the trades is substantially different. On balance, therefore, I find this factor favours the Applicant.

#### *Likelihood of Confusion*

[29] It is my view that in these particular circumstances, the nature of the wares and the channels of the trade is the most significant factor to be considered in assessing the likelihood of confusion in this case. This is so, since the Opponent's use of its trade-mark in Canada has been limited to sales of specialized wares in a specific channel of trade related to the purpose and function of the wares. I see no reason why any reputation of the Opponent in Canada, would extend beyond its wares to those in the subject application, such that the average consumer would, as a matter of first impression, be confused as to the source of the goods, or think that the wares of the Applicant are in some way associated with the wares of the Opponent (*United States Polo Assn., supra*), I must therefore conclude that the Applicant has discharged its burden of proof to establish that on a balance of probabilities there is no likelihood of confusion between the Mark and the Opponent's trade-mark. Even if each party's PRINCESS AURORA trade-mark suggests to consumers the same person or fictional character, in the absence of evidence that consumers associate goods branded with that person's or character's name with a single source, there is no likelihood of confusion. Accordingly, this ground of opposition is dismissed.



*Section 38(2)(d)/(2) of the Act – Non-Distinctiveness*

[30] Regarding the ground of opposition based on lack of distinctiveness pursuant to s. 2 of the Act, the Opponent needs to have shown that as of the date of filing of the opposition its trade-mark had become known sufficiently to negate the distinctiveness of the applied-for mark [*Motel 6, Inc. v. No. 6 Motel Ltd.* (1981), 56 C.P.R. (2d) 44 at 58 (F.C.T.D.), *Re Andres Wines Ltd. and E. & J. Gallo Winery* (1975), 25 C.P.R.(2d) 126 at 130 (F.C.A.); *Bojangles International, LLC v Bojangles Café Ltd* (2006), 48 C.P.R. (4<sup>th</sup>) 427), [*Bojangles*]. It is not necessary for the Opponent to show that its mark had become well known, it is sufficient to establish that its mark has become known sufficiently to negate the distinctiveness of the applicant's mark. As stated by Noel J in the *Bojangles* case at p.444: "A mark must be known to some extent at least to negate the established distinctiveness of another mark, and its reputation in Canada should be substantial, significant or sufficient."

[31] Having found that there is no likelihood of confusion between the trade-marks at issue, and that the Opponent has provided only minimal evidence of use in Canada, I am of the view that the Opponent has not established that its trade-mark is sufficiently known so as to negate the distinctiveness of the Mark.

Disposition

[32] In view of all of the foregoing, pursuant to the authority delegated to me under s. 63(3) of the Act, I reject the opposition pursuant to s. 38(8) of the Act.

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P. Heidi Sprung  
Member  
Trade-marks Opposition Board  
Canadian Intellectual Property Office

## Schedule A

### Application No. 1, 312,372

Wares:

(1) Audio cassette recorders; pre-recorded audio cassettes; audio discs; CD-ROMS, compact discs, DVDs, digital versatile discs, digital video discs and video cassettes featuring music, animation and live action motion pictures, stories and games audio speakers; binoculars; calculators; camcorders; cameras; CD-ROM drives (as part of the computer); CD-ROM writers (as part of the computer); cellular telephones; cellular telephone accessories, namely, headphones, cell phone battery chargers, cell phone belt clips and holsters, cell phone holders for automobiles, cell phone antennas, cellular telephone cases; face plates for cellular telephones and cell phone car kits; compact disc players; compact disc recorders; computer game programs; computer game cartridges and discs; computers; computer hardware; computer keyboards; computer monitors; computer mouse; computer disc drives; computer software featuring games and learning activities; cordless telephones; decorative magnets; digital cameras; DVD players; DVD recorders; electronic personal organizers; eyeglass cases; eyeglasses; headphones; karaoke machines; microphones; MP3 players; computer modems; mouse pads; motion picture films; pagers; personal stereos; personal digital assistants; computer printers; radios; sunglasses; telephones; television sets; video cameras; video cassette recorders; video cassette players; video game cartridges; video game discs; videophones; walkie-talkies; wrist and arm rests for use with computers.

(2) Alarm clocks; belt buckles of precious metal (for clothing); bolo ties with precious metal tips; bracelets; namely, bangles; busts of precious metal; candle snuffers of precious metal; candlesticks of precious metal; charms; clocks; earrings; jewelry; jewelry cases of precious metal; jewelry chains; key rings of precious metal; lapel pins; letter openers of precious metal; neck chains; necklaces; necktie fasteners; non-monetary coins; ornamental pins; pendants; rings; slides for bolo ties; stop watches; tie clips; tie fasteners; tie tacks; wall clocks; watch bands; watch cases; watch chains; watch straps; watches; wedding bands; wristwatches.

(3) Address books; almanacs; appliqués in the form of decals; appointment books; art prints; arts and craft paint kits; autograph books; baby books; ball point pens; baseball cards; binders, namely, loose leaf binders with and without fasteners and ring binders; bookends; bookmarks; books; bumper stickers; calendars; cartoon strips; Christmas cards; chalk; children's activity

books; coasters made of paper; coin albums; coloring books; color pencils; comic books; comic strips; coupon books; decals; decorative paper centerpieces; diaries; disposable diapers for babies; drawing rulers; envelopes; erasers; felt pens; flash cards; gift cards; gift wrapping paper; globes, namely, terrestrial and celestial globes; greeting cards; guest books; magazines; maps; memo pads; modeling clay; newsletters; newspapers; note paper; notebooks; notebook paper; paintings; paper flags; paper party favors; paper party hats; paper cake decorations; paper party decorations; paper napkins; paper party bags; paperweights; paper gift wrap bows; paper pennants; paper place mats; paper table cloths; pen or pencil holders; pencils; pencil sharpeners; pen and pencil cases and boxes; pens; periodicals; photograph albums; photographs; photo-engravings; pictorial prints; picture books; portraits; postcards; posters; printed awards; printed certificates; printed invitations; printed menus; recipe books; rubber stamps; score cards; stamp albums; office staplers; stickers; trading cards; ungraduated rulers and writing paper.

(4) Air mattresses for use when camping; bassinets; beds; bookcases; coat racks; computer keyboard trays; cots; couches; decorative glitter; decorative mobiles; desks; drinking straws; engraved and cut stone plaques; bone figurines and statuettes, plaster figurines and statuettes, plastic figurines and statuettes, wax figurines and statuettes, or wood figurines and statuettes; flagpoles; foot stools; furniture, namely, bedroom furniture, computer furniture, dining room furniture, lawn furniture, patio furniture, office furniture, living room furniture, benches, cabinets, chairs, mattresses for beds and mirrors; gift package decorations made of plastic; hand fans; hand-held mirrors; jewelry boxes not of metal; key fobs not of metal; love seats; magazine racks; ornaments, namely bone ornaments, plaster ornaments, plaster ornaments, plastic ornaments, wax ornaments, or wood ornaments; ottomans; party ornaments of plastic; pedestals; picture frames; pillows, namely, foam pillows, feather pillows and down pillows; plant stands made of wire and metal; decorative wall plaques; plastic flags; plastic name badges; plastic novelty license plates; plastic pennants; plastic cake decorations; sea shells; sleeping bags; tables, namely, furniture tables and work tables; toy chests; umbrella stands; venetian blinds; wind chimes.

(5) Beverageware; beverage glassware; bird houses; bowls, namely, cereal bowls, fruit bowls, nut bowls, serving bowls, soup bowls, salad bowls, and sugar bowls; brooms, namely, whisk brooms, push brooms, sweeping brooms, and dust brooms; cake pans; cake molds; cake servers; candle holders not of precious metal; candle snuffers; canteens; ceramic figurines; coasters not of

paper and not being table linen; cookie jars; cookie cutters; cork screws; cups, namely coffee cups, egg cups and measuring cups; decorating bags for confectioners; decorative crystal prisms; decorative glass; decorative plates; dishes, namely, casserole dishes and butter dishes; figurines made of china; crystal, earthenware, glass, or porcelain; flower pots; hair brushes; hair combs; insulating sleeve holders for beverage containers; lunch boxes; mugs; napkin holders; napkin rings not of precious metals; paper cups; paper plates; pie pans; pie servers; plastic cups; plates, namely dinner plates, salad plates, bread plates, serving platters; soap dishes; tea kettles; tea sets; thermal insulated containers for food or beverage; toothbrushes; trays, namely, desk file trays, documents file trays, drawing trays, meal trays, letter trays, paint trays, paper trays, pen and pencil trays, and serving trays; trivets; vacuum bottles; waste baskets.

(6) Afghans; barbecue mitts; bath linen; bed blankets; bed canopies; bed linen; bed sheets; bed skirts; bed spreads; blanket throws; calico; fabrics; children's blankets; cloth coasters; cloth doilies; cloth flags; cloth pennants; comforters; crib bumpers; curtains, namely window curtains, shower curtains and valance curtains; fabric flags; felt pennants; golf towels; hand towels; handkerchiefs; hooded towels; household linen, namely, bath linen, bed linen, kitchen linen and table linen; kitchen towels; oven mitts; pillow cases; pillow covers; pot holders; quilts; receiving blankets; silk blankets; table linen; textile napkins; textile place mats; textile tablecloths; throws; towels, namely, bath towels, beach towels, golf towels, hand towels, hooded towels and kitchen towels; washcloths; woollen blankets.

(7) Action skill games; action figures and accessories therefore; board games; card games; children's multiple activity toys; badminton sets; balloons; basketballs; bath toys; baseballs; beach balls; bean bags; bean bag dolls; board games; building blocks; bowling balls; bubble making wands and solution sets; chess sets; children's play cosmetics; Christmas stockings; Christmas tree decorations; collectable toy figures; crib mobiles; crib toys; disc toss toys; dolls; doll clothing; doll accessories; doll playsets; electric action toys; equipment sold as a unit for playing card games; fishing tackle; golf balls; golf gloves; golf ball markers; hand held unit for playing electronic games; hockey pucks; inflatable toys; jigsaw puzzles; jump ropes; kites; magic tricks; marbles; manipulative games; mechanical toys; music box toys; musical toys; parlor games; party favors in the nature of small toys; party games; playing cards; plush toys; puppets; roller skates; rubber balls; skateboards; soccer balls; spinning tops; squeeze toys; stuffed toys; table tennis tables; target games; teddy bears; tennis balls; toy action figures; toy bucket and

shovel sets; toy mobiles; toy vehicles; toy scooters; toy cars; toy model hobbycraft kits; toy figures; toy banks; toy trucks; toy watches; wind-up toys and return tops.

(8) Bagels; bases for making milkshakes; biscuits; bread; breakfast cereal; bubble gum; cakes; cake mixes; candies; cake decorations made of candy; ketchup; cereal-based snack bars; chewing gum; chocolate; non-alcoholic chocolate-based beverages; non-alcoholic cocoa-based beverages; cones for ice cream; cookies; corn-based snack foods; crackers; deli sandwiches; flavoured, sweetened gelatin desserts; frozen confections; frozen meals consisting primarily of pasta or rice; frozen yogurt; honey; ice cream; ice milk; licorice; marshmallows; mayonnaise; muffins; mustard; noodles; oatmeal; pancakes; pancake mixes; pasta; pastries; pancake syrup; pies; pizza; popcorn; pretzels; puddings; rice; rolls; salad dressings; sauces, namely, spaghetti sauce, taco sauce, enchilada sauce and tomato sauce; sherbets; spices; tea; tortillas and waffles.

#### Services:

Production, presentation, distribution, and rental of motion picture films; production, presentation, distribution, and rental of television and radio programs; production, presentation, distribution, and rental of sound and video recordings; providing information in the field of entertainment, namely, reference material on film, television, stage, musical and radio actors, directors, writers, animators, composers, musicians, executives and craft personnel, programming schedules for television networks, release information on films, background on history, production, and technical process of film, television, stage, musical and radio entertainment, and entertainment news; production of entertainment shows and interactive programs for distribution via television, cable, satellite, audio and video media, cartridges, laser discs, computer discs and electronic means; production and provision of entertainment, news, and information via communication and computer networks; amusement park and theme park services; educational and entertainment services rendered in or relating to theme parks; live stage shows; theater productions and entertainer services, namely, live and televised appearances by a professional entertainer.