

SECTION 45 PROCEEDINGS  
TRADE-MARK: SIGNATURE  
REGISTRATION NO. 143,492

On August 1, 1990 at the request of Messrs. Borden & Elliot, the Registrar forwarded a Section 45 notice to Strathearn House Group Limited, the registered owner of the above-referenced trade-mark registration.

The trade-mark SIGNATURE was registered on January 14, 1966 for use in association with living room, dining room and bedroom furniture, namely chairs.

In response to the Registrar's notice, the affidavit of Paul Mason, Executive Vice President of Strathearn House Group Limited was furnished by the registrant. The requesting party filed a written submission; the registrant requested and was granted a retroactive extension of time to file the affidavit of Paul Mason in proper form, which it filed on March 1, 1991. The requesting party was given an opportunity to file further written submissions, however it declined to do so; no oral hearing was conducted.

In his affidavit, Mr. Mason clearly asserts use of the trade-mark SIGNATURE in Canada in association with living room, dining room and bedroom furniture, namely chairs and describes registrant's normal course of trade with respect to the wares. Annual sales figures from 1985 to 1989 have been provided together with the approximate dollar volume of sales relating to SIGNATURE chairs for the first six months of 1990. Dated representative invoices were submitted as Exhibit A showing sales of SIGNATURE chairs at the material date by Kroehler Furniture Co. who is clearly identified on the invoices as a division of Strathearn House Group Limited. As Exhibit B, representative pages of the 1988, 1989 and 1990 catalogues which the registrant has provided to its customers were submitted; the SIGNATURE mark is displayed on these catalogue pages together with illustrations of various chair styles available for order.

In my view, when a retailer orders the chairs from the catalogues provided to it by the registrant, there is notice given of the trade-mark in association with the registered wares; furthermore, at the time of the transfer of the wares, notice of the association is continued as Mr. Mason has stated that the style

numbers which appear on the invoices and which start with the letter B signify to the registrant's production department and to its customers that the invoiced product is a SIGNATURE chair. Consequently, when the retailer compares the style number on the invoice with the style number he ordered from the catalogue, the retailer would be aware that the chair that he has purchased and received is associated with the trade-mark SIGNATURE. In my opinion, the evidence filed satisfactorily shows use of the trade-mark in association with the registered wares in the normal course of trade.

In view of the evidence filed in these proceedings, I conclude that the trade-mark SIGNATURE was in use at the material date in Canada in association with the registered wares as prescribed by Section 4(1) of the Trade-marks Act. Accordingly, its registration ought to be maintained.

Registration No. 143,492 will be maintained in compliance with the provisions of Section 45(5) of the Trade-marks Act.

DATED AT HULL, QUEBEC, THIS

30th DAY OF November

1992.

**D. Savard,**

Senior Hearing Officer  
Section 45