



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

**Citation: 2014 TMOB 188
Date of Decision: 2014-08-26**

**IN THE MATTER OF AN OPPOSITION by
Rona Inc. to application No. 1,379,759 for the
trade-mark RONA & Design in the name of
RONA, a.s. – organizacni slozka**

Introduction

[1] This opposition relates to an application filed on January 18, 2008 by RONA, a.s. – organizacni slozka (the Applicant) to register the trade-mark RONA & Design as reproduced below:


RONA (the Mark)

[2] The application is based on use since 2000 in association with:

tea services (tableware) made of glass, container glassware, glasses; vases, goblets, carafes, pitchers, bowls, all made of glass (Wares 1);

[3] The application is also based on registration obtained in Czech Republic in association with:

lighting chandeliers; tea cutlery (glass sets), concave glass goods, vases, beakers (Wares 2) (Wares 1 and Wares 2 collectively referred to as the Wares).

[4] The application was advertised on March 24, 2010 in the *Trade-marks Journal*. Rona Inc. (the Opponent) filed a statement of opposition on May 24, 2011 against this application.

[5] The grounds of opposition raised by the Opponent are based on sections 30(b), (d), (i), 12(1)(d), 16(1)(a) and (c), 16(2)(a), (b) and (c) and section 2 (distinctiveness) of the *Trade-Marks Act* RSC 1985 c T-13 (the Act). The specific grounds of opposition are detailed in Annex A to this decision. The Applicant denied all grounds of opposition in a counter statement filed on August 18, 2011.

[6] The Opponent filed as its evidence two affidavits of Manon Goudreau while the Applicant chose not to file any evidence.

[7] Only the Applicant filed a written argument and both parties were represented at the hearing.

[8] The first issue is to determine if the Opponent has met its initial evidential burden; if so, then I must assess whether the Applicant has met its legal onus.

[9] For the reasons detailed hereinafter, I conclude that the Opponent did not meet its evidential burden with respect to all the grounds of opposition pleaded except for those based on section 12(1)(d) and 16(2)(b) of the Act. For the reasons detailed below I conclude that the Applicant has not met its legal onus with respect to those two grounds of opposition.

Legal Onus and Burden of Proof

[10] The legal onus is on the Applicant to show that the application does not contravene the provisions of the Act as alleged in the statement of opposition. This means that if a determinate conclusion cannot be reached in favour of the Applicant once all the evidence is in, then the issue must be decided against the Applicant. However, there is also an evidential burden on the Opponent to prove the facts inherent to its pleadings. The presence of an evidential burden on the Opponent means that in order for a ground of opposition to be considered at all, there must be

sufficient evidence from which it could reasonably be concluded that the facts alleged to support that ground of opposition exist [see *John Labatt Ltd v Molson Companies Ltd* (1990), 30 CPR (3d) 293 (FCTD); *Joseph E Seagram & Sons Ltd et al v Seagram Real Estate Ltd* (1984), 3 CPR (3d) 325 (TMOB); *Dion Neckwear Ltd v Christian Dior, SA et al* (2002), 20 CPR (4th) 155 (FCA) and *Wrangler Apparel Corp v The Timberland Company* (2005), 41 CPR (4th) 223 (FC)].

Preliminary Remarks

[11] In coming to my decision I have considered all of the evidence and submissions made by the parties. The first Goudreau affidavit (dated December 19, 2011) contains extracts of the Canadian Intellectual Property Office (CIPO) database concerning each of the registrations alleged in support of the ground of opposition based on section 12(1)(d) of the Act as well as an extract of the register with respect to application 1,238,773. The second Goudreau affidavit (dated March 19, 2012) contains extracts of the Opponent's website.

[12] Ms. Goudreau is a clerk employed by the Opponent's agent firm. I will discuss later the admissibility of the content second Goudreau affidavit in view of the Applicant's objection. In any event, the content of a website does not constitute proper evidence of use of a trade-mark in association with wares within the meaning of section 4(1) of the Act.

Ground of Opposition Summarily Dismissed

[13] The Opponent has not provided evidence that would support any of the grounds of opposition based on section 30 of the Act. As such it failed to meet its initial evidential burden and therefore they are all dismissed.

[14] As for the grounds of opposition based on prior use (section 16, except for 16(2)(b) of the Act as it will be discussed later) and lack of distinctiveness of the Mark (section 2 of the Act) there is no evidence of use of the Opponent's trade-marks in the record within the meaning of section 4(1) of the Act. Even if I were to have regard to the evidence of Ms. Goudreau's second affidavit, the extracts of the Opponent's website attached to it are dated after any of the relevant dates associated with these grounds of opposition (claimed date of first use, filing date of the

application and/or the filing date of the statement of opposition). Therefore, they are all dismissed for failure by the Opponent to meet its initial evidential burden.

[15] Consequently only the grounds of opposition based on section 12(1)(d) and 16(2)(b) remain to be decided.

Ground of opposition based on section 12(1)(d) of the Act

[16] The relevant date for this ground of opposition is the date of the Registrar’s decision [see *Park Avenue Furniture Corporation v Wickes/Simmons Bedding Ltd* (1991), 37 CPR (3d) 413 at 424 (FCA)].

[17] As mentioned before the first Goudreau’s affidavit contains extracts of CIPO database for the following registrations:

RO-NA	TMA223,910
RO-NA	TMA237,639
RO-NA	TMA280,229
RONA TMA724,249	
RONA & Design	TMA724,250
RO-NA HARDWARE & Design	TMA454,254
RO-NA L’ENTREPOT	TMA466,511
RONA L’ENTREPOT & Design	TMA454,601
RO-NA WAREHOUSE	TMA514,717
RO-NA WAREHOUSE & Design	TMA514,715
RONA HARDWARE& Horizontal Design	TMA527,041
RONA HOME CENTRE & Horizontal Design	TMA526,293
RONA HOME CENTRE & Superposed Design	TMA526,042
RONA L’ENTREPÔT & Superposed Design	TMA527,042
RONA HOME SOLUTIONS	TMA628,004

[18] I used my discretion to check the register and confirm that the Opponent is the owner of all these registrations and they are extant. Consequently the Opponent has met its initial burden with respect to this ground of opposition.

[19] The Opponent's best case scenario is with registration No. TMA724249 for the trade-mark RONA and registration No. TMA724250 for the trade-mark RONA & Design. They cover a long list of wares, reproduced in Annexes B and C respectively to this decision, and I will refer to the more pertinent wares when assessing the criteria of the nature of the wares and their channels of trade.

[20] The test for confusion is outlined in section 6(2) of the Act. Some of the surrounding circumstances to be taken into consideration when assessing the likelihood of confusion between two trade-marks are described in section 6(5) of the Act: the inherent distinctiveness of the trade-marks or trade-names and the extent to which they have become known; the length of time the trade-marks or trade-names have been in use; the nature of the wares, services, or business; the nature of the trade; and the degree of resemblance between the trade-marks or trade-names in appearance, or sound or any ideas suggested by them. Those criteria are not exhaustive and it is not necessary to give each one of them equal weight [see *Veuve Clicquot Ponsardin v Boutiques Cliquot Ltée et al* (2006), 49 CPR (4th) 401 (SCC), *Mattel Inc v 3894207 Canada Inc* (2006), 49 CPR (4th) 321 (SCC) and *Masterpiece Inc v Alavida Lifestyles Inc et al* (2011), 96 CPR (4th) 361 (SCC)].

[21] The test under section 6(2) of the Act does not concern the confusion of the marks themselves, but confusion of goods or services from one source as being from another source. In the instant case, the question posed by section 6(2) is whether a consumer who sees the Applicant's Wares bearing the Mark, would think they emanate from or are sponsored by or approved by the Opponent.

[22] The Supreme Court of Canada in *Masterpiece, supra*, clearly indicated that, in the majority of cases, the degree of resemblance between the marks in issue is the most important factor. The other factors become significant only once the marks are found to be identical or very similar.

[23] The Applicant has not made any arguments in its written argument or at the hearing about the degree of resemblance between the Mark and the Opponent's trade-marks RONA and RONA & Design. Those marks are virtually identical as their dominant portion is the word portion RONA. This factor clearly favours the Opponent.

[24] I will review the other factors bearing in mind that, in order to meet its legal burden, the Applicant needs to show that the results of the analysis of the other relevant criteria are clearly in its favour such that not only it negates the effect of the degree of resemblance between the marks in issue, but it also tips the balance in its favour.

Inherent distinctiveness of the trade-marks and the extent to which they have become known

[25] As the parties' respective trade-marks are nearly identical, they share the same degree of inherent distinctiveness. I may add that I am fully aware that the Mark contains a design element but I do not consider the arc feature over the word portion of the Mark be a significant distinctive element such that the Mark would possess a much higher degree of distinctiveness over the Opponent's trade-mark RONA.

[26] Any mark may acquire distinctiveness through extensive use or promotion in Canada. Neither party filed evidence of use of their marks. I mentioned earlier that I do not consider the content of the second Goudreau affidavit to constitute evidence of use of the Opponent's trade-mark RONA in association with wares. Consequently this factor does not favour any of the parties.

The length of time the trade-marks have been in use

[27] The Registrar can only assume a *de minimis* use of a trade-mark based on the date of first use mentioned in the certificate of registration [see *Entre Computer Centers, Inc v Global Upholstery Co* (1991), 40 CPR (3d) 427 (TMOB)]. Certificate of registration No TMA724,429 makes reference to the use of the trade-mark RONA since as early as April 1, 1998 in association with the wares listed under that registration. However it cannot give rise to an inference of significant use. As for the Applicant, there is no evidence of use of the Mark in the file.

[28] Consequently, I conclude that this factor favours the Opponent but not significantly.

The nature of the wares, services, or business; the nature of the trade

[29] The parties have spent most of their time, and rightly so, arguing on the nature of the parties' respective wares and their channels of trade.

[30] The Opponent's registration TMA724,249 for the trade-mark RONA covers amongst other the following wares:

items for decoration and bathroom accessories, namely ... vases; China cabinets; interior lamps and accessories, namely fixtures, ceiling lights; fluorescent lighting; incandescent lights; kitchen accessories, namely dishes, kitchen utensils, cutlery, small appliances; glass, namely decorative glass, diffusers made of glass, glass tiles (the Opponent's Products).

[31] Under section 12(1)(d) ground of opposition I must compare the Wares as described in the application with the wares covered by the Opponent's registrations [see *Mr Submarine Ltd v Amandista Investments Ltd* (1987), 19 CPR (3d) 3 at 10-11 (FCA); *Henkel Kommanditgesellschaft v Super Dragon* (1986), 12 CPR (3d) 110 at 112 (FCA); *Miss Universe Inc v Dale Bohna* (1994), 58 CPR (3d) 381 at 390-392 (FCA)]. However, those statements must be read with a view to determine the probable type of business or trade intended by the parties rather than all possible trades that might be encompassed by the wording. The evidence of the parties' actual trades is useful in this respect [see *McDonald's Corp v Coffee Hut Stores Ltd* (1996), 68 CPR (3d) 168 (FCA); *Procter & Gamble Inc v Hunter Packaging Ltd* (1999), 2 CPR (4th) 266 (TMOB); and *American Optical Corp v Alcon Pharmaceuticals Ltd* (2000), 5 CPR (4th) 110 (TMOB)].

[32] The Applicant argues that the Wares are different than the Opponent's Products and that they would be sold through different channels of trade. I will elaborate more on the Applicant's contention as the Applicant needs to be successful on both accounts in order to have a chance of success in this opposition.

[33] The Applicant argues that it is unlikely that a hardware or building supply store would sell goods such as the Wares. The Applicant refers to some of the Opponent's registrations to substantiate its argument that the Opponent is in the business of operating hardware or building supply stores. For example registration TMA724,249 also covers services related to the operation of a hardware and building materials store. However I have no evidence in the record that the Opponent's Products are sold solely in the Opponent's hardware or building supply stores.

[34] The Applicant argues that it is more likely that the Wares would be sold in house ware stores and china stores. In the present case I have no evidence of the Applicant's channels of

trade and this argument is purely speculative. I also note that the Applicant's application is not restricted to the sale of the Wares through those channels of trade.

[35] Vases are included in the Wares as well as the Opponent's Products. Since there is no restriction of trade in the Opponent's registration, the Opponent is therefore at liberty to sell its vases not only in its hardware stores but also through other retail outlets. As for the Applicant's vases, there is no indication in the list of Wares that they would be sold exclusively in house ware stores or china stores.

[36] As for the tea services (tableware) made of glass, container glassware, goblets, carafes, pitchers, bowls, all made of glass, and beakers such products are not found in the Opponent's Products. However, I consider that these wares are closely related to and overlap with the Opponent's kitchen's accessories, namely dishes, kitchen utensils and cutlery. For example one could find on a dining room table in close proximity goblets, carafes, pitchers, bowls, dishes, kitchen utensils and cutlery. All those wares could potentially be used together by consumers [see *Kamsut, Inc v Jaymeui Entreprises Inc* 2010 TMOB 196].

[37] As for the lighting chandeliers, that type of product overlaps with the Opponent's interior lamps and accessories, namely fixtures, ceiling lights. I acknowledge that they are not identical wares, but they are closely related.

[38] To support its contention about the nature of the Opponent's Products, the Opponent is relying on the content of the second Gaudreau affidavit. She filed extracts of the Opponent's website. The Applicant is relying on *Cross-Country Auto Body Supply (Windsor) Ltd v Hyundai Auto Canada* (2006), 53 CPR (4th) 286 to support its argument that it is not appropriate for an employee of the Opponent's trade-mark agent firm to provide evidence on a contentious issue.

[39] The Opponent is relying on *ITV Technologies Inc v Wic Television Ltd* (2003), 29 CPR (4th) 182 (FCTD) to support its position that such evidence is admissible as it comes from the Opponent's official website.

[40] This dilemma can be resolved by determining what is the purpose of that portion of the evidence. The Opponent's agent stated at the hearing that such extracts of the Opponent's website were not filed to establish use of the Opponent's trade-mark RONA but rather to show

what type of products the Opponent is actually selling. With that evidence the Opponent is trying to argue that the nature of the Opponent's Products is identical or at least very similar to the nature of the Wares.

[41] As it can be seen from the argumentation of both parties on the nature of the wares and their channels of trade, these topics are key issues to the outcome of this opposition. Consequently I will not consider the content of the second Goudreau affidavit in view of *Cross Country Auto Body, supra*. By filing this evidence through an employee of the Opponent's agent firm, for all intent and purposes, it prevented the Applicant from conducting a meaningful cross-examination of the deponent on the nature of the Opponent's Products and their channels of trade.

[42] Nevertheless I conclude that the Wares overlap the Opponent's Products and in the absence of evidence of the parties' respective channels of trade, I can reasonably assume that the Wares and the Opponent's Products could be sold through the same channels of trade [see *Hudson's Bay Co v Boyner Holding Anonim Sirketi* (2010), 82 CPR (4th) 207 (TMOB)].

[43] I wish to add that even if I were to accept the Applicant's argument that there exists a distinction between the Wares and the Opponent's Products, such distinction would be so minute, that it would not be sufficient to outweigh the importance given to the degree of resemblance between the parties' marks. I must be mindful of the content of section 6(2) of the Act that clearly states that:

The 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. (my emphasis)

[44] Consequently these factors favour the Opponent.

Conclusion

[45] The analysis of the relevant criteria leads me to conclude that the Applicant has not discharged its burden to prove, on a balance of probabilities, that there exists no likelihood of

confusion between the Mark and the Opponent's trade-mark RONA. Because of that conclusion I do not need to determine if the Mark is registrable in view of the Opponent's registration TMA724,250 for the trade-mark RONA & Design.

[46] Consequently I maintain this ground of opposition.

Ground of opposition based on section 16(2)(b) of the Act

[47] At the hearing, the Opponent did refer to section 16(1)(b) and (2)(b) of the Act. I note that there is no ground of opposition based on section 16(1)(b) in the statement of opposition. Consequently I will only consider what has been pleaded by the Opponent: section 16(2)(b) of the Act. Therefore, only the Wares 2 are concerned by this ground of opposition.

[48] The relevant date is the filing date of the application (January 18, 2008) [see section 16(2) of the Act].

[49] The Opponent is relying on its application 1,238,773 for the trade-mark RONA Collection in association with the wares listed in Annex D to this decision. Ms. Goudreau filed an extract of the register up to date as of December 13, 2011 which shows that this application was still pending when the present application was advertised (March 24, 2011) [see section 16(4) of the Act]. Consequently the Opponent has met its initial burden.

[50] The only distinctions I can make with the ground of opposition of registrability (section 12(1)(d) of the Act) is that the Opponent's trade-mark is different and only the Wares 2 are at issue. So I will concentrate my analysis of the different relevant factors on the degree of resemblance between RONA Collection and the Mark as well as the nature of the parties' wares and their channels of trade.

[51] On the degree of resemblance, the dominant portion of the parties' respective trade-marks is still the word RONA as the word 'collection' is descriptive of the character of the Opponent's wares. I do not consider the addition of an arc above the word portion of the Mark to be a dominant feature such that it would serve to distinguish the Mark from the Opponent's trade-mark RONA Collection.

[52] Application 1,238,773 also covers the Opponent's Products. Therefore I reach the same conclusions under the registrability ground of opposition, on the nature of the parties' wares and their channels of trade, but only in so far as the Wares 2 are concerned. These two factors also favour the Opponent.

[53] Consequently I conclude that the Applicant has not discharged its burden to prove, on a balance of probabilities, that there is no likelihood of confusion between the Mark and the Opponent's trade-mark RONA Collection. As such the ground of opposition based on section 16(2)(b) is also maintained but limited to the Wares 2.

Disposition

[54] Pursuant to the authority delegated to me under section 63(3) of the Act, I refuse the application, pursuant to section 38(8) of the Act.

Jean Carrière
Member
Trade-marks Opposition Board
Canadian Intellectual Property Office

Annex A

The grounds of opposition raised by the Opponent can be summarized as follow:

1. The application does not comply with the requirements of section 30(b) of the *Trade-marks Act* RSC 1985, c T-13, (the Act) in that the Applicant did not use the Mark in association with the Wares 1 as of the claimed date of first use;
2. The application does not comply with the requirements of section 30(b) and (h) of the Act in that the trade-mark used in Canada is not the Mark but another, different from the one referred to in the application;
3. The application does not comply with the requirements of section 30(b) of the Act in that the use of the Mark in Canada has been discontinued for all or some of the Wares;
4. Contrary to section 30(d) of the Act, the Applicant did not use or duly registered the Mark in association with each of the Wares, the Applicant is not the owner of the foreign registration alleged at the time of filing of the application and the Mark was not used in the country identified in the application, namely Czechoslovakia;
5. Contrary to section 30(d) of the Act, the trade-mark used and registered abroad is not the Mark but another trade-mark than the one mentioned in the present application;
6. Contrary to section 30(d) of the Act, the use of the Mark has been discontinued for all or some of the Wares 2;
7. The statement that the Applicant is satisfied as to its entitlement to the use of the Mark in Canada is false in view of the content of the present opposition, including the knowledge of the Applicant of the rights of the Opponent as herein alleged and the unlawfulness of said use, if any, as:
 - a) such use would encroach upon the proprietary rights, of the Opponent, the whole within the Applicant's knowledge;
 - b) such use would direct public attention to Applicant's wares, services or business in such a way as to cause confusion in Canada between these wares, services or business and those of the Opponent contrary to section 7(b) of the Act;
8. The Mark is not registrable in view of section 12(1)(d) of the Act since the Mark is confusing with the following Opponent's registered trade-marks:

RO-NA	TMA223,910
RO-NA	TMA237,639
RO-NA	TMA280,229
RONA TMA724,249	
RONA & Design	TMA724,250
RO-NA HARDWARE & Design	TMA454,254
RO-NA L'ENTREPOT	TMA466,511
RONA L'ENTREPOT & Design	TMA454,601
RO-NA WAREHOUSE	TMA514,717
RO-NA WAREHOUSE & Design	TMA514,715
RONA HARDWARE& Horizontal Design	TMA527,041
RONA HOME CENTRE & Horizontal Design	TMA526,293
RONA HOME CENTRE & Superposed Design	TMA526,042
RONA L'ENTREPÔT & Superposed Design	TMA527,042
RONA HOME SOLUTIONS	TMA628,004

9. The Applicant is not the person entitled to the registration of the Mark pursuant to section 16(1)(a) of the Act in so far as the Wares 1 are concerned in that at the date of first use alleged in the application the Mark was confusing with the trade-marks mentioned above that had been previously used in Canada or made known in Canada by the Opponent or its predecessors in title in association with wares, services and businesses in the field of home hardware, decoration, renovation and construction;
10. The Applicant is not the person entitled to the registration of the Mark pursuant to section 16(1)(c) of the Act in so far as the Wares 1 are concerned in that at the date of first use alleged in the application the Mark was confusing with the following trade names previously used in Canada or made known in Canada by the Opponent or its predecessors in title in association with wares, services and businesses in the field of home hardware, decoration, renovation and construction:

MARCHANDS RO-NA INC
LE GROUPE RO-NA INC
RONA INC
LE RÉNOVATEUR RONA
LE RÉNOVATEUR RO-NA
RO-NA HARDWARE
RONA HARDWARE
RO-NA HOME CENTRE
RONA HOME CENTRE
RONA L'ENTREPÔT

RO-NA L'ENTREPÔT
RONA WAREHOUSE
THE RENOVATOR RONA
RONA LE RÉNOVATEUR
LE QUINCAILLIER RO-NA
LE QUINCAILLIER RONA
RONA LE QUINCAILLIER;

11. The Applicant is not the person entitled to the registration of the Mark pursuant to section 16(2)(a) of the Act in so far as the Wares 2 are concerned in that at the date of filing of the application namely on January 18, 2008 or any priority date claimed by the Applicant in the application, the Mark was confusing with the trade-marks incorporating the term RONA (or RO-NA) mentioned in paragraph 8 above that had been previously used in Canada or made known in Canada by the Opponent or its predecessors in title in association with wares, services and businesses in the field of home hardware, decoration, renovation and construction;
12. The Applicant is not the person entitled to the registration of the Mark pursuant to section 16(2)(b) of the Act in so far as the Wares 2 are concerned in that at the date of filing of the application namely on January 18, 2008 or any priority date claimed by the Applicant in the application, the Mark was confusing with a trade-mark for which an application was previously filed in Canada namely for RONA Collection, application 1,238,773 for lighting products and accessories;
13. The Applicant is not the person entitled to the registration of the Mark pursuant to section 16(2)(c) of the Act in so far as the Wares 2 are concerned in that at the date of filing of the application namely on January 18, 2008 or any priority date claimed by the Applicant in the application the Mark was confusing with the trade names mentioned above and previously used in Canada or made known in Canada by the Opponent or its predecessors in title in association with wares, services and businesses in the field of home hardware, decoration, renovation and construction;
14. Pursuant to section 38(2)(d) of the Act, the Mark is not distinctive of the Wares of the Applicant since:
 - a) The Mark does not actually distinguish the wares or services in association with which the Mark would have been used by the Applicant from the wares or services of the Opponent;
 - b) The Applicant allowed third parties to use the Mark in Canada- and in fact those third parties have used it- outside the scope of the legislative provisions governing the use under license of a trade-mark the whole contrary to section 50 of the Act.

Annex B

List of wares covered by registration TMA724,249 for the trade-mark RONA:

Paint, namely interior paint, exterior paint, automobile paint, aerosol fluorescent lacquer, aerosol enamel, aerosol acrylic, varnish and polyurethane, exterior wood dyes, waterproofing compounds, waterproofing treatments, namely waterproof finish for furniture and patios, cleaners and protectors, namely all purpose cleaners, carpet cleaners, glass cleaners, oven cleaners, floor cleaner, tile cleaners, glass cleaners, wood cleaners, garden and patio furniture cleaners, barbecue cleaners, ceramic cleaners, metal cleaners, bathroom cleaners, dish soap, laundry detergent, hand soap, degreasers, carpet protectors, automobile protectors, rubber, vinyl, plastic and leather protectors, protectors for clothing, protectors for furniture, protectors for treated wood; paint brushes, painting rollers and accessories, namely tin openers, paint trays, liners for paint trays, cutting guides, sleeves, masking tape, painting gloves, cheese cloth, brush racks, paint spray guns, protective sheets, rags, cloths, paint mixers, pouring spouts, splatter guards, colour selectors, stirring sticks, litho nibs, brush and roller cleaners, pads for finishing, painting sponges and brushes; solvents (thinners), paint thinners, methyl hydrate, paint handles, containers, and covers, plastic smocks; adhesives and ribbons namely adhesives for covering the ground, construction adhesives, ceramic and tile adhesives, carpet adhesives, baseboards and linoleum, wall paper adhesives, flooring adhesives, white glue, wood glue, household glue, carpenter glue, contact adhesive, epoxy and polyurethane, cellulose and transparent masking tape, filament tape, adhesive tape, reels, items and accessories for the preparation and repair of walls and floors, namely replacement ribbons and joints, joint knives, finishing knives, buckets, mortar holders, drying lofts, sponges, tile markers, wood repair pencils, floor and wall grout, joint ribbons, carpet rolls, cutting markers, grout sealants, grout cleaners, vinyl cleaners, knee protectors; floor coverings, namely tiles, ceramics, wood floors, batten, parquet, sprung flooring, cork flooring, laminated flooring, linoleum, carpets, subflooring, rugs, door mats, underlay, sills; sealants, namely interior and outdoor silicone, silicone for bathrooms, mousse, caulking guns, acrylic and latex sealants; items for decoration and bathroom accessories, namely napkin holders, soap dishes, toilet paper holders, garbage cans, hooks, vases, mirrors, frames, curtains; wallpaper installation accessories, wallpaper remover; portable electric tools, power drills, circular saws, jigsaws, orbital sanders, grinders and polishers; wireless tools, batteries and chargers, rechargeable battery packs; sawing accessories, namely ceramic cutters, saw blades, protractors, alignment guides; sanding accessories, namely sanding disks and belts, sandpaper, abrasive paper, abrasive pads, sanding sponges, abrasive wool, sanding blocks; grinding and cutting machines, cutting blades, cutting machines, trimming machines, chucks; measuring tools, measuring tapes and replacements, squares, rulers, levels, post levels, mason lines and chalks, stud detectors; hacksaws and blades, miter boxes, shears, snips, bladed cutters, files, sleeves, craftsmen files, striking tools, hammers; mechanics' tools, adjustable wrenches, screwdrivers and sets, clips, locking pliers; diverse manual tools, pipe cutters, end caps and wicks; welding and accessories, namely propane welders, welding glasses, welding gloves, welding masks, welding wire, torches; plumbing accessories, namely pipe insulation, duct tape, pipes, connectors, pipe junctions, antifreeze, range hoods, faucets, wash basins; bottles for combustibles, torches, gun assemblies; locksmithing, namely residential keys, locks with keys, combination locks, replacement bolts and strike plates, latches, deadbolts, door handles, entry latch catches, locks,

false keys for locks, hinges, safety chains, hinges, door and window ironwork, door stops; storage items, namely trunks, shelving, storage units, boxes, chests, audio-video furniture, wine bottle holders, coat hooks and coat racks, China cabinets, buffets, serving tables, microwave furniture, bookcases, wardrobe cupboards, wardrobes, storage bins, shoe holders, clothes hangers, rods, holders, cabinets, household hooks; ironwork, casters for household appliances, double-wheel casters, rod casters, bushings for appliances, furniture coasters, protective joints; ropes and strings, clotheslines, pulleys and accessories, namely spacers, cord handles, clasps, hooks; straps, shock cords and ratchets; insulation weather stripping and tape, weather stripping tape, weather stripping films, door sills, door bottoms, foam tape, all-purpose tape, insulation coverings, gummed tape, insulating foams; bathroom accessories, namely toilet seats, vanities, drug cabinets, baths, showers, toilets, bath mats and wall plates, non-slip ribbon, sinks, vanities, wash basins, bathroom floors, bath and shower doors; faucets, grinders, hydromassage machines, telephone showers, shower head accessories, telephone shower holders; hoods, flexible hoses, ventilation items and accessories, namely portable fans, ceiling fans, bathroom fans, hood filters, air conditioners, branching pipes; heating items and accessories, namely baseboards, heaters, thermostats, thermostat protectors, meteorological stations, dimmers, timers, switches, wall grippers, convection heaters, stoves, chimneys, fireplaces; fireplace accessories, namely brushes, shovels, pokers, clips, holders for fireplace accessories, roasting racks, andirons, kindling; pumps, namely injection pumps, submersible pumps, pumps for pneumatic toys, water pumps, sump pumps, pump parts; water heaters and components; light bulbs, namely chandelier light bulbs, domestic light bulbs, appliance light bulbs, halogen bulbs, exterior projectors, interior/exterior halogen projectors, interior reflector bulbs; interior lamps and accessories, namely fixtures, rails, plates, trim, cables, joints, transformers, ceiling lights, replacement glass, lamp shades; emergency and security lighting, emergency power failure lights, fluorescent lighting, lanyards and plugs, incandescent lights; batteries and lighting products, namely flashlights, work lights; electric wires, extension cords and accessories, namely wire covers, multiple outlet strips; housewares, namely garbage bags, paper towels, toilet paper, vacuum cleaners, bags and filters for vacuum cleaners, brooms, polishers, carpet cleaning machines, rubber gloves, dish cloths, garbage cans; pre-paid gift card services; audio and video accessories, namely audio plugs and cables, video plugs and cables, audio/video plugs and cables, cable ties, wall plates for cables, fittings, couplers, adapters; kitchen accessories, namely dishes, kitchen utensils, cutlery, small appliances, lunch bags, table linens, kitchen linens, timers and egg timers; thermometers and barometers, cleaners and cleaning items, namely litter bags, grass clipping bags, trash can liners, mops, brooms, broom handles, street sweeping brushes, scrubbing brushes, dishwashing brushes, pads, sponges, steel wool, cloths, glass cleaners, squeegees, buckets, chamois, cleaning mitts, dusters, feather dusters, floor, wall, carpet cleaners and protectors, floor polishes, floor stripper, carpet stain remover, floor finishes, floor sealant, carpet shampoo; informative guides and magazines related to interior and exterior decoration, books about horticulture; automobile items, namely brushes, mittens, sponges and chamois, automobile soap, lock defroster, windshield washer fluid, windshield wipers, gaskets, wheel wrenches, motor oil, grease for automobiles, car mats, truck mats; additives, namely cooling system additives, gas additives, radiator additives, antifreeze, wood conditioners, automotive cleaners, wood reconditioner, carpet reconditioner; building materials, namely joint cement and tape, staples, screws, gutters, shingles, iron rods, gypsum, metal uprights, patches, trellises, pins, tie rods, concrete reinforcements, concrete panels, patios; finishing materials, namely mantels, Victorian ornamentation, decorative brick, stairs, stair ramps, studs, handicraft articles, medallions, ceiling

fixtures, framing, decorative moulding, baseboards, pedestals, picture rails, keystones, cornices, headers, paneling, ceiling tiles, mineral panels; videos about floor installation; insulation, namely insulating wool, vapour seals, insulating films, air barriers; doors and windows, exterior doors and accessories, namely levers, door protectors, storm doors, door closers, panick bars; glass, namely decorative glass, diffusers made of glass, glass tiles; garage door openers, remote controls, mirror doors; masonry, cement pre-mix, concrete, mortar, cement sand, parging, stucco; coatings, asphalt sealants, cobble sealants; sporting goods, namely fishing rods, artificial fishing baits, hooks; camping items, namely tents, sleeping bags, camping lanterns, warmers; fuels, namely firelogs, splint, fondue fuel, briquettes, lighting paper, fire starters; oil, namely motor oil, synthetic oil, chain oil, gear oil, lawnmower oil, boat oil; kerosene, tarpaulins; swimming pools, chemicals for swimming pools, muriatic acid, alcanite, algicide, sodium bisulfate, calcium, sodium carbonate, chloride water clarifier, iron eliminator, vinyl cleanser, stabilizer, shock treatment, starter kits, closing kits; seasonal items, namely barbecues, barbecue utensils, barbecue covers, swings, slides, amusement centers for children, outdoor fireplaces, power washers, lawn furniture, swimming pool games, garden sheds, spas, motorized garden equipment, namely hedge trimmer, border cutters, chain saws, blowers, vacuum cleaners, tractors, chippers, tillers (rototillers), grass clippers, wood splitters; garden tools, small tools, composters and accessories, namely compost, compost accelerator, soil; trimmers, fertilizers; watering parts and accessories, namely watering pistols, watering showers, spraying guns, water wands, rotating watering systems, fluctuating watering systems, pulsating watering systems, spout caps, hose guides, fittings, valves, hose repairers, hose reels and supports, spraying hoses, misters, sprayers, applicators, pressure reservoirs; winter products, namely snow blowers, snow shovels, automobile shovels, snow scrapers, snow-scoop, winter covers, insulating covers, jute; snow blower accessories, namely covers, security bolts, belts, snowdrift shovels, cabins, headlights; horticulture accessories, namely lawn edgers, ground cover, stakes, fasteners, holders and nets, fastener distributor, gardening gloves, knee pads; pesticides, insecticides, fungicides, herbicides; liquids, granular, and soluble fertilizers, ammonium nitrate; flower, vegetable, fine herb, lawn seeds; dolomitic lime, horticultural lime, soils, manure, compost, peat moss; ground cover, namely jute, decorative stones, volcanic stone, white rock, bark, mulch; botanicals, namely plants, trees, shrubs, flowers; horticultural guides.

Annex C

List of wares covered by registration TMA724,250 for the trade-mark RONA & Design:

Paint, namely interior paint, exterior paint, automobile paint, aerosol fluorescent lacquer, aerosol enamel, aerosol acrylic, varnish and polyurethane, exterior wood dyes, waterproofing compounds, waterproofing treatments, namely waterproof finish for furniture and patios, cleaners and protectors, namely all purpose cleaners, carpet cleaners, glass cleaners, oven cleaners, floor cleaner, tile cleaners, glass cleaners, wood cleaners, garden and patio furniture cleaners, barbecue cleaners, ceramic cleaners, metal cleaners, bathroom cleaners, dish soap, laundry detergent, hand soap, degreasers, carpet protectors, automobile protectors, rubber, vinyl, plastic and leather protectors, protectors for clothing, protectors for furniture, protectors for treated wood; paint brushes, painting rollers and accessories, namely tin openers, paint trays, liners for paint trays, cutting guides, sleeves, masking tape, painting gloves, cheese cloth, brush racks, paint spray guns, protective sheets, rags, cloths, paint mixers, pouring spouts, splatter guards, colour selectors, stirring sticks, litho nibs, brush and roller cleaners, pads for finishing, painting sponges and brushes; solvents (thinners), paint thinners, methyl hydrate, paint handles, containers, and covers, plastic smocks; adhesives and ribbons namely adhesives for covering the ground, construction adhesives, ceramic and tile adhesives, carpet adhesives, baseboards and linoleum, wall paper adhesives, flooring adhesives, white glue, wood glue, household glue, carpenter glue, contact adhesive, epoxy and polyurethane, cellulose and transparent masking tape, filament tape, adhesive tape, reels, items and accessories for the preparation and repair of walls and floors, namely replacement ribbons and joints, joint knives, finishing knives, buckets, mortar holders, drying lofts, sponges, tile markers, wood repair pencils, floor and wall grout, joint ribbons, carpet rolls, cutting markers, grout sealants, grout cleaners, vinyl cleaners, knee protectors; floor coverings, namely tiles, ceramics, wood floors, batten, parquet, sprung flooring, cork flooring, laminated flooring, linoleum, carpets, subflooring, rugs, door mats, underlay, sills; sealants, namely interior and outdoor silicone, silicone for bathrooms, mousse, caulking guns, acrylic and latex sealants; items for decoration and bathroom accessories, namely napkin holders, soap dishes, toilet paper holders, garbage cans, hooks, vases, mirrors, frames, curtains; wallpaper installation accessories, wallpaper remover; portable electric tools, power drills, circular saws, jigsaws, orbital sanders, grinders and polishers; wireless tools, batteries and chargers, rechargeable battery packs; sawing accessories, namely ceramic cutters, saw blades, protractors, alignment guides; sanding accessories, namely sanding disks and belts, sandpaper, abrasive paper, abrasive pads, sanding sponges, abrasive wool, sanding blocks; grinding and cutting machines, cutting blades, cutting machines, trimming machines, chucks; measuring tools, measuring tapes and replacements, squares, rulers, levels, post levels, mason lines and chinks, stud detectors; hacksaws and blades, miter boxes, shears, snips, bladed cutters, files, sleeves, craftsmen files, striking tools, hammers; mechanics' tools, adjustable wrenches, screwdrivers and sets, clips, locking pliers; diverse manual tools, pipe cutters, end caps and wicks; welding and accessories, namely propane welders, welding glasses, welding gloves, welding masks, welding wire, torches; plumbing accessories, namely pipe insulation, duct tape, pipes, connectors, pipe junctions, antifreeze, range hoods, faucets, wash basins; bottles for combustibles, torches, gun assemblies; locksmithing, namely residential keys, locks with keys, combination locks, replacement bolts and strike plates, latches, deadbolts, door handles, entry latch catches, locks, false keys for locks, hinges, safety chains, hinges, door and window ironwork, door stops;

storage items, namely trunks, shelving, storage units, boxes, chests, audio-video furniture, wine bottle holders, coat hooks and coat racks, China cabinets, buffets, serving tables, microwave furniture, bookcases, wardrobe cupboards, wardrobes, storage bins, shoe holders, clothes hangers, rods, holders, cabinets, household hooks; ironwork, casters for household appliances, double-wheel casters, rod casters, bushings for appliances, furniture coasters, protective joints; ropes and strings, clotheslines, pulleys and accessories, namely spacers, cord handles, clasps, hooks; straps, shock cords and ratchets; insulation weather stripping and tape, weather stripping tape, weather stripping films, door sills, door bottoms, foam tape, all-purpose tape, insulation coverings, gummed tape, insulating foams; bathroom accessories, namely toilet seats, vanities, drug cabinets, baths, showers, toilets, bath mats and wall plates, non-slip ribbon, sinks, vanities, wash basins, bathroom floors, bath and shower doors; faucets, grinders, hydromassage machines, telephone showers, shower head accessories, telephone shower holders; hoods, flexible hoses, ventilation items and accessories, namely portable fans, ceiling fans, bathroom fans, hood filters, air conditioners, branching pipes; heating items and accessories, namely baseboards, heaters, thermostats, thermostat protectors, meteorological stations, dimmers, timers, switches, wall grippers, convection heaters, stoves, chimneys, fireplaces; fireplace accessories, namely brushes, shovels, poker, clips, holders for fireplace accessories, roasting racks, andirons, kindling; pumps, namely injection pumps, submersible pumps, pumps for pneumatic toys, water pumps, sump pumps, pump parts; water heaters and components; light bulbs, namely chandelier light bulbs, domestic light bulbs, appliance light bulbs, halogen bulbs, exterior projectors, interior/exterior halogen projectors, interior reflector bulbs; interior lamps and accessories, namely fixtures, rails, plates, trim, cables, joints, transformers, ceiling lights, replacement glass, lamp shades; emergency and security lighting, emergency power failure lights, fluorescent lighting, lanyards and plugs, incandescent lights; batteries and lighting products, namely flashlights, work lights; electric wires, extension cords and accessories, namely wire covers, multiple outlet strips; housewares, namely garbage bags, paper towels, toilet paper, vacuum cleaners, bags and filters for vacuum cleaners, brooms, polishers, carpet cleaning machines, rubber gloves, dish cloths, garbage cans; pre-paid gift card services; audio and video accessories, namely audio plugs and cables, video plugs and cables, audio/video plugs and cables, cable ties, wall plates for cables, fittings, couplers, adapters; kitchen accessories, namely dishes, kitchen utensils, cutlery, small appliances, lunch bags, table linens, kitchen linens, timers and egg timers; thermometers and barometers, cleaners and cleaning items, namely litter bags, grass clipping bags, trash can liners, mops, brooms, broom handles, street sweeping brushes, scrubbing brushes, dishwashing brushes, pads, sponges, steel wool, cloths, glass cleaners, squeegees, buckets, chamois, cleaning mitts, dusters, feather dusters, floor, wall, carpet cleaners and protectors, floor polishes, floor stripper, carpet stain remover, floor finishes, floor sealant, carpet shampoo; informative guides and magazines related to interior and exterior decoration, books about horticulture; automobile items, namely brushes, mittens, sponges and chamois, automobile soap, lock defroster, windshield washer fluid, windshield wipers, gaskets, wheel wrenches, motor oil, grease for automobiles, car mats, truck mats; additives, namely cooling system additives, gas additives, radiator additives, antifreeze, wood conditioners, automotive cleaners, wood reconditioner, carpet reconditioner; building materials, namely joint cement and tape, staples, screws, gutters, shingles, iron rods, gypsum, metal uprights, patches, trellises, pins, tie rods, concrete reinforcements, concrete panels, patios; finishing materials, namely mantels, Victorian ornamentation, decorative brick, stairs, stair ramps, studs, handicraft articles, medallions, ceiling fixtures, framing, decorative moulding, baseboards, pedestals, picture rails, keystones, cornices,

headers, paneling, ceiling tiles, mineral panels; videos about floor installation; insulation, namely insulating wool, vapour seals, insulating films, air barriers; doors and windows, exterior doors and accessories, namely levers, door protectors, storm doors, door closers, panick bars; glass, namely decorative glass, diffusers made of glass, glass tiles; garage door openers, remote controls, mirror doors; masonry, cement pre-mix, concrete, mortar, cement sand, parging, stucco; coatings, asphalt sealants, cobble sealants; sporting goods, namely fishing rods, artificial fishing baits, hooks; camping items, namely tents, sleeping bags, camping lanterns, warmers; fuels, namely firelogs, splint, fondue fuel, briquettes, lighting paper, fire starters; oil, namely motor oil, synthetic oil, chain oil, gear oil, lawnmower oil, boat oil; kerosene, tarpaulins; swimming pools, chemicals for swimming pools, muriatic acid, alcanite, algicide, sodium bisulfate, calcium, sodium carbonate, chloride water clarifier, iron eliminator, vinyl cleanser, stabilizer, shock treatment, starter kits, closing kits; seasonal items, namely barbecues, barbecue utensils, barbecue covers, swings, slides, amusement centers for children, outdoor fireplaces, power washers, lawn furniture, swimming pool games, garden sheds, spas, motorized garden equipment, namely hedge trimmer, border cutters, chain saws, blowers, vacuum cleaners, tractors, chippers, tillers (rototillers), grass clippers, wood splitters; garden tools, small tools, composters and accessories, namely compost, compost accelerator, soil; trimmers, fertilizers; watering parts and accessories, namely watering pistols, watering showers, spraying guns, water wands, rotating watering systems, fluctuating watering systems, pulsating watering systems, spout caps, hose guides, fittings, valves, hose repairers, hose reels and supports, spraying hoses, misters, sprayers, applicators, pressure reservoirs; winter products, namely snow blowers, snow shovels, automobile shovels, snow scrapers, snow-scoop, winter covers, insulating covers, jute; snow blower accessories, namely covers, security bolts, belts, snowdrift shovels, cabins, headlights; horticulture accessories, namely lawn edgers, ground cover, stakes, fasteners, holders and nets, fastener distributor, gardening gloves, knee pads; pesticides, insecticides, fungicides, herbicides; liquids, granular, and soluble fertilizers, ammonium nitrate; flower, vegetable, fine herb, lawn seeds; dolomitic lime, horticultural lime, soils, manure, compost, peat moss; ground cover, namely jute, decorative stones, volcanic stone, white rock, bark, mulch; botanicals, namely plants, trees, shrubs, flowers; horticultural guides.

Annex D

List of wares covered by application 1,238,773 for the trade-mark RONA Collection:

Paint, namely interior paint, exterior paint, automobile paint, fluorescent aerosol lacquer, aerosol enamel, aerosol acrylic, varnish and polyurethane, exterior wood dye, waterproofing compound, waterproofing treatment, namely waterproof finish for furniture and patios, cleaner and protector, namely all-purpose cleaner, carpet cleaner, glass cleaner, oven cleaner, floor cleaner, tile cleaner, glass cleaner, wood cleaner, garden and patio furniture cleaner, barbecue cleaner, ceramic cleaner, metal cleaner, bathroom cleaner, dish soap, laundry detergent, hand soap, degreaser, carpet protectant, automobile protectant, rubber, vinyl, plastic and leather protectant, clothing protectant, furniture protectant, treated wood protectant; paintbrushes, rollers and painting accessories, namely tin openers, paint trays, paint tray liners, cutting guides, replacement rollers, masking tape, painting gloves, cheese cloth, brush racks, paint spray guns, protective sheets, rags, cloths, paint mixers, pouring spouts, splatter guards, colour selectors, stirring sticks, goose quills, brush and roller cleaner, finishing pads, paint sponges and brushes; solvent (thinner), paint thinner, methyl hydrate, paint handles, containers, and covers, plastic smocks; adhesive and tape, namely adhesive for flooring, construction adhesive, ceramic and tile adhesive, adhesive for carpets, baseboards and linoleum, wall paper adhesive, parquet adhesive, white glue, wood glue, household glue, carpenter glue, contact adhesive, epoxy and polyurethane, cellulose and acetate, filament tape, adhesive tape, reels, items and accessories for the preparation and repair of walls and floors, namely replacement tape and joint, joint knives, finishing knives, buckets, mortar holders, drying lofts, sponges, tile markers, wood repair pencils, floor and wall grout, jointing tape, carpet rollers, cutting markers, grout sealant, joint cleaner, vinyl cleaner, knee protectors; floor coverings, namely tiles, ceramic, wooden floors, batten, parquetry, sprung flooring, cork flooring, laminated flooring, linoleum, carpets, subflooring, rugs, door mats, underlay, sills; sealant, namely interior and outdoor silicone, silicone for bathrooms, foam, caulking guns, acrylic and latex sealant; decorative items and bathroom accessories, namely napkin holders, soap dishes, toilet paper holders, garbage cans, hooks, vases, mirrors, frames, curtains; wallpaper application accessories, wallpaper remover; portable electric tools, power drills, circular saws, jigsaws, orbital sanders, grinders and polishers; wireless tools, batteries and chargers, rechargeable batteries; sawing accessories, namely ceramic cutters, saw blades, protractors, alignment guides; sanding accessories, namely sanding disks and belts, sandpaper, abrasive paper, abrasive pads, sanding sponges, abrasive wool, sanding blocks; grinding and cutting wheels, cutting blades, cutting wheels, grinding wheels, mandrels; measuring tools, measuring tape and refills, squares, rulers, levels, post levels, chalk lines and chalk, stud detectors; hacksaws and blades, miter boxes, shears, snips, bladed cutters, files, handles, craftsperson's rasps, striking tools, hammers; mechanics' tools, crescent wrenches, screwdrivers and sets, pliers, locking pliers; various manual tools, pipe cutters, end caps and wicks; welding and accessories, namely propane welders, welding glasses, welding gloves, welding masks, welding wire, torches; plumbing accessories, namely pipe insulant, duct tape, pipes, connectors, clog remover, antifreeze, range hoods, faucets, wash basins; fuel bottles, torches, gun sets; metal work, namely residential key blanks, locks with keys, combination locks, replacement bolts and strike plates, latches, deadbolts, door handles, entry latch catches, locks, false locks, hinges, safety chains, strap hinges, door and window ironwork, door stops; storage items, namely trunks, shelving,

storage units, boxes, chests, audio/video furniture, wine racks, coat hooks and coat racks, china cabinets, buffets, serving tables, microwave furniture, bookcases, armoires, wardrobes, storage bins, shoe racks, clothes hangers, rods, holders, cabinets, household hooks; ironwork, casters for household appliances, plate casters, stem casters, bushings for appliances, furniture coasters, protective endcaps; rope and string, clothesline, pulleys and accessories, namely spacers, cord adjusters, clasps, hooks; straps, shock cords and ratchets; weatherstripping and insulating tape, weatherstripping tape, weatherstripping film, door sills, door bottoms, foam tape, all-purpose tape, insulation blankets, gummed tape, insulating foam; bathroom accessories, namely toilet seats, vanities, drug cabinets, baths, showers, toilets, bath mats and appliqués, non-slip tape, sinks, vanities, wash basins, bathtub covers, bath and shower doors; faucets, grinders, whirlpool agitators, handheld shower heads, shower head accessories, handheld shower head holders; hoods, flexible hoses, ventilation items and accessories, namely portable fans, ceiling fans, bathroom fans, hood filters, air conditioners, duct tape; heating items and accessories, namely baseboards, heaters, thermostats, thermostat protectors, meteorological units, dimmers, timers, switches, wall outlets, convection heaters, stoves, chimneys, fireplaces; fireplace accessories, namely brushes, shovels, pokers, pliers, fireplace accessory holders, roasting racks, andirons, kindling; pumps, namely injection pumps, submersible pumps, pumps for inflatable toys, water pumps, sump pumps, pump parts; water heaters and components; light bulbs, namely chandelier light bulbs, domestic light bulbs, appliance light bulbs, halogen bulbs, exterior projectors, interior/exterior halogen projectors, interior reflectors; interior lamps and accessories, namely fixtures, rails, plates, trim, cables, connectors, transformers, ceiling lights, replacement glass, lamp shades; emergency and security lighting, emergency power failure lights, fluorescent lighting, cord sets and plugs, incandescent lights; batteries and lighting products, namely flashlights, work lights; electric wires, extension cords and accessories, namely wire covers, multiple outlet strips; housewares, namely garbage bags, paper towels, bathroom tissue, vacuum cleaners, vacuum cleaner bags and filters, brooms, polishers, carpet cleaning machines, rubber gloves, dish cloths, garbage cans; pre-paid gift cards; audio and video accessories, namely audio plugs and cables, video plugs and cables, audio/video plugs and cables, cable ties, wall plates for cables, connectors, couplers, adapters; kitchen accessories, namely dishes, kitchen utensils, cutlery, small appliances, lunch bags, table linen, kitchen linen, timers and egg timers; thermometers and barometers, cleaner and cleaning items, namely litter bags, grass clipping bags, trash can liners, mops, brooms, broom handles, street sweeping brushes, scrubbing brushes, dishwashing brushes, pads, sponges, steel wool, cloths, glass cleaner, squeegees, buckets, chamois, cleaning mitts, dust pans, feather dusters, cleaner and protectant for the floor, wall, carpet, floor wax, floor stripper, carpet stain remover, floor finish, floor sealant, carpet shampoo; informative guides and magazines related to interior and exterior decoration, books about horticulture; automobile items, namely brushes, mittens, sponges and chamois, automobile soap, lock defroster, windshield washer fluid, windshield wipers, sealing compound, wheel wrenches, motor oil, grease for automobiles, car mats, truck mats; additives, namely cooling system additives, gas additives, radiator additives, antifreeze, wood conditioner, automotive cleaner, wood revitalizer, carpet conditioner; building materials, namely joint cement and tape, staples, screws, gutters, shingles, iron rods, gypsum, metal jambs, backing, trellises, pins, tie rods, concrete reinforcements, concrete panels, patios; finishing equipment, namely mantels, Victorian ornamentation, decorative brick, stairs, stair ramps, dowels, handicraft items, medallions, ceiling fixtures, framing, decorative moulding, baseboards, pedestals, chair rails, keystones, cornices, lintels, panelling, ceiling tiles, suspended panels; videos about floor installation; insulation,

namely insulating wool, moisture barrier, insulating film, air barrier; doors and windows, exterior doors and accessories, namely levers, door protectors, storm doors, door closers, panic bars; glass, namely decorative glass, glass diffusers, glass tiles; garage door openers, remote controls, mirror doors; masonry, pre-mixed cement, concrete, mortar, cement sand, rough parging, stucco; coating, asphalt sealant, paving sealant; sporting goods, namely fishing rods, artificial fishing bait, hooks; camping items, namely tents, sleeping bags, camping lanterns, warmers; fuel, namely fire logs, splints, fondue fuel, lighters, lighting paper, fire starters; oil, namely motor oil, synthetic oil, chain oil, gear oil, lawnmower oil, boat oil; kerosene, tarpaulins; swimming pools, swimming pool chemicals, muriatic acid, alcanite, algicide, sodium bisulfate, calcium, sodium carbonate, chlorine water clarifier, iron eliminator, vinyl cleanser, stabilizer, shock treatment, starter kits, closing kits; seasonal items, namely barbecues, barbecue utensils, barbecue covers, swings, slides, amusement centers for children, outdoor fireplaces, power washers, lawn furniture, swimming pool games, garden sheds, spas, motorized garden equipment, namely hedge trimmer, border cutters, chain saws, blowers, vacuum cleaners, tractors, chippers, tillers (rototillers), grass clippers, wood splitters; garden tools, small tools, composters and accessories, namely compost, compost accelerator, soil; trimmers, fertilizer; parts and accessories for watering, namely spray guns, multiple spray guns, spraying guns, hose nozzles, rotating sprinklers, oscillating sprinklers, pulsating sprinklers, spout caps, hose guides, fittings, valves, hose menders, hose reels and supports, spraying hoses, misters, sprayers, applicators, pressure reservoirs; winter products, namely snow blowers, snow shovels, automobile shovels, snow scrapers, snow-scoop, winter covers, insulating covers, jute fibre; snow blower accessories, namely covers, security bolts, belts, drift cutters, cabins, headlights; horticultural accessories, namely lawn edgers, ground cover, stakes, fasteners, holders and nets, fastener distributor, gardening gloves, knee pads; pesticides, insecticides, fungicides, herbicides; liquid, granular, and soluble fertilizer, ammonium nitrate; flower, vegetable, fine herb, lawn seeds; dolomitic lime, horticultural lime, soil, manure, compost, peat moss; ground cover, namely jute, decorative stones, volcanic stone, white rock, bark, mulch; plants, namely plants, trees, shrubs, flowers; horticultural guides.