



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

Citation: 2014 TMOB 167
Date of Decision: 2014-08-18

**IN THE MATTER OF A SECTION 45
PROCEEDING requested by
Laboratoires Contapharm against
registration No. TMA671,380 for the
trade-mark ORIGINS in the name of
Origins Natural Resources Inc.**

[1] This decision pertains to a summary expungement proceeding with respect to registration No. TMA671,380 for the trade-mark ORIGINS owned by Origins Natural Resources Inc.

[2] The services listed in the registration are essentially beauty consultation services, beauty treatment services, make-up services, online retail services featuring personal care products, cosmetics, toiletries, perfumery, bath and body products, skin care products and hair care products, online provision of information regarding the selection and use of these products as well as mail order services featuring these products. The statement of services of the registration is entirely reproduced in annex.

[3] For the reasons that follow, I conclude that the registration ought to be amended to delete the services “beauty consultation services regarding aromatherapy and reflexology products” and “mail order services featuring personal care products, cosmetics, toiletries, perfumery, bath and body products, skin care products and hair care products”.

The Proceeding

[4] On May 30, 2012, the Registrar of Trade-marks sent a notice under section 45 of the *Trade-marks Act* RSC 1985, c T-13 (the Act) to Origins Natural Resources Inc. (the Registrant). This notice was sent at the request of Laboratoires Contapharm (the Requesting Party).

[5] The notice required the Registrant to furnish evidence showing that it had used the trade-mark ORIGINS (the Mark) in Canada, at any time between May 30, 2009 and May 30, 2012, in association with each of the services specified in registration No. TMA671,380. If the Mark had not been so used, the Registrant was required to furnish evidence providing the date when the Mark was last in use and the reasons for the absence of use since that date.

[6] Section 4(2) of the Act provides that a trade-mark is deemed to be used in association with services if it is used or displayed in the performance or advertising of those services. It has been held that section 4(2) contemplates that the services advertised in Canada be performed in Canada [*Porter v Don the Beachcomber* (1966), 48 CPR 280 (Ex Ct)]. However, it has also been held that section 4(2) of the Act may be complied with if it is shown that the trade-mark owner is offering and is prepared to perform the services in Canada [*Wenward (Canada) Ltd v Dynaturf Co* (1976), 28 CPR (2d) 20 (RTM)].

[7] It is well established that the purpose and scope of section 45 of the Act is to provide a simple, summary and expeditious procedure for clearing the register of “deadwood”. Mere claims of use are insufficient to show the use of the trade-mark [*Plough (Canada) Ltd v Aerosol Fillers Inc* (1980), 53 CPR (2d) 62 (FCA)]. Although the criteria for establishing use are not very demanding and an overabundance of evidence is not necessary, sufficient facts must be presented to enable the Registrar to conclude that the trade-mark has been used in association with each ware or service mentioned in the registration during the relevant period [*Uvex Toko Canada Ltd v Performance Apparel Corp* (2004), 31 CPR (4th) 270 (FC)].

[8] In response to the Registrar’s notice, the Registrant furnished an affidavit of Lesley A. Moradian, sworn December 18, 2012. At the date of her affidavit, Ms. Moradian was Vice President and Senior Trademark Counsel of the Registrant.

[9] Only the Registrant filed written representations.

[10] Both parties were represented at a hearing held jointly with hearings for summary expungement proceedings with respect to four other registrations owned by the Registrant for the trade-mark ORIGINS. Separate decisions will be issued for these other proceedings, which pertain to registration Nos. TMA466,901, TMA470,749, TMA554,982 and TMA617,049.

The Evidence

[11] Ms. Moradian states that the Registrant's products include cosmetic products, skin and body care products, hair care products and perfumery [para 3 of the affidavit].

[12] According to Ms. Moradian's statements, the Mark has been used in Canada since at least as early as 1999 in association with different types of services featuring or concerning the Registrant's products. Ms. Moradian specifically states the Mark was used in Canada by the Registrant during the relevant period in association with the following services (subsequently referred to collectively by the term "Services" throughout her affidavit) [para 4 of the affidavit]:

online retail services offered via a global communication network featuring personal care products, cosmetics, toiletries, perfumery, bath and body products, skin care products and hair care products, online provision of information via a global communication network regarding the selection and use of personal care products, cosmetics, toiletries, perfumery, bath and body products, skin care products, and beauty treatments, colour analysis for make-up application and personal appearance, beauty treatment services, make-up services.

[13] As per paragraph 4 of the Moradian affidavit, I note that my use of the term "Services" throughout is a collective reference to the above-identified services.

[14] I also note that I do not afford any significance to the fact that there is no reference to "hair care products" in "online provision of information via a global communication network regarding the selection and use of..." at paragraph 4 of the affidavit. Given the totality of the evidence introduced through the Moradian affidavit, I infer that this omission is the result of an oversight or transcribing error.

[15] According to Ms. Moradian's statements [paras 6-11¹ of the affidavit]:

- the Mark appears on the product and product packaging of “all ORIGINS products sold in Canada”;
- since at least as early as 1999, the Registrant has operated an e-commerce website at *www.origins.com*, for the online retail sale of the products bearing the Mark. The products may be ordered from the website and shipped to Canada;
- in the Customer Service section of the website, consumers can find out further information on the products and also request information from the Registrant, including information on the selection and use of the products, beauty treatments, colour analysis for make-up application and personal appearance;
- in 2009, the Registrant began keeping statistics for Canadian specific visitors to its website. Over 58,000 unique visits were recorded in 2009. Since 2010, Canadian visitors have totaled over 100,000 each year;
- in conjunction with the sale of ORIGINS branded products, the Registrant also provides consultation services including beauty treatment services in the form of skin facials, colour consultation and skin care consultations at ORIGINS branded cosmetic counters at The Bay stores in Canada. These services are provided by dedicated sales clerks. Signage bearing the Mark is displayed at the counters and the sales clerks wear apparel bearing the Mark. Counter cards and brochures regarding the beauty treatment services and make-up services provided in association with the Mark are also available at the counters;
- the Registrant's products are also sold at Sephora stores throughout Canada;
- for the fiscal years 2009 to 2012 (July 1 to June 30) “retail sales in Canada performed in association with the [Mark], which include the Services” were in excess of US\$10 million. During the same period, online retail sales to customers

¹ This is a reference to the first of two paragraphs numbered « 11 » in the affidavit.

in Canada for the Services performed in association with the Mark were in excess of CAD\$900,000. I note that in both cases, Ms. Moradian furnished a breakdown of the sales figures by fiscal year.

[16] I now turn to the review of Exhibits A to G of Ms. Moradian's affidavit, attached in support of her statements regarding use of the Mark in Canada by the Registrant during the relevant period.

- Exhibit A consists of printouts from the Registrant's e-commerce website that depict the products available for sale online in Canada at the date of the affidavit. These products are representative of the personal care products, cosmetics, toiletries, perfumery, bath and body products, skin care products and hair care products sold in Canada during the relevant period in association with the Mark [para 5 of the affidavit].
- Exhibit B consists of coloured images for a variety of products and product packaging and are representative of the manner in which the Mark has been used in Canada in association with the Registrant's products during the relevant period [para 6 of the affidavit].
- Exhibit C consists of printouts from the Registrant's website displaying the Mark. According to Ms. Moradian's statements, the Mark appears on every page of the website and the printouts are representative of the manner in which the Mark has been used in Canada in association with the Services during the relevant period [para 7 of the affidavit].
- Exhibits D to F consist of specimens of use of the Mark at the cosmetic counter at The Bay on Queen Street, in Toronto, at the date of the affidavit, namely:
 - a photograph of the counter sign displaying the Mark [Exhibit D];
 - a photograph of two sales clerks wearing aprons bearing the Mark [Exhibit E]; and

- a photograph of a counter card, which according to Ms. Moradian's statement displays products bearing the Mark and offers customers mini facials [Exhibit F]. Despite the poor quality of the photograph, I can see that the counter card displays products bearing the Mark and references "Mini Facial".

These are representative of signage, apparel worn by sales clerks and counter cards used at the ORIGINS branded counters in Canada during the relevant period [paras 8-9 of the affidavit].

- Exhibit G consists of copies of an order form and a shipment confirmation form, both displaying the Mark, for an online order received from a Canadian customer, whose name and address have been removed for privacy reasons. These are representative of online order and shipment confirmation forms used by the Registrant during the relevant period [para 11² of the affidavit].

Analysis of the Issues

[17] The issues that arise from the Requesting Party's oral representations are:

1. Does the evidence show use of the Mark as registered?
2. Does the evidence show use of the Mark in association with *each* of the registered services during the relevant period?
3. Is there adequate evidence of use of the Mark during the relevant period with respect to the online services listed in the registration?

[18] I will address each of these issues in turn.

1. Does the evidence show use of the Mark as registered?

[19] This issue arises from the Requesting Party's first and foremost contention that the evidence shows use of a composite mark consisting of the word ORIGINS and the design of two trees rather than use of the Mark, i.e. the word ORIGINS.

² This is a reference to the second of two paragraphs numbered « 11 » in the affidavit.

[20] The Registrant submits that the display of the word ORIGINS in combination with the design of two trees constitutes use of the Mark. In this regard, the Registrant essentially submits that when the word ORIGINS appears in combination with the design of two trees, the word ORIGINS would be seen as a separate trade-mark. Furthermore, the Registrant points out that the counter sign displays the word ORIGINS by itself [Exhibit D] and that the website printouts reference the word ORIGINS in the text [Exhibit C].

[21] For the reasons that follow, I decide the issue in favour of the Registrant.

[22] As a first matter, I note that the Requesting Party mostly relies on the evidence showing the Mark used on products and product packaging to support its contention. Notably, at the hearing, the Requesting Party did not make any submissions on the display of the word ORIGINS by itself on the counter sign and in the text of the website, which was rightly pointed out by the Registrant.

[23] In any event, the use of a trade-mark in combination with additional words or features constitutes use of the registered mark if the public, as a matter of first impression, would perceive the trade-mark *per se* as being used. As held in *Nightingale Interloc Ltd v Prodesign Ltd* (1984), 2 CPR (3d) 535 (TMOB) at 538:

This is a question of fact dependent upon such factors as whether the mark stands out from the additional material, for example by the use of different lettering or sizing [...] or whether the additional material would be perceived as purely descriptive matter or as a separate trade mark or trade name [...]

See also *Canada (Registrar of Trade-marks) v Cie International pour l'informatique CII Honeywell Bull* (1985), 4 CPR (3d) 523 at 525 (FCA). Furthermore, there is nothing in the legislation that prohibits the use of two or more trade-marks simultaneously [*AW Allen Ltd v Warner-Lambert Canada Inc* (1985), 6 CPR (3d) 270 (FCTD)].

[24] Applying these principles to the present case, the Requesting Party's oral representations did not convince me that the evidence showing the word ORIGINS in combination with the design of two trees may not amount to evidence showing use of the Mark. Rather, I agree with the Registrant's representations that the use of the word ORIGINS in combination with the design of two trees would be perceived as use of the Mark *per se*.

[25] Accordingly, I am satisfied that the evidence in the present case shows use of the Mark as registered.

2. *Does the evidence show use of the Mark in association with each of the registered services during the relevant period?*

[26] This issue arises from the Requesting Party's contention that the Moradian affidavit does not provide any evidence with respect to the following services:

- beauty consultation services regarding aromatherapy and reflexology products; beauty treatment services make-up services, listed at (1) in the registration; and
- mail order services featuring personal care products, cosmetics, toiletries, perfumery, bath and body products, skin care products and hair care products, listed at (3) in the registration.

[27] I note that the registered services "beauty consultation services regarding aromatherapy and reflexology products" (the beauty consultation services) are not identified at paragraph 4 of the Moradian affidavit. The same is true for the registered services "mail order services featuring personal care products, cosmetics, toiletries, perfumery, bath and body products, skin care products and hair care products" (the mail order services). However, the two last types of services identified at paragraph 4 of the Moradian affidavit are "beauty treatment services, make-up services" [see paragraph 12 of my decision].

[28] It emerged from the Registrant's submissions at the hearing that the Registrant takes exception to the Requesting Party's contention only with respect to the registered services "beauty treatment services make-up services". At this juncture, I note that there is no punctuation mark in the description of the services "beauty treatment services make-up services" listed at (1) in the registration. In other words, the beauty treatment services are not separately designated from the make-up services in the registration. Nonetheless, I conclude from a simple reading of the description "beauty treatment services make-up services" that it describes beauty treatment services on one hand and make-up services on the other hand.

[29] I shall first deal with the beauty consultation services and mail order services and then turn to the evidence and parties' submissions with respect to the beauty treatment services and make up services.

a) beauty consultation services and mail order services

[30] The Registrant conceded at the hearing that its evidence does not show use of the Mark in Canada during the relevant period in association with the beauty consultation services and the mail order services. Furthermore, the Registrant has not evidenced circumstances justifying the absence of use of the Mark in association with these services.

[31] Accordingly, the services "beauty consultation services regarding aromatherapy and reflexology products" and "mail order services featuring personal care products, cosmetics, toiletries, perfumery, bath and body products, skin care products and hair care products" will be deleted from the registration.

b) beauty treatment services and make-up services

[32] While the Requesting Party first and foremost contended at the hearing that the Moradian affidavit does not provide any evidence with respect to these services, it also advanced alternate submissions. Based on my understanding of the Requesting Party's oral arguments, its alternate submissions are, in summary, that:

- (i) the evidence does not show use of the Mark during the relevant period; or
- (ii) the evidence does not show use by the Registrant, but use by The Bay stores that does not enure to the benefit of the Registrant.

[33] In my view, the Requesting Party's contention that the Registrant did not furnish evidence with respect to beauty treatment services and make-up services is the result of an overly technical approach in the analysis of the evidence. However, an overly technical approach is inconsistent with the limited purposes of section 45 proceedings. The evidence must be considered as a whole.

[34] For instance, the Requesting Party did not convince me that there is any significance to the fact that “beauty treatment services, make-up services” are not the first services listed at paragraph 4 of the Moradian affidavit whereas they are listed at (1) in the registration. Indeed, I agree with the Registrant that it may be inferred from a fair reading of the Moradian affidavit as a whole that the reference to “beauty treatment services, make-up services” at the end of the services listed at paragraph 4 is a reference to the “beauty treatment services make-up services” listed at (1) in the registration.

[35] The case law is clear that there is no particular kind of evidence that must be provided in response to a section 45 notice. What is required is that the owner of the trade-mark establish a *prima facie* case of use [see *Lewis Thomson & Sons Ltd v Rogers, Bereskin & Parr* (1988), 21 CPR (3d) 483 (FCTD)].

[36] Based on a fair reading of the Moradian affidavit as a whole, I am satisfied that the Registrant furnished evidence with respect to the performance and advertisement of beauty treatment services and make-up services. Thus, I will now turn to the consideration of the Requesting Party’s alternate submissions as to whether the evidence shows use of the Mark in Canada by the Registrant during the relevant period in association with these services.

[37] For the reasons that follow, I am satisfied that the evidence provides sufficient facts to conclude that the Mark has been in use in Canada by the Registrant in the performance and advertisement of beauty treatment services and make-up services during the relevant period.

[38] A fair reading of the affidavit of Ms. Moradian leads me to agree with the Registrant that Ms. Moradian specifically states that the Mark has been used in Canada during the relevant period in association with the beauty treatment services and make-up services [para 4 of the affidavit].

[39] The Registrant’s evidence is that the beauty treatment services and make-up services have been provided in Canada during the relevant period in conjunction with the sale of the Registrant’s products at The Bay stores, more particularly by sales clerks at ORIGINS branded cosmetic counters [paras 8-9 of the affidavit]. I acknowledge that Ms. Moradian, at paragraph 8 of her affidavit, does not specifically reference “make-up services” as part of the consultation

services provided in conjunction with the sale of ORIGINS branded products. However, Ms. Moradian does include a reference to “colour consultation”. I find it is reasonable to infer that colour consultation services relate to colour analysis for make-up application and thus qualify as a type of make-up services.

[40] I agree with the Registrant that the fact that the beauty treatment services and make-up services are incidental to the sale of its products and are performed free of charge does not negate the fact that the services have been provided. It has been held that services should be given a generous or broad interpretation. As long as some members of the public, consumers or purchasers, receive a benefit from the activity, it is a service [*Venice Simplon-Orient-Express, Inc v Société Nationale des Chemins de Fer Français SNCF* (2000), 9 CPR (4th) 443 (FCTD); *TSA Stores Inc v Canada (Registrar of Trade-marks)* (2011), 91 CPR (4th) 324 (FC); *Renaud Cointreau & Co v Cordon Bleu International Ltd* (2000), 11 CPR (4th) 95 (FCTD), aff’d 18 CPR (4th) 415 (FCA)].

[41] I disagree with the Requesting Party’s submissions that there is no evidence to conclude that Exhibits D to F used at the cosmetic counter at The Bay store in Toronto, at the date of the affidavit, pertain to the relevant period. Indeed, Ms. Moradian clearly states that these exhibits are representative of signage, apparel worn by sales clerks, and counter cards used at ORIGINS branded counters in Canada during the relevant period.

[42] I also disagree with the Requesting Party’s contention that Exhibits D to F do not constitute use of the Mark in the performance or advertisement of beauty treatment services and make-up services. Suffice it to say that I find it is overly technical for the Requesting Party to contend that there is no association between the services and the Mark displayed on the counter sign [Exhibit D] or the aprons [Exhibit E] because there is no mention of beauty treatment services and make-up services either on the counter sign or the aprons. I would add that I have previously indicated that the counter card [Exhibit F] references “Mini Facials”.

[43] Finally, the Requesting Party did not convince me that the beauty treatment services and make-up services were performed during the relevant period by The Bay stores, not by the Registrant. In my view, The Bay stores merely acted as intermediaries providing the services to the ultimate Canadian consumers. Thus, the performance of the services by dedicated sales

clerks at the ORIGINS branded cosmetic counters at The Bay stores constituted the performance of the services by the Registrant. [See, by way of analogy, *Venice Simplon-Orient-Express*, *supra*, where it was found that the performance in Canada by travel agencies of booking, reservation and ticketing services constituted the performance in Canada of such services by the registrant since the travel agencies merely acted as intermediaries providing the registrant's services to the ultimate Canadian consumer.]

[44] Accordingly, I am satisfied that the evidence shows use of the Mark by the Registrant during the relevant period in Canada, within the meaning of sections 4(2) and 45 of the Act, in association with the registered services "beauty treatment services make-up services".

3. *Is there adequate evidence of use of the Mark during the relevant period with respect to the online services listed in the registration?*

[45] This issue arises from the Requesting Party's contention that the Moradian affidavit does not adequately establish use of the Mark in Canada during the relevant period in association with the services listed at (2) in the registration. For my discussion of the issue, I am dividing these registered services in two categories, namely:

- online retail services offered via a global communication network featuring personal care products, cosmetics, toiletries, perfumery, bath and body products, skin care products and hair care products" (the online retail services); and
- online provision of information via a global communication network regarding the selection and use of personal care products, cosmetics, toiletries, perfumery, bath and body products, skin care products, hair care products and beauty treatments, colour analysis for make-up application and personal appearance (the online provision of information services).

[46] I shall deal with each category of services in turn.

a) online retail services

[47] The Requesting Party's main arguments are that:

- no invoices have been provided to evidence sales of the ORIGINS products via the Registrant's e-commerce website during the relevant period;
- there is no evidence of delivery of products purchased via the website during the relevant period; and
- there is no evidence that the copies of the order form and a shipment confirmation form cover the relevant period.

[48] The Requesting Party's oral representations did not convince me that the Registrant's evidence does not show use of the Mark in Canada during the relevant period in association with the online retail services for the reasons that follow.

[49] The fact that the Registrant did not provide invoices is not fatal to its case. I agree with the Registrant that the totality of the evidence is more than sufficient to permit to conclude that the Mark has been used in the Canada during the relevant period in association with the online retail services under section 4(2) of the Act.

[50] Ms. Moradian clearly states that the Mark has been used in Canada during the relevant period in association with the online retail services; she also clearly states that the products depicted on the e-commerce website printouts filed as Exhibit A to her affidavit are representative of personal care products, cosmetics, toiletries, perfumery, bath and body products, skin care products and hair care products sold in Canada sold during the relevant period. The e-commerce sales figures of CAD\$900,000 provided for the fiscal years 2009 to 2012 consist of factual information which lends support to Ms. Moradian's statements. I would add that the e-commerce website printouts show prices in Canadian dollars. Likewise, they clearly show that the Registrant's products can be purchased online. In addition to the mention of "checkout" displayed at the bottom right corner of the pages, the mention of "FREE shipping with any purchase" is displayed at the bottom left corner.

[51] Likewise, Ms. Moradian clearly states that the copies of the order form and the shipment confirmation form filed as Exhibit G pertain to an online order received from a Canadian customer during the relevant period. She also clearly states that they are representative of online order and shipping confirmation forms used by the Registrant during the relevant period. I agree with the Registrant that these forms, which display the Mark, constitute use of the Mark in the performance of the online retail services.

[52] Finally, the printouts of the Customer Service section of the website filed as Exhibit C also provide evidence of use of the Mark in the performance and advertisement of the online retail services during the relevant period. Suffice it to say that the Mark is clearly displayed at the top of the Customer Service section of the website pages and, among others, there are obvious references and links to “Shop Online” and “Shipping Info” on the website pages. Ms. Moradian’s clearly states these printouts are representative of the manner in which the Mark has been used in Canada during the relevant period.

[53] I would add that all that was required from the Registrant was to show that it was willing and able to perform the online retail services associated with the Mark in Canada during the relevant period. In this case, the Registrant succeeds with both showing that it was willing and able to perform the online retail services, and did indeed perform these services.

[54] In the end, I am satisfied that the evidence shows use of the Mark during the relevant period in Canada, within the meaning of sections 4(2) and 45 of the Act, in association with the online retail services as more fully identified at (2) in the statement of services of the registration.

b) online provision of information services

[55] The Requesting Party’s main arguments are that:

- no invoices have been provided for the performance of the services during the relevant period;

- the printouts of the e-commerce website filed as Exhibit A are not relevant as evidence pertaining to the services, nor are the printouts of the Customer Service section of the website filed as Exhibit C;
- there is no evidence that the printouts of the Customer Service section of the website cover the relevant period; and
- there is no evidence that the Mark has been used in the performance or advertisement of the services.

[56] The Requesting Party's oral representations did not convince me that the Registrant's evidence does not show use of the Mark in Canada during the relevant period in association with the online provision of information services.

[57] Indeed, for the reasons that follow, I agree with the Registrant that the totality of the evidence is more than sufficient to permit to conclude that the Mark has been used in the Canada during the relevant period in association with the online provision of information services under section 4(2) of the Act.

[58] As I indicated before, the fact that the services are incidental to the sale of the Registrant's products and are performed free of charge do not negate the fact that the services have been provided. Services should be given a generous or broad interpretation. The law is clear that there is no distinction in the Act between primary, incidental or ancillary services. As long as some members of the public, consumers or purchasers, receive a benefit from the activity, it is a service. In the present case, the services go beyond making the public aware of the products. Furthermore, it is quite possible that consumers buying the Registrant's products look for and expect information on how to use and select the products according to different factors, such as colour or skin type. [See, by way of analogy, *Renaud Cointreau & Co, supra*, where it was found that offering recipes, suggestions and other instructive matter printed on food product labels constituted services distinct from the product itself.]

[59] At the hearing, the Registrant pointed to the five links under the “Product Questions” part of the Customer Service section of the website as evidence of the use of the Mark in association with the online provision of information services [Exhibit C]. These five links read as follows:

- How to use or apply product
- What products are best for my skin type or skin concerns?
- What color products are best for me
- I need a great gift idea
- Concerns about an ORIGINS product

[60] The Registrant submitted that the “Product Questions” part shows that consumers can find out further information on the Registrant’s products and can also request information from the Registrant, including information on the selection and use personal care products, cosmetics, toiletries, perfumery, bath and body products, skin care products, hair care products, beauty treatments, colour analysis for make-up application and personal appearance. I agree.

[61] Furthermore, Ms. Moradian clearly states that the Mark has been used in Canada during the relevant period in association with the online provision of information services. The statistics for Canadian visitors to the website consist of factual information which lends support to her statements. Also, I have no reason to believe that the five links on the Customer Service section of the website were not active during the relevant period.

[62] Finally, as I indicated before, the Mark is displayed at the top of the Customer Service section of the website. Ms. Moradian clearly states that the printouts of the website are representative of the manner in which the Mark has been used in Canada in association with the Services, which include the online provision of information services, during the relevant period.

[63] In the end, I am satisfied that the evidence shows use of the Mark during the relevant period in Canada, within the meaning of sections 4(2) and 45 of the Act, in association with the online provision of information services as more fully identified at (2) in the statement of services of the registration.

Disposition

[64] In view of all of the foregoing, pursuant to the authority delegated to me under section 63(3) of the Act and in compliance with section 45 of the Act, registration No. TMA671,380 will be amended to delete the following from the statement of services:

(1) Beauty consultation services regarding aromatherapy and reflexology products; [...] (3) Mail order services featuring personal care products, cosmetics, toiletries, perfumery, bath and body products, skin care products and hair care products.

[65] Accordingly, the amended statement of services will be as follow:

(1) beauty treatment services make-up services. (2) Online retail services offered via a global communication network featuring personal care products, cosmetics, toiletries, perfumery, bath and body products, skin care products and hair care products; online provision of information via a global communication network regarding the selection and use of personal care products, cosmetics, toiletries, perfumery, bath and body products, skin care products, hair care products and beauty treatments, colour analysis for make-up application and personal appearance.

Céline Tremblay
Member
Trade-marks Opposition Board
Canadian Intellectual Property Office

Annex

Statement of Services of Registration No. TMA671,380

- (1) Beauty consultation services regarding aromatherapy and reflexology products; beauty treatment services make-up services. (2) Online retail services offered via a global communication network featuring personal care products, cosmetics, toiletries, perfumery, bath and body products, skin care products and hair care products; online provision of information via a global communication network regarding the selection and use of personal care products, cosmetics, toiletries, perfumery, bath and body products, skin care products, hair care products and beauty treatments, colour analysis for make-up application and personal appearance. (3) Mail order services featuring personal care products, cosmetics, toiletries, perfumery, bath and body products, skin care products and hair care products.