



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

**Citation: 2015 TMOB 215  
Date of Decision: 2015-11-30**

**Inner Peace Movement of Canada** **Opponent**

**and**

**Estate of Francisco Coll Monge** **Applicant**  
**Francisco David Coll Executor**

**1,391,968 for INNER PEACE** **Application**  
**MOVEMENT**

[1] The Inner Peace Movement promotes personal development, spiritual development and growth. It was founded by Dr. Francisco Coll (Dr. Coll or the Applicant) in 1964 in the United States and it offers lectures, weekly discovery groups, home study and leadership programs to help adherents unfold a more successful way of living including greater self-confidence and self-respect. As the Inner Peace Movement expanded, national offices and branch offices were set up across the United States as well as in other countries. In 1967, Dr. Coll founded the Americana Leadership College, Inc. which along with Alley Copyrights, Inc. (Alley) provided the training materials, books, programs, and slides created by Dr. Coll to the Inner Peace Movement in the United States and internationally.

[2] In January 1976, the Inner Peace Movement of Canada (the Opponent) was incorporated and Dr. Coll was appointed President until 1995 when he was replaced. In November 1996, the Inner Peace Movement of Alberta (IPM of Alberta) came into existence. Dr. Coll directed that the IPM of Alberta work with and report to the Opponent.

[3] In 1999, Dr. Coll passed away. In June 2000, the Americana Leadership College (Canada) Inc. (ALC Canada) was incorporated to instruct courses in Canada and was granted permission to use the Mark by the Applicant. After Dr. Coll's passing, the relationship between the Opponent, the Applicant, IPM of Alberta, and ALC Canada broke down with the Opponent asserting that it owned the INNER PEACE MOVEMENT trade-mark by virtue of its longstanding use of this trade-mark and ALC Canada claiming it had rights in the INNER PEACE MOVEMENT trade-mark by virtue of a license from Dr. Coll's estate.

[4] The present application for the trade-mark INNER PEACE MOVEMENT (the Mark) was filed in 2008 in Dr. Coll's name by his estate. The Opponent has opposed it on a number of different grounds including (i) that the application should be refused as the Mark had not been used in Canada since the dates claimed in the application, (ii) the Applicant could not have been satisfied it was entitled to use the Mark in Canada, (iii) the Applicant is not the person entitled to registration of the Mark as it is confusing with the Opponent's trade-mark INNER PEACE MOVEMENT and trade-name Inner Peace Movement of Canada and (iv) that the Mark is not distinctive.

[5] For the reasons that follow, I find that this application should be refused as the Applicant has not shown that the Mark is distinctive. A trade-mark is distinctive when consumers associate it with a single source; if a trade-mark is related to more than one source it cannot be distinctive. As both the Applicant and the Opponent were using the trade-mark INNER PEACE MOVEMENT at the material date, and I cannot conclude based on the evidence before me that the Opponent's use enured to the Applicant or should be discounted as being unlawful, the Mark is not distinctive of its associated goods and services.

## Background

[6] On April 21, 2008, the Applicant filed an application for the trade-mark INNER PEACE MOVEMENT (the Mark) based on its use of the Mark in Canada in association with goods and services related to educational and inspirational training in fields such as self leadership, spiritual awareness, spiritual guidance, and meditation. The goods and services as amended (the Goods and Services), along with the dates of first use are set out at Schedule A to this decision.

[7] The application was advertised for opposition purposes in the *Trade-marks Journal* of January 2, 2013.

[8] On March 4, 2013, Inner Peace Movement of Canada opposed the application. The grounds of opposition are summarized below.

- (a) The application does not comply with section 30(b) of the *Trade-marks Act*, RSC 1985, c T-13 (the Act), in that the Mark had not been used in Canada by the Applicant, and furthermore is not currently being used by the Applicant in association with the Goods and Services.
- (b) The application does not comply with section 30(i) of the Act. The Applicant could not have, in good faith, claimed to be satisfied that it was entitled to use the Mark in Canada in association with the Goods and Services due to the issuance of an interlocutory injunction in Alberta.
- (c) The Applicant is not the person entitled to registration of the Mark pursuant to sections 16(1)(a) and 16(1)(c) of the Act as the Mark is confusing with the Opponent's trade-mark INNER PEACE MOVEMENT and trade-name Inner Peace Movement of Canada.
- (d) The Mark neither distinguishes the Goods and Services from the goods and services of the Opponent, nor is the Mark adapted so as to distinguish the Goods and Services from those of the Opponent.

[9] The Applicant filed and served a counter statement in which it denies the Opponent's allegations.

[10] The Opponent filed as its evidence the affidavit of Reta Bunbury. The Applicant filed as its evidence the affidavit of Victoria Anne Shrieves. As evidence in reply, the Opponent filed a second affidavit of Reta Bunbury (Bunbury reply affidavit). Both parties filed a written argument and appeared at a hearing held on July 28, 2015.

#### Material Dates and Onus

[11] The material dates that apply to the grounds of opposition are as follows:

- sections 38(2)(a)/30 - the filing date of the application [*Georgia-Pacific Corp v Scott Paper Ltd* (1984), 3 CPR (3d) 469 (TMOB) at 475];
- sections 38(2)(c)/16(1) - the dates of first use claimed in the application [section 16(1) of the Act]; and
- sections 38(2)(d)/2 - the date of filing of the opposition [*Metro-Goldwyn-Mayer Inc v Stargate Connections Inc* (2004), 34 CPR (4th) 317 at 324 (FC)].

[12] Before considering the grounds of opposition, it is appropriate to review some of the technical requirements with regard to (i) the evidential burden on an opponent to support the allegations in the statement of opposition and (ii) the legal onus on an applicant to prove its case.

[13] With respect to (i) above, there is an evidential burden on an opponent to prove the facts in its allegations pleaded in the statement of opposition: *John Labatt Limited v The Molson Companies Limited* (1990), 30 CPR (3d) 293 (FCTD) at 298. The presence of an evidential burden on an opponent with respect to a particular issue means that in order for the issue to be considered at all, there must be sufficient evidence from which it could reasonably be concluded that the facts alleged to support that issue exist. With respect to (ii) above, the legal onus is on an applicant to show that the application does not contravene the provisions of the Act as alleged by an opponent (for those allegations for which the opponent has met its evidential burden). The

presence of a legal onus on the applicant means that if a determinate conclusion cannot be reached once all the evidence is in, then the issue must be decided against an applicant.

### Evidence

[14] At the outset, I note that the evidence of Ms. Shrieves and Ms. Bunbury is contradictory with respect to the relationship between the parties.

#### *Evidence of Ms. Shrieves*

[15] Ms. Shrieves states that she is the representative of the Applicant in Canada (Shrieves affidavit, para 1).

[16] According to Ms. Shrieves, the Inner Peace Movement which promotes personal development, spiritual development and growth was founded by Dr. Francisco Coll in 1964 in the United States (Shrieves affidavit, paras 3-4). As the Inner Peace Movement expanded, national offices and branch offices were set up across the United States as well as in selected countries including Canada (Shrieves affidavit, para 8). Dr. Coll used several related organizations/corporations to operate and manage branches of the Inner Peace Movement including the Americana Leadership College, Inc. and Alley which distributed and oversaw the training materials, books, and brochures created by Dr. Coll (Shrieves affidavit, para 6).

[17] In January 1976, the Inner Peace Movement of Canada (the Opponent) was incorporated and Dr. Coll was appointed as the President of the Opponent until 1995 when he was replaced due to potential issues with his divorce (Shrieves affidavit, para 13). In November 1996, under the direction of Dr. Coll, the Inner Peace Movement of Alberta (“IPM of Alberta”) came into existence. Dr. Coll directed that the IPM of Alberta work with and report to the Opponent (Shrieves affidavit, para 19). Ms. Shrieves’ evidence is that through the 1980s and 1990s, courses, workshops and camps throughout Canada were held by the Opponent under the direction, supervision and instruction of the Inner Peace Movement and Dr. Coll (Shrieves affidavit, para 18). Ms. Shrieves states that from its incorporation until shortly after the passing of Dr. Coll in 1999, the Opponent would pay monies and royalties for the use of trade names including the “Inner Peace Movement”, the use of several logos, merchandise, course

information, forms, copyrighted materials and other information and materials (Shrieves affidavit, paras 6, 23, Exhibits G-H). In paragraph 22 of her affidavit, Ms. Shrieves states use of the Inner Peace Movement trade-marks, trade-names, and service marks were strictly licensed and this was confirmed in a letter, attached as Exhibit F to her affidavit, from the Opponent discussing a gentlemen's agreement to use the materials of the Americana Leadership College. Ms. Shrieves further states that at no time were any of the trade-marks, logos or "Inner Peace Movement" name, ever given or purported to be given or promised at any time to be transferred, gifted, sold or assigned to the Opponent (Shrieves affidavit, para 24).

[18] After Dr. Coll's passing several cease and desist letters were sent to the Opponent and ALC Canada was incorporated at the direction of the Applicant and provided with permission to use the Mark (Shrieves affidavit, para 31; Exhibits J-L). From June 30, 2000 to February 7, 2014, over 1000 people have attended workshops sponsored or offered by ALC Canada (Shrieves affidavit, para 30) and these workshops have been advertised on the Internet, such as on Craig's List, and in local articles in the Toronto area (Shrieves affidavit, para 38; Exhibit S). I note, however, that many of the Craig's List postings and advertisements in Exhibit S do not include the Mark.

#### *Evidence of Ms. Bunbury*

[19] Ms. Bunbury states that she has been the Office Administrator for the Opponent since its incorporation in 1976 (Bunbury affidavit, para 1). Since its incorporation, the Opponent has provided teaching, guidance and lectures in the areas of religion, spirituality and leadership, and since 1979 has provided materials to supplement these services (Bunbury affidavit, paras 3, 5). Examples of advertisements published in Canadian newspapers from 2001 onwards and registration forms and brochures bearing the trade-mark and trade-name INNER PEACE MOVEMENT OF CANADA are attached as Exhibits E and F to her affidavit. I accept that use of the trade-mark INNER PEACE MOVEMENT OF CANADA is use of the Mark [*Canada (Registrar of Trade Marks) v Cie internationale pour l'informatique CII Honeywell Bull, SA* (1985), 4 CPR (3d) 523 (FCA)].

[20] In paragraph 11 of her affidavit, Ms. Bunbury states:

Additionally, at no time has there existed any license agreement between Dr. Coll and IPM Canada regarding the use of INNER PEACE MOVEMENT OF CANADA as a trade-mark or trade-name. At all times while Dr. Coll was alive, it was the understanding of the board of directors that the trade-mark and trade-name INNER PEACE MOVEMENT OF CANADA were owned by IPM Canada itself.

[21] Ms. Bunbury's evidence is that on November 20, 2001, at the request of the Opponent, Mr. Justice Forsyth of the Court of Queen's Bench of Alberta issued the following injunction against the Defendants Victoria Shrieves, Sandra Bell and Americana Leadership College (Canada) Inc. (Bunbury affidavit, para 13, Exhibit I):

An interlocutory injunction shall be granted restraining the Defendants and employees, servants, brokers, agents, mandatories, assigns and all those over whom they exercise control and all those with whom have knowledge of the injunction from using or assisting in using the "words" "The Inner Peace Movement of Canada", "The Inner Peace Movement", "IPM" and "IPM" along with The Inner Peace Movement logo or in any other combination;"...

One curious aspect of this injunction is that none of Dr. Coll, his estate or his successors-in-title are named Defendants or referenced at all in the order.

[22] Ms. Bunbury's evidence with respect to the gentlemen's agreement existing between Dr. Coll and the Opponent described by Ms. Shrieves is set out below (Bunbury reply affidavit, paras 14-15):

The fact is that this gentlemen's agreement strictly related to the agreement that the Opponent would purchase its materials from Alley. The Board of Directors agreed to do this, as it simplified the process of preparing materials and negated the expense of obtaining printing equipment, which was quite expensive at the time. These materials were prepared in consultation with the other independent Inner Peace Movement non-profit corporations set up throughout the world. When Dr. Coll passed away, the Board of Directors, for reasons discussed below, terminated its relationship with Alley. At all times, in both purchasing materials from Alley and producing its own, the Opponent's Board of Directors held final and ultimate control over the character, quality and use of these materials in Canada.

With respect to payments or accounting of royalties to Alley, these payments were for the materials related to copyright. There has never been any dispute about Alley owning copyright in the materials it produced. When the relationship between the Opponent and Alley was terminated, the Opponent began to write and produce its own materials.

None of the payments made to Alley had anything to do with use of trade-marks or were related to any form of trade-mark licenses.

*Did a license agreement exist at anytime between the Applicant and Opponent?*

[23] From my review of the evidence of Ms. Shrieves and Ms. Bunbury, I find that the Opponent was a member of Dr. Coll's family of organizations promoting the INNER PEACE MOVEMENT around the world and, further, that it is likely that the Opponent from 1976-1999 was using the INNER PEACE MOVEMENT trade-mark subject to a license described by Ms. Shrieves as a "gentlemen's agreement" (Shrieves affidavit, para 22). A fair reading of the evidence including the following documents supports such a finding since it appears that prior to Dr. Coll's passing he maintained control over the goods and services offered in association with the Mark by the Opponent in Canada:

- Exhibit C to the Shrieves affidavit - The Minutes of the Board of Directors of the Inner Peace Movement meeting on October 8, 1979 which sets out that the Inner Peace Movement is "groups across nations, really across the world" and notes that the "Inner Peace Movement guidelines are flexible". These Minutes further note that "if the Inner Peace Movement wants [a] program it goes to Alley and makes a contract so it has a program."
- Exhibit G to the Shrieves affidavit – the *Inter-Office Newsbreak* document dated September 25, 1979 from Alley which indicates that "THE CORPORATION AND MOVEMENT LOGOS, COURSES, MANUALS, FLIERS AND OTHER MATERIALS WRITTEN BY THE NATIONAL STAFF ARE COPYRIGHTED AND OR TRADEMARKED"; the *Inter-Office Newsbreak* document dated March 21, 1983 which indicates that "Alley receives 50% of the income from all movement and memberships and subscriptions sold"; the income and expenses sheet to Francisco Coll prepared by Reta Bunbury on April 6, 1999 listing as an outstanding bill to Alley Inc. royalties from courses, introductions, group work and subscriptions and memberships.



### *Injunction Against Ms. Shrieves*

[24] The Opponent argues that the injunction against Ms. Shrieves means that her evidence should be discounted as she is enjoined from assisting anyone in using the Mark in Canada. Given the lack of information that I have regarding the circumstances of the order, the reasons for the order, and the date of the order, I decline to discount Ms. Shrieves' evidence on this basis.

### Distinctiveness Ground of Opposition

[25] The Opponent alleges that the Mark is not distinctive having regard to its trade-mark INNER PEACE MOVEMENT and trade-name Inner Peace Movement of Canada which have been previously used in Canada.

[26] The Applicant does not contest that the Opponent has been using the INNER PEACE MOVEMENT trade-mark and Inner Peace Movement of Canada trade-name in Canada. What is contested is whether the Applicant can rely on such use in support of its ground of opposition based on distinctiveness. If the Applicant controlled the Opponent's use pursuant to an unwritten license, then any such use would enure to the benefit of the Applicant and the ground of opposition cannot succeed. Likewise, if the Opponent is unable to rely on its use because it was unauthorized or unlawful then this ground of opposition also cannot succeed.

### *Opponent's Use Was Not Under License*

[27] On July 11, 2000, Francisco D. Coll, the executor of Dr. Coll's estate, signed a letter on behalf of the Applicant addressed to Reta Bunbury (Exhibit J to the Shrieves affidavit) stating:

This letter is to advise you that any verbal or written consent you may have had to use any copyrighted materials is hereby revoked. You are to immediately cease and desist from using any copyrighted materials that may be in your possession, including, but not limited to the following:

1. Names and logos for any and all movements founded by Dr. Francisco Coll

[28] On August 13, 2002, Francisco D. Coll signed a further letter from the Applicant to the Opponent “Re: Copyright and Trademark infringement” stating (Exhibit J to the Shrieves affidavit):

To the Executive Board,

It has come to our attention that you are using copyrighted and trademarked materials owned by Dr. Francisco Coll without the permission of the Estate of Francisco Coll. This infringement includes, but is not limited to a wide variety of trademarks and service marks, especially INNER PEACE MOVEMENT®, IPM Logo® and Peace Community Church®.

[29] The material date for this ground of opposition is the date of filing the statement of opposition, March 4, 2013. Given that the Applicant took the position in its correspondence in 2000 and 2002, that any permission or consent to use the trade-mark INNER PEACE MOVEMENT was revoked, it cannot now take the position that use of the Mark at the material date of March 4, 2013 by the Opponent enured to it.

*Opponent’s Use Was Not Unlawful*

[30] The Applicant submits that the Opponent is unable to rely on its use of the INNER PEACE MOVEMENT trade-mark or trade-name to meet its evidential burden because any such use was unauthorized or unlawful. I find the following passage from *Sunbeam Products, Inc. v. Mister Coffee Services Inc.* (2001), 16 CPR (4th) 53 (FC) [*Sunbeam*] instructive on this issue:

... In *McCabe*, the Federal Court had evidence of a finding by a U.S. Court that the respondent’s use of the trade-mark was an infringement of the appellant’s rights. In the *Lunettes Cartier* case, the Opposition Board had evidence that the respondent was subject to an injunction from the Federal Court enjoining the respondent’s use of the trade-marks, the same trade-marks which the respondent was relying upon in support of its opposition.

In the case at bar, there is not clear evidence that the use of the trade-mark MISTER COFFEE by the respondent is unlawful. This question requires a proper hearing. ...The Registrar; in the course of opposition proceedings under s. 38 of the *Trade-marks Act*, does not have the jurisdiction to conduct a full hearing with *viva voce*

evidence to determine the lawfulness of the respondent's use of the trade-mark. **If the lawfulness issue was clear, then the Registrar has the jurisdiction to state that the respondent cannot rely upon its use of the trade-mark because its use is not lawful. In the case at bar, the Registrar cannot come to that clear conclusion in this opposition proceeding. [emphasis added]**

[31] In this case, it is not clear that the use of the trade-mark INNER PEACE MOVEMENT by the Opponent can be described as unlawful since there is no evidence before me such as that discussed by the Federal Court in *Sunbeam*. In this regard, I note that the only record of any proceedings between the parties in evidence is the injunction issued by the Court of Queen's Bench of Alberta against the Applicant's licensee Americana Leadership College (Canada) Inc. and Ms. Shrieves, its representative. Second, as of the material date more than ten years has passed since the cease and desist letters issued and there is no evidence of any further steps taken by the Applicant to redress any such use or enforce any trade-mark rights against the Opponent.

#### *Opponent Meets Its Evidential Burden*

[32] Considering the evidence of use of the trade-mark INNER PEACE MOVEMENT and trade-name Inner Peace Movement of Canada by the Opponent, specifically the advertisements placed in over 20 Canadian newspapers featuring the INNER PEACE MOVEMENT OF CANADA trade-mark and trade-name from 2001 onwards (Bunbury affidavit, Exhibit E), I find that the Opponent has met its initial evidential burden of establishing that as of March 4, 2013 its trade-mark or trade-name were known to such an extent that they could negate the distinctiveness of the Mark [*Bojangles' International, LLC v Bojangles Café Ltd* (2006), 48 CPR (4th) 427 (FC) at paras 33-34].

#### *The Applicant Has Not Met Its Legal Onus*

[33] A trade-mark is distinctive when consumers associate it with a single source; if a trade-mark is related to more than one source it cannot be distinctive [*Moore Dry Kiln Co of Canada Ltd v US Natural Resources Inc*, (1976), 30 CPR (2d) 40 (FCA) at 49]. While the Applicant claims that at the material date it was using the Mark which distinguished the Goods and Services from those of others, the Opponent's evidence show that it had been using the trade-mark INNER PEACE MOVEMENT from at least 2002 onwards. Therefore, I find that the

Applicant has failed to meet the legal onus on it to satisfy me on a balance of probabilities that the Mark was distinctive of the Goods and Services as of the material date. The distinctiveness ground of opposition therefore succeeds.

#### Section 30(i) Ground of Opposition

[34] The section 30(i) ground of opposition alleges in part that the Applicant could not have been satisfied that it was entitled to use the Mark in association with the Goods and Services due to the interlocutory injunction issued in Alberta.

[35] Section 30(i) requires an applicant to indicate as part of its application that it is satisfied that it is entitled to use the trade-mark in Canada in association with the listed goods and services. The statement provided by section 30(i) purports to be evidence of the applicant's good faith in submitting its application [*Cerverceria Modelo, S.A. de C.V. v Marcon* (2008), 70 CPR (4th) 355 (TMOB) at 366]. Where an applicant has provided the statement required by section 30(i), this ground of opposition should only succeed in exceptional cases, such as when there is evidence of bad faith on the part of the applicant [*Sapodilla Co Ltd v Bristol Myers Co* (1974), 15 CPR (2d) 152 (TMOB) at 155]. The Opponent submits that given that an interlocutory injunction restraining Victoria Shrieves, Sandra Bell and Americana Leadership College (Canada) Inc. from using the Mark issued as set out below, the Applicant cannot claim that in good faith that it is entitled to use the Mark since its licensee is restrained from doing so.

An interlocutory injunction shall be granted restraining the Defendants and employees, servants, brokers, agents, mandatories, assigns and all those over whom they exercise control and all those with whom have knowledge of the injunction from ... using or assisting in using the "words" "The Inner Peace Movement of Canada", "The Inner Peace Movement", "IPM" and "IPM" along with The Inner Peace Movement logo or in any other combination;"...

[36] The Opponent further submits that the language "all those with whom have knowledge of the injunction" would encompass the Applicant given that Ms. Shrieves, one of the named parties in the injunction, provided evidence on the Applicant's behalf.

[37] In the absence of further information as to the circumstances of the injunction or reasons accompanying its issuance and in view of the length of time that has passed since its

issuance, I do not find the Opponent's evidence sufficient to meet its initial evidential burden with respect to the Applicant's statement that it was satisfied of its entitlement to use the Mark. Accordingly, this ground of opposition is rejected.

#### Section 30(b) Ground of Opposition

[38] The Opponent has pleaded that the Mark had not been used in Canada by the Applicant and is not currently being used by the Applicant in association with the Goods and Services. The Opponent's initial burden respecting the issue of the Applicant's non-compliance with section 30(b) can be met by reference not only to the Opponent's evidence but also to the Applicant's evidence [*Labatt Brewing Company Limited v Molson Breweries, a Partnership* (1996), 68 CPR (3d) (FCTD) 216 at 230; *Corporativo de Marcas GJB, SA de CV v Bacardi & Company Ltd*, 2014 FC 323 at paras 28-38].

[39] On the basis of my findings that it is likely that (i) a license existed between the Opponent and Dr. Coll with respect to the use of the Mark in Canada from the Opponent's founding in 1976 to 2000 when such a license was revoked and (ii) that a license existed between the Applicant and ALC College from 2000 through the filing date of the subject application, I do not find that the Opponent has met its evidential burden since it appears that any use of the Mark by these parties at the respective time periods mentioned enured to the benefit of the Applicant.

#### Section 16 Grounds of Opposition

[40] The Opponent has also pleaded that the Applicant is not the person entitled to registration of the Mark pursuant to sections 16(1)(a) and 16(1)(c) of the Act as the Mark is confusing with the Opponent's trade-mark INNER PEACE MOVEMENT and trade-name Inner Peace Movement of Canada. In order to meet its initial burden under section 16, the Opponent must provide evidence that it was using its trade-mark and trade-name in Canada prior to the respective dates of first use set out in the application for each of the Goods and Services and had not abandoned this trade-mark or trade-name as of January 2, 2013, the date of advertisement of the subject application (s 16(5) of the Act).

[41] On the basis of my finding that it is likely that a license existed between the Opponent and Dr. Coll, it appears to me that any use by the Opponent prior to July 11, 2000 likely enured to the benefit of the Applicant. As such, I find that the Opponent does not meet its evidential burden with respect to this ground of opposition for Goods (1), (2) and (4) or Services (1) and (3) as it does not have any use of its own to rely on.

[42] As the first use dates for Goods (3) is July 30, 2004 and Services (2) is July 30, 2001, it appears that such a license was no longer in existence. For the reasons set out in the distinctiveness ground of opposition, the Opponent therefore meets its evidential burden as it was using the INNER PEACE MOVEMENT trade-mark and Inner Peace Movement of Canada trade-name at the material date and had not abandoned such use at the application's advertisement. As the parties' trade-marks and the goods and services offered in association with these trade-marks are identical, I do not consider it necessary to engage in a lengthy confusion analysis and I find that the Applicant has not satisfied its onus of establishing no likelihood of confusion as between the Mark and the Opponent's trade-mark and trade-name in respect of those particular goods and services. As such, the opposition is successful with respect to Goods (3) and Services (2).

#### Disposition

[43] 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.

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Natalie de Paulsen  
Member  
Trade-marks Opposition Board  
Canadian Intellectual Property Office

**Hearing Date: 2015-07-28**

Appearances

Steven Andrews

For the Opponent

Robert Wilson

For the Applicant

Agents of Record

Andrews Robichaud

For the Opponent

Robert T. Fooks (McLeod Law LLP)

For the Applicant

## **Schedule A**

### **GOODS:**

(1) Pre-recorded audio tapes namely educational, and inspirational training materials, lectures and presentations in the field of self leadership, spiritual awareness, spiritual freedom, personal loyalties, spiritual guidance techniques, spiritual practices, stress management, peace of mind, meditation, spiritual discernment, personal direction, professional practices, customer relations, motives, and energy dynamics.

(2) Printed instructional, educational and teaching materials, namely course materials, course catalogues, camp catalogues, slides and instructor notes, workbooks, group-study books, monthly newsletters and magazines, promotional flyers, brochures, posters featuring topics including spiritual and personal expansion lectures specifically about spiritual freedom, stress management, self leadership, life cycles, life purpose, spiritual perception types, spiritual guidance, healing, spiritual practices, religious practices; Clothing, jackets and headwear, namely shirts, promotional T-shirts, jackets, hats; Jewellery, namely lapel pins, tie pins, and necklaces.

(3) Pre-recorded audio CD's and digital video discs namely featuring educational, inspirational and training materials, lectures and presentations, specifically in the field of self leadership, spiritual and psychic awareness, inner peace, world-peace, spiritual freedom, personal loyalties, spiritual guidance and decision techniques, spiritual practices, stress management, meditation, spiritual discernment, personal direction, healing, counseling, regroupings, professional practices, customer relations, motives, and energy dynamics.

(4) Pre-recorded video tapes featuring lectures and presentations on spiritual and psychic awareness, spiritual freedom, spiritual types of perception, cycles of life, balanced living, science, religion and society.

### **SERVICES:**

(1) Advertising and public relations services provided to third parties in the field of community, provincial and national media relations consisting of disseminating press releases, media appearance, tour publicity, advertising and brand awareness; Arranging and conducting lectures, lecture tours, workshops, courses, classes, seminars, fairs and expositions, presentations in the field of spiritual awareness, spiritual practices, spiritual leadership, peace of mind, inner peace, world peace, public speaking, public speaking, public relations, practical metaphysics, stress management, states of consciousness, types of perception, meditation practices, evangelical and ministerial training; Correspondence courses, consisting of preparing and providing hardcopy and electronic media training courseware in the field of spiritual awareness, personal effectiveness, spiritual leadership, spiritual types of perception, mediation practices, dream interpretation; Training and educational services, namely practical demonstrations in the field of public speaking, meeting and meeting room set-up, group leadership and community leadership; advisory and consultancy services relating to all of the aforesaid services; Personal and social services rendered by others, namely providing personal consulting services, specifically in the field of personal and spiritual needs, clarifying personal and spiritual direction, spiritual health, spiritual development, personal energy, inner communications, decision making, spiritual guidance, personal effectiveness, holistic health, energy and chakra centers, life purpose, balance of intellect and feeling, professional practices, mentoring, guidance and advisory services; Evangelistic and ministerial services.



(2) Audio and video broadcast transmission over a global computer network consisting of live and pre-recorded inspirational, educational and training programs on personal, spiritual and religious topics, including effective living, inner peace, peace of mind, angels, inner guidance, spiritual personality types and spiritual practices; Providing on line databases and on line publications (not downloadable) namely training and educational services in the field of spiritual and psychic awareness, spiritual leadership, business training; Interactive electronic communication services, namely the operation of interactive websites in the field of spiritual leadership; spiritual education, lectures, workshops , mentoring and consulting services; Publishing services in the field of personal and spiritual growth, leadership and inner communications, inner peace and world peace.

(3) Forecasting services relating to personal, business and spiritual energies and effectiveness, personal direction, personal needs and achievement; advisory and consultancy services relating to all the aforesaid services.

**CLAIMS:**

Used in CANADA since January 30, 1978 on goods (1).

Used in CANADA since January 30, 1970 on goods (2) and on services (1).

Used in CANADA since July 30, 2004 on goods (3).

Used in CANADA since April 30, 1995 on goods (4).

Used in CANADA since July 30, 2001 on services (2).

Used in CANADA since March 01, 1975 on services (3).