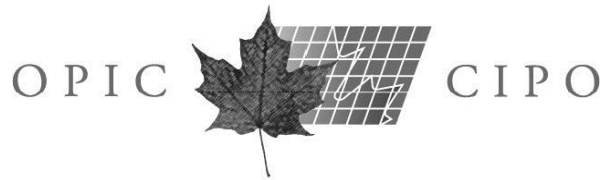


Translation



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

Reference: 2013 TMOB 38
Date of Decision: 02/27/2013

**IN THE MATTER OF THE OPPOSITIONS
submitted by Constellation Brands Québec, Inc. and
Constellation Brands Canada, Inc. against
registration applications Nos. 1,454,671 and
1,458,769 for the trade-marks AOP and AOP
APPELLATION D'ORIGINE PROTÉGÉE &
Design in the name of AOP LLC**

[1] On October 8, 2009, Julia Wine Inc. (Julia Wine) submitted a registration application concerning the AOP trade-mark, based on the use of the mark in Canada since as early as March 11, 2008 in association with the following wares: “[w]ine authorized to carry the mention AOP in compliance with national regulations corresponding to the product’s origin” (hereinafter sometimes referred to as the Wares).

[2] On November 12, 2009, Julia Wine submitted another registration application concerning the trade-mark AOP APPELLATION D'ORIGINE PROTÉGÉE & Design (reproduced below), also based on the use of the mark in Canada since as early as March 11, 2008 in association with the same Wares:



[3] The applications were published for the purposes of opposition in the *Trade-Marks Journal* on April 7 and April 28, 2010, respectively. It should be noted at this stage of my decision that, in the assignment signed on April 15, 2000, all rights, titles and interests in each of the trade-marks AOP and AOP APPELLATION D'ORIGINE PROTÉGÉE & Design, each being the subject of these applications, had been assigned to AOP LLC. Unless indicated otherwise, I will refer indiscriminately to Julia Wine and AOP LLC as being the "Requesting Party." I will also refer collectively to the marks being the subject of these applications as the "Marks," where appropriate.

[4] Vincor (Québec) Inc. and Vincor International Inc. submitted a statement of opposition against each of the applications on May 4 and May 6, 2010, respectively. It should be noted at this stage in my decision that pursuant to a Certificate of amendment issued by the Registraire des entreprises du Québec on May 31, 2012, the name of the opponent Vincor (Québec) Inc. was changed to Constellation Brands Québec, Inc. Also, pursuant to a Certificate of amendment issued by Industry Canada on June 1, 2012, the name of the opponent Vincor International Inc. was changed to Constellation Brands Canada, Inc. Unless indicated otherwise, I will refer indiscriminately to Vincor (Québec) Inc., Vincor International Inc., Constellation Brands Québec, Inc., and Constellation Brands Canada, Inc. as the "Opponent."

[5] In the introductory paragraphs of each of the basically identical statements of opposition, the Opponent specifically asserts that AOP is the acronym or abbreviation for the term APPELLATION D'ORIGINE PROTÉGÉE, which term refers to a regime of protected geographical status, more specifically that included within the framework of the Protected Geographical Status (PGS) defined pursuant to European Union law and intended to protect the names of certain regional foods and drinks (wines, cheeses, hams, olives) produced in a defined

geographical area. The Opponent also asserts that the term APPELLATION D'ORIGINE PROTÉGÉE and the acronym AOP are very similar to another protected geographical status regime, specifically that of APPELLATION D'ORIGINE CONTRÔLÉE and its acronym or abbreviation AOC, in effect in France and regulated by the Institut national des appellations d'origine. The grounds of opposition can be summarized as follows:

1. The applications do not meet the requirements of Section 30(a) of the *Trade-marks Act* (RSC 1985, ch T-13) (the Act) in that they do not contain a statement in ordinary commercial terms of the wares in association with which the Marks have been the used. It should be noted that the statement of opposition submitted in application #1,454,671 refers to the statement of “services” in association with which the AOP mark was used as claimed in the application whereas this application concerns only wares. As conceded by the Requesting Party during the hearing, such an isolated reference can reasonably be qualified as a typographical error;
2. The applications do not meet the requirements of Section 30(b) of the Act in that the Requesting Party did not use each of the Marks in association with wines authorized to carry the mention AOP in compliance with the national regulations corresponding to the origin of products since the date of the first use claimed in the applications;
3. The applications do not meet the requirements of Section 30(i) of the Act in that the Requesting Party could not be convinced of having the right to use the Marks in Canada in association with the Wares in regard to what is claimed in each of the statements of opposition;
4. In regard to the provisions of Sections 9(1)(d) and 12(1)(e) of the Act, the Marks are not registrable in that they are composed of, or resemble in such a way that they could most probably be confused with, a word or symbol likely to suggest that the Wares in association with which they are used have received royal, vice-regal or governmental approval, or are produced or sold under royal, vice-regal or governmental patronage or authority;
5. In regard to the provisions of Sections 9(1)(i.3) and 12(1)(e) of the Act, the Marks are not registrable in that they are composed of, or resemble in such a way that they could most probably be confused with, an armorial bearing, flag or other emblem of an international

intergovernmental organization appearing on a list communicated under Section 6ter of the Paris Convention or pursuant to the obligations under the Agreement on Trade-related Aspects of Intellectual Property Rights set out in Annex 1C to the WTO Agreement stemming from that section;

6. In regard to the provisions of Sections 10 and 12(1)(e) of the Act, the Marks are not registrable in that, due to an ordinary and authentic commercial practice, the term AOP has become recognized in Canada as designating the type, quality, quantity, destination, value, place of origin or date of production of wines;
7. In regard to the provisions of Section 12(1)(b) of the Act, the Marks are not registrable in that they are clearly descriptive, or deceptively misdescriptive, of the character or quality of the Wares in association with which they are employed, or of the conditions of or the persons employed in their production or of their place of origin;
8. In regard to the provisions of Section 12(1)(e) of the Act, the Marks are not registrable in that they consist of marks whose adoption is prohibited by Sections 9 or 10 of the Act;
9. In regard to the provisions of Section 12(1)(g) of the Act, the Marks are not registrable in that they are constituted, in whole or in part, of a protected geographical status and must be registered in association with a wine whose place of origin is not on the territory covered by the indication; and
10. The Marks are not distinctive within the meaning of Section 2 of the Act in that they are not adapted to distinguish and do not truly distinguish the Wares of the Requesting Party from the wares of any other person due to the nature of the terms AOP or APPELLATION D'ORIGINE PROTÉGÉE.

[6] The Requesting Party submitted a counter-statement in each file denying all grounds of opposition.

[7] In support of each of its oppositions, the Opponent submitted an affidavit by Marie-Maude Lecours, trainee employed by the firm of lawyers and trade-mark agents then representing the Opponent in these files, sworn on November 19, 2010. I will use the singular to refer to both basically identical affidavits of Ms. Lecours. In support of each of its applications, the Requesting Party submitted an affidavit by Alain Mounir, President of Julia Wine on the date of his affidavit, i.e. March 23, 2011. Unless indicated otherwise, I will also use the singular to

refer to both of Mr. Mounir's affidavits, which are basically identical, except for the addition of paragraph #5 in the file for application #1,454,671 and the numbering of subsequent paragraphs.

[8] Only the Requesting Party submitted a written argument in each file. Both parties attended the hearing.

Analysis

Burden of proof

[9] It is incumbent on the Requesting Party to show that each of its applications complies with the requirements of the Act. However, it is incumbent on the Opponent to ensure that each of its grounds of opposition are duly argued and to meet its initial burden of proof by establishing the facts on which it bases its grounds of opposition. Once this initial burden of proof has been met, it is incumbent on the Requesting Party to establish, according to the preponderance of probabilities, that none of these grounds of opposition are an obstacle to registration of the Marks [*John Labatt Ltd v. Molson Companies Ltd.* (1990), 30 CPR (3d) 293 (CF); and *Dion Neckwear Ltd. v. Christian Dior, SA et al* (2002), 20 CPR (4th) 155 (CAF)].

[10] To facilitate analysis of the grounds of opposition raised by the Opponent, I would first like to summarily review the evidence submitted by each of the parties.

Evidence submitted by the parties


Evidence of the Opponent - Affidavit of Ms. Lecours



[11] The goal of Ms. Lecours' affidavit is apparently to bring into evidence various documents, namely:



- Exhibit 1: A copy of a document entitled *Agreement between Canada and the European Community on Trade in Wines and Spirit Drinks*. On review of this document, it appears to be taken from the *Official Journal of the European Union* dated 02/06/2004;
- Exhibit 2: A copy of a document entitled *COUNCIL REGULATION (EC) 479/2008 of April 29, 2008 on the common organization of the market in wine*. On review of this

document, it appears to be taken from the *Official Journal of the European Union* dated 6.6.2008;

- Exhibits 3 to 7: Details of the following trade-mark registrations obtained by Ms. Lecours as the result of a search conducted on November 19, 2010 in the online trade-mark database maintained by the Canadian Intellectual Property Office to identify trade-marks containing the terms AOC or APPELLATION D'ORIGINE CONTRÔLÉE in association with products related to the wine world:

Mark	Registration or application No./Owner	Wares
 <p><u>Description:</u> The mark consists in the letters AOC as well as the green, white and gold circles. The red square is not part of the mark, but used only to identify the start of the mark, namely the white circle.</p> <p><u>Disclaimer:</u> The requesting party disclaims the right to the exclusive use of the letters AOC apart from the trade-mark.</p>	<p>TMA616,447</p> <p>MAISON DES FUTAILLES, S.E.C.</p>	<p>(1) Wines authorized to carry the mention AOC in compliance with national regulations covering the origin of the products.</p>

 <p><u>Description:</u> The mark consists in the rectangle, the two horizontal lines, the term APPELLATION D'ORIGINE CONTRÔLÉE, the dot before these terms, the three series of letters AOC and the three green, white and gold circles.</p> <p><u>Disclaimer:</u> The exclusive right to the terms APPELLATION D'ORIGINE CONTRÔLÉE and the letters AOC aside from the trade-mark is not granted.</p>	<p>TMA616,502</p> <p>MAISON DES FUTAILLES, S.E.C.</p>	<p>(1) Wines authorized to carry the mention AOC in compliance with national regulations covering the origin of the products.</p>
 <p><u>Disclaimer:</u> The exclusive right to the terms APPELLATION D'ORIGINE CONTRÔLÉE and the letters AOC aside from the trade-mark is not granted.</p>	<p>TMA616,502</p> <p>MAISON DES FUTAILLES, S.E.C.</p>	<p>(1) Wine authorize to carry the mention AOC in compliance with national regulations covering the origin of the product.</p>

	<p>TMA707,388</p> <p>MAISON DES FUTAILLES, S.E.C.</p>	<p>(1) Wines authorized to carry the mention AOC in compliance with national regulations covering the origin of products.</p>
	<p>971,322 (published application, mark prohibited Section 9(1)(i.1) of the Act)</p> <p>Republic of France</p>	

Evidence of the Requesting Party – Affidavit of Mr. Mounir

[12] Mr. Mounir first describes the activities of the Requesting Party. He explains that the Requesting Party has, since its creation in 2008, worked in the high-quality affordable price wine consumer market, as well as in the spirits and tobacco products fields.

[13] Mr. Mounir states that the Requesting Party has an international distribution network in over 13 countries worldwide.

[14] Mr. Mounir states in paragraph 5 of his affidavit in file #1,454,671 that since its creation, the Requesting Party has been an international trader of wine, which it buys and markets in bottles bearing its trade-marks, specifically the mark AOP.

[15] Being an issue more specifically of the Marks, Mr. Mounir states that the Requesting Party began using the latter on March 11, 2008 with a sale by the Requesting Party of a case of 12 bottles of wine to a wine distributor located in Singapore. Mr. Mounir explains that the case in question comprised 12 bottles of the same type of wine on which was affixed a label displaying the Marks. He states that this case was exported from a vineyard supplier of the

Requesting Party located in the city of Niagara-on-the-Lake, Canada, location where the labels were affixed to the bottles, and delivered to the distributor's address in Singapore. In support of his statements, Mr. Mounir submitted as Exhibit AM-1, a copy of the invoice attesting to the sale in question and, as Exhibit AM-2, a photograph of a bottle of wine bearing a label identical to that affixed to the bottles contained in the case sent to the distributor in Singapore and showing the Marks.

[16] Mr. Mounir states that the Requesting Party continued to use the Marks after March 11, 2008. He submitted as Exhibit AM-3, a photograph of a bottle bearing a label on which are affixed the Marks taken on April 17, 2008 in a retail store that markets international wines. He also submitted as Exhibits AM-4 and AM-6, copies of two other invoices dated November 16, 2009 and April 12, 2010, respectively, each attesting to the sale of two cases of 12 bottles of wine in association with the Marks to a distributor in Singapore, as well as Exhibits AM-5 and AM-7, photographs of bottles of wine bearing a label identical to that affixed to the bottles sent to the distributor in Singapore as part of the sales described in Exhibits AM-4 and AM-6, respectively, and showing the Marks.

[17] This is all of the evidence in the files. This leads me to consider the grounds of opposition in light of the above.

Grounds of opposition

Ground based on non-registrability pursuant to Section 12(1)(b) of the Act

[18] As indicated above, the Opponent claims that in regard to the provisions of Sections 12(1)(b) of the Act, the Marks are not registrable in that they are clearly descriptive, or deceptively misdescriptive, of the character or quality of the wares in association with which they are employed, or of the conditions of or the persons employed in their production or of their place of origin. In the introductory paragraphs numbered 5 to 10 of each of the statements of opposition, the Opponent specifically asserts that AOP is the acronym or abbreviation for the term APPELLATION D'ORIGINE PROTÉGÉE, which term, as indicated above, refers to a regime of protected geographical status, more specifically that included within the framework of the Protected Geographical Status (PGS) defined pursuant to European Union law and intended

to protect the designation of certain regional foods and drinks (wines, cheeses, hams, olives) produced in a defined geographical area. Again in these same paragraphs, the Opponent asserts that the Requesting Party is not the entity that has the capacity or the legal or governmental authority to declare whether the Wares covered by these applications are the subject of a geographic status. In this, the Opponent claims that the Marks are deceptively misdescriptive. More specifically, the Opponent asserted during the hearing that it appears, given the declarative status of the Wares, that the AOP mark corresponds to a regulated term or a national standard. However, such notion of “appellation d’origine protégée” or “AOP” is in numerous statuses protected pursuant to international agreements brought into evidence by way of Ms. Lecours’ affidavit. In reply, the Requesting Party asserts that such documents, at face value, do not seem to be part of Canadian domestic law. In fact, the Requesting Party asserts that the Opponent submitted no element of evidence in support of its claims.

[19] The question of knowing whether a trade-mark is clearly descriptive, or deceptively misdescriptive of the character or quality of wares or services must be examined from the point of view of the average purchaser of wares or services related to the mark. Furthermore, the mark must not be broken down into its various elements and analyzed minutely, but considered as a whole from the view of the first impression it gives [*Wool Bureau of Canada Ltd v. Registrar of Trade-Marks* (1978), 40 CPR (2d) 25 (CF 1st inst); and *Atlantic Promotions Inc. v. Registrar of Trade-Marks* (1984), 2 CPR (3d) 183 (CF 1st inst)]. The word “character” refers to a feature, trait or characteristic of the product and the word “clear” means “easy to understand, evident or simple” [*Drackett Co. of Canada Ltd v. American Home Products Corp* (1968), 55 CPR 29 (Ex.Ct.)].

[20] To be considered clearly descriptive, a trade-mark must not be only suggestive. The prohibition aims to prevent a merchant from monopolizing a word that gives a clear description or which is generally used in the trade, and thus place legitimate merchants at a disadvantage [*Canadian Parking Equipment Ltd. v. Canada (Registrar of Trade-marks)* (1990), 34 CPR (3d) 154 (CF 1st inst)]. To be considered deceptively misdescriptive, a trade-mark must mislead the public as to the character or quality of the wares or services. The mark must first give a description that suggests that the wares or services are what they are not. The prohibition aims to prevent the public from making a mistake [*Atlantic Promotions, supra*].

[21] Furthermore, as recalled by Judge Martineau in *Neptune SA v. Canada (Attorney General)* (2003), 29 CPR (4th) 497 (CF 1st inst), paragraph 11:

In order to determine whether a trade-mark falls under [the exclusion stipulated in Section 12(1)(b)], the registrar must not only take into account the available elements of evidence, but also apply common sense in assessing the facts. The final decision on the character of clearly descriptive, or even deceptively misdescriptive, is based on his/her first impression. He/she must not consider this in isolation, but in light of the product or service in question.

[To the same end: *Ontario Teachers' Pension Plan Board v. Canada (Attorney General)* (2010), 89 CPR (4th) 301 (CF), paragraph 48; conf. by (2012), 99 CPR (4th) 213 (CAF)]

[22] The relevant date for examining this question is the application submission date [*Fiesta Barbecues Ltd. v. General Housewares Corp.* (2003), 28 CPR (4th) 60 (CF 1st inst)].

[23] In applying these principles to the current files, I believe it is not necessary to rule on the issue of knowing whether the documents submitted as Exhibits 1 and 2 in support of Ms. Lecour's affidavit are part of Canadian domestic law or not. Pursuant to the discretionary power enjoyed by the registrar, I consulted the dictionary for clarification on the meaning of the acronym AOP and I found the following definitions in numerous examples provided under the term "appellation":

Appellation d'origine: Designation of a product by the name of the place it was harvested or produced [translation]. *Vin d'appellation d'origine contrôlée (AOC)*. *Appellation d'origine protégée (AOP)*, protected by the European Union [translation]. - *Le Petit Robert* French language dictionary and thesaurus

Appellation d'origine: Name guaranteeing the origin of a product [translation]. – *Appellation d'origine contrôlée (AOC)*: Legal determination of certain food products (wines, cheeses), applying to a defined geographic area and guaranteeing the characteristics and qualities of the products [translation]. – *Appellation d'origine protégée (AOP)*: European certification intended to protect the names of certain food products produced in a defined geographic area, according to specific traditional know-how [translation]. – *Le Petit Larousse Illustré*

[24] It stems from these definitions that the terms APPELLATION D'ORIGINE PROTÉGÉE and the acronym AOP correspond to dedicated terms protected by the European Union and defined as such in regular language dictionaries, closely akin to the claims of the Opponent. However, I deem it reasonable to conclude that the AOP mark in the context of the Requesting

Party's Wares will be perceived, based on the first impression of the average consumer, as referring to the notion of “appellation d’origine protégée” and describing wines which are produced in compliance with legislation applicable to the production of wines on the territory of the European Union. Nonetheless, it stems from Mr. Mounir’s affidavit that the wines marketed by the Requesting Party in association with the Marks come from a “vineyard supplier” located in the region of Niagara-on-the-Lake, Canada. Under the circumstances, I conclude that the AOP Mark was deceptively misdescriptive of the place of origin of the Wares on the date of submission of the application in question. As the Requesting Party’s evidence does not show that such mark was used in a way to have become distinctive on the relevant date pursuant to Section 12(2) of the Act, I conclude that this is unregistrable pursuant to Section 12(1)(b) of the Act.

[25] My previous conclusions apply also to the mark AOP APPELLATION D’ORIGINE PROTÉGÉE & Design. In fact, although this may be constituted of both a nominal portion and a graphic portion, it remains nonetheless that the mark is deceptively misdescriptive in its spoken form. From the layout of the words constituting the term APPELLATION D’ORIGINE PROTÉGÉE, which occupy more than the upper half of the graphic element comprising two circles, one inside the other, and from the reminder of this term found at the very bottom in the AOP acronym, I deem that the nominal portion of the mark, which also appears in bold letters, dominates everything, or at least the mark, more than the graphic portion. Furthermore, this graphic portion is not dissimilar to the flag of the European Union comprising 12 gold stars in a circle on a sky blue background. I believe in fact that it automatically suggests the European flag. For all these reasons, I conclude that the graphic portion of the mark cannot in itself make the mark AOP APPELLATION D’ORIGINE PROTÉGÉE & Design registrable.

[26] Given all of the above, I am of the opinion to accept the ground of opposition based on Section 12(1)(b) of the Act in each file.

Ground based on non-compliance with Section 30(b) of the Act

[27] As indicated above, the Opponent claims that the applications do not meet the requirements of Section 30(b) of the Act in that the Requesting Party did not use each of the Marks in association with wines authorized to carry the mention AOP in compliance with the national regulations corresponding to the origin of products since the date of the first use claimed

in the applications. More specifically, the Opponent asserted during the hearing that it had met its initial burden of proof in having recourse to the Requesting Party's evidence, which evidence was clearly incompatible with the statements of use made in each of the applications in that this evidence did not establish, on the one hand, that it is the Requesting Party rather than its supplier vineyard(s) in Niagara-on-the-Lake which used the Marks in association with the bottles of wine described in Exhibits AM-1 to AM-7 discussed above, and on the other hand, that the wines in question consist in wines "authorized to carry the mention AOP".

[28] In reply, the Requesting Party asserted during the hearing that Mr. Mounir's affidavit was not, properly speaking, clearly incompatible with such statements, establishing moreover the sale by the Requesting Party of a case of 12 bottles of wine precisely on the date of the first use claimed in the applications (Exhibit AM-1 discussed above). For the reasons below, I am of the opinion to conclude in favour of the Opponent.

[29] The initial burden of proof incumbent on the Opponent pursuant to Section 30(b) of the Act is not heavy. The Opponent can in this regard meet its burden by relying on the evidence submitted by the Requesting Party insofar as such evidence is clearly incompatible with the claims contained in the Requesting Party's application [*Labatt Brewing Company Limited v. Molson Breweries, a Partnership* (1996), 68 CPR (3d) 216 (CF 1st inst), p. 230]. The relevant date for assessing such ground of opposition is the date of the application [*Georgia-Pacific Corporation v. Scott Paper Ltd.* (1984), 3 CPR (3d) 469 (TMOB), p. 475; and *John Labatt Ltd. v. Molson Companies Ltd.* (1990), 30 CPR (3d) 293 (CF 1st inst), p. 296].

[30] Applying these principles to these files, I agree with the Opponent that the Requesting Party's evidence presented by way of Mr. Mounir's affidavit is clearly incompatible with the claims of use contained in each of its applications.

[31] The Requesting Party opted to define the declarative status of the Wares as "[w]ine authorized to bear the mention AOP in compliance with the national regulations corresponding to the origin of the product" whereas the evidence submitted by the latter permits at most to conclude in the use of the Marks in association with the wine, setting aside any form of authorization whatsoever issued by the Requesting Party or a third-party regarding the use of the mention AOP as a national standard corresponding to the origin of the product. I say "at most",

since the origin of the wine marketed in association with the Marks as a product of the Requesting Party rather than of its supplier vineyard(s) in Niagara-on-the-Lake is uncertain to say the least, as explained below.

[32] The declarative status of the Requesting Party's wares in fact suggests that the use of the mark AOP or even the AOP portion constituting the mark AOP APPELLATION D'ORIGINE PROTÉGÉE & Design is governed by the national regulations corresponding to the origin of the wines in question. At this point, it is worth recalling my previous conclusions regarding the ground of opposition under Section 12(1)(b) to the effect that the terms APPELLATION D'ORIGINE PROTÉGÉE and the acronym AOP correspond to dedicated terms protected by the European Union and defined as such in standard language dictionaries. However, Mr. Mounir's affidavit remains totally silent regarding such certification or national regulations.

[33] Furthermore, Mr. Mounir's affidavit in file #1,454,671 presents the Requesting Party as "an international trader of wine, which it buys and markets in bottles bearing its trade-marks", whereas the evidence in file #1,458,769 does not precisely describe the character of the Requesting Party's business, other than indicating that the latter "works in the high-quality affordable price wine consumer market". The precise character of the commercial relationship existing between the Requesting Party and its "supplier vineyard(s)" is not explained by Mr. Mounir. The photographs of bottles of wine submitted as Exhibits AM-2, AM-3, AM-5 and AM-7 do not provide greater detail on the character of this relationship or even the name of the producer or seller, the identity of the bottler, etc., other than displaying the mentions "Domaine de Montaran" and "*Product of Canada*", this latter mention being moreover clearly incompatible with the very notion of appellation d'origine protégée or "AOP" protected by the European Union.

[34] In summary, I agree with the Opponent that Mr. Mounir's affidavit raises more questions than it provides answers regarding the situation of use of the Marks and the precise character of the Wares in relation to which the Marks were used since the date of the first use claimed in the applications. In this, I deem that the Requesting Party's evidence concerning the use of the Marks as described by Mr. Mounir is clearly incompatible with the statements of use contained in each of the Requesting Party's applications regarding the use of the Marks in association with "wine

authorized to bear the mention AOP (...)” [my underlining] since March 11, 2008. Accordingly, I conclude that the Opponent has met its duty regarding the initial burden of proof.

[35] Given the above, I conclude that the ground of opposition based on Section 30(b) of the Act must be upheld in each file for the reason that the Requesting Party has failed to provide in its duty regarding the ultimate burden of proof.

Other grounds of opposition

[36] As I have already rejected each application on two grounds, I will not examine the other grounds of opposition.

Decision

[37] In exercising the authority delegated to me pursuant to the provisions of Section 63(3) of the Act, I reject the applications in compliance with Section 38(8) of the Act.

Annie Robitaille
Member
Trade-marks Opposition Board
Canadian Intellectual Property Office

Traduction certifiée conforme
Alan Vickers