

IN THE MATTER OF AN OPPOSITION by 88766 Canada Inc. to  
application No. 592,079 for the trade-mark CLASSIC MATCH filed  
by Belcam Inc., doing business through its Delagar Division

On September 21, 1987, the applicant, Belcam Inc., doing business through its Delagar Division, filed an application to register the trade-mark CLASSIC MATCH based upon proposed use of the trade-mark in Canada in association with "colognes".

The opponent, 88766 Canada Inc., filed a statement of opposition on June 16, 1988. In its statement of opposition, the opponent alleged that the applicant's application is not in compliance with Section 29 (now Section 30) of the Trade-marks Act and that the applicant, as a consequence, is not the person entitled to registration of the trade-mark CLASSIC MATCH. With respect to the non-entitlement ground of opposition, the opponent also alleged that the applicant's trade-mark is not a proposed trade-mark and further that the trade-mark CLASSIC MATCH is not a mark. The opponent also alleged that the applicant's trade-mark is not distinctive.

The applicant served and filed a counter statement denying the opponent's grounds of opposition.

Neither party filed evidence while the applicant alone filed a written argument and was represented at an oral hearing.

There is an evidential burden on the opponent with respect to each of its grounds of opposition to substantiate the facts being relied upon by it in respect of each of its grounds. As no evidence was filed by the opponent, it has failed to meet the evidential burden upon it in respect of each of its grounds of opposition.

In view of the above, I reject the opponent's opposition pursuant to Section 38(8) of the Trade-marks Act.

DATED AT HULL, QUEBEC THIS 29<sup>th</sup> DAY OF JUNE 1990.

G.W.Partington,  
Chairman,  
Trade Marks Opposition Board.