



LE REGISTRAIRE DES MARQUES DE COMMERCE  
THE REGISTRAR OF TRADEMARKS

**Citation: 2021 TMOB 108**

**Date of Decision: 2021-05-31**

**IN THE MATTER OF AN OPPOSITION**

**Bell Canada**

**Opponent**

**and**

**Bellroy Pty Ltd**

**Applicant**

**1,756,364 for BELLROY**

**Applications**

**1,756,370 for BELLROY & OWL**

**STYLIZED**

OVERVIEW

[1] Bellroy Pty Ltd (the Applicant) has filed application No. 1,756,364 (the '364 Application) to register the trademark BELLROY, and application No. 1,756,370 (the '370 Application) to register the trademark BELLROY & OWL STYLIZED depicted below:



[2] The '364 Application is in association with the goods set out in Schedule A to this decision. The '370 Application is in association with the goods set out in Schedule B to this decision. Both applications were filed on November 24, 2015, claiming priority to corresponding applications filed in Australia on May 26, 2015. Both applications are based on use and registration in Australia and proposed use in Canada.

[3] Bell Canada (the Opponent) opposes the applications based on a likelihood of confusion with its trademarks which include, or are comprised of, the term BELL.

[4] Notwithstanding the Opponent's longstanding and substantial use of its trademark BELL, I find that the Applicant has met its legal onus of demonstrating that there is no reasonable likelihood of confusion. Accordingly, the oppositions are rejected.

#### PRELIMINARY MATTER

[5] The oppositions to the '364 Application and the '370 Application were heard together given that the two proceedings involved the same parties, related trademarks, and the grounds of opposition, evidence and issues raised were essentially identical.

[6] At the outset of the hearing, the Opponent indicated that it was withdrawing its opposition in respect of certain goods listed in the applications and maintaining its opposition with respect to only the remaining goods. My understanding as to the goods for which the Opponent withdraws its opposition to the '364 Application are set out in strikethrough in Schedule C this decision. My understanding as to the goods for which the Opponent withdraws its opposition to the '370 Application are set out in strikethrough in Schedule D to this decision.

[7] As there are some minor differences in the descriptions of goods between the two applications, and consequently differences in the goods for which the Opponent was withdrawing its opposition, I requested that the Opponent confirm with the Registrar in writing after the hearing the goods for which it was withdrawing and maintaining its opposition for each application. No such confirmation was received. Ultimately, however, this has no bearing on the outcome of the proceeding, as I find that the oppositions fail in respect of all of the goods listed in the two applications which are identified in Schedules A and B to this decision.

## THE '364 APPLICATION

[8] I will begin by considering the '364 Application for the word trademark BELLROY (the Mark).

### **Background**

[9] The '364 Application was advertised for opposition purposes in the *Trademarks Journal* on July 5, 2017. On December 5, 2017, the Opponent filed a statement of opposition against the application pursuant to section 38 of the *Trademarks Act*, RSC 1985, c T-13 (the Act). The Act was amended on June 17, 2019, and pursuant to section 70 of the Act, the grounds of opposition in this proceeding will be assessed based on the Act as it read prior to June 17, 2019.

[10] The Opponent raises grounds of opposition based on non-distinctiveness under section 2, non-registrability under section 12(1)(d), and non-entitlement under sections 16(2)(a) and (c) and sections 16(3)(a) and (c) of the Act. Each of the grounds of opposition is based on an allegation of confusion with the Opponent's BELL trademarks (identified in Schedule "A" to the statement of opposition) and/or BELL business names (identified in Schedule "B" to the statement of opposition).

[11] The Applicant filed a counter statement denying the grounds of opposition. Both parties submitted evidence and written representations and were represented at a hearing.

### **Evidence**

[12] The Opponent filed the affidavit of Elaine Bissonnette sworn July 12, 2018 (the Bissonnette Affidavit). The Applicant filed the affidavit of Alan Booth sworn October 5, 2018 (the Booth Affidavit) and the affidavit of Lina Calabria sworn October 29, 2018 (the Calabria Affidavit). None of the affiants were cross-examined.

[13] The parties' evidence is summarized below and is further discussed in the analysis of the grounds of opposition.

## Opponent's Evidence

[14] Ms. Bissonnette is the Director of Brand for the Opponent. The Opponent provides a wide range of telecommunications services to Canadians, including mobile and home phone, television, Internet, and home security services. The Opponent also operates a network of retail locations across Canada offering for sale telephones, other telecommunication devices and related accessories. The Bissonnette Affidavit demonstrates that the Opponent provides these services in association with the trademark BELL.

[15] Ms. Bissonnette states that the Opponent's origins date back to the late 1800s and that the Opponent has been associated with telephones and telephone communication services for over a century in Canada.

[16] The Opponent has over 9.1 million wireless subscribers and revenue for the Opponent's wireless business segment has been in excess of \$4 billion CAD annually since 2010. The Opponent's revenue from the sale of products as part of its wireless business segment has exceeded \$400 million annually since 2010.

[17] The Opponent offers telecommunications goods and services to Canadians through 2,400 retail points of distribution across Canada, including the Opponent's Bell branded stores. As of 2017, over 1,400 Bell branded stores were in operation across Canada.

[18] The Opponent is the owner of numerous registered trademarks in Canada which include or are comprised of the term BELL. Particulars for these registrations are attached as Exhibit "A" to the Bissonnette Affidavit. However, I note that the particulars in Exhibit "A" in some instances do not reflect the most current list of goods and services covered by the Opponent's registrations as referenced in the statement of opposition. For example, the particulars for registration TMA675551 included in Exhibit "A" reflect the registration when it was originally granted in 2006; however, that registration was subsequently amended to delete certain goods and services by the Registrar's decision in *Riches, McKenzie & Herbert LLP v Bell Canada*, 2012 TMOB 215 in a proceeding under section 45 of the Act. In addition, with respect to registration TMA802093 for the trademark LA VIE EST BELL, the particulars included in Exhibit "A" list the goods and services originally applied for rather than the goods and services

ultimately registered. Consequently, when considering the goods and services covered by the Opponent's registrations, I have exercised my discretion to check the Register rather than relying on the particulars in Exhibit "A" to the Bissonnette Affidavit [see *Quaker Oats Co of Canada v Menu Foods Ltd* (1986), 11 CPR (3d) 410 (TMOB)].

[19] Examples of products provided or sold by the Opponent over the years in association with its telecommunications services include telephones, modems, routers, mobile devices and related accessories including telephone cases, covers and backpacks. Sample screenshots of the Opponent's website at *www.bell.ca* showing mobile accessories available for sale, including cases, covers and backpacks, are attached as Exhibit "D". Samples of invoices for the sale of such products in Bell branded stores are attached as Exhibit "F".

[20] The Opponent advertises in a variety of ways, including via its website, direct mail/email, print/newspaper and social media. Since 2010, the Opponent has spent in excess of \$100 million annually in advertising in association with the BELL trademarks.

#### Applicant's Evidence

##### *Calabria Affidavit*

[21] Ms. Calabria is the Chief Operations Officer of the Applicant. The Applicant is based in Australia and designs and distributes wallets, cell phone cases, bags, laptop and tablet cases, stationary, carrying pouches and key cases.

[22] At paragraph 4 of the affidavit, Ms. Calabria states that "[t]he name 'Bellroy' derives from the towns of *Bells Beach*, *Bellbrae* and *Fitzroy*, Australia, which are in the region where the Applicant started up and continues to operate."

[23] The Applicant is the owner of Canadian registration No. TMA908696 for the trademark BELLROY in association with various wallets and bags. Ms. Calabria states that the Applicant has been using the trademark BELLROY in Canada in association with those goods since at least as early as December 2011. She states that the Applicant has also been using the trademark BELLROY in Canada since at least as early as June 2015 in association with the following goods: cases, carrying cases, bags and covers adapted for any of mobile phones, smart phones,

tablets, computers, laptops, notebook computers and electronic book readers. Examples of the Applicant's goods bearing the trademark BELLROY are included as Exhibit 3, and examples of packaging bearing the trademark are included as Exhibit 6. Sample invoices for the sale of the Applicant's goods to purchasers in Canada are included as Exhibit 9.

[24] Sales in Canada of the Applicant's goods branded with the trademark BELLROY exceeded \$1 million CAD annually from 2015 to 2017.

[25] The Applicant operates a website at *www.bellroy.com* which has received in excess of 200,000 visits annually from Canadian residents since 2013.

[26] Canadian residents can purchase the Applicant's goods directly from the Applicant's website and via *Amazon.ca*. The Applicant also sells its goods to Canada-based distributors and independent retailers, and directly to Canadian businesses for their own internal use.

#### *Booth Affidavit*

[27] Mr. Booth is a self-employed trademark searcher. His affidavit includes the particulars for various Canadian applications and registrations for trademarks which include the component "BELL".

#### **Analysis of the Grounds of Opposition**

[28] The Applicant bears the legal onus of establishing, on a balance of probabilities, that the Application complies with the requirements of the Act. However, there is an initial evidential burden on the Opponent to adduce sufficient admissible evidence from which it could reasonably be concluded that the facts alleged to support each ground of opposition exist [*John Labatt Limited v The Molson Companies Limited* (1990), 30 CPR (3d) 293 (FCTD) at 298].

[29] Each of the Opponent's grounds of opposition turns on the question of whether there is a likelihood of confusion between the Mark and the Opponent's trademarks or trade names which include the term BELL.

[30] The material dates for the various grounds of opposition are set out below. However, in my view, the different material dates have no impact on the outcome of the confusion analysis.

- Sections 38(2)(b)/12(1)(d) of the Act – the date of my decision [*Park Avenue Furniture Corporation v Wickes/Simmons Bedding Ltd and The Registrar of Trade Marks* (1991), 37 CPR (3d) 413 (FCA)]
- Sections 38(2)(c)/16(2)(a)/16(2)(c) and 16(3)(a)/16(3)(c) – the priority filing date of the application [*Earthrise Farms v Saretzky* (1997), 85 CPR (3d) 368 (TMOB)]; and
- Sections 38(2)(d)/2 of the Act - the filing date of the opposition [*Metro-Goldwyn-Mayer Inc v Stargate Connections Inc*, 2004 FC 1185, 34 CPR (4th) 317].

[31] In considering the issue of confusion, I will focus on the Opponent's trademark BELL (which in word or design form is the subject of registration nos. TMA675551, TMA231071, TMA799763, TMA578301, TMA255222 and TMA456528) as I consider this to represent the Opponent's best chance of success. If the Mark is not confusing with the Opponent's trademark BELL, it will not be confusing with any of the remaining trademarks or trade names relied upon by the Opponent. In this regard, the remaining trademarks relied on by the Opponent contain additional word matter which reduces the degree of resemblance between the parties' marks.

[32] I have exercised my discretion to check the register and confirm that the Opponent's registrations remain extant [see *Quaker Oats, supra*], and so the Opponent has met its initial evidential burden for a section 12(1)(d) ground of opposition. It is also apparent that the Opponent has met its initial evidential burden for the section 16 and section 2 grounds of opposition, given the Opponent's evidence of its use and reputation in Canada in its trademark BELL prior to the material dates for those grounds.

[33] The question for each ground of opposition then becomes whether the Applicant has met its legal burden to demonstrate that there is no likelihood of confusion.

## Test for confusion

[34] The test for confusion is set out in section 6(2) of the Act which states that the use of a trademark causes confusion with another trademark if the use of both trademarks in the same area would likely lead to the inference that the goods and services associated with those trademarks are manufactured, sold or leased by the same person, whether or not the goods and services are of the same general class or appear in the same class of the Nice Classification. In making such an assessment, I must take into consideration all the relevant surrounding circumstances, including those listed in section 6(5): the inherent distinctiveness of the trademarks and the extent to which they have become known; the length of time the trademarks have been in use; the nature of the goods and services or business; the nature of the trade; and the degree of resemblance between the trademarks in appearance, or sound or in the ideas suggested by them.

[35] These criteria are not exhaustive and different weight will be given to each one in a context specific assessment [*Veuve Clicquot Ponsardin v Boutiques Cliquot Ltée*, 2006 SCC 23, 49 CPR (4th) 401; *Mattel, Inc v 3894207 Canada Inc*, 2006 SCC 22, [2006] 1 SCR 772 (SCC) at para 54]. I also refer to *Masterpiece Inc v Alavida Lifestyles Inc*, 2011 SCC 27, 92 CPR (4th) 361 (SCC) at para 49, where the Supreme Court of Canada states that section 6(5)(e), the resemblance between the marks, will often have the greatest effect on the confusion analysis.

[36] The test for confusion is assessed as a matter of first impression in the mind of a casual consumer somewhat in a hurry who sees the applicant's mark, at a time when he or she has no more than an imperfect recollection of the opponent's trademark, and does not pause to give the matter any detailed consideration or scrutiny, nor to examine closely the similarities and differences between the marks [*Veuve Clicquot, supra*, at para 20].

### *Inherent distinctiveness of the trademarks and extent to which they have become known*

[37] The Opponent's trademark BELL has a low degree of inherent distinctiveness. In my view, the word BELL is likely to be perceived as a surname, and perhaps specifically the surname of Alexander Graham Bell. In this regard, the Registrar can take judicial notice of



dictionary definitions [see *Tradall SA v Devil's Martini Inc*, 2011 TMOB 65 at para 29], and the *Canadian Oxford Dictionary, 2nd Ed.* includes the following entry for the word “Bell”:

**1. Alexander Graham** (1847-1922), Scottish-born scientist and inventor who spent most of his career in the northeastern US and Canada, inventor of the telephone (between 1874 and 1876) and the gramophone. He also founded the Bell Telephone Company and was a pioneer in aviation.

[38] Surnames are generally understood to have a low degree of inherent distinctiveness [see *United Artists Pictures Inc v Pink Panther Beauty Corp*, [1998] 3 FC 534, 80 CPR (3d) 247 (FCA) at para 24].

[39] Alternatively, it is possible that the word BELL might be perceived as a reference to the noun “bell”, defined in the above-referenced dictionary as “a hollow usu. metal object in the shape of a deep upturned cup usu. widening at the lip, made to sound a clear musical note when struck [...]” However, that meaning would similarly have a low degree of inherent distinctiveness in respect of telephone services, given the connection between a telephone and a ringing bell.

[40] Despite having a low inherent distinctiveness, the Opponent’s trademark has a significant degree of acquired distinctiveness via its extensive use and advertising in Canada over many decades. Indeed, I am satisfied from the evidence that the Opponent’s trademark BELL is very well known, if not famous, in Canada in association with telecommunications services.

[41] The Applicant’s Mark has a higher degree of inherent distinctiveness than the Opponent’s trademark. The term “BELLROY” is not a dictionary word in English or French, nor is there any evidence to suggest it is a surname. In my view, the Mark would likely be perceived as a coined term. The Applicant’s Mark has been used in Canada in association with carrying cases for mobile phones and other electronic devices since June 2015. Thus, the Applicant’s Mark has likely acquired some distinctiveness as well, though not nearly to the degree of the Opponent’s trademark.

[42] Taking into account both the inherent and acquired distinctiveness of the parties’ trademarks, on balance this factor favours the Opponent, given the high degree of acquired

distinctiveness of the Opponent's trademark BELL. However, in my view, this factor only slightly favours the Opponent, given the greater inherent distinctiveness of the Applicant's Mark.

*Length of time the trademarks have been in use*

[43] The Opponent has used its trademark BELL in Canada for decades. The Applicant commenced using its Mark in Canada in association with the goods in issue in June 2015. This factor favours the Opponent.

*Nature of the goods, services or business; nature of the trade*

[44] As discussed above, at the hearing the Opponent indicated that it was withdrawing its opposition with respect to the goods identified in strikethrough in Schedule C to this decision. Had the opposition not been withdrawn with respect to those goods, I would have concluded that those goods are different in nature and likely channels of trade as compared to the telecommunications goods and services offered by the Opponent in association with its trademark BELL. My comments below therefore relate to the remaining goods for which the opposition was not withdrawn.

[45] The remaining goods in the '364 Application can generally be characterized as cases, covers and bags designed to carry mobile phones and other electronic devices such as tablets and notebook computers. These goods have a connection to the goods and services of the Opponent, in as much as the Opponent offers mobile phones in Canada as part of its telecommunications business. The Opponent also offers cases, covers and bags for electronic devices in Canada as part of its business, though the evidence indicates that those cases, covers and bags are third party products sold either in the Opponent's stores or by third party retailers that also offer the Opponent's telecommunication services. There is no evidence of record that the Opponent is selling BELL branded cases, covers and bags for electronic products, nor do the Opponent's registrations for the trademark BELL expressly cover such goods.

[46] With respect to the nature of goods and channels of trade, the Opponent relies on this Board's decision in *Natursource Inc v Nature's Source Inc* (2009), 72 CPR (4th) 423 (TMOB) aff'd 2012 FC 917, wherein an application for the trademark NATURE'S SOURCE in

association with retail store services for nutritional products was found to be confusing with the opponent's trademark NATURSOOURCE in association with cereals and snack foods, based in part on the connection between the parties' respective services and goods. However, I consider the *Natursource* decision distinguishable from this case for two reasons. First, in that case, the parties' trademarks were nearly identical, which is not the circumstance here. Second, I consider the connection between the specific retail store services and food products at issue in *Natursource* to be closer than in the present case. In this case, the Applicant's business is the production of goods designed to carry a variety of personal effects, while the Opponent's business is the provision and sale of telecommunications goods and services.

[47] In sum, while there is a connection between the Applicant's goods and the goods and services of the Opponent, I still consider there to be a meaningful difference in the nature of the Applicant's goods and business as compared to that of the Opponent. On balance, I consider this factor to favour the Applicant to a slight degree.

#### *Degree of resemblance*

[48] When considering the degree of resemblance, it is preferable to first consider whether there is an aspect of the trademark that is "particularly striking or unique" [*Masterpiece, supra*, at paragraph 64].

[49] The striking element of the Opponent's trademark is the term "BELL". The Opponent argues that the striking element of the Applicant's Mark is also "BELL". I disagree with the Opponent on this point. In my view, the striking element of the Mark is term BELLROY as a whole, given that it is a coined term. I do not consider either component "BELL" or "ROY" to be more striking than the other.

[50] With this in mind, there is a degree of resemblance between the parties' trademarks in appearance and sound given the common presence of "BELL". However, I do not consider that degree of resemblance in appearance and sound to be especially strong. In addition, the ideas conveyed by the parties' trademarks are different. The Opponent's trademark BELL conveys the idea of the surname "Bell" or the noun "bell", whereas the Applicant's Mark conveys no particular idea given that it is a coined term with no dictionary meaning.

[51] The Opponent argues that the degree of resemblance between the parties' trademarks is increased by virtue of the fact that the Opponent owns multiple registrations for trademarks comprised of the term BELL in combination with other word matter, such as BELL TV (TMA693242), BELL CANADA (TMA278834) and BELL MOBILITY (TMA432676). The Bissonnette Affidavit includes evidence of use of some of these additional trademarks [e.g. see Exhibits "D9" and "I1" to the Bissonnette Affidavit]. However, in my view, this does not assist the Opponent, as these additional trademarks all include "BELL" as a standalone term in conjunction with an additional word that has its own meaning. There is no evidence that the Opponent owns or uses trademarks comprised of the component BELL in combination with other word matter to form a unique, coined term, as is the case with the Applicant's Mark.

[52] On balance, I consider the degree of resemblance factor to favour the Applicant.

#### *Surrounding circumstances*

##### State of the Register

[53] The Booth Affidavit identifies a variety of third party Canadian trademark applications and registrations which include the term BELL. I do not consider this evidence to assist the Applicant. First, many of the third party registrations are in association with goods which are no longer relevant given the Opponent's withdrawal of its opposition in respect of certain goods, discussed above. Second, many of the third party registrations include "bell" as a component of a word with its own meaning (such as "BELLE", "BELLA" and "BELLIES") and thus would be perceived differently from either the Opponent's trademarks or the Applicant's Mark. Finally, I have no evidence of use in the marketplace in Canada of any of the third party trademarks, and I do not consider there to be a sufficient number of relevant third party registrations (taking into account the preceding considerations in this paragraph) to make any assumption regarding the state of the marketplace.

##### Renown of the Opponent's Trademark

[54] At paragraph 71 of its written representations, the Opponent asserts that the most significant surrounding circumstance in the present case is the enormous reputation and goodwill

attached to the BELL trademarks in Canada. In this regard, the Opponent relies on cases which have considered the impact of famous trademarks such as *Mattel, supra*, at para 246 and *Remo Imports Ltd v Jaguar Cars Ltd*, 2006 FC 21 at para 306 aff'd in part 2007 FCA 258. However, those cases addressed the issue of whether the fame of an opponent's trademark was able to carry it across product lines to prevent use or registration of another trademark with a high degree of resemblance. I do not consider those cases to assist the Opponent in the present circumstance where the parties' trademarks have a relatively low degree of resemblance.

#### Conclusion regarding confusion

[55] Having considered all of the surrounding circumstances, I conclude that the Applicant has satisfied its legal burden to show that there is no reasonable likelihood of confusion between the parties' trademarks. Notwithstanding the Opponent's use and reputation in Canada in its trademark BELL, when considering the difference in the nature of the parties' goods, services and business, I do not consider the degree of resemblance between the trademarks to be sufficiently high to give rise to a likelihood of confusion.

[56] Consequently, I reject the section 12(1)(d), section 16(2)(a)/(c), section 16(3)(a)/(c) and section 2 grounds of opposition.

#### THE '370 APPLICATION

[57] With the '370 Application, the applied-for goods, grounds of opposition, issues and evidence are entirely analogous to those discussed above with respect to the '364 Application. There is a difference in the material dates for the distinctiveness ground of opposition as between the '364 Application (December 5, 2017) and the '370 Application (January 18, 2019); however, this has no impact on the outcome of the confusion analysis. The material dates for the remaining grounds of opposition are the same for the two applications.

[58] With respect to the issue of a likelihood of confusion, and in particular the section 6(5)(e) degree of resemblance factor, I do not find that the design element of the trademark BELLROY & OWL STYLIZED changes the degree of resemblance. It follows that I make the same findings

with respect to each of the grounds of opposition as in the '364 Application for BELLROY. Accordingly, all of the grounds of opposition against the '370 Application are rejected.

DISPOSITION

[59] Pursuant to the authority delegated to me under section 63(3) of the Act, I reject the opposition to both applications pursuant to section 38(12) of the act.

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Timothy Stevenson  
Member  
Trademarks Opposition Board  
Canadian Intellectual Property Office

SCHEDULE A

**Application No. 1,756,364 for BELLROY**

**Goods:**

(1) Cases, carrying cases, bags and covers adapted for any of mobile phones, smart phones, tablets, computers, laptops, notebook computers, cameras, electronic book readers, portable media players, other electronic devices, eyeglasses, sunglasses, binoculars, scientific apparatus and instruments, CDs, DVDs and other data storage devices

(2) Covers (stationery); stationery cases; pens; ink pens; ballpoint pens; pen and pencil cases and boxes; stationery writing paper and envelopes; writing paper holders; writing cases (sets); stencil cases; document portfolios; document covers; passbook covers; passport covers; covers for books; covers for diaries

(3) Bags, namely sports bags, leather bags, carry-on bags, cross body bags, overnight bags, shoulder bags, garment bags for travel, shoe bags, duffle bags, tote bags, clutch bags, toiletry bags sold empty, bum bags, barrel bags, book bags; wallets; card holders (wallets); carrying cases; key cases; purses; handbags; pouches for holding make-up, keys and other personal items; briefcases; all-purpose carrying bags; backpacks; luggage; luggage tags, other than of paper or cardboard; leather and imitations of leather

SCHEDULE B

**Application No. 1,756,370 for BELLROY & OWL STYLIZED**

**Goods:**

(1) Cases, carrying cases, bags and covers adapted for any of mobile phones, smart phones, tablets, computers, laptops, notebook computers, cameras, electronic book readers, eyeglasses, sunglasses, binoculars, CDs and DVDs.

(2) Covers (stationery), namely book covers, checkbook covers, exercise-book covers, and notebook covers; stationery cases; pens; ink pens; ballpoint pens; pen and pencil cases; writing cases (sets); stencil cases; document portfolios; document covers; passbook covers; passport covers; covers for books; covers for diaries.

(3) Bags, namely sports bags, leather bags, carry-on bags, cross body bags, overnight bags, shoulder bags, garment bags for travel, shoe bags, duffle bags, tote bags, clutch bags, toiletry bags sold empty, bum bags, barrel bags, book bags; wallets; card holders (wallets); key cases; purses; handbags; pouches for holding make-up, keys and other personal items; briefcases; all-purpose carrying bags; backpacks; luggage; luggage tags, other than of paper or cardboard; leather and imitations of leather, and goods made of these materials and not included in other classes namely luggage and wallets.



SCHEDULE C

**Application No. 1,756,364 for BELLROY**

**Goods for which opposition withdrawn indicated in strikethrough:**

(1) Cases, carrying cases, bags and covers adapted for any of mobile phones, smart phones, tablets, computers, laptops, notebook computers, ~~cameras, electronic book readers, portable media players, other electronic devices, eyeglasses, sunglasses, binoculars, scientific apparatus and instruments, CDs, DVDs~~ and other data storage devices

(2) ~~Covers (stationery); stationery cases; pens; ink pens; ballpoint pens; pen and pencil cases and boxes; stationery writing paper and envelopes; writing paper holders; writing cases (sets); stencil cases; document portfolios; document covers; passbook covers; passport covers; covers for books; covers for diaries~~

(3) ~~Bags, namely sports bags, leather bags, carry on bags, cross body bags, overnight bags, shoulder bags, garment bags for travel, shoe bags, duffle bags, tote bags, clutch bags, toiletry bags sold empty, bum bags, barrel bags, book bags; wallets; card holders (wallets); carrying cases; key cases; purses; handbags; pouches for holding make up, keys and other personal items; briefcases; all purpose carrying bags; backpacks; luggage; luggage tags, other than of paper or cardboard; leather and imitations of leather~~

Schedule D

**Application No. 1,756,370 for BELLROY & OWL STYLIZED**

**Goods for which opposition withdrawn indicated in strikethrough:**

(1) Cases, carrying cases, bags and covers adapted for any of mobile phones, smart phones, tablets, computers, laptops, notebook computers, ~~cameras, electronic book readers, eyeglasses, sunglasses, binoculars, CDs and DVDs.~~

(2) ~~Covers (stationery), namely book covers, checkbook covers, exercise book covers, and notebook covers; stationery cases; pens; ink pens; ballpoint pens; pen and pencil cases; writing cases (sets); stencil cases; document portfolios; document covers; passbook covers; passport covers; covers for books; covers for diaries.~~

(3) ~~Bags, namely sports bags, leather bags, carry on bags, cross body bags, overnight bags, shoulder bags, garment bags for travel, shoe bags, duffle bags, tote bags, clutch bags, toiletry bags sold empty, bum bags, barrel bags, book bags; wallets; card holders (wallets); key cases; purses; handbags; pouches for holding make up, keys and other personal items; briefcases; all purpose carrying bags; backpacks; luggage; luggage tags, other than of paper or cardboard; leather and imitations of leather, and goods made of these materials and not included in other classes namely luggage and wallets.~~

**TRADEMARKS OPPOSITION BOARD  
CANADIAN INTELLECTUAL PROPERTY OFFICE  
APPEARANCES AND AGENTS OF RECORD**

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**HEARING DATE** 2021-02-04

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