



LE REGISTRAIRE DES MARQUES DE COMMERCE  
THE REGISTRAR OF TRADEMARKS

**Citation: 2022 TMOB 010**

**Date of Decision: 2022-01-27**

**IN THE MATTER OF AN OPPOSITION**

**BCD N.V.**

**Opponent**

**and**

**Viajes Beda S.A. De C.V.**

**Applicant**

**1,803,119 for BD EXPERIENCE**

**Application**

INTRODUCTION

[1] BCD N.V. (the Opponent) is a privately-held company headquartered in the Netherlands which provides travel services to corporate customers, including organizing corporate and group travel services, providing advice on corporate travel programs and supporting travelers during their trips. It owns a registration for the trademark BCD TRAVEL, previously used in Canada in association with such travel-related services.

[2] Viajes Beda S.A. De C.V. (the Applicant) is one of the largest travel agencies in Mexico, and has a significant presence throughout South America. The Applicant has applied for the trademark BD EXPERIENCE (the Mark), based on proposed use in Canada in association with the Applicant's travel-related services.

[3] The Opponent opposes the Applicant's application for a number of reasons, including that the Mark is confusing with the Opponent's registered trademark BCD TRAVEL. For the reasons that follow, the opposition is rejected.

### THE RECORD

[4] The application was filed on October 3, 2016 and was advertised on December 27, 2017, in association with the following services:

Arranging travel tours; Booking seats for travel; Coordinating travel arrangements for individuals and groups; Online trip and travel reservation services, namely reservation of flight tickets, reservation and booking of seats for travel, car rental, and travel and tour ticket reservation service; Organization of travel, namely organizing bus tours, arranging travel by tourist agencies, arranging of tours, organization, booking and arrangement of excursions, day trips and sightseeing tours, tour operating and organizing, travel, excursion and cruise arrangement, travel courier and travel guide services, services connected with the hiring of transport vehicles, airport ground handling of passengers and cargo, airport passenger shuttle services between the airport parking facilities and the airport, bus transport, car sharing services, tour guide services, tourist agencies, tourist office services; Providing Website featuring information for travel; Providing an online computer database in the field of travel information services; Providing an online searchable computer database featuring information on travel; Travel agency services, namely, making reservations and booking for transportation; Travel information services, namely information on arrival, layover and departure times, travel and tour information service, services consisting of information about journeys and the transport of goods by brokers and tourist agencies, information in the field of tariffs, timetables and methods of transport (the Services)

[5] The Opponent filed its statement of opposition on May 28, 2018. In accordance with section 70 of the *Trademarks Act*, RSC 1985, c T-13 (the Act), all references to sections of the Act pertaining to the grounds of opposition are to the Act as it read before June 17, 2019.

[6] The Opponent raises grounds of opposition based on registrability under section 12(1)(d), entitlement under sections 16(3)(a), 16(3)(b) and 16(3)(c), distinctiveness under section 2, and compliance with sections 30(e) and 30(i) of the Act. For the grounds of opposition based on an alleged likelihood of confusion, the Opponent relies on its BCD TRAVEL trademark registration No. TMA700,127 (based on prior filing in Benelux) and its trademark applications No. 1,742,802 for BCD M&E and No. 1,742,803 for BCD MEETINGS & EVENTS & Design,

shown below, which were both based on previous use in Canada and in the Netherlands, and prior registration in the EUIPO.



[7] In support of its opposition, the Opponent filed a certified copy of its trademark registration for the trademark BCD TRAVEL, as well as the affidavit of Robert McTeague, Senior Vice President and Director of BCD Travel Canada. The Applicant filed the affidavit of Laura Thalia Triay Torres, in Spanish, as well as a certified English translation. Ms. Torres is the manager of the Applicant. None of the affiants were cross-examined. Neither party filed written representations and a hearing was not requested.

#### EVIDENTIAL BURDEN AND LEGAL ONUS

[8] While there is an initial evidential burden on an opponent, the legal burden or onus remains on an applicant, on a balance of probabilities [see *John Labatt Ltd v Molson Co* (1993), 30 CPR (3d) 293 (FCTD)].

#### ANALYSIS

[9] I will begin my analysis by considering the section 12(1)(d) ground of opposition.

#### **Section 12(1)(d) Ground of Opposition**

[10] The Opponent pleads that the Mark is not registrable under section 12(1)(d) of the Act because it is confusing with the registered trademark BCD TRAVEL, registration No. TMA700,127, registered in association with the following services:

Air, rail, boat, car and bus transport of goods and passengers; travel agency services amongst which organization of journeys, trips, vacations, excursions and guided tours; escorting of travellers; organizing of business, group and holiday travels and agency services therefor; rental of cars, boats, airplanes and motorbikes; travel reservation services; providing temporary accommodations, namely hotels, inns, lodges, guest houses and holiday homes; travel consultation and counselling services; operating and managing of camp sites and vacation resorts.

[11] With respect to a section 12(1)(d) ground of opposition, an opponent's initial evidential burden is met if a registration relied upon in the statement of opposition is in good standing as of the date of the decision. The Registrar has discretion to check the register in order to confirm the existence of a registration relied upon by an opponent [see *Quaker Oats of Canada Ltd/La Compagnie Quaker Oats du Canada Ltée v Menu Foods Ltd* (1986), 11 CPR (3d) 410 (TMOB)]. In this case, I have exercised that discretion and I confirm that the Opponent's registration is extant and in good standing. I note that the Opponent also filed a certified copy of this registration as part of its evidence. The Opponent has therefore met its initial evidential burden in respect of this ground. Accordingly, I must determine whether the Applicant has met the legal onus upon it to establish that there is no likelihood of confusion between the parties' trademarks.

#### Test to Determine Confusion

[12] The test to determine the issue of confusion is set out in section 6(2) of the Act where it is stipulated 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. 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. The criteria in section 6(5) are not exhaustive and different weight will be given to each one in a context specific assessment [see *Mattel, Inc v 3894207 Canada Inc*, 2006 SCC 22 at para 54]. I also refer to *Masterpiece Inc v Alavida Lifestyles Inc*, 2011 SCC 27 at para 49, where the Supreme Court of Canada states that section 6(5)(e), the resemblance between the trademarks, will often have the greatest effect on the confusion analysis.

[13] In *Veuve Clicquot Ponsardin v Boutiques Cliquot Ltée*, 2006 SCC 23 at para 20, the Supreme Court of Canada set out how the test is to be applied:

The test to be applied is a matter of first impression in the mind of a casual consumer somewhat in a hurry who sees the [mark] at a time when he or she has no more than an imperfect recollection of the [prior] trademarks and does not pause to give the matter any detailed consideration or scrutiny, nor to examine closely the similarities and differences between the marks.

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

[14] Letters *per se* are not inherently distinctive and are not entitled to a wide ambit of protection [see *GSW Ltd v Great West Steel Industries Ltd* (1975), 22 CPR (2d) 154 (FC)]. In this case, neither parties' trademark is inherently strong because each consist of two or three letters of the alphabet and a suggestive or descriptive word. I find the Mark is slightly inherently stronger than the Opponent's trademark, however, as the word EXPERIENCE is merely suggestive of the Applicant's Services, whereas as the word TRAVEL is descriptive with respect to the Opponent's services.

[15] With respect to the extent to which the Opponent's trademark has become known, the evidence of Mr. McTeague is as follows:

- BCD Travel Canada is licensed by the Opponent to use the Opponent's BCD trademarks (defined as BCD TRAVEL, BCD M & E and BCD MEETINGS & EVENTS Design) in Canada;
- BCD Travel Canada has been using one or more of the BCD trademarks in Canada in association with travel services since at least 2006;
- BCD Travel Canada has promoted and advertised its services in Canada in association with the BCD trademarks since at least as early as 2007; and
- Since 2012, services provided in association with the BCD trademarks in Canada have achieved over \$1 billion CAD in total sales booked on behalf of clients and over \$55 million CAD in direct agency booking fees and commission.

I will mention here that even though Mr. McTeague's evidence was not challenged by cross-examination, the Registrar must still assess the evidence and not merely take it at face value.

[16] While the BCD TRAVEL trademark appears with additional material, including an arching circle design and either the words "travel smart. achieve more" or the word "affiliate" in much smaller font, I am satisfied that the Opponent has shown use of the mark BCD TRAVEL

as these words stand out from the additional material and the Opponent's trademark remains recognizable [see *Nightingale Interloc Ltd v Prodesign Ltd* (1984), 2 CPR (3d) 535 at 538 and *Promafil Canada Ltée v Munsingwear Inc* (1992), 44 CPR (3d) 59 (FCA)]. I do note, however, as described further below, that the evidence does not show use of the Opponent's CD M&E or BCD MEETINGS & EVENTS & Design trademarks. Further, although a breakdown of sales for each trademark was not provided, I am prepared to infer from the significant amount of total sales that the Opponent's BCD TRAVEL trademark has become known to a considerable extent in Canada.

[17] The Applicant's Mark is based on proposed use in Canada. The affidavit of Ms. Torres explains that the Applicant has 2000 travel affiliates around the world and has a significant presence in South America and Mexico. Her affidavit also shows that the Applicant has applied for and/or registered the Mark in at least 11 other countries.

[18] However, as the Applicant has not provided any evidence of use of its Mark in Canada, I am not able to conclude that the Mark has become known to any extent in Canada.

[19] Therefore, overall, I find that this factor favours the Opponent.

*length of time in use*

[20] Based on the evidence of Mr. McTeague, and the fact that the Applicant did not file any evidence of use of its Mark in Canada, this factor favours the Opponent.

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

[21] There is clearly an overlap between the parties' services as both parties provide travel-related services. While the Opponent's evidence shows that the Opponent primarily provides its travel services to corporate customers, there is no evidence regarding who the target users may be of the Applicant's services. In any case, as there is no restriction in the application that would prevent the Applicant from offering the Services to corporate customers, I find that this factor favours the Opponent.

[22] Further, as the nature of the parties' services is the same, in the absence of evidence to the contrary, I find that the channels of trade would likely overlap.

*degree of resemblance*

[23] As previously indicated, in *Masterpiece*, the Supreme Court stated that the degree of resemblance between the trademarks is often likely to have the greatest effect on the confusion analysis. Further, when considering the degree of resemblance, the law is clear that the trademarks must be considered in their totality. The appropriate test is not a side-by-side comparison but an imperfect recollection in the mind of a consumer of an opponent's trademark. Finally, while the first portion of a trademark is usually the most important for the purpose of distinguishing [see *Conde Nast Publications Inc v Union des éditions modernes* (1979), 46 CPR (2d) 183 (FCTD) at 188], in *Masterpiece*, the Supreme Court also stated that the preferable approach when comparing trademarks is to begin by determining whether there is an aspect of the trademark that is particularly striking or unique [at paras 63 and 64].

[24] In view of the rather simple construction of the trademarks in this case, I do not find that there is any aspect of them which is *particularly* striking or unique. The trademarks do bear some resemblance to each other to the extent that the first two letters of the Mark, the letters BD, are the same as the first and third letter of the first component of the Opponent's trademark, BCD. However, the different second components of both party's trademarks, *i.e.*, the word EXPERIENCE in the Mark versus the word TRAVEL in the Opponent's trademark, do result in visual and phonetic differences between the trademarks.

[25] I also find the ideas suggested by the trademarks to be different. In this regard, it is possible that the first component of the Opponent's trademark would be perceived as being either acronyms or abbreviations for the corporation which provides the service. For example, given that the Opponent's trademark appears to be derived from the letters in the name of the Opponent (*i.e.* BCD N.V.), the Opponent's trademark suggests "travel" provided by the Opponent.

[26] With respect to the Mark, while it is not clear what idea is suggested by the letters BD, the Mark as a whole, in association with the relevant travel services, invokes the idea of some sort of travel "experience".

[27] In any event, whatever the ideas suggested by the parties trademarks, given the differences between the marks in appearance and sound, I consider the trademarks more different than they are alike. Accordingly, this factor favours the Applicant.

### Conclusion

[28] Section 6(2) of the Act is not concerned with confusion between the trademarks themselves, but rather confusion as to the source of the services. Further, as the Supreme Court of Canada explains in *Mattel, supra*, at para 57, the ordinary consumer is owed a certain amount of credit:

... I fully agree with Linden J.A. in *Pink Panther* that in assessing the likelihood of confusion in the marketplace “we owe the average consumer a certain amount of credit” (para. 54). A similar idea was expressed in *Michelin & Cie v. Astro Tire & Rubber Co. of Canada Ltd.* (1982), 69 CPR (2d) 260 (FCTD), at 263:

... one must not proceed on the assumption that the prospective customers or members of the public generally are completely devoid of intelligence or of normal powers of recollection or are totally unaware or uninformed as to what goes on around them.

[29] Having considered all of the surrounding circumstances and applying the test of confusion as a matter of first impression and imperfect recollection, despite the acquired distinctiveness of the Opponent’s BCD TRAVEL trademark, the length of time the Opponent’s trademark has been in use, and the similar nature of the parties’ services, I find the overall differences in resemblance between the parties’ trademarks sufficient to shift the balance of probabilities regarding confusion in favour of the Applicant. I am of the view that the ordinary consumer would not, as a matter of first impression, be likely to think that the Applicant’s travel services associated with the Mark would emanate from the same source as those associated with the BCD TRAVEL trademark or vice versa. Consequently, I find that there is no reasonable likelihood of confusion between the parties’ trademarks.

[30] This ground is therefore not successful.



## **Section 16(3)(a) and Section 2 Grounds of Opposition**

[31] With respect to the ground of opposition based on section 16(3)(a) of the Act, the material date is the Applicant's filing date (October 3, 2016). The material date for assessing the non-distinctiveness ground is the date of opposition (May 28, 2018).

[32] The Opponent's section 16(3)(a) ground of opposition relies on alleged previous use of three of the Opponent's trademarks, set out in Schedule A to this decision. These trademarks include the Opponent's aforementioned word mark BCD TRAVEL as well as the word mark BCD M&E (application No. 1,742,802), and the design mark BCD MEETINGS & EVENTS Design (Application No. 1,742,803). As shown above, the design mark features the letters BCD in a large and bold font with an arching circle design beside the much smaller words "meetings and events".

[33] The Opponent's section 2 ground of opposition relies on the Opponent's prior use and reputation of the same trademarks.

[34] I will begin by noting that the Opponent has not filed any evidence of use or making known of its BCD M&E or BCD MEETINGS & EVENTS Design trademarks. In this regard, while Mr. McTeague claims to have used "one or more of the BCD trademarks" in Canada in association with the listed services since at least 2006, the BCD M&E trademark does not appear in any of the exhibits attached to his affidavit. Further, the only elements of the Opponent's BCD MEETINGS & EVENTS Design trademark which appear on the Opponent's Canadian website are the letters BCD and the arching circle design. The trademark that is displayed does not contain the words "MEETINGS & EVENTS" but instead contains the additional word "travel" beside the BCD letters and the words "travel smart. achieve more" or the words "travel and affiliate" in much smaller font underneath. In my view, the public would not perceive that the trademark displayed constitutes display or use of the BCD MEETINGS & EVENTS Design trademark. The Opponent has therefore not met its evidential burden with respect to either of these trademarks.

[35] The only trademark for which the Opponent has arguably met its burdens under each of these grounds is its BCD TRAVEL trademark. However, given the later material date and as

noted above, the Opponent's case regarding confusion with its BCD TRAVEL trademark is strongest under its section 12(1)(d) ground of opposition because the later material date allows all of the Opponent's evidence concerning its reputation to be considered.

[36] I reach the same conclusion regarding the likelihood of confusion under these grounds, notwithstanding the differing material dates. The section 16(3)(a) and section 2 grounds of opposition are therefore also unsuccessful.

### **Section 16(3)(b) Ground of Opposition**

[37] The Opponent alleges that the Applicant is not the person entitled to registration pursuant to section 16(3)(b) of the Act, because the Mark is confusing with the previously filed applications for the Opponent's trademarks set out in Schedule A to this decision.

[38] To meet its initial evidential burden with respect to its section 16(3)(b) ground of opposition, the Opponent must show that it had applied for its relied-upon trademark prior to the filing date of the application for the Mark. Any applications filed before October 3, 2016, must also have been pending as of the advertisement of the application on December 27, 2017 [section 16(4) of the Act].

[39] The Opponent only meets its evidential burden under this ground with respect to its BCD M&E and BCD MEETINGS & EVENTS & Design trademarks. As the Opponent's BCD TRAVEL trademark was registered prior to the Applicant's advertisement date, the Opponent fails to meet its evidential burden with respect to this trademark [see *Governor and Co of Adventurers of England trading into Hudson's Bay, commonly called Hudson's Bay Co v Kmart Canada Ltd* (1997), 76 CPR (3d) 526 (TMOB) at 528].

[40] The main difference between this ground and the section 12(1)(d) ground is that these applications were applied for in association with many more services than the Opponent's BCD TRAVEL trademark, including the organization of exhibition and trade fairs for business and promotional purposes for third parties, entertainment and sporting and cultural activities, etc. (see Schedule A of this decision for each application's statement of services). As these trademarks, when compared to the Mark, are even more different in appearance, sound and ideas suggested than the Opponent's BCD TRAVEL trademark, and as there is no evidence that shows

the extent to which these trademarks had become known in Canada as of the material date, this ground of opposition is also unsuccessful.

### **Section 16(3)(c) Ground of Opposition**

[41] In order to meet its evidentiary burden under this ground of opposition, the Opponent must show previous use of its BCD N.V. trade name in Canada prior to the Applicant's filing date, and non-abandonment of this trade name as of the date of advertisement of the application for the Mark [section 16(5) of the Act]. In determining whether there has been use of a trade name, the principles of sections 2 and 4 of the Act apply [see *Novopharm Ltd v Genderm Canada Inc* (1998), 85 CPR (3d) 247 (TMOB) at 257].

[42] I am not satisfied from the evidence furnished that the Opponent has shown use of the trade name BCD N.V. In this regard, while Mr. McTeague explains that BCD Travel Canada operates as a subsidiary of BCD N.V., there is no use shown of BCD N.V. as a trade name in Canada as of the material date for this ground. Even the print out of the Opponent's website refers to "BCD Group" as opposed to BCD N.V.

[43] As the Opponent has failed to meet its evidential burden, this ground of opposition is also unsuccessful.

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

[44] Section 30(i) of the Act requires an applicant to include a statement in the application that the applicant is satisfied that it is entitled to use the trademark in Canada. Where an applicant has provided the required statement, the jurisprudence indicates that non-compliance with section 30(i) of the Act can be found only where there are exceptional circumstances that render the applicant's statement untrue, such as evidence of bad faith or non-compliance with a Federal statute [see *Sapodilla Co Ltd v Bristol-Myers Co* (1974), 15 CPR (2d) 152 (TMOB) at 155; and *McDonald's Corporation and McDonald's Restaurants of Canada Limited v Hi-Star Franchise Systems, Inc*, 2020 TMOB 111, 178 CPR (4th) 179 at para 27].

[45] In this case, the Opponent pleads that the application does not conform to the requirements of section 30(i) because, at the filing date of the application, the Applicant could

not have been satisfied that it was entitled to use the Mark in Canada in association with the applied-for Services. The Opponent pleads that the Applicant knew or ought to have known that the use of the Mark in association with the Services would be likely to have the effect of depreciating the value of the goodwill attaching to the Opponent's registered trademark No. TMA700,127 for BCD TRAVEL, contrary to section 22 of the Act.

[46] However, the Opponent has failed to adduce any evidence of a depreciation of goodwill of the Opponent's registration as required to show a violation of section 22 of the Act [see *McDonald's Corporation and McDonald's Restaurants of Canada Limited v Hi-Star Franchise Systems, Inc*, 2020 TMOB 111 and *Veuve Clicquot Ponsardin, supra*, at paras 46 and 63 to 68]. As the Opponent has not met its evidential burden under this ground, this ground is unsuccessful.

### **Section 30(e) Ground of Opposition**

[47] Under this ground, the Opponent pleads that the application does not conform to the requirements of section 30(e) of the Act because, as of the filing date of the application, the Applicant did not intend, by itself or through a licensee, or by itself and through a licensee, to use the Mark in Canada in association with the applied-for Services.

[48] The evidential burden on the Opponent in respect of its section 30(e) ground of opposition is to show that the Applicant did not have a *bona fide* intention to use the Mark in Canada with any or all of the Services.

[49] As no evidence nor submissions were submitted by the Opponent to support this ground, the Opponent has not met its evidential burden under this ground. The section 30(e) ground of opposition is therefore also unsuccessful.

DISPOSITION

[50] In view of the above, and pursuant to the authority delegated to me under section 63(3) of the Act, I reject the opposition pursuant to section 38(12) of the Act.

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Cindy R. Folz  
Member  
Trademarks Opposition Board  
Canadian Intellectual Property Office

## SCHEDULE A

### **Registration No. TMA700,127 – BCD TRAVEL**

#### Services

(1) Air, rail, boat, car and bus transport of goods and passengers; travel agency services amongst which organization of journeys, trips, vacations, excursions and guided tours; escorting of travellers; organizing of business, group and holiday travels and agency services therefor; rental of cars, boats, airplanes and motorbikes; travel reservation services; providing temporary accommodations, namely hotels, inns, lodges, guest houses and holiday homes; travel consultation and counselling services; operating and managing of camp sites and vacation resorts.

### **Application No. 1,742,802 – BCD M&E**

#### Services

(1) Organization of exhibition and trade fairs for business and promotional purposes for third parties; organization of meetings, incentives and events for commercial purposes for third parties; professional business and business organization consulting services related to the managing of meetings, conferences, incentives, events and live entertainment for third parties; data management, namely the compilation, collection and systemization of information regarding meetings, incentives, conferences, events and live entertainment productions and the management thereof, into computer databases for third parties; arranging of trade fairs and exhibitions for commercial or advertising purposes for third parties; providing advice in the field of marketing management; advertising the goods and services of others; business management; business administration; office functions for the benefit of third parties; Travel agency services, namely, arranging of tours and booking of transportation; escorting of travel, namely travel guide services; arranging and escorting travelers of business tours and group tours; rental of cars, scooters and bicycles; travel agency services, namely making accommodation reservations and bookings for transportation; consultation services in the field of travel agencies; computerized services for travel planning, travel arranging, travel organization, travel information, travel booking, travel data reporting and travel evaluation, namely, providing online transportation reservation and travel ticket reservation services, providing an online computer database in the field of travel information services, providing travel cost information, and providing a website featuring the ratings, reviews, and recommendations of others regarding travel service providers in the field of travel, namely with respect to tours, airlines, railway, bus and public transport, and regarding local attractions"); computerized information services relating to planning and arranging of travel, namely accommodation, transportation, tours and general travel information; travel arrangement; travel reservations; travel information; organization and arranging of travel , namely accommodation, transportation and tours); coordinating travel arrangement for groups, namely accommodation, transportation and tours; Entertainment and sporting and cultural

activities, namely, entertainment services in the nature of live dance performances, live musical performances, a water park, an amusement center, theater productions, automobile races, horse races, yacht races, baseball games, soccer games, football games, boxing contests, hockey games, tennis tournaments, golf tournaments, magic shows, light shows, orchestra performances, ballet performances, and circuses; arranging of educational conferences in the fields of entertainment services in the nature of live dance, live musical performances; organizing of entertainment in the fields of live dance performances, live musical performances, a water park, an amusement center, theater productions, automobile races, horse races, yacht races, baseball games, soccer games, football games, boxing contests, hockey games, tennis tournaments, golf tournaments, magic shows, light shows, orchestra performances, ballet performances, and circuses; providing entertainment information in the fields of live dance performances, live musical performances, a water park, an amusement center, theater productions, automobile races, horse races, yacht races, baseball games, soccer games, football games, boxing contests, hockey games, tennis tournaments, golf tournaments, magic shows, light shows, orchestra performances, ballet performances, and circuses; entertainment booking services in the fields of live dance performances, live musical performances, a water park, an amusement center, theater productions, automobile races, horse races, yacht races, baseball games, soccer games, football games, boxing contests, hockey games, tennis tournaments, golf tournaments, magic shows, light shows, orchestra performances, ballet performances, and circuses; special event planning; arranging of conventions for entertainment purposes; organization of musical entertainment; advisory services relating to entertainment namely, consultation in the field of special event planning for social entertainment purposes; providing information relating to the education and entertainment services listed above; organization of conferences for commercial purposes for the benefit of others

### **Application No. 1,742,803**



#### Services

(1) Organization of exhibition and trade fairs for business and promotional purposes for third parties; organization of meetings, incentives and events for commercial purposes for third parties; professional business and business organization consulting services related to the managing of meetings, conferences, incentives, events and live entertainment for third parties; data management, namely the compilation, collection and systemization of information regarding meetings, incentives, conferences, events and live entertainment productions and the management thereof, into computer databases for third parties; arranging of trade fairs and exhibitions for commercial or advertising purposes for third parties; providing advice in the field of marketing management; advertising the goods and services of others; business management; business administration; office functions for the benefit of third parties; Travel agency services, namely, arranging of tours and booking of transportation; escorting of travel, namely travel guide services; arranging and escorting travelers of business tours and group tours; rental of cars, scooters and bicycles; travel agency services, namely making accommodation reservations and

bookings for transportation; consultation services in the field of travel agencies; computerized services for travel planning, travel arranging, travel organization, travel information, travel booking, travel data reporting and travel evaluation, namely, providing online transportation reservation and travel ticket reservation services, providing an online computer database in the field of travel information services, providing travel cost information, and providing a website featuring the ratings, reviews, and recommendations of others regarding travel service providers in the field of travel, namely with respect to tours, airlines, railway, bus and public transport, and regarding local attractions; computerized information services relating to planning and arranging of travel, namely accommodation, transportation, tours and general travel information; travel arrangement; travel reservations; travel information; organization and arranging of travel , namely accommodation, transportation and tours; coordinating travel arrangement for groups, namely accommodation, transportation and tours; Entertainment and sporting and cultural activities, namely, entertainment services in the nature of live dance performances, live musical performances, a water park, an amusement center, theater productions, automobile races, horse races, yacht races, baseball games, soccer games, football games, boxing contests, hockey games, tennis tournaments, golf tournaments, magic shows, light shows, orchestra performances, ballet performances, and circuses; arranging of educational conferences in the fields of entertainment services in the nature of live dance, live musical performances; organizing of entertainment in the fields of live dance performances, live musical performances, a water park, an amusement center, theater productions, automobile races, horse races, yacht races, baseball games, soccer games, football games, boxing contests, hockey games, tennis tournaments, golf tournaments, magic shows, light shows, orchestra performances, ballet performances, and circuses; providing entertainment information in the fields of live dance performances, live musical performances, a water park, an amusement center, theater productions, automobile races, horse races, yacht races, baseball games, soccer games, football games, boxing contests, hockey games, tennis tournaments, golf tournaments, magic shows, light shows, orchestra performances, ballet performances, and circuses; entertainment booking services in the fields of live dance performances, live musical performances, a water park, an amusement center, theater productions, automobile races, horse races, yacht races, baseball games, soccer games, football games, boxing contests, hockey games, tennis tournaments, golf tournaments, magic shows, light shows, orchestra performances, ballet performances, and circuses; special event planning; arranging of conventions for entertainment purposes; organization of musical entertainment; advisory services relating to entertainment namely, consultation in the field of special event planning for social entertainment purposes; providing information relating to the education and entertainment services listed above; organization of conferences for commercial purposes for the benefit of others



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

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**HEARING DATE** No Hearing Held

**AGENTS OF RECORD**

Smart & Biggar LLP

For the Opponent

Claudette Dagenais

For the Applicant