



Canadian Intellectual Property Office

THE REGISTRAR OF TRADEMARKS

Citation: 2022 TMOB 224

Date of Decision: 2022-11-17

IN THE MATTER OF A SECTION 45 PROCEEDING

Requesting Party: Smiths IP

Registered Owner: DG Capital Limited

Registration: TMA985,486 for GO & Design

INTRODUCTION

[1] This is a decision involving a summary expungement proceeding under section 45 of the *Trademarks Act*, RSC 1985, c T-13 (the Act) with respect to registration No. TMA985,486 for the trademark Go & Design (the Mark), owned by DG Capital Limited (the Owner), and shown below:



[2] For the reasons that follow, I conclude that the registration ought to be maintained in part; the goods and services shown in “~~strikethrough~~” in Schedule A will be deleted.

THE PROCEEDING

[3] At the request of Smiths IP (the Requesting Party), the Registrar of Trademarks issued a notice to the Owner under section 45 of the Act on December 24, 2020.

[4] The notice required the Owner to show whether the Mark had been used in Canada in association with each of the goods and services specified in the registration at any time within the three-year period immediately preceding the date of the notice and, if not, the date when it was last in use and the reason for the absence of such use since that date. In this case, the relevant period for showing use is December 24, 2017, to December 24, 2020.

[5] The Mark is registered for use in association with the following goods and services:

GOODS:

(1) First aid kits; bag locks; locks for travel cases; padlocks; no-key padlocks; nail clippers; sewing kits; adaptors and travel adaptors namely adaptor plugs; portable luggage scales; travel earphones; folding headphones; camera cases; binoculars; electrical devices for repelling and killing mosquitos and insects; compression stockings; ear plugs; kettles; kettles for use in cars; electric fans; torches and pocket torches namely electric torches for lighting; trolleys; travel trolleys; luggage trolleys; clocks, alarm clocks; travel alarm clocks; travel jewellery organisers and cases; parts and fittings for all the aforesaid goods; travel bags; luggage; suitcases; handbags; backpacks; roller bags, duffle bags, day bags, money belts, waist wallets; purses wallets, shoulder wallets and pouches; document wallets; passport wallets and pouches; cash carriers; luggage straps and tags; leather tags; carry straps; travel pillows; neck pillows, back pillows; foot rests; non-electrical fans for personal use; non-electrical mini-fans for personal use; waterproof storage containers; plastic bottles; toothbrush cases; coolers; cool bags; travel clothes lines and travel washing lines; towels; travel towels; sleep masks.

(2) Liquid travel wash for use on hair, body, clothing and dishes; cases for pills and medicines, magnifying glasses with integral reading light; anti-nausea bands; wristbands for alleviating motion sickness; reading lights; garment bags; suit bags; adventure bags and tote bags; umbrellas; toothbrushes; eye masks.

- (3) Rainwear.
- (4) Metal handbag hooks, foldaway holdalls.
- (5) Radios; radios with integral alarm clocks parts and fittings for the aforesaid goods.
- (6) Mobile phone cases, speaker cases, cases for personal digital assistants, cases for CD and DVD players, smartphone cases, parts and fittings for the aforesaid goods; electric mugs and drink warmers; LED torches, parts and fittings for all the aforesaid goods; pillows.
- (7) First aid kits comprising adherent and non-adherent dressings, gauze bandages, plasters, dressing tape, cleansing wipes and antiseptic wipes.
- (8) Door stops; corner protectors for tables and furniture; chair harnesses for children; baby changing mats; travel blankets; plastic bibs for babies.
- (9) Wrist links for children; walking reins and harnesses for children.
- (10) Toothbrush heads.
- (11) Travel chargers for small electronic devices; emergency phone chargers; parts and fittings for the aforesaid goods; compression socks; travel beauty cases, toilet bags, cosmetic bags; foil survival blankets.
- (12) Blankets.
- (13) Soaps; gloves for medical purposes sold as part of a kit; lanterns; bedside lights; laundry bags; inflatable pillows, cushions, mugs, beach towels; clothing namely sleeved bibs for babies, ponchos, raincoats, outdoor clothing; waterproof ponchos.
- (14) Suntan lotion; sunblock; shower gel; shampoo; soaps; liquid travel wash for use on hair, body, clothing and dishes; fuel for use in barbecues; fire starters; candles; travel candles; outdoor candles; first aid kits; first aid kits comprising adherent and non-adherent dressings, gauze bandages, plasters, dressing tape, cleansing wipes and antiseptic wipes; cases for pills and medicines; mosquito repellent tablets; mosquito repellent wipes; insect repellent wipes; bug guards namely micro-encapsulated anti-mosquito bands with concentrated repellent; wristbands impregnated with insecticides and/or insect repellents; hand steriliser kits; parts and fittings for all the aforesaid goods; bag locks; locks for travel cases; padlocks; no-key padlocks; keys; metallic holders, rings and chains for keys; metal coat hangers; metal handbag hooks; metal karabiners; metal crampons; metal hooks; ice nails; metal pegs; pitons of metal; rope thimbles of metal; metal ropes; metal tent pegs; cutlery; cutlery sets; penknives; camping mallets; nail clippers; sewing kits; scissors; tweezers; adaptors and travel adaptors namely adaptor plugs; travel chargers for small electronic devices; emergency phone chargers; portable luggage scales; travel earphones; folding headphones; pocket calculators, electronic

personal organisers, radios; radios with integral alarm clocks; camera cases, mobile phone cases, speaker cases, cases for personal digital assistants, cases for CD and DVD players, smartphone cases; laptop cases and sleeves; sunglasses; monoculars; binoculars; magnifying glasses with integral reading light; field compasses; electrical devices for repelling and killing mosquitos and insects; parts and fittings for all the aforesaid goods; in-flight support bandages, compression stockings and compression socks; anti-nausea bands; wristbands for alleviating motion sickness; ear plugs; refills for insect-repelling devices; gloves for medical purposes sold as part of a kit; barbecues, stoves, camping stoves; cookers; kettles; kettles for use in cars; electric mugs and drink warmers; irons; electric dryers; hairdryers; electric hair straighteners; electric fans; LED torches; torches and pocket torches namely electric torches for lighting; lanterns; reading lights; bedside lights; bath plugs; parts and fittings for all aforesaid goods; bicycles; mountain bikes; trolleys; travel trolleys; luggage trolleys; parts and fittings for all the aforesaid goods; clocks; alarm clocks; travel alarm clocks; travel jewellery organisers and cases; watches; parts and fittings for all the aforesaid goods; brochures; catalogues; magazines; bags for microwave cooking; travel bags; luggage; suitcases; handbags, backpacks, garment bags, roller bags, duffle bags, day bags, foldaway holdalls, suit bags, laundry bags, courier bags, adventure bags and tote bags; rucksack covers; protective liners for rucksacks; money belts, waist wallets; purses, wallets; shoulder wallets and pouches; document wallets; passport wallets and pouches; cash carriers; luggage straps and tags; leather tags; carry straps; umbrellas; wrist links for children; walking reins and harnesses for children; pillows; travel pillows; inflatable pillows, neck pillows, back pillows; cushions; foot rests; non-electrical fans for personal use; non-electrical mini-fans for personal use; door stops; corner protectors for tables and furniture; chair harnesses for children; baby changing mats; sleeping mats; sit mats; waterproof storage containers; plastic bottles; mugs; travel bottles and travel mugs; plastic foldaway water bags; vacuum flasks, bottle openers, corkscrews; combs; shoe brushes, nail brushes; toothbrushes, toothbrush heads and toothbrush cases; coolers; cool bags; travel beauty cases, toilet bags, cosmetic bags; tents; ground sheets; travel clothes lines and travel washing lines; towels; travel towels; beach towels; blankets; travel blankets; foil survival blankets; clothing namely sleeved bibs for babies, ponchos, raincoats, outdoor clothing; rainwear; waterproof ponchos; shoe covers; sleep masks, eye masks; plastic bibs for babies.

SERVICES:

(1) Wholesale sales via outlets and the Internet connected with the sale of products in the fields of travel, travel accessories, camping, outdoor activities, leisure and sports namely, suntan lotion, sunblock, shower gel, shampoo, soaps, liquid travel wash for use on hair, body, clothing and dishes, fuel for use in barbecues, fire starters, candles, travel candles, outdoor candles, first aid kits, first aid kits comprising adherent and non-adherent dressings, gauze bandages, plasters, dressing tape, cleansing wipes and antiseptic wipes, cases for pills and medicines, mosquito repellent tablets, wipes, mosquito repellent wipes, Insect repellent wipes, bug guards, wristbands impregnated with Insecticides and/or insect repellents, hand steriliser kits, locks, case locks, bag locks, locks for travel cases, padlocks, no-key padlocks, keys, metallic holders, rings and chains for keys, metal coat hangers, metal handbag hooks, metal karabiners, metal crampons, metal hooks, ice nails, metal pegs, pitons of metal, rope thimbles of metal, metal ropes, metal tent pegs, cutlery, cutlery sets, penknives, camping mallets, electric shavers, travel shavers, pocket shavers, nail clippers, sewing kits, scissors, tweezers,

adaptors, travel adaptors, travel chargers for small electronic devices, emergency phone chargers, portable luggage scales, travel earphones, folding headphones, pocket calculators, electronic personal organisers, radios, radios with integral alarm clocks, camera cases, mobile phone cases, speaker cases, cases for personal digital assistants, cases for CD and DVD players, smartphone cases, laptop cases and sleeves, sunglasses, monoculars and binoculars, magnifying glasses with integral reading light, field compasses, electrical devices for repelling and killing mosquitos and insects, in-flight support bandages, compression stockings and compression socks, anti-nausea bands, wristbands for alleviating motion sickness, ear plugs, refills for insect-repelling devices, gloves for medical purposes sold as part of a kit, barbecues, stoves, camping stoves, cookers, kettles, kettles for use in cars, electric mugs and drink warmers, Irons, electric dryers, hairdryers, electric hair straighteners, electric fans, torches, LED torches, pocket torches, lanterns, reading lights, bedside lights, bath plugs, bicycles, mountain bikes, trolleys, travel trolleys, luggage trolleys, clocks, alarm clocks, travel alarm clocks, travel jewellery organisers and cases, watches, brochures, catalogues, magazines, bags for microwave cooking, travel bags, luggage, suitcases, handbags, backpacks, garment bags, roller bags, duffle bags, day bags, foldaway holdalls, suit bags, laundry bags, courier bags, adventure bags and tote bags, rucksack covers, protective liners for rucksacks, sports bags, money belts, waist wallets, purses, wallets, shoulder wallets and pouches, document wallets, passport wallets and pouches, cash carriers, luggage straps and tags, leather tags, carry straps, umbrellas, wrist links for children, walking reins and harnesses for children, pillows, travel pillows, inflatable pillows, neck pillows, back pillows, cushions, foot rests, non-electrical fans for personal use, non-electrical mini-fans for personal use, door stops, corner protectors for tables and furniture, chair harnesses for children, baby changing mats, sleeping mats, sit mats, waterproof storage containers, bottles, mugs, travel bottles and travel mugs, plastic foldaway water bags, vacuum flasks, bottle openers, corkscrews, combs, shoe brushes, nail brushes, toothbrushes, toothbrush heads and toothbrush cases, coolers, cool bags, travel beauty cases, toilet bags, cosmetic bags, tents, ground sheets, travel clothes lines and travel washing lines, towels, travel towels, beach towels, blankets, travel blankets, foil survival blankets, clothing, footwear, headsgear, outdoor clothing, rainwear, waterproof ponchos, shoe covers, sleep masks, eye masks, plastic bibs for babies, toys, games and playthings, games, beach games, playing cards, waterproof travel playing cards, all provided on-line and via sales outlets.

(2) Wholesale and retail sales, via outlets and the Internet connected with the sale of products in the fields of travel, travel accessories, camping, outdoor activities, leisure and sports namely, soaps, liquid travel wash for use on hair, body, clothing and dishes, first aid kits, first aid kits comprising adherent and non-adherent dressings, gauze bandages, plasters, dressing tape, cleansing wipes and antiseptic wipes, cases for pills and medicines, bug guards, hand steriliser kits, locks, case locks, bag locks, locks for travel cases, padlocks, no-key padlocks, keys, metallic holders, rings and chains for keys, electric shavers, travel shavers, pocket shavers, nail clippers, sewing kits, scissors, tweezers, adaptors, travel adaptors, travel chargers for small electronic devices, emergency phone chargers, portable luggage scales, travel earphones, folding headphones, radios, radios with integral alarm clocks, camera cases, mobile phone cases, speaker cases, cases for personal digital assistants, cases for CD and DVD players, smartphone cases, laptop cases and sleeves, binoculars, magnifying glasses with integral reading light, electrical devices for repelling and killing mosquitos and insects, in-flight support bandages, compression stockings and compression socks, anti-

nausea bands, wristbands for alleviating motion sickness, ear plugs, gloves for medical purposes sold as part of a kit, kettles, kettles for use in cars, electric mugs and drink warmers, Irons, electric dryers, hairdryers, electric hair straighteners, electric fans, torches, LED torches, pocket torches, lanterns, reading lights, bedside lights, trolleys, travel trolleys, luggage trolleys, clocks, alarm clocks, travel alarm clocks, travel jewellery organisers and cases, watches, brochures, catalogues, magazines, travel bags, luggage, suitcases, handbags, backpacks, garment bags, roller bags, duffle bags, day bags, foldaway holdalls, suit bags, laundry bags, courier bags, adventure bags and tote bags, rucksack covers, protective liners for rucksacks, sports bags, money belts, waist wallets, purses, wallets, shoulder wallets and pouches, document wallets, passport wallets and pouches, cash carriers, luggage straps and tags, leather tags, carry straps, umbrellas, wrist links for children, walking reins and harnesses for children, pillows, travel pillows, inflatable pillows, neck pillows, back pillows, cushions, foot rests, non-electrical fans for personal use, non-electrical mini-fans for personal use, door stops, corner protectors for tables and furniture, chair harnesses for children, baby changing mats, sleeping mats, sit mats, waterproof storage containers, bottles, mugs, travel bottles and travel mugs, plastic foldaway water bags, vacuum flasks, bottle openers, corkscrews, combs, shoe brushes, nail brushes, toothbrushes, toothbrush heads and toothbrush cases, coolers, cool bags, travel beauty cases, toilet bags, cosmetic bags, travel clothes lines and travel washing lines, towels, travel towels, beach towels, blankets, travel blankets, foil survival blankets, clothing, footwear, headgear, outdoor clothing, rainwear, waterproof ponchos, shoe covers, sleep masks, eye masks, plastic bibs for babies, toys, games and playthings, games, beach games, playing cards, waterproof travel playing cards, all provided on-line and via sales outlets.

[6] The relevant definitions of use in the present case are set out in section 4 of the Act as follows:

4(1) A trademark is deemed to be used in association with goods if, at the time of the transfer of the property in or possession of the goods, in the normal course of trade, it is marked on the goods themselves or on the packages in which they are distributed or it is in any other manner so associated with the goods that notice of the association is then given to the person to whom the property or possession is transferred.

4(2) A trademark is deemed to be used in association with services if it is used or displayed in the performance or advertising of those services.

[7] It is well established that the threshold for establishing use in these proceedings is low [*Woods Canada Ltd v Lang Michener* (1996), 71 CPR (3d) 477 (FCTD)], and evidentiary overkill is not required [*Union Electric Supply Co Ltd v Registrar of Trade Marks* (1982), 63 CPR (2d) 56 (FCTD)]. However, sufficient facts must still be provided to permit the Registrar to arrive at a conclusion of use of the trademark in association with each of the goods and services specified in the registration during the relevant period [*John Labatt Ltd v Rainier Brewing Co* (1984), 80 CPR (2d) 228 (FCA)].

[8] In response to the Registrar's notice, the Owner furnished the affidavit of Glenn Rogers, a Director of the Owner, sworn on July 23, 2021. Only the Owner submitted written representations; no hearing was held.

THE EVIDENCE

[9] Mr. Rogers states that the Owner is a wholly owned subsidiary of D G International Holdings Limited (D G International), which also controls other subsidiary companies including Design Go Limited. He states that D G International and its subsidiaries (collectively, the D G Group), including the Owner and Design Go Limited, are under common ownership and control, and that he is a Director of both D G International and Design Go Limited. He further states that any use of the Mark by entities in the D G Group is supervised and controlled by the Owner by virtue of the common ownership and common management and control of those entities.

[10] As Exhibit 1 to his affidavit, he attaches sample packaging displaying the Mark for a selection of goods including money belts and luggage tags. He states that every instance of goods sold by the D G Group is sold in packaging displaying the Mark as shown in this exhibit.

[11] As Exhibit 2 to his affidavit, Mr. Rogers attaches a large number of invoices dated during the relevant period, along with a chart listing the many of the registered goods and correlating them with various invoices, as well as website screenshots showing certain goods offered for sale. In most cases, the chart correlates each listed good with two to four corresponding invoices, and many of the invoices have the corresponding goods highlighted.

[12] As a preliminary matter, I note that at paragraph 5 of his affidavit, Mr. Rogers provides a hyperlink to a website from which the D G Group's line of products can be accessed and viewed. However, as the contents of this webpage are not attached as an exhibit to an affidavit or statutory declaration, I cannot consider them as evidence in this proceeding. In any event, there is no indication that the website's current appearance would be representative of its appearance during the relevant period.

REASONS FOR DECISION

[13] I note that the Owner's written representations consist almost entirely of "further arguments" with respect to the D G Group, which are primarily comprised of unsworn statements about these companies. Pursuant to sections 45(1) and (2) of the Act, I can only consider evidence submitted in the form of an affidavit or statutory declaration filed by the Owner. Accordingly, these materials and submissions will be disregarded. However, the facts set out in Mr. Rogers' affidavit are sufficiently clear for me to conclude that any use of the Mark by companies within the D G Group would be under the control of the Owner and would therefore enure to the Owner pursuant to section 50(1) of the Act [see *Empresa Cubana Del Tobacco Trading v Shapiro Cohen*, 2011 FC 102 at para 84].

[14] While the Requesting Party did not file written representations or request an oral hearing in this proceeding, the Owner must still demonstrate use of the Mark in association with each of the registered goods and services. As noted above, the Owner's evidence includes representative sample packaging showing how the Mark was displayed in association with goods sold during the relevant period, along with a list of many of the registered goods correlated with invoices dated during the relevant period and, in some instances, corresponding images of such goods.

[15] As such, given that Mr. Rogers correlates each of the goods listed in Exhibit 2 with multiple invoices showing transfers in Canada in the normal course of trade during the relevant period and confirms that the Mark was displayed on the packaging for such goods, I am satisfied that the Owner has demonstrated use of the Mark in association with each of the goods listed in Exhibit 2 within the meaning of sections 4 and 45 of the Act.

[16] I note that the registration includes a number of duplicated goods and services; however, I am satisfied that such duplication is not at issue in this proceeding.

[17] Further, a number of the registered goods are not listed in the Exhibit 2 chart. In this respect, Mr. Rogers states that these "sample uses [...] are representative of those used in connection with each of the goods" at issue. Aside from this statement,

however, there is nothing to suggest that the goods other than those listed in Exhibit 2 were sold by the Owner during the relevant period. While there is no need for evidentiary overkill in a section 45 proceeding, a registered owner is nevertheless obligated to provide evidence to the extent that the Registrar is able to form an opinion on “use” for each of the registered goods within the meaning of the Act [*Performance Apparel Corp v Uvex Toko Canada Ltd*, 2004 FC 448]. In these circumstances, an affidavit must contain clear statements regarding transfers of each of the registered goods within the relevant period and must provide sufficient facts or representative evidence to permit the Registrar to conclude that the trademark was used in association with each good.

[18] In this case, although the Owner has demonstrated that it sold the goods listed in the Exhibit 2 chart, it does not necessarily follow that it sold the remaining registered goods during the relevant period. In this respect, I note that unlike the majority of the goods listed in Exhibit 2, some of the remaining registered goods are large and/or expensive items (e.g., barbecues, bicycles), or belong to other categories of goods that do not appear to be represented in the Exhibit 2 invoices (e.g., insect-repelling items, items specifically for children and babies). Despite the large volume of invoices in evidence, there is no indication that any such remaining goods were transferred in Canada during the relevant period, nor any explanation as to why they were omitted from the Exhibit 2 chart.

[19] Accordingly, other than Mr. Rogers’ general statement that all goods listed in the registration were sold during the relevant period, there is nothing in evidence demonstrating that the Owner transferred the registered goods not included in the Exhibit 2 chart in the normal course of trade during the relevant period. I am therefore not satisfied that the Owner has shown use of the Mark in association with the remaining goods within the meaning of the Act. The goods for which the Owner has not demonstrated use of the Mark are indicated in “~~strikethrough~~” in Schedule A.

[20] The registered services consist of “Wholesale sales via outlets and the Internet connected with the sale of products” and “Wholesale and retail sales, via outlets and the

Internet connected with the sale of products” which include many of the registered goods. Given that the exhibited receipts show that the Owner’s business included selling items to retail customers for resale to end consumers, and selling such items by way of its website, I am satisfied that the Owner’s evidence demonstrates that the Owner performed the services of wholesale and retail sales via outlets and the internet. Although there is considerable overlap between services (1) and (2), the Registrar has held that “in certain cases, statements of services contain overlapping and redundant terms in the sense that the performance of one service would necessarily imply the performance of another” [*Gowling Lafleur Henderson LLP v Key Publishers Co*, 2010 TMOB 7 at para 15].

[21] Nevertheless, the Owner must still demonstrate that it used the Mark in association with each of the registered services during the relevant period. In this respect, I am satisfied that to the extent that the Owner has shown sales of particular registered goods in packaging displaying the Mark, such evidence also demonstrates performance of the services of wholesale and retail sales of those goods. Accordingly, I am satisfied that the Owner has shown use of the Mark in association with these registered services within the meaning of sections 4 and 45 of the Act.

[22] Conversely, where the Owner has not demonstrated use of the Mark in association with particular registered goods, I find that the Owner has not demonstrated that it used the Mark in association with performance or advertisement the services of wholesale or retail sales of those goods. The services for which the Owner has not demonstrated use of the Mark are indicated in “~~strikethrough~~” in Schedule A.

DISPOSITION

[23] In view of all of the above, pursuant to the authority delegated to me under section 63(3) of the Act, the registration will be amended to delete the registered goods and services indicated by “~~strikethrough~~” in Schedule A.

[24] The amended list of goods and services will be as follows:

GOODS:

(1) First aid kits; bag locks; locks for travel cases; padlocks; no-key padlocks; nail clippers; sewing kits; adaptors and travel adaptors namely adaptor plugs; portable luggage scales; travel earphones; folding headphones; camera cases; compression stockings; ear plugs; kettles; kettles for use in cars; electric fans; torches and pocket torches namely electric torches for lighting; trolleys; travel trolleys; luggage trolleys; clocks, alarm clocks; travel alarm clocks; travel bags; luggage; suitcases; handbags; backpacks; duffle bags, day bags, money belts, waist wallets; purses wallets, shoulder wallets and pouches; document wallets; passport wallets and pouches; cash carriers; luggage straps and tags; leather tags; carry straps; travel pillows; neck pillows, back pillows; foot rests; non-electrical fans for personal use; non-electrical mini-fans for personal use; waterproof storage containers; plastic bottles; toothbrush cases; coolers; travel clothes lines and travel washing lines; towels; travel towels; sleep masks.

(2) cases for pills and medicines, anti-nausea bands; wristbands for alleviating motion sickness; garment bags; suit bags; adventure bags and tote bags; umbrellas; toothbrushes; eye masks.

(3) Rainwear.

(4) Metal handbag hooks, foldaway holdalls.

(6) Mobile phone cases, speaker cases, cases for personal digital assistants, smartphone cases, electric mugs and drink warmers; LED torches, pillows.

(7) First aid kits comprising adherent and non-adherent dressings, gauze bandages, plasters, dressing tape, cleansing wipes and antiseptic wipes.

(8) travel blankets.

(10) Toothbrush heads.

(11) Travel chargers for small electronic devices; emergency phone chargers; parts and fittings for the aforesaid goods; compression socks; travel beauty cases, toilet bags, cosmetic bags.

(12) Blankets.

(13) gloves for medical purposes sold as part of a kit; lanterns; bedside lights; laundry bags; inflatable pillows, cushions, mugs, beach towels; ponchos, raincoats, waterproof ponchos.

(14) first aid kits; first aid kits comprising adherent and non-adherent dressings, gauze bandages, plasters, dressing tape, cleansing wipes and antiseptic wipes; cases for pills and medicines; bag locks; locks for travel cases; padlocks; no-key padlocks; keys; metallic holders, rings and chains for keys; metal coat hangers; metal handbag hooks; metal karabiners; nail clippers; sewing kits; adaptors and travel adaptors namely adaptor

plugs; travel chargers for small electronic devices; emergency phone chargers; portable luggage scales; travel earphones; folding headphones; camera cases, mobile phone cases, speaker cases, cases for personal digital assistants, smartphone cases; compression stockings and compression socks; anti-nausea bands; wristbands for alleviating motion sickness; ear plugs; gloves for medical purposes sold as part of a kit; kettles; kettles for use in cars; electric mugs and drink warmers; electric fans; LED torches; torches and pocket torches namely electric torches for lighting; lanterns; bedside lights; trolleys; travel trolleys; luggage trolleys; clocks; alarm clocks; travel alarm clocks; travel bags; luggage; suitcases; handbags, backpacks, garment bags, duffel bags, day bags, foldaway holdalls, suit bags, laundry bags, adventure bags and tote bags; money belts, waist wallets; purses, wallets; shoulder wallets and pouches; document wallets; passport wallets and pouches; cash carriers; luggage straps and tags; leather tags; carry straps; umbrellas; pillows; travel pillows; inflatable pillows, neck pillows, back pillows; cushions; foot rests; non-electrical fans for personal use; non-electrical mini-fans for personal use; waterproof storage containers; plastic bottles; mugs; travel bottles and travel mugs; toothbrushes, toothbrush heads and toothbrush cases; coolers; travel beauty cases, toilet bags, cosmetic bags; travel clothes lines and travel washing lines; towels; travel towels; beach towels; blankets; travel blankets; ponchos, raincoats, rainwear; waterproof ponchos; sleep masks, eye masks.

SERVICES:

(1) Wholesale sales via outlets and the Internet connected with the sale of products in the fields of travel, travel accessories, camping, outdoor activities, leisure and sports namely, first aid kits, first aid kits comprising adherent and non-adherent dressings, gauze bandages, plasters, dressing tape, cleansing wipes and antiseptic wipes, cases for pills and medicines, locks, case locks, bag locks, locks for travel cases, padlocks, no-key padlocks, keys, metallic holders, rings and chains for keys, metal coat hangers, metal handbag hooks, metal karabiners, nail clippers, sewing kits, adaptors, travel adaptors, travel chargers for small electronic devices, emergency phone chargers, portable luggage scales, travel earphones, folding headphones, camera cases, mobile phone cases, speaker cases, cases for personal digital assistants, smartphone cases, compression stockings and compression socks, anti-nausea bands, wristbands for alleviating motion sickness, ear plugs, gloves for medical purposes sold as part of a kit, kettles, kettles for use in cars, electric mugs and drink warmers, electric fans, torches, LED torches, pocket torches, lanterns, bedside lights, trolleys, travel trolleys, luggage trolleys, clocks, alarm clocks, travel alarm clocks, travel bags, luggage, suitcases, handbags, backpacks, garment bags, duffel bags, day bags, foldaway holdalls, suit bags, laundry bags, adventure bags and tote bags, money belts, waist wallets, purses, wallets, shoulder wallets and pouches, document wallets, passport wallets and pouches, cash carriers, luggage straps and tags, leather tags, carry straps, umbrellas, pillows, travel pillows, inflatable pillows, neck pillows, back pillows, cushions, foot rests, non-electrical fans for personal use, non-electrical mini-fans for personal use, waterproof storage containers, bottles, mugs, travel bottles and travel mugs, toothbrushes, toothbrush heads and toothbrush cases, coolers, travel beauty cases, toilet bags, cosmetic bags, travel clothes lines and travel washing lines, towels, travel towels, beach towels, blankets, travel blankets, clothing, outdoor clothing, rainwear, waterproof ponchos, sleep masks, eye masks, all provided on-line and via sales outlets.

(2) Wholesale and retail sales, via outlets and the Internet connected with the sale of products in the fields of travel, travel accessories, camping, outdoor activities, leisure and sports namely, first aid kits, first aid kits comprising adherent and non-adherent dressings, gauze bandages, plasters, dressing tape, cleansing wipes and antiseptic wipes, cases for pills and medicines, locks, case locks, bag locks, locks for travel cases, padlocks, no-key padlocks, keys, metallic holders, rings and chains for keys, nail clippers, sewing kits, adaptors, travel adaptors, travel chargers for small electronic devices, emergency phone chargers, portable luggage scales, travel earphones, folding headphones, camera cases, mobile phone cases, speaker cases, cases for personal digital assistants, smartphone cases, compression stockings and compression socks, anti-nausea bands, wristbands for alleviating motion sickness, ear plugs, gloves for medical purposes sold as part of a kit, kettles, kettles for use in cars, electric mugs and drink warmers, electric fans, torches, LED torches, pocket torches, lanterns, bedside lights, trolleys, travel trolleys, luggage trolleys, clocks, alarm clocks, travel alarm clocks, travel bags, luggage, suitcases, handbags, backpacks, garment bags, duffle bags, day bags, foldaway holdalls, suit bags, laundry bags, adventure bags and tote bags, money belts, waist wallets, purses, wallets, shoulder wallets and pouches, document wallets, passport wallets and pouches, cash carriers, luggage straps and tags, leather tags, carry straps, umbrellas, pillows, travel pillows, inflatable pillows, neck pillows, back pillows, cushions, foot rests, non-electrical fans for personal use, non-electrical mini-fans for personal use, waterproof storage containers, bottles, mugs, travel bottles and travel mugs, toothbrushes, toothbrush heads and toothbrush cases, coolers, travel beauty cases, toilet bags, cosmetic bags, travel clothes lines and travel washing lines, towels, travel towels, beach towels, blankets, travel blankets, clothing, outdoor clothing, rainwear, waterproof ponchos, sleep masks, eye masks, all provided on-line and via sales outlets.

G.M. Melchin
Member
Trademarks Opposition Board
Canadian Intellectual Property Office

SCHEDULE A

GOODS:

(1) First aid kits; bag locks; locks for travel cases; padlocks; no-key padlocks; nail clippers; sewing kits; adaptors and travel adaptors namely adaptor plugs; portable luggage scales; travel earphones; folding headphones; camera cases; ~~binoculars; electrical devices for repelling and killing mosquitos and insects;~~ compression stockings; ear plugs; kettles; kettles for use in cars; electric fans; torches and pocket torches namely electric torches for lighting; trolleys; travel trolleys; luggage trolleys; clocks, alarm clocks; travel alarm clocks; ~~travel jewellery organisers and cases; parts and fittings for all the aforesaid goods;~~ travel bags; luggage; suitcases; handbags; backpacks; ~~roller bags, duffle bags, day bags, money belts, waist wallets; purses wallets, shoulder wallets and pouches; document wallets; passport wallets and pouches; cash carriers; luggage straps and tags; leather tags; carry straps; travel pillows; neck pillows, back pillows; foot rests; non-electrical fans for personal use; non-electrical mini-fans for personal use; waterproof storage containers; plastic bottles; toothbrush cases; coolers; ~~cool bags;~~ travel clothes lines and travel washing lines; towels; travel towels; sleep masks.~~

(2) ~~Liquid travel wash for use on hair, body, clothing and dishes; cases for pills and medicines, magnifying glasses with integral reading light; anti-nausea bands; wristbands for alleviating motion sickness; reading lights; garment bags; suit bags; adventure bags and tote bags; umbrellas; toothbrushes; eye masks.~~

(3) Rainwear.

(4) Metal handbag hooks, foldaway holdalls.

~~(5) Radios; radios with integral alarm clocks parts and fittings for the aforesaid goods.~~

(6) Mobile phone cases, speaker cases, cases for personal digital assistants, ~~cases for CD and DVD players, smartphone cases, parts and fittings for the aforesaid goods;~~ electric mugs and drink warmers; LED torches, ~~parts and fittings for all the aforesaid goods;~~ pillows.

(7) First aid kits comprising adherent and non-adherent dressings, gauze bandages, plasters, dressing tape, cleansing wipes and antiseptic wipes.

(8) ~~Door stops; corner protectors for tables and furniture; chair harnesses for children; baby changing mats; travel blankets; plastic bibs for babies.~~

~~(9) Wrist links for children; walking reins and harnesses for children.~~

(10) Toothbrush heads.

(11) Travel chargers for small electronic devices; emergency phone chargers; parts and fittings for the aforesaid goods; compression socks; travel beauty cases, toilet bags, cosmetic bags; foil survival blankets.

(12) Blankets.

(13) ~~Soaps~~; gloves for medical purposes sold as part of a kit; lanterns; bedside lights; laundry bags; inflatable pillows, cushions, mugs, beach towels; ~~clothing namely sleeved bibs for babies~~, ponchos, raincoats, ~~outdoor clothing~~; waterproof ponchos.

(14) ~~Suntan lotion; sunblock; shower gel; shampoo; soaps; liquid travel wash for use on hair, body, clothing and dishes; fuel for use in barbecues; fire starters; candles; travel candles; outdoor candles; first aid kits; first aid kits comprising adherent and non-adherent dressings, gauze bandages, plasters, dressing tape, cleansing wipes and antiseptic wipes; cases for pills and medicines; mosquito repellent tablets; mosquito repellent wipes; insect repellent wipes; bug guards namely micro-encapsulated anti-mosquito bands with concentrated repellent; wristbands impregnated with insecticides and/or insect repellents; hand steriliser kits; parts and fittings for all the aforesaid goods; bag locks; locks for travel cases; padlocks; no-key padlocks; keys; metallic holders, rings and chains for keys; metal coat hangers; metal handbag hooks; metal karabiners; metal crampons; metal hooks; ice nails; metal pegs; pitons of metal; rope thimbles of metal; metal ropes; metal tent pegs; cutlery; cutlery sets; penknives; camping mallets; nail clippers; sewing kits; scissors; tweezers; adaptors and travel adaptors namely adaptor plugs; travel chargers for small electronic devices; emergency phone chargers; portable luggage scales; travel earphones; folding headphones; pocket calculators, electronic personal organisers, radios; radios with integral alarm clocks; camera cases, mobile phone cases, speaker cases, cases for personal digital assistants, cases for CD and DVD players, smartphone cases; laptop cases and sleeves; sunglasses; monoculars; binoculars; magnifying glasses with integral reading light; field compasses; electrical devices for repelling and killing mosquitos and insects; parts and fittings for all the aforesaid goods; in-flight support bandages, compression stockings and compression socks; anti-nausea bands; wristbands for alleviating motion sickness; ear plugs; refills for insect-repelling devices; gloves for medical purposes sold as part of a kit; barbecues, stoves, camping stoves; cookers; kettles; kettles for use in cars; electric mugs and drink warmers; irons; electric dryers; hairdryers; electric hair straighteners; electric fans; LED torches; torches and pocket torches namely electric torches for lighting; lanterns; reading lights; bedside lights; bath plugs; parts and fittings for all aforesaid goods; bicycles; mountain bikes; trolleys; travel trolleys; luggage trolleys; parts and fittings for all the aforesaid goods; clocks; alarm clocks; travel alarm clocks; travel jewellery organisers and cases; watches; parts and fittings for all the aforesaid goods; brochures; catalogues; magazines; bags for microwave cooking; travel bags; luggage; suitcases; handbags, backpacks, garment bags, roller bags, duffle bags, day bags, foldaway holdalls, suit bags, laundry bags, courier bags, adventure bags and tote bags; rucksack covers; protective liners for rucksacks; money belts, waist wallets; purses, wallets; shoulder wallets and pouches; document wallets; passport wallets and pouches; cash carriers; luggage straps and tags; leather tags; carry straps; umbrellas; wrist links for children; walking reins and harnesses for children; pillows; travel pillows; inflatable pillows, neck pillows, back pillows; cushions; foot rests; non-electrical fans for personal use; non-electrical mini-fans for personal use; door stops; corner protectors for tables and~~

~~furniture; chair harnesses for children; baby changing mats; sleeping mats; sit mats; waterproof storage containers; plastic bottles; mugs; travel bottles and travel mugs; plastic foldaway water bags; vacuum flasks, bottle openers, corkscrews; combs; shoe brushes, nail brushes; toothbrushes, toothbrush heads and toothbrush cases; coolers; cool bags; travel beauty cases, toilet bags, cosmetic bags; tents; ground sheets; travel clothes lines and travel washing lines; towels; travel towels; beach towels; blankets; travel blankets; foil survival blankets; clothing namely sleeved bibs for babies, ponchos, raincoats, outdoor clothing; rainwear; waterproof ponchos; shoe covers; sleep masks, eye masks; plastic bibs for babies.~~

SERVICES:

(1) Wholesale sales via outlets and the Internet connected with the sale of products in the fields of travel, travel accessories, camping, outdoor activities, leisure and sports namely, ~~suntan lotion, sunblock, shower gel, shampoo, soaps, liquid travel wash for use on hair, body, clothing and dishes, fuel for use in barbecues, fire starters, candles, travel candles, outdoor candles, first aid kits, first aid kits comprising adherent and non-adherent dressings, gauze bandages, plasters, dressing tape, cleansing wipes and antiseptic wipes, cases for pills and medicines, mosquito repellent tablets, wipes, mosquito repellent wipes, Insect repellent wipes, bug guards, wristbands impregnated with insecticides and/or insect repellents, hand steriliser kits, locks, case locks, bag locks, locks for travel cases, padlocks, no-key padlocks, keys, metallic holders, rings and chains for keys, metal coat hangers, metal handbag hooks, metal karabiners, metal crampons, metal hooks, ice nails, metal pegs, pitons of metal, rope thimbles of metal, metal ropes, metal tent pegs, cutlery, cutlery sets, penknives, camping mallets, electric shavers, travel shavers, pocket shavers, nail clippers, sewing kits, scissors, tweezers, adaptors, travel adaptors, travel chargers for small electronic devices, emergency phone chargers, portable luggage scales, travel earphones, folding headphones, pocket calculators, electronic personal organisers, radios, radios with integral alarm clocks, camera cases, mobile phone cases, speaker cases, cases for personal digital assistants, cases for CD and DVD players, smartphone cases, laptop cases and sleeves, sunglasses, monoculars and binoculars, magnifying glasses with integral reading light, field compasses, electrical devices for repelling and killing mosquitoes and insects, in-flight support bandages, compression stockings and compression socks, anti-nausea bands, wristbands for alleviating motion sickness, ear plugs, refills for insect-repelling devices, gloves for medical purposes sold as part of a kit, barbecues, stoves, camping stoves, cookers, kettles, kettles for use in cars, electric mugs and drink warmers, irons, electric dryers, hairdryers, electric hair straighteners, electric fans, torches, LED torches, pocket torches, lanterns, reading lights, bedside lights, bath plugs, bicycles, mountain bikes, trolleys, travel trolleys, luggage trolleys, clocks, alarm clocks, travel alarm clocks, travel jewellery organisers and cases, watches, brochures, catalogues, magazines, bags for microwave cooking, travel bags, luggage, suitcases, handbags, backpacks, garment bags, roller bags, duffle bags, day bags, foldaway holdalls, suit bags, laundry bags, courier bags, adventure bags and tote bags, rucksack covers, protective liners for rucksacks, sports bags, money belts, waist wallets, purses, wallets, shoulder wallets and pouches, document wallets, passport wallets and pouches, cash carriers, luggage straps and tags, leather tags, carry straps, umbrellas, wrist links for children, walking reins and harnesses for children, pillows, travel pillows, inflatable pillows, neck pillows, back pillows, cushions, foot rests, non-electrical fans for personal use, non-electrical mini-fans for personal use, door stops, corner protectors for tables~~

~~and furniture, chair harnesses for children, baby changing mats, sleeping mats, sit mats, waterproof storage containers, bottles, mugs, travel bottles and travel mugs, plastic foldaway water bags, vacuum flasks, bottle openers, corkscrews, combs, shoe brushes, nail brushes, toothbrushes, toothbrush heads and toothbrush cases, coolers, eel bags, travel beauty cases, toilet bags, cosmetic bags, tents, ground sheets, travel clothes lines and travel washing lines, towels, travel towels, beach towels, blankets, travel blankets, foil survival blankets, clothing, footwear, headsgear, outdoor clothing, rainwear, waterproof ponchos, shoe covers, sleep masks, eye masks, plastic bibs for babies, toys, games and playthings, games, beach games, playing cards, waterproof travel playing cards, all provided on-line and via sales outlets.~~

(2) Wholesale and retail sales, via outlets and the Internet connected with the sale of products in the fields of travel, travel accessories, camping, outdoor activities, leisure and sports namely, ~~soaps, liquid travel wash for use on hair, body, clothing and dishes, first aid kits, first aid kits comprising adherent and non-adherent dressings, gauze bandages, plasters, dressing tape, cleansing wipes and antiseptic wipes, cases for pills and medicines, bug guards, hand steriliser kits, locks, case locks, bag locks, locks for travel cases, padlocks, no-key padlocks, keys, metallic holders, rings and chains for keys, electric shavers, travel shavers, pocket shavers, nail clippers, sewing kits, scissors, tweezers, adaptors, travel adaptors, travel chargers for small electronic devices, emergency phone chargers, portable luggage scales, travel earphones, folding headphones, radios, radios with integral alarm clocks, camera cases, mobile phone cases, speaker cases, cases for personal digital assistants, cases for CD and DVD players, smartphone cases, laptop cases and sleeves, binoculars, magnifying glasses with integral reading light, electrical devices for repelling and killing mosquitos and insects, in-flight support bandages, compression stockings and compression socks, anti-nausea bands, wristbands for alleviating motion sickness, ear plugs, gloves for medical purposes sold as part of a kit, kettles, kettles for use in cars, electric mugs and drink warmers, irons, electric dryers, hairdryers, electric hair straighteners, electric fans, torches, LED torches, pocket torches, lanterns, reading lights, bedside lights, trolleys, travel trolleys, luggage trolleys, clocks, alarm clocks, travel alarm clocks, travel jewellery organisers and cases, watches, brochures, catalogues, magazines, travel bags, luggage, suitcases, handbags, backpacks, garment bags, roller bags, duffle bags, day bags, foldaway holdalls, suit bags, laundry bags, courier bags, adventure bags and tote bags, rucksack covers, protective liners for rucksacks, sports bags, money belts, waist wallets, purses, wallets, shoulder wallets and pouches, document wallets, passport wallets and pouches, cash carriers, luggage straps and tags, leather tags, carry straps, umbrellas, wrist links for children, walking reins and harnesses for children, pillows, travel pillows, inflatable pillows, neck pillows, back pillows, cushions, foot rests, non-electrical fans for personal use, non-electrical mini-fans for personal use, door stops, corner protectors for tables and furniture, chair harnesses for children, baby changing mats, sleeping mats, sit mats, waterproof storage containers, bottles, mugs, travel bottles and travel mugs, plastic foldaway water bags, vacuum flasks, bottle openers, corkscrews, combs, shoe brushes, nail brushes, toothbrushes, toothbrush heads and toothbrush cases, coolers, eel bags, travel beauty cases, toilet bags, cosmetic bags, travel clothes lines and travel washing lines, towels, travel towels, beach towels, blankets, travel blankets, foil survival blankets, clothing, footwear, headsgear, outdoor clothing, rainwear, waterproof ponchos, shoe covers, sleep masks, eye masks, plastic bibs for babies, toys, games and playthings, games, beach games, playing cards, waterproof travel playing cards, all provided on-line and via sales outlets.~~

Appearances and Agents of Record

HEARING DATE: No hearing held

AGENTS OF RECORD

For the Requesting Party: Oyen Wiggs Green & Mutala LLP

For the Registered Owner: Bhole IP Law