



Canadian Intellectual Property Office

THE REGISTRAR OF TRADEMARKS

Citation: 2023 TMOB 211

Date of Decision: 2023-12-11

IN THE MATTER OF A SECTION 45 PROCEEDING

Requesting Party: Montréal Production Inc.

Registered Owner: Harley-Davidson Motor Company, Inc.

Registration: TMA980,318 for HARLEY-DAVIDSON

MOTORCYCLES & DESIGN

INTRODUCTION

[1] This is a decision involving a summary expungement proceeding with respect to registration No. TMA980,318 for the trademark HARLEY-DAVIDSON MOTORCYCLES & DESIGN, reproduced below (the Trademark), currently owned by Harley-Davidson Motor Company, Inc. (the Owner).



[2] The Trademark is registered for use in association with motorcycles, motorcycle parts and accessories, and numerous consumer goods including jewelry, clothing and apparel. The statement of goods is reproduced in its entirety in Schedule A to this decision.

[3] For the reasons that follow, I conclude that the registration ought to be amended.

THE PROCEEDING

[4] On December 20, 2021, at the request of Montréal Production Inc. (the Requesting Party), the Registrar of Trademarks issued a notice pursuant to section 45 of the *Trademarks Act*, RSC 1985, c T-13 (the Act) to H-D U.S.A., LLC, the previous owner of the subject registration. On May 5, 2023, the Registrar recorded a change in title from this entity to the Owner, due to a merger effective December 31, 2022. I am satisfied that this change in title is not at issue in this proceeding and, for simplicity, will refer to both the Owner and its predecessor-in-title as “the Owner”.

[5] The notice required the Owner to show whether the Trademark was used in Canada in association with each of the goods 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 the Trademark was last in use and the reason for the absence of such use since that date. The relevant period for showing use is therefore between December 20, 2018 and December 20, 2021.

[6] The relevant definition of “use” in this case is set out in section 4(1) of the Act as follows:

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.

[7] It is clear from the jurisprudence that the burden of proof on the registered owner of a trademark to demonstrate use in a section 45 proceeding is not a stringent one; the owner must only supply facts from which a conclusion of use within the meaning of

sections 4 and 45 of the Act may follow as a logical inference [per *Diamant Elinor Inc v 88766 Canada Inc*, 2010 FC 1184 at para 9]. However, where the Owner has not shown use, the registration is liable to be expunged or amended, unless there are special circumstances that excuse the absence of use.

[8] In response to the Registrar's notice, the Owner submitted the affidavit of Adraea M. Brown, Vice President and Assistant General Counsel for the Owner, sworn on July 19, 2022, together with Exhibits AB-1 to AB-5.

[9] The Owner filed written representations and was represented at an oral hearing. The Requesting Party also filed very brief written representations, but provided no indication that these had been served on the Owner as required by section 73 of the *Trademarks Regulations*. The Requesting Party did not respond to the Registrar's letters dated October 14, 2022, and November 25, 2022, advising the Requesting Party that written representations cannot be made of record unless they are served, and requesting information regarding their service on the Owner. That being said, had I considered the Requesting Party's submissions, these would not have affected the outcome of the proceeding.

[10] The hearing in this proceeding was held concurrently with hearings in summary expungement proceedings with respect to the registered trademarks HARLEY-DAVIDSON MOTOR COMPANY & DESIGN (TMA324,987) and H-D (TMA665,101). Separate decisions will issue for those registrations.

OVERVIEW OF THE EVIDENCE

[11] In her affidavit, Ms. Brown explains that the Owner's main activity is the manufacture and sale of motorcycles, and that the Owner's activities also extend to a "range of products and services ancillary to motorcycling such as motorcycle parts, clothing, jewelry, toys, finance and insurance, touring and servicing" [para 9].

[12] Ms. Brown defines the registered goods, collectively, as "the Goods" and attests that during the relevant period "at least one unit" of each of the Goods bearing the Trademark was sold in Canada in the normal course of trade [para 49].

[13] Ms. Brown explains that the Goods are sold by the Owner as well as its authorized licensees. She further states that the Owner exercised, and continues to exercise, direct or indirect control over the character and quality of the Goods sold by its licensees. Having regard to the evidence as a whole in light of this statement, I am satisfied that use of the Trademark evidenced in the Brown affidavit accrues to the Owner's benefit pursuant to section 50 of the Act [per *Empresa Cubana Del Tobacco Trading v Shapiro Cohen*, 2011 FC 102 at para 84, aff'd 2011 FCA 340].

[14] The evidence specifically relating to each good will be discussed in greater detail in the relevant portions of the analysis section below. Ms. Brown's affidavit is divided into seven sections, each corresponding to categories of Goods, namely "motorcycles", "motorcycle parts", "motorcycle helmets", "jewelry, watches, and related items", "belts", "clothing, headwear, and footwear", and "other products". My analysis will be guided by those seven categories.

REASONS

Motorcycle helmets

[15] Ms. Brown asserts that, during the relevant period, motorcycle helmets bearing the Trademark were sold by the Owner or its licensees in Canada. In the body of her affidavit, Ms. Brown reproduces an image of a "Skull Ultra-Light Half Helmet" bearing the Trademark, and confirms that this helmet was sold in Canada during the relevant period.

[16] As for evidence of transfers, Ms. Brown attests that more than 500 helmets bearing the Trademark were sold in Canada during the relevant period.

[17] In light of the above, I am satisfied that the Owner has met its light burden to show use of the Trademark in association with goods (1), namely "Motorcycle helmets", within the meaning of sections 4 and 45 of the Act.

Motorcycles

[18] Ms. Brown states that during the relevant period, motorcycles bearing the Trademark were sold and shipped to "distributors/dealers" and direct consumers in

Canada. In the body of her affidavit, she reproduces photographs depicting the crates in which motorcycles were shipped; the Trademark is displayed on those crates.

[19] Ms. Brown provides representative invoices evidencing the sale of motorcycles during the relevant period. The invoices were issued to Harley-Davidson Canada LP, Barnes Harley-Davidson and Barnes Harley-Davidson Victoria, all three located in Canada [Exhibit AB-2].

[20] Ms. Brown also provides the number of “motorcycles sold in Canada bearing the Trademark” for the periods ranging from December 20, 2018 to December 31, 2018; January 1 to December 31, 2019; January 1 to December 31, 2020; and January 1 to December 19, 2021. In total, more than 23,000 motorcycles were sold over the course of those three years.

[21] I am therefore satisfied that the Owner has also shown use of the Trademark within the meaning of sections 4 and 45 of the Act in association with goods (2), namely “Motorcycles”.

Motorcycle parts

[22] The statement of goods covers motorcycle parts, namely the following registered goods:

(2) [Motorcycles and] structural parts therefor.

(3) Motorcycle parts and accessories, namely, derby covers, timer covers, air cleaner inserts, namely covers, gas cap medallions, fender skirts, console doors for fuel tanks, valve caps, license plate fasteners, foot board inserts, brake pedal pads, foot pegs, shifter pegs, heel rests, fuel tank panels, handle bar grips.

[23] In her affidavit, Ms. Brown lists each of the motorcycle parts listed above, and asserts that each of them, bearing the Trademark, was sold by the Owner or its licensees in Canada. Ms. Brown also attests that more than 2000 units of motorcycle parts were sold during that period in Canada.

[24] Ms. Brown attaches excerpts from a 2020 HARLEY-DAVIDSON® GENUINE MOTOR PARTS & ACCESSORIES catalogue, to which Ms. Brown refers as the “2020

Big Book” [para 20, Exhibit AB-3]. Ms. Brown states that the 2020 Big Book “was used during the Relevant Period to indicate the parts and accessories available and was also used to select and order those motorcycle parts in Canada” [para 20]. The almost 900-page catalogue depicts and describes a wide variety of motorcycle parts. The table of contents of that catalogue lists, for example, windshields, seating, backrests and racks, foot controls, hand controls, engine guards, chassis trim, mirrors, handlebars, caps and medallions, just to name a few.

[25] As representative examples of the manner in which the Trademark is displayed on motorcycle parts, Ms. Brown reproduces images extracted from the 2020 Big Book in the body of her affidavit. The images depict most of the motorcycle parts listed in the registration; all of them are marked with the Trademark.

[26] Accordingly, I am satisfied that the Owner has shown use of the Trademark within the meaning of sections 4 and 45 of the Act in association with the motorcycle parts listed in the registration and reproduced in the first paragraph of this section.

Jewelry, watches, and related items

[27] The statement of goods covers jewelry, watches, and related items, namely the following registered goods:

(4) Jewelry, ankle bracelets, bracelets, earrings, necklaces, tie tacks, ornamental lapel pins, stick pins, ... watches, rings, charms, ... watchbands, ... collar tips, ... hat pins, ...

(5) Watches, rings being jewelry, bracelets, necklaces, earrings, ...

(6) ... pins being jewelry, ornamental pins, ...

(10) Ornaments for hair and clothing not of precious metal, ...

[28] Ms. Brown asserts that, during the relevant period, each of the goods listed above, all bearing the Trademark, were sold by the Owner or its licensees in Canada.

[29] In terms of evidence of transfers, Ms. Brown defines all of the goods listed above (except for “watches” and “watchbands”) as “Jewelry” and attests that sales of Jewelry

bearing the Trademark were greater than \$1 million. She also attests that sales of “Watches and watchbands” bearing the Trademark were greater than \$1.2 million. The figures are not limited to any particular period of time.

[30] In support, Ms. Brown attaches 2020 and 2021 catalogues of the Owner’s licensees, namely MOD Jewelry Group, Inc., Bulova, SymbolArts, and Global Products [Exhibits AB-5, AB-6, AB-7, and AB-8, respectively], and captures of the online stores for Harley-Davidson dealerships, namely Pfaff Harley-Davidson and The Rock Harley-Davidson [Exhibits AB-9 and AB-10, respectively]. With respect to the exhibited online stores, Ms. Brown states that while the webpages were captured in June 2022, these websites “were accessible and accessed by Canadians during the Relevant Period and show the Trademark as used in association with the Goods and the Goods themselves” [para 28].

[31] As representative examples of the manner in which the Trademark is displayed on relevant goods, Ms. Brown reproduces images extracted from the exhibited materials. The images reproduced in Ms. Brown’s affidavit depict a watch (shown below), a charm, a pin, a bracelet, a necklace, and a ring, all marked with the Trademark.



[32] In addition, Ms. Brown identifies specific pages of the exhibited catalogues and online stores which also depict jewelry such as rings, earrings, bracelets, charms, necklaces, and a pin. Ms. Brown also identifies one page of the Exhibit AB-7 Bulova

catalogue as an example of the goods “watchbands/watches”; that page depicts the watch previously referenced and shown above.

[33] As noted above, and in contrast to sales figures provided elsewhere in the affidavit, Ms. Brown does not specify that the figures relating to Jewelry, watch and watchbands, correspond to sales during the relevant period. Nevertheless, I find that based on a fair reading of the evidence, it is reasonable to infer that the entirety of Ms. Brown’s affidavit is in fact limited to the relevant period.

[34] Notably, the introductory paragraph of the section titled “Jewelry, watches, and related items” contains an assertion of sales during the relevant period. In the following paragraph, Ms. Brown goes on to describe the exhibited materials attached to her affidavit as “representative examples of the jewelry, watches and the related items noted above available and sold in Canada in the normal course of trade during the Relevant Period” [para 28]. Those materials include catalogues for 2020 and 2021 jewelry and watch collections. I therefore accept that the sales figures for “Jewelry” and “watches and watchbands” are also limited to the relevant period.

[35] As such, having regard to the sales figures and to the numerous jewelry items depicted in the exhibited materials, all bearing the Trademark, I am satisfied that the Owner has shown use of the Trademark within the meaning of sections 4 and 45 of the Act, in association with each of the registered goods that Ms. Brown defines as “Jewelry”.

[36] Finally, with respect to the remaining two goods “watches” and “watchbands”, I am only satisfied that the Owner has shown use of the Trademark in association with watches. Indeed, while I accept that the product shown in the Bulova catalogue and reproduced in Ms. Brown’s affidavit corresponds to a watch and that watches like this one were sold during the relevant period, there is no clear evidence showing that any watchbands – let alone watchbands bearing the Trademark – were ever sold by the Owner as a separate good.

[37] In this regard, I note that Ms. Brown's statement regarding sales figures refers to "Watches and watchbands", collectively. I further note that Ms. Brown only identifies one page of the exhibited materials as an example of "watchbands/watches", and that this page depicts the Bulova watch from Exhibit AB-7. There is nothing in this evidence which permits me to reasonably infer that watchbands were sold or even offered as a separate good. As such, I find it reasonable to conclude that Ms. Brown references watchbands merely as components of watches.

[38] While evidentiary overkill is not required in a section 45 proceeding, it is nonetheless well established that use evidenced with respect to one specific good cannot serve to maintain multiple goods in a registration [*John Labatt Ltd v Rainier Brewing Co* (1984), 80 CPR (2d) 228 (FCA); for similar conclusions regarding components, see *McMillan LLP v Orange Brand Services Ltd*, 2016 TMOB 111 at paras 72-73; *Vermillion Intellectual Property Corp v Vermillion Energy Inc*, 2017 TMOB 24 at para 69].

[39] With the above in mind, although I am satisfied that the Owner has shown use of the Trademark within the meaning of sections 4 and 45 of the Act in association with "watches", I am not satisfied that the evidence is sufficient to also conclude that the Owner used the Trademark in association with "watchbands". As the Owner has provided no special circumstances that would excuse non-use of the Trademark, the registration will be amended accordingly.

Belts (and belt buckles)

[40] The statement of goods covers "belt buckles of precious metal", "belt buckles not of precious metal", and "belts".

[41] Ms. Brown attests that "belts and belt buckles bearing the Trademark" were sold by the Owner or its licensees in Canada during the relevant period, and that sales of those goods during this period were greater than \$3,500. In the body of her affidavit, Ms. Brown reproduces an image of a "Willie's World Belt" bearing the Trademark, as a representative example of the manner in which the Trademark is displayed on such goods.

[42] As was the case with watchbands being components of watches, belt buckles can arguably be considered to be components of belts. However, in contrast to watchbands, there is evidence showing belt buckles offered for sale as a separate good, including through the online store of Pfaff Harley-Davidson dealership [Exhibit AB-9] and in an exhibited Fall/Winter 2020 product catalogue of the Owner's licensee 5H Accessories [Exhibit AB-11].

[43] Accordingly, I find the evidence sufficient to establish use of the Trademark in association with both belts and belt buckles. Given that the Owner conceded at the hearing that none of the belt buckles in evidence are made of precious metal, I am satisfied that the Owner has shown use of Trademark within the meaning of sections 4 and 45 of the Act, but only in association with "belts" and "belt buckles not of precious metal". In the absence of special circumstances that would excuse non-use of the Trademark, the goods "belt buckles of precious metal" will be deleted from the statement of goods.

Clothing, headwear, and footwear

[44] The statement of goods covers clothing, headwear, and footwear, namely the following registered goods:

(4) ... boot chains,...

(8) Sweaters, suspenders, scarves, jackets, coats, vests, gloves, jeans, chaps, shirts, shorts, headgear for wear, namely hats, caps, bandanas; ... wristbands, coveralls, hosiery, halter tops, neckties, night shirts, nightgowns, pajamas, trousers, pants, rain suits, rain coats, shirts, sweatshirts, sweat pants, tank tops, T-shirts, underwear, head bands, leg warmers, aprons, mittens, lingerie, leather clothing, swimsuits, skirts, bibs; footwear, namely, shoes and boots, and parts of footwear, namely boot tips, sole plates, heel guards.

(9) Jackets, coats, gloves, shirts, shorts, caps, hats, headwear, namely hats, caps, bandanas; knit hats, ... neckties, pants, sweatshirts, T-shirts, leather clothing, namely, leather jackets, leather gloves, footwear, namely, boots and vest extenders.

(10) ... decorative boot straps.

[45] Ms. Brown asserts that, during the relevant period, each of the goods listed above were sold by the Owner or its licensees in Canada, and provides sales figures broken down by categories she defines as follows:

- “clothing” : aprons, bibs, chaps, coveralls, halter tops, hosiery, jeans, leg warmers, lingerie, mittens, neckties, night shirts, nightgowns, pajamas, pants, scarves, shirts, shorts, skirts, suspenders, sweat pants, sweaters, sweatshirts, swimsuits, tank tops, trousers, T-shirts, underwear, vests, vest extenders, wristbands,
- “outerwear” : coats, jackets, rain coats, rain suits,
- “leathers” : leather clothing, leather jackets,
- “gloves” : leather gloves, gloves,
- “headwear” : bandanas, caps, hats, head bands, knit hats,
- “footwear” : shoes and boots,
- “parts of footwear” : boot tips, sole plates, heel guards, boot chains, boots extenders, decorative boot straps.

[46] The evidenced figures total over \$5.5 million in sales, ranging from more than \$3 million for “clothing”, to over \$1,000 for “parts of footwear”. As was the case with jewelry, watches and watchbands, I note that Ms. Brown does not specify that the above figures correspond to sales during the relevant period. Nevertheless, in view of my earlier finding that the entirety of Ms. Brown’s affidavit is limited to the relevant period, I accept that these evidenced figures are sufficient to establish transfers of the clothing, headwear, and footwear goods listed above within the meaning of the Act.

[47] In addition to some of the exhibited material previously outlined in this decision, Ms. Brown attaches a 2020 catalogue of the Owner’s licensee Leather Accessory Source and the Owner’s 2021 General Merchandise Catalog [Exhibits AB-12 and AB-13, respectively], and captures of the Harley-Davidson Footwear online store, operated by the Owner’s licensee Wolverine World Wide, Inc. [Exhibit AB-14], which she states “was accessible and accessed by Canadians during the Relevant Period and

show the Trademark as used in association with the Goods and the Goods themselves” [para 39].

[48] As representative examples of the manner in which the Trademark is displayed on clothing, headwear, and footwear goods, Ms. Brown reproduces images extracted from exhibited materials. The images reproduced in Ms. Brown’s affidavit depict a coat, gloves, a jacket, a leather jacket, a shirt, a sweater, a sweatshirt, tank tops, t-shirts, a vest, a cap, a hat, a head band, vest extenders, shoes, boot straps, and boots, all marked with the Trademark. In addition, Ms. Brown identifies specific pages of the exhibited catalogues and online store which depict similar goods.

[49] Accordingly, I am satisfied that the Owner has shown use of the Trademark within the meaning of sections 4 and 45 of the Act in association with the clothing, headwear, and footwear goods listed in the registration and reproduced in the first paragraph of this section.

Other products

[50] In her affidavit, Ms. Brown groups the remaining registered goods, listed below, as “other products”:

(4) ... clocks,... key fobs, ... money clips, ... pewter plates, figurines of precious metal.

(6) Clocks, ... Wallet chains.

(7) Wallet chains.

(10) ... embroidery, buttons, slide fasteners, pins other than jewelry, badges, medallions, embroidered patches,

[51] Ms. Brown asserts that each of those goods, bearing the Trademark, was sold by the Owner or its licensees in Canada, and attests that retail sales of those goods were “greater than \$5,500” [para 47]. Again, although the evidenced figure is not explicitly identified as corresponding to sales during the relevant period, for reasons outlined above, I find it reasonable to infer that the sales occurred during the relevant period.

[52] In addition to some of the exhibited material previously outlined in this decision, Ms. Brown attaches a 2018 catalogue of the Owner's licensee ACE Branded Products [Exhibit AB-15]. Ms. Brown states that this catalogue "was used during the Relevant Period to indicate clocks and other items available and was also used to select and order those goods" [para 44].

[53] As representative examples of the manner in which the Trademark is displayed on relevant goods, Ms. Brown reproduces images extracted from exhibited materials. The images reproduced in Ms. Brown's affidavit depict a badge, a clock, an embroidered patch, a medallion, a key fob, and a money clip, all marked with the Trademark. In addition, Ms. Brown identifies specific pages of the exhibited materials which depict similar goods.

[54] Accordingly, I am satisfied that the Owner has shown use of the Trademark within the meaning of sections 4 and 45 of the Act in association with each of the registered goods reproduced in the first paragraph of this section.

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

DISPOSITION

[56] Pursuant to the authority delegated to me under section 63(3) of the Act and in compliance with the provisions of section 45 of the Act, the registration will be amended to delete "watchbands" from goods (4), and "belt buckles of precious metal" from goods (4) and (5).

[57] The statement of goods will now read as follows:

(1) Motorcycle helmets.

(2) Motorcycles and structural parts therefor.

(3) Motorcycle parts and accessories, namely, derby covers, timer covers, air cleaner inserts, namely covers, gas cap medallions, fender skirts, console doors for fuel tanks, valve caps, license plate fasteners, foot board inserts, brake pedal pads, foot pegs, shifter pegs, heel rests, fuel tank panels, handle bar grips.

(4) Jewelry, ankle bracelets, bracelets, earrings, necklaces, tie tacks, ornamental lapel pins, stick pins, clocks, watches, rings, charms, key fobs, money clips, collar tips, boot chains, hat pins, pewter plates, figurines of precious metal.

(5) Watches, rings being jewelry, bracelets, necklaces, earrings.

(6) Clocks, pins being jewelry, ornamental pins, Wallet chains.

(7) Wallet chains.

(8) Sweaters, suspenders, scarves, jackets, coats, vests, gloves, jeans, chaps, shirts, shorts, headgear for wear, namely hats, caps, bandanas; belts, wristbands, coveralls, hosiery, halter tops, neckties, night shirts, nightgowns, pajamas, trousers, pants, rain suits, rain coats, shirts, sweatshirts, sweat pants, tank tops, T-shirts, underwear, head bands, leg warmers, aprons, mittens, lingerie, leather clothing, swimsuits, skirts, bibs; footwear, namely, shoes and boots, and parts of footwear, namely boot tips, sole plates, heel guards.

(9) Jackets, coats, gloves, shirts, shorts, caps, hats, headwear, namely hats, caps, bandanas; knit hats, belts, neckties, pants, sweatshirts, T-shirts, leather clothing, namely, leather jackets, leather gloves, footwear, namely, boots and vest extenders.

(10) Ornaments for hair and clothing not of precious metal, belt buckles not of precious metal, embroidery, buttons, slide fasteners, pins other than jewelry, badges, medallions, embroidered patches, decorative boot straps.

Eve Heafey
Member
Trademarks Opposition Board
Canadian Intellectual Property Office

SCHEDULE A

Goods

- (1) Motorcycle helmets.
- (2) Motorcycles and structural parts therefor.
- (3) Motorcycle parts and accessories, namely, derby covers, timer covers, air cleaner inserts, namely covers, gas cap medallions, fender skirts, console doors for fuel tanks, valve caps, license plate fasteners, foot board inserts, brake pedal pads, foot pegs, shifter pegs, heel rests, fuel tank panels, handle bar grips.
- (4) Jewelry, ankle bracelets, bracelets, earrings, necklaces, tie tacks, ornamental lapel pins, stick pins, clocks, watches, rings, charms, key fobs, belt buckles of precious metal, watchbands, money clips, collar tips, boot chains, hat pins, pewter plates, figurines of precious metal.
- (5) Watches, rings being jewelry, bracelets, necklaces, earrings, belt buckles of precious metal.
- (6) Clocks, pins being jewelry, ornamental pins, Wallet chains.
- (7) Wallet chains.
- (8) Sweaters, suspenders, scarves, jackets, coats, vests, gloves, jeans, chaps, shirts, shorts, headgear for wear, namely hats, caps, bandanas; belts, wristbands, coveralls, hosiery, halter tops, neckties, night shirts, nightgowns, pajamas, trousers, pants, rain suits, rain coats, shirts, sweatshirts, sweat pants, tank tops, T-shirts, underwear, head bands, leg warmers, aprons, mittens, lingerie, leather clothing, swimsuits, skirts, bibs; footwear, namely, shoes and boots, and parts of footwear, namely boot tips, sole plates, heel guards.
- (9) Jackets, coats, gloves, shirts, shorts, caps, hats, headwear, namely hats, caps, bandanas; knit hats, belts, neckties, pants, sweatshirts, T-shirts, leather clothing, namely, leather jackets, leather gloves, footwear, namely, boots and vest extenders.
- (10) Ornaments for hair and clothing not of precious metal, belt buckles not of precious metal, embroidery, buttons, slide fasteners, pins other than jewelry, badges, medallions, embroidered patches, decorative boot straps.

Appearances and Agents of Record

HEARING DATE: October 19, 2023

APPEARANCES

For the Requesting Party: No one appearing

For the Registered Owner: Charlotte MacDonald

AGENTS OF RECORD

For the Requesting Party: No agent appointed

For the Registered Owner: Gowling WLG (Canada) LLP