



Canadian Intellectual Property Office

THE REGISTRAR OF TRADEMARKS

Citation: 2025 TMOB 22

Date of Decision: 2025-03-03

IN THE MATTER OF AN OPPOSITION

Opponent: PetKind Pet Products Inc.

Applicant: Dogkind Services Inc.

Application: 1957453 for DOGKIND

INTRODUCTION

[1] Dogkind Services Inc. (the Applicant) has applied to register the trademark DOGKIND (the Mark) in association with the following services:

- (1) Animal training; educational services in the field of pet care
- (2) Boarding for animals; dog day care services
- (3) Dog walking services; pet sitting

[2] PetKind Pet Products Inc. (the Opponent) opposes registration of the Mark. The opposition is primarily based on an allegation that the Mark is confusing with the Opponent's trademark PETKIND, subject of registration No. TMA694449, registered in association with a variety of products for pets including dog food as well as services including conducting workshops and seminars on pets and pet ownership, arranging and conducting conferences

on pets and pet ownership and pet ownership advice and counseling in the field of pets and pet ownership.

[3] For the reasons that follow, I refuse the Application.

THE RECORD

[4] The Application was filed on April 15, 2019 and advertised for opposition purposes in the *Trademarks Journal* of August 17, 2022. On October 17, 2022, the Opponent filed a statement of opposition under section 38 of the *Trademarks Act*, RSC 1985, c T-13 (the Act).

[5] The grounds of opposition relying on alleged confusion between the Opponent and the Applicant's trademarks relate to bad faith under section 38(2)(a.1), registrability under section 12(1)(d), entitlement to register under section 16(1)(a), distinctiveness under section 2 and entitlement to use the trademark in Canada under section 38(2)(f) of the Act. A ground of opposition based on absence of use or proposed use under section 38(2)(e) was also raised.

[6] The Applicant filed a counter statement. The Opponent filed as its evidence the affidavit of Zhen Zhou, sworn on July 21, 2023. The Applicant filed as its evidence the affidavit of Sheridan Francis, sworn on November 21, 2023. No cross-examinations were conducted. Both parties filed written representations and no hearing was held.

LEGAL ONUS AND EVIDENTIAL BURDEN

[7] The Opponent has the initial evidential burden to adduce sufficient admissible evidence from which it could reasonably be concluded that the facts alleged to support each ground of opposition exist. Once the Opponent has met its evidential burden, the Applicant bears the legal onus of establishing, on a balance of probabilities, that the particular grounds of

opposition should not prevent the registration of the Mark [*John Labatt Ltd v Molson Companies Ltd* (1990), 1990 CanLII 11059 (FC), 30 CPR (3d) 293 (FCTD); *Dion Neckwear Ltd v Christian Dior, SA et al*, 2002 FCA 29, 20 CPR (4th) 155].

[8] This means that if a determinate conclusion cannot be reached in favour of the Applicant after a consideration of all the evidence, then the issue must be decided against the Applicant.

OVERVIEW OF THE EVIDENCE

The Zhou affidavit

[9] Zhen Zhou is the Opponent's office manager. She states that the Opponent is a retailer and manufacturer of pet products who has used the trade name PetKind continuously since at least as early as 2004. I note, however that none of the pleaded grounds of opposition relate to the Opponent's trade name.

[10] Ms. Zhou explains that the Opponent owns two registrations, one for PETKIND (TMA694,449) pleaded in the statement of opposition registered in association with various goods and services, and one for PETKIND TRIPE DRY & Design (TMA909,026), a design mark registered only in association with "pet food" and which, in any event, is not pleaded or raised in the statement of opposition.

[11] She maintains that the Opponent's products are available throughout Canada and provides a screenshot of the store locator page on the Opponent's website showing prospective customers where the Opponent's products are available for purchase. I note that this screenshot shows only stores in or around Vancouver. Ms. Zhou also states that the Opponent's products are available online on *amazon.ca*, and provides a screenshot of one of the Opponent's product listings thereon.

[12] Ms. Zhou also states that the stores where the Opponent's products can be found also provide pet related services such as "animal training services, educational services in the field of pet care, boarding for animals, dog day care services, dog walking services, and pet sitting services".

[13] Ms. Zhou attests that the Opponent's product packaging and marketing material therefor, copies of some of which are provided, prominently display the PETKIND trademark. She states that the Opponent's PETKIND trademark has "acquired significant goodwill", citing "over 166 reviews, with an average rating of 4.4" on *amazon.ca*. I note, however, that no details regarding the use or distribution of the marketing materials are provided. Moreover, the "customer reviews" provided indicate "166 global rating", and only 3 reviews, one from each of 2019 through 2022 are visible under the heading "Top reviews from Canada", making it at best unclear the extent to which such ratings and reviews pertain to Canada.

[14] I note that Ms. Zhou makes no mention of the Opponent offering or advertising any of the registered services upon which the grounds of opposition are based, nor does she provide sales information or promotional expenditures by the Opponent relating thereto. Ms. Zhou's evidence is limited to pet food. She provides some representative packaging and marketing materials pertaining thereto, as well as excerpts from the website of one retailer in Toronto and *amazon.ca* showing the Opponent's pet food offered for sale, but no evidence showing actual sales is provided. Ms. Zhou has therefore not shown any use of the Opponent's trademark in association with its registered goods or services pursuant to section 4 of the Act.

The Francis affidavit

[15] Sheridan Francis is the sole shareholder, officer and director of the Applicant. She explains how she "created the name DOGKIND", which was

selected given its “creative, multiple meanings related to the uniqueness of the services” the Applicant will eventually offer.

[16] Ms. Francis explicitly states that the Applicant has not yet commenced business. She explains that the Applicant’s goal is to integrate “development and maintenance of behaviours that are critical to a dog’s well-being” with dog daycare and boarding services, which she states is very rare in the industry. She states that accredited training as well as municipal business permits are generally required, although she does not specify how such conditions impact the Applicant commencing business.

[17] Ms. Francis states that voluntary training and accreditation is offered notably by the BC SPCA, whose accreditation program is named AnimalKind. She provides a screenshot showing that as of November 20, 2023, there were 35 AnimalKind accredited businesses, including “K9 Kind Dog Training & Behaviour Consulting”, providing dog training services in BC.

[18] Ms. Francis further states that the distribution and sale of pet food is a completely separate sector from pet care services, citing the North American Industry Classification System (NAICS), the standard used to classify business in Canada.

ANALYSIS OF THE GROUNDS OF OPPOSITION

Section 12(1)(d) ground of opposition

[19] This ground of opposition, as pleaded in the statement of opposition, reads as follows:

Pursuant to Paragraph 38(2)(b) and having regard to Paragraph 12(1)(d) of the Act, as of the Filing Date, the Date of First Used Claimed and at all material times, DOGKIND (the "Trademark"), used or proposed to be used with "animal training; educational services in the field of pet care" was and is confusing with Trademark Registration No. TMA694449 for PETKIND, registered for use with "conducting workshops and seminars on pets and

pet ownership; arranging and conducting conferences on pets and pet ownership; pet ownership advice and counseling in the field of pets and pet ownership".

[20] However, a review of the Zhou affidavit, along with the Opponent's written submissions on this ground, make it clear that the Opponent was not just relying on the services "conducting workshops and seminars on pets and pet ownership; arranging and conducting conferences on pets and pet ownership; pet ownership advice and counseling in the field of pets and pet ownership" but also the goods "pet food". Moreover, it is apparent from the Applicant's written submissions that the Applicant understood the section 12(1)(d) ground to also include allegations of confusion of the Applicant's other applied for services with the Opponent's registered goods and services.

[21] It would therefore appear that the Applicant is aware of the case it has to meet. In these circumstances, I will address the registrability ground in view of the Opponent's pleadings considered in conjunction with the evidence filed [see *Lost Craft Inc v 101217990 Saskatchewan Ltd dba Direct Brewing Company*, 2021 TMOB 168, aff'd 2022 FC 1254 and *AstraZeneca AB v Novopharm Ltd* (2001), 2001 FCA 296 for authority to consider a ground of opposition in view of evidence filed].

[22] The material date for this ground of opposition is the date of my decision [*Park Avenue Furniture Corporation v Wickes/Simmons Bedding Ltd* (1991), 1991 CanLII 11769 (FCA), 37 CPR (3d) 413 (FCA)].

[23] I have exercised my discretion to check the Register and confirm that the Opponent's registration remains extant [*Quaker Oats Co Ltd of Canada v Menu Foods Ltd* (1986), 11 CPR (3d) 410 (TMOB)]. All of the goods and services registered in association with the Opponent's trademark (as well as their Nice classes) are set out in the attached Schedule A.

[24] The Opponent has therefore met its initial evidential burden with respect to this ground of opposition. As a result, the Applicant bears the legal burden of demonstrating on a balance of probabilities that there is no likelihood of confusion between the Mark and the Opponent's registered trademark.

Test for confusion

[25] The relevant test for confusion is outlined in section 6(2) of the Act, which stipulates that the use of a trademark causes confusion with another trademark if the use of both trademarks in the same area would be likely to lead to the inference that the goods or services associated with those trademarks are manufactured, sold, leased, hired or performed by the same person, whether or not the goods or services are of the same general class or appear in the same class of the Nice Classification.

[26] The test for confusion is assessed as a matter of first impression in the mind of a casual consumer somewhat in a hurry who sees the applicant's mark, at a time when they have no more than an imperfect recollection of the opponent's trademark, and do not pause to give the matter any detailed consideration or scrutiny, nor to examine closely the similarities and differences between the marks [*Veuve Clicquot Ponsardin v Boutiques Cliquot Ltée*, 2006 SCC 23 (CanLII), 49 CPR (4th) 401 at para 20].

[27] In determining whether two trademarks are confusing, all the surrounding circumstances should be considered, including those listed in section 6(5) of the Act:

- 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, including in appearance or sound or in the ideas suggested by them.

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

Inherent distinctiveness and extent known

[29] In their written representations, the parties debate whether the term “dogkind” is a dictionary word, the Opponent citing the Oxford English Dictionary which includes the word, and the Applicant citing the term’s absence in the New Oxford American Dictionary, the Merriam-Webster Dictionary and the Cambridge English Dictionary. In any event, I find that both marks are relatively weak and possess little inherent distinctiveness. The trademarks’ respective “PET” and “DOG” components are descriptive and the term “KIND”, common to both trademarks, suggests products or services that are good for pets or animal friendly. Moreover, any double or special meaning would apply equally to either trademark. As such, I find the inherent distinctiveness of the trademarks favours neither party.

[30] With regard to the extent to which the parties’ trademarks have become known, the Applicant has clearly stated that it has not yet begun using the Mark. As noted above, the Opponent’s evidence does not show use or promotion of the trademark in association with any of the goods or

services pursuant to section 4 of the Act. The evidence regarding the extent to which the Opponent's PETKIND trademark is known is limited to 166 ratings for one of its dog food products, and the availability of its pet products for purchase on amazon.ca and in at least 10 different locations in the Vancouver area. I am prepared to infer from this evidence that the Opponent's trademark has become known in association with its dog food to a minimal extent in Canada.

[31] In these circumstances, taking into account both the inherent distinctiveness of the parties' trademarks and the limited evidence as to the extent to which the Opponent's trademark has become known, I find this factor slightly favors the Opponent.

Length of time the trademarks have been in use

[32] The evidence establishes that the Applicant has not yet begun using the Mark. As for the Opponent, even though Ms. Zhou claims that the Opponent has used the PETKIND tradename since as early as September 29, 2004, the Opponent's evidence fails to demonstrate use of its PETKIND trademark pursuant to section 4 of the Act with any of the registered goods or services. As such, this factor does not favour either party.

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

[33] The Opponent submits that there is significant overlap between its Class 41 services listed in its registration and the services "animal training; educational services in the field of pet care" in the Application, both being in the nature of services "directed to instructional, training and educational services relating to pets".

[34] The Applicant, on the other hand, maintains that there is no overlap between the Opponent's services and those of the Applicant. In this regard, the Applicant submits that the Opponent's Class 41 services are focused on

and delivered to pet owners, do not include any animal training, boarding, day care, walking or sitting services; and do not involve or describe any direct service to or interaction with dogs. In other words, the Opponent's services are directed at people in relation to pets as opposed to them being focused directly on training and caring for dogs as the Applicant's services are. The Applicant further maintains that its business would have unique features, such as delivering behaviour training to dogs that is integrated with other dog care services such as daycare or boarding, which is currently very rare in the industry.

[35] While the parties' statements of goods and services must be read with a view to determining the probable type of business or trade intended by the parties rather than all possible trades that may be encompassed by the wording, it is the Applicant's statement of services as defined in its application compared to the Opponent's goods and services as set out in its registration that govern my determination of this factor [*Henkel Kommanditgesellschaft auf Aktien v Super Dragon Import Export Inc* (1986), 12 CPR (3d) 110 (FCA); *Mr Submarine Ltd v Amandista Investments Ltd* (1987), 1987 CanLII 8953 (FCA), 19 CPR (3d) 3 (FCA); *Miss Universe Inc v Bohna* (1994), 1994 CanLII 3534 (FCA), 58 CPR (3d) 381 (FCA)].

[36] In this respect, remembering the relevant consumer for assessing confusion, I consider there to be a certain level of overlap between the applied for educational services in the field of pet care and the Opponent's "conducting workshops and seminars on pets and pet ownership workshop, conferences and seminars" these services all being for the education of pet owners.

[37] Although I agree with the Applicant that its "boarding for animals, dog day care services, dog walking services and pet sitting" do not appear to overlap directly with any of the Opponent's registered services, I do find

them related to the Opponent's pet food goods. In this regard, in my view, some pets may require special dietary considerations due to allergies or health conditions, which dog care providers would need to accommodate.

[38] With respect to the parties' channels of trade, the Opponent maintains that it offers its pet food in stores that also offer pet training services, which it argues demonstrates that the channels of trade for pet food and pet training and care related services are the same. Further, the Opponent asserts that the target consumers of the services are the same, namely every day pet owners.

[39] In support of its position on this issue, the Opponent relies primarily on Ms. Zhou's statement at paragraph 8 of her affidavit:

PetKind's products can be found at stores that provide animal training, educational services in the field of pet care, boarding for animals, dog day care services, dog walking services, and pet sitting services. Attached as Exhibit "E" is a screenshot of the website of Dog Lounge, a business in Toronto, Ontario, at "<https://www.doglounge.com/tripett-petkind-green-beef-tripe-14oz.html>", showing PetKind's "Tripett Green Beef Tripe" product sold alongside animal training services, educational services in the field of pet care, boarding for animals, dog day care services, dog walking services, and pet sitting services.

[40] The Applicant submits that the Opponent has not provided any evidence that its goods can be purchased at the Dog Lounge's physical location, nor has the Opponent provided any evidence with respect to its services or the channels through which they are distributed. In summary, it is the Applicant's position that the Opponent's evidence only shows a single retailer that (1) offers two of the Opponent's products; and (2) has a drop down menu on its website showing services that are in the nature of the Applicant's services, without indicating of whether such services "are available for purchase online or in-store".

[41] I agree with the Opponent that the customers for the services in the Application would be the same as those for the registered goods and services, namely pet owners. Moreover, the Opponent has provided evidence, limited as it might be, of one store offering its pet food also offering services that directly overlap with the applied for services as including training, walking, daycare and boarding services. As the Application is not restricted to specific channels of trade, nothing precludes the Applicant's services being advertised or offered in similar locations as the Opponent's goods or services.

[42] As such, I find that, overall, this factor favours the Opponent.

Degree of resemblance

[43] As noted above, the degree of resemblance between the trademarks will often have the greatest effect on the confusion analysis. 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 [*Veuve Clicquot, supra*]. In *Masterpiece, supra*, the Court observed that while the first word (or syllable) of a trademark may, for purposes of distinctiveness, be the most important in some cases [*Conde Nast Publications Inc v Union des editions moderns* (1979), 46 CPR (2d) 183 (FCTD)], a preferable approach is to first consider whether there is an aspect of the trademark that is particularly striking or unique.

[44] In the present case, I do not consider there to be anything particularly striking about either the Applicant's or the Opponent's trademark. To the extent that both trademarks are comprised of one word with two syllables and both end with the component "KIND", there is a degree of resemblance between them. With regard to the first portion of the trademarks, although the words "PET" and "DOG" obviously differ in appearance and sound, I find

them similar in the idea they suggest. While it is true that not all pets are dogs and not all dogs are pets, it is also true that many dogs are pets and many pets are dogs. As such, I consider that the casual Canadian consumer would likely consider the idea suggested by both trademarks to be similar.

[45] Overall, I consider this factor to favour the Opponent.

Surrounding circumstances – state of the register and state of the marketplace evidence

[46] As a surrounding circumstance, the Applicant submits that the Opponent seeks an unreasonable scope of protection in relation to the word KIND in association with goods and services related to pets. In support of this argument, the Applicant refers to various similarly structured registered trademarks which it submits are contained on the Canadian trademarks register.

[47] State of the register evidence favours an applicant when it can be shown that the presence of a common element in marks would cause consumers to pay more attention to the other features of the marks, and to distinguish between them by those other features [*McDowell v Laverana GmbH & Co KG*, 2017 FC 327 at para 42]. Inferences regarding the state of the marketplace may be drawn from such evidence in two situations: where a large number of relevant registrations are located; and/or where there is evidence of common use in the marketplace of relevant third party marks [*Kellogg Salada Canada Inc v Maximum Nutrition Ltd* (1992), 1992 CanLII 14792 (FCA), 43 CPR (3d) 349 (FCA); *McDowell v Laverana GmbH & Co KG*, *supra*, at paras 41-46].

[48] In this case, the Applicant has not provided particulars of any of the eight third party registrations it relies on in its written representations. The Registrar does not exercise discretion to take cognizance of its own

records except to verify whether claimed trademark registrations and applications are extant [see *Quaker Oats, supra*, at 411 and *Royal Appliance Mfg Co v Iona Appliance Inc* (1990), 32 CPR (3d) 525 (TMOB)]. I am therefore unable to consider the Applicant's submissions regarding the state of the register.

[49] The Applicant further submits that it has provided evidence of use by third parties of marks that include KIND which operate in the Opponent's home province of British Columbia. In making this submission the Applicant relies on the following evidence of Ms. Francis:

19. AnimalKind is the BC SPCA's voluntary animal welfare accreditation program for dog training and pet care companies. The AnimalKind accreditation program is offered to dog training businesses in BC; provision of other dog-related services (e.g., kennel-style boarding, grooming, daycare, shelter) or concurrent operation of another animal-related business (e.g., farm, wildlife control) may also be acceptable. The BC SPCA audits the accredited companies to be sure they follow the program standards. According to the screenshot I obtained from <https://animalkind.ca/findservices/> on November 20, 2023, which is attached to this affidavit as Exhibit C, on November 20, 2023, there were 35 AnimalKind-accredited businesses.

20. K9 Kind Dog Training & Behaviour Consulting, which also operates simply as K9 Kind, is an AnimalKind-accredited business that provides dog training services in Courtenay, B.C.

[50] The mere existence of a website which lists a number of ANIMALKIND accredited businesses does not establish that Canadians have accessed this website or the extent known of any of these ANIMALKIND accredited businesses. There is also no evidence that any Canadians have purchased any services from any of these ANIMALKIND accredited businesses, including those of the K9 KIND business.

[51] In my view, this evidence is therefore insufficient from which to conclude that the element KIND has been commonly adopted in the relevant

trade or that the element has been adopted and used by others to a sufficient extent to support any suggestion that the scope of protection to be accorded to the Opponent's PETKIND trademark should be negatively affected. Accordingly I do not consider this to be a relevant surrounding circumstance.

Surrounding circumstance - weak marks

[52] As a further surrounding circumstance, the Applicant submits that the Opponent's mark is weak such that the differences between the Mark and the Opponent's PETKIND trademark is sufficient to avoid confusion.

[53] It is well accepted that comparatively small differences will suffice to distinguish between weak trademarks [*Boston Pizza International Inc v Boston Chicken Inc*, 2001 FCT 1024, 15 CPR (4th) 345 (FCTD) at para 66; *Provigo Distribution Inc v Max Mara Fashion Group SRL*, 2005 FC 1550, 46 CPR (4th) 112 (FCTD) at para 31].

[54] In this case, where both parties' trademarks are inherently weak as discussed above, it is fair to say that even small differences may be sufficient to distinguish among them. Were it otherwise, first users of words in common use would be unfairly allowed to monopolize these types of words. As such, this circumstance favours the Applicant.

Conclusion on the section 12(1)(d) ground

[55] Having considered all the surrounding circumstances contemplated by section 6(5) of the Act, I consider this case to be, at best, borderline given the Opponent's very limited evidence of use and reputation as well as the inherent weakness of the trademarks at issue. That being said, considering that the legal onus is on the Applicant, given the relatedness of the goods and services at issue and their channels of trade, as well as the similarity between the trademarks, weak as they may be, the Applicant has not

convinced me that, on a balance of probabilities, there is not a reasonable likelihood of confusion between the Mark and the Opponent's PETKIND trademark. As a result, the section 12(1)(d) ground of opposition is successful.

Remaining grounds of opposition

[56] Since I have already refused the Application under section 12(1)(d), I do not consider it necessary to address the remaining grounds.

DISPOSITION

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

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

Appearances and Agents of Record

HEARING DATE: No hearing held

AGENTS OF RECORD

For the Opponent: Palmer IP Inc

For the Applicant: Robert J. Wise

Schedule A

Opponent's Registration No. TMA694449 for PETKIND

Goods (Nice class & Statement)

3

(1) Cosmetics and eye treatment, namely, anti-stain and tear remedies; cosmetic treatments and solutions, namely, moisturizers, lotions, and detanglers; non-medicated grooming preparations for pets, namely, shampoos, conditioners, and aromatics made from any of herbal, plant, fruit and tree sources; shampoos, conditioners and cleansers for any of removing dirt, building coat volume, adding shine and luster to a coat, adding brightness to a coat, restoring natural colour to a coat, softening a coat, enhancing coat fluffiness and reducing tangling in a coat; cleaning preparations containing perfumes, lemon oil, red cedar oil and lime extract; external applied oils, namely, conditioners for skin and coat, conditioners having as an ingredient any of lanolin, lemon and orange extracts, honey, herbs and grain derivatives.

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(2) Pet food supplements; disinfectants for animal coats, enclosures and shelters; dietary, herbal, bacterial and nutritional supplements, namely, pills, powders, liquids, gel caps or food additives for improving the nutrition, assisting the digestion, improving the quality of the coat and skin, boosting the immune system, stimulating the appetite or increasing the overall wellness of a pet, vitamin A, vitamin B complex, vitamin C, flax seed oil, kelp, glucosamine sulfate, chondroitin, folic acid, biotin, pantothenic acid, linoleic acid calcium, potassium, magnesium, phosphorous, sodium, iron, manganese, zinc, copper, selenium, chromium, enzymes, herbal and plant extracts, namely, extracts of aloe vera and primerose oil, lecithin grains, acidopholus, garlic, neem seed oil, chlorophyll, grapeseed extract, antioxidants, and cereal grains, namely, barley, rolled oats, oat bran, soybean meal and parsley; herbal and synthetic sources of vitamins; herbal and synthetic sources of minerals; probiotics, namely, ingestible bacterial cultures for supporting and improving the health of the digestive system of a pet; ingestible bacterial cultures for increasing the level of lactic acid in a pet; external applied oils, namely, conditioners for joints and bones, conditioners having as an ingredient any of lanolin, lemon and orange extracts, honey, herbs and grain derivatives; antibiotic ointments for countering any of eye irritation, dryness and infection; natural ointments for countering any of eye irritation, dryness and infection; natural ointments for countering any of eye irritation, dryness and infection; coat and skin

sprays, namely, sprays for any of making the coat shiny and smooth, reducing skin irritation, soothing skin and countering any of itching, ticks, fleas and mites; medicated grooming preparations for pets, namely, medicated shampoos, conditioners and cleaners for combating any of dandruff, dry skin, psoriasis, fleas and mites, infestations by small insects namely fleas and mites, and healing skin dryness or irritation namely skin dryness or irritation caused by fleas or mites; flea collars; flea powders; cosmetic treatments and solutions, namely, insect repellants and healing balms; disinfectants for animal coats, enclosures and shelters; cleaning preparations and deodorizers for reducing mold and mildew in animal containers such as crates and kennels; deodorizers containing perfumes, lemon oil, red cedar oil and lime extract.

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(3) Video tapes (prerecorded); disks (pre-recorded video); digital images.

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(4) Pet grooming supplies and products, namely, dryers.

14

(5) Pet accessories, namely, jewellery.

16

(6) Books, brochures and pamphlets, namely, books, brochures and pamphlets for providing information relating to any of the purchase of pet products, the use of pet products, animal wellness, animal supplements, animal medicine, trade shows, animal competitions and shows, pet travel issues and pet breeding; training manuals; still pictures; photographs; art.

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(7) Collars; leashes; accessories for automobile and other modes of transport, namely, totes, travel bags, and duffel bags; pet accessories, namely, collars, leashes, and bags; footwear, namely, booties; pet clothing, namely, rain jackets and wool jackets; pet accessories, namely, clothing.

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(8) Furniture, namely, kennels namely portable, pet carriers; portable beds for pets; picture frames; pet accessories, namely, pillows, houses and furniture; accessories for automobile and other modes of transport, namely, wire and/or plastic transport crates; pet grooming supplies and products, namely, stands and cabinets; pet bedding comprised of pillows.

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(9) Animal litter boxes and animal litter pans; pet feeding dishes; cages for pets; pet accessories, namely, bowls and feeding dishes; pet grooming supplies and products, namely, brushes and combs; Furniture, namely, ornamental cages.

24 (10) Accessories for automobile and other modes of transport, namely,
blankets.

28 (11) Pet accessories, namely, toys.

31 (12) Pet foods; pet beverages; pet treats; biscuits; chews; pellets; pet
bedding comprised of woodchips; pet bedding comprised of composite
sawdust pellets; pet bedding comprised of shredded papers

Services (Nice class & Statement)

35 (1) Online wholesale/retail distributorship in the field of pet products;
online ordering services featuring pet products; online retail store
featuring pet products; distributorship featuring pet products.

38 (2) Delivery of messages by electronic transmission, namely, uploading
and posting messages for facilitating on-line discussion forums.

41 (3) Conducting workshops and seminars on pets and pet ownership;
arranging and conducting conferences on pets and pet ownership; pet
ownership advice and counseling in the field of pets and pet ownership.