



Canadian Intellectual Property Office

THE REGISTRAR OF TRADEMARKS

Citation: 2025 TMOB 189

Date of Decision: 2025-09-19

IN THE MATTER OF AN OPPOSITION

Opponent: Loaded Pierogi Franchising Inc.

Applicant: 2198515 Ontario Ltd.

Application: 2,110,673 for PEROGIES & POUTINE and Design

INTRODUCTION

[1] 2198515 Ontario Ltd. (the Applicant) has applied to register the trademark PEROGIES & POUTINE and Design (the Mark), shown below:



[2] The Mark is applied for in association with the following services (collectively, the Applicant's Services):

Services (Nice class & Statement)

35(1) Offering technical assistance in the establishment and operation of restaurant franchises

43(2) Bar and restaurant services; catering services; take-away fast food services

45(3) Awarding of licenses for franchising concepts

[3] Loaded Pierogi Franchising Inc. (the Opponent) opposes registration of the Mark. The opposition is based on allegations that the Mark is confusing with four of its "LOADED PIEROGI" trademarks (collectively, the Opponent's Marks), registered or applied for in association with a number of goods and services including food goods and restaurant services as set out in Schedule A to this decision, and including the design mark shown below:



[4] For the reasons that follow, the application is refused.

THE RECORD

[5] The application was filed on May 31, 2021. The application was advertised for opposition purposes in the *Trademarks Journal* on September 21, 2022. On November 21, 2022, the Opponent opposed the application by filing a statement of opposition under section 38 of the *Trademarks Act*, RSC 1985, c T-13 (the Act).

[6] The grounds of opposition are summarized below:

- Contrary to sections 30(1) and 38(2)(a.1) of the Act, the application was filed in bad faith because the Applicant could not have been satisfied that it was entitled to use or register the Mark in Canada in association with the Applicant's Services because of the Opponent's prior use of the Opponent's Marks.
- Contrary to sections 38(2)(b) and 12(1)(b) of the Act, the Mark is not registrable because it is clearly descriptive of the character or quality of the Applicant's Services.
- Contrary to sections 38(2)(b) and 12(1)(d) of the Act, the Mark is not registrable because it is confusing with the Opponent's Marks.
- Contrary to sections 38(2)(c) and 16(1)(a) of the Act, the Applicant is not the person entitled to registration of the Mark because the Mark is confusing with the Opponent's Marks.
- Contrary to sections 38(2)(c) and 16(1)(b) of the Act, the Applicant is not the person entitled to registration of the Mark because the Mark is confusing with the Opponent's Marks in respect of which an application had previously been filed by the Opponent.
- Contrary to sections 38(2)(d) and 2 of the Act, the Mark is not distinctive of the Applicant because it does not, and was not adapted to, distinguish the Applicant's Services from the goods and services of the Opponent as it is confusing with the Opponent's Marks.

[7] I note that the Opponent also pleaded a ground of opposition pursuant to section 16(3)(a) of the Act; however, as there is no such section under the current Act, that pleading does not amount to a valid ground of opposition and, in any event, appears to be redundant in view of the other two entitlement grounds.

[8] On February 2, 2023, the Applicant served and filed a counter statement. Both parties filed evidence and written representations; no hearing was held.

EVIDENCE

Opponent's Evidence

[9] As its evidence in this proceeding, the Opponent filed the affidavit of Bryan Burke, the Director of the Opponent, sworn June 2, 2023.

[10] Mr. Burke's affidavit contains the following:

- Information about the Opponent and its business, including the fact that since 2014, 15 Loaded Pierogi franchises have been opened in Canada and are, or were, using the Opponent's Marks subject to a licence which is attached as Exhibit D.
- Screenshots of the Opponent's website taken from the Wayback Machine online archive showing how that website appeared at various points between 2015 and 2023 (Exhibits I, J). I note that the Opponent's Marks, including the design marks, appear on each of the Exhibit I screenshots; however, only the word mark appears on the Exhibit J screenshots. Screenshots from the platforms Door Dash, Uber Eats, and Skip The Dishes showing food products offered by the Opponent, displaying the word mark but not the design mark, are attached as Exhibit E. Screenshots from the Applicant's website are attached as Exhibit F.
- Gross sales figures for each of the Opponent's franchises for the periods those franchises were active, dating as early as January 1, 2015. The gross sales for each location amount to hundreds of thousands or millions of dollars per franchise. Sample invoices are attached as Exhibit K.
- Information regarding the Opponent's promotional activities, including sample promotional materials dating from 2014 to 2023 (Exhibit L), social media screenshots (Exhibits M, N), a post from the websites BlogTO from November 13, 2014 (Exhibit O) and Daily Hive from November 23, 2018 (Exhibit P), and other articles (Exhibit Q). The word mark appears throughout these materials; the design mark appears in posts dated as early as September 2014 and as late as December 2022.

[11] Mr. Burke was not cross-examined on his affidavit.

Applicant's Evidence

[12] As its evidence in this proceeding, the Applicant filed the affidavit of Bill Argo, the Vice President of the Applicant, sworn October 2, 2023.

[13] Mr. Argo's affidavit contains the following:

- Background information to the effect that Mr. Argo is a principal of The Symposium Cafe Inc., which is the master franchisor of the Symposium Cafe chain of restaurants (Symposium Chain), created by Mr. Argo and his brother, Terry Argo.
- Information to the effect that the Argo brothers own six "virtual restaurant concepts", which are a business model which make use of the kitchen facilities and staff resources of a third-party branded restaurant, as opposed to maintaining their own branded premises, and offer their services strictly by way of take out and delivery through platforms such as Door Dash, Skip The Dishes and Uber Eats. Perogies & Poutine is one such virtual restaurant "concept"; Mr. Argo states that the concept is owned by an affiliated company, Crest Kitchens Corp. (Crest) and licensed to the Symposium Chain.
- Information to the effect that Perogies & Poutine has been available in southern Ontario since fall 2020 and continues to be available. As Exhibit B, Mr. Argo attaches screenshots from the Perogies & Poutine website, which he states has been operated continuously since October 2020.
- Trademark particulars for a number of trademarks containing "perogy", "perogies", "perog", "pierogi", and "pierog".

[14] Mr. Argo was cross-examined on his affidavit, as discussed further below.

Preliminary Issue: Alleged Deficiencies in Applicant's Evidence

[15] The Opponent submits that in light of the fact that the Argo affidavit was drafted by counsel and sworn by Mr. Argo [Argo cross-examination transcript, Q156-166], and in light of a number of alleged deficiencies in the Argo affidavit, including a lack of information regarding the relationship between the Applicant, the Symposium Chain, and Crest, as well as refusals by Mr. Argo to answer certain questions on cross-examination, an adverse inference should be drawn with respect to the facts set out in the Argo affidavit, and it should be given no weight.

[16] I am not prepared to give the Argo affidavit diminished weight merely because it was prepared by counsel. There is no requirement that the text of an affidavit be written by the affiant personally; rather, an affiant must attest to the veracity of the affidavit's contents [*Onward Multi-Corp Inc v Empire Comfort Systems, Inc*, 2021 TMOB 297 at para 35], which Mr. Argo has done in this case. While I agree with the Opponent that certain portions of the Argo affidavit are more in the nature of legal argument than statements of fact, including the discussion of the Opponent's trademarks beginning at paragraph 14, I am nevertheless prepared to take the statements of fact in his affidavit with respect to the operations of the Symposium Chain, Crest, and Perogies & Poutine at face value.

[17] Further, although it is unclear from the affidavit how these entities are related to the Applicant, Mr. Argo explained that he is both the vice-president of the Applicant and a principal of the Symposium Chain [Argo affidavit, para 2], and that the latter has a licence agreement to sell menu items in association with the Mark [Argo affidavit, Q45]. Where an individual is a director or an officer of both the registered owner of a trademark and the alleged licensee, an inference may be drawn that the requisite control exists pursuant to section 50 of the Act [see *Petro-Canada v 2946661 Canada Inc* (1998), 83 CPR (3d) 129 (FCTD); *Lindy v Canada (Registrar of Trade Marks)*, [1999] FCJ No 682 (FCA)].

Ground of Opposition: Section 12(1)(d)

[18] The Opponent alleges that contrary to section 12(1)(d) of the Act, the Mark is not registrable due to the Opponent's registrations for the Opponent's registered trademarks LOADED PIEROGI Design Mark, Reg. No. TMA968,011; and LOADED PIEROGI, Reg. No. TMA968,010. I have exercised my discretion to check the register and confirm that these registrations remain extant [per *Quaker Oats Co of Canada v Menu Foods Ltd* (1986), 11 CPR (3d) 410 (TMOB)]. The Opponent has therefore met its initial evidential burden for the section 12(1)(d) ground of opposition.

[19] Since the Opponent has discharged its evidentiary burden regarding this ground of opposition, I must assess whether the Applicant has discharged its legal onus to prove, on balance of probabilities, that there is no reasonable likelihood of confusion between the Applicant's Mark and the aforementioned registrations of the Opponent. The material date with respect to confusion with a registered trademark is the date of this decision [*Simmons Ltd v A to Z Comfort Beddings Ltd* (1991), 37 CPR (3d) 413 (FCA)].

[20] In applying the test for confusion, the Registrar must have regard to all the surrounding circumstances, including those specifically enumerated in section 6(5) of the Act, namely: (a) the inherent distinctiveness of the trademarks and the extent to which they have become known; (b) the length of time each has been in use; (c) the nature of the goods, services or business; (d) the nature of the trade; and (e) the degree of resemblance between the trademarks in appearance or sound or in the ideas suggested by them. These enumerated factors need not be attributed equal weight [see, in general, *Mattel USA Inc v 3894207 Canada Inc*, 2006 SCC 22 (*Mattel*), and *Masterpiece Inc v Alavida Lifestyles Inc*, 2011 SCC 27 (*Masterpiece*)].

[21] Finally, section 6(2) of the Act does not concern confusion between the trademarks themselves, but confusion regarding goods or services from one source as being from another source. In this case, the question posed by section 6(2) is whether there would be confusion regarding the Applicant's Services offered in association with the Mark such that they would be thought to have emanated from the Opponent.

[22] In conducting the confusion analysis, I will focus on the Opponent's LOADED PIEROGI Design Mark, Application number 1719654, Reg. No. TMA968,011 (the 011 Mark), as it represents the Opponent's best case with respect to the issue of confusion.

Degree of resemblance

[23] The Opponent submits that the trademarks are highly similar. In this respect, the Opponent submits that the minor difference in spelling between perogies and pierogi does not lessen the degree of resemblance as the terms are interchangeable and phonetically indistinguishable. As for the design component, the Opponent notes that the 011 Mark and the Mark both contain the following Vienna Code Descriptions:

- 25.1.6 Banderoles, cartouches
- 24.3.1 Seals or stamps
- A 24.3.9 Seals or stamps having some other form
- A 24.3.17 Seals or stamps with representations of geometrical figures or solids
- A 24.3.18 Seals or stamps with inscriptions
- A 24.3.19 Seals or stamps with other figurative elements

[24] The Opponent notes that the words appear in similar locations on the top part of the design and on the banner, and the seal bears the same scalloped edge.

[25] The Applicant submits that the parties' trademarks are neither identical nor very similar, since the Mark shares only a single differently-spelled word, in the plural rather than the singular, and in a non-dominant position as compared to the 011 Mark. The Applicant notes that the Mark uses other words, letters, and symbols that are not present in the 011 Mark, including the dominant element "P&P" and the word "Poutine", set in different fonts than those present in the 011 Mark, and does not include the word "Loaded". The Applicant further submits that the only similarities are the circular, scalloped shape and the interior banner, which the Applicant describes as generic design features that are extremely common. In support, the Applicant refers to a

number of trademarks sharing similar design features; however, I note that none of these trademarks have been properly introduced into evidence.

[26] In addition, the Applicant submits that its Mark includes 23 specific design elements as compared to 14 included in the 011 Mark, only 6 of which are shared with the Mark. Among the design elements incorporated in the Mark but not the 011 Mark are the interior hash design as opposed to a solid interior colour, a straight banner with indented ends as opposed to a curved banner with flat ends, words bookended by horizontal lines as opposed to stars, a thick interior ring containing words as opposed to thin lines featuring no writing, and the absence of perogy and rolling pin images.

[27] When considering the degree of resemblance, the law is clear that the trademarks must be considered in their totality; it is not correct to lay them side by side and compare and observe similarities or differences among the elements or components of the trademarks. The Supreme Court of Canada in *Masterpiece* has advised that the preferable approach when comparing trademarks is to begin by determining whether there is an aspect of the trademark that is particularly striking or unique. I would further note, with respect to the parties' submissions on the similarities and differences between the Vienna Code Descriptions associated with the marks, that information used by the Registrar for indexation purposes is not relevant for the purpose of assessing the degree of resemblance between trademarks [*Levi Strauss & Co v 167081 Canada Inc* (2009), 76 CPR (4th) 228 at para 31].

[28] In this case, I find that the most striking aspect of both trademarks is the combined effect of the design and word elements. The overall impression of the trademarks, therefore, emanates from the combination of the circular, scalloped design, the banner, and the text on each trademark, both of which refer to perogies. The trademarks share some similarity when sounded and in terms of ideas suggested, as they both include the word perogies/pierogi. Visually, there are a number of differences between the trademarks; the large initials and ampersand set against the checkered background bounded by the light-coloured circle containing text in the Mark do not appear in the 011 Mark, and the perogy and rolling pin graphic elements set against a

solid, dark background colour are absent from the Mark. Nevertheless, to focus too heavily on these secondary details would, in my view, stray into the type of side-by-side analysis deemed impermissible by the Supreme Court. Applying the first impression test articulated by the Supreme Court [*Veuve Clicquot Ponsardin v Boutiques Cliquot Ltée*, 2006 SCC 23 at para 20], I find that the marks at issue resemble each other to a fair degree.

[29] Accordingly, this factor favours the Opponent.

Inherent and acquired distinctiveness

[30] Given that both trademarks consist of circular design elements with banners and text that is somewhat descriptive of the parties' respective goods and/or services, I find that they have a roughly equivalent degree of inherent distinctiveness.

[31] As for acquired distinctiveness, the Opponent has provided evidence of millions of dollars in gross revenues since 2015, as well as examples of its promotional activities. The Applicant has provided no sales figures, and its examples of promotional activities are limited to an interview given with Franchise Canada Online; however, no admissible information is provided regarding the extent to which this interview, or the Applicant's website, would have been accessed by Canadians at any time. The Applicant submits that because approximately one third of the Opponent's restaurants had closed by 2022, while approximately twenty-two Perogies & Poutine "concepts" currently operate in southern Ontario, it can be inferred that "the Applicant's business is thriving while the Opponent's business is contracting". However, because the Opponent operates physical restaurants while the Applicant's products are only available for take out and delivery, and in the absence of any information whatsoever regarding sales figures or advertising expenditures from the Applicant, I do not consider this to be a useful comparison.

[32] In view of the Opponent's evidence of its sales figures since 2015, I find that the Opponent's 011 Mark has acquired a greater degree of distinctiveness than the Mark.

[33] On balance, this factor favours the Opponent.

Length of time in use

[34] The Opponent has provided services in association with its trademark since 2014, while the Applicant has been offering services in association with the Mark since 2020. In this respect, the Applicant submits that taking into account the extensiveness of use of its trademark and the trajectory of the parties' businesses, including the fact that a number of the Opponent's restaurants appear to have closed, this factor ought to favour the Applicant. However, even if extensiveness of use or "trajectory" of business were relevant to this factor, I would not be prepared to make any findings as to the extensiveness of use of the Applicant's Mark based on the mere fact that approximately twenty-two of the Applicant's Perogies & Poutine "concepts" currently operate in southern Ontario.

[35] Accordingly, this factor favours the Opponent.

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

[36] When considering sections 6(5)(c) and (d) of the Act, it is the statement of goods and services as defined in the Opponent's Registration No. TMA968,011 and the current statement of services in the application for the Mark that governs the assessment of the likelihood of confusion under section 12(1)(d) of the Act [*Henkel Kommanditgesellschaft auf Aktien v Super Dragon Import Export Inc* (1986), 12 CPR (3d) 110 (FCA); *Mr Submarine Ltd v Amandista Investments Ltd* (1987), 19 CPR (3d) 3 (FCA)]. However, as each statement must be read with a view to determining the probable type of business intended, evidence of the parties' actual trades is useful [see *McDonald's Corp v Coffee Hut Stores Ltd*, 1996 CanLII 3963 (FCA); *McDonald's Corp v Silcorp Ltd* (1989), 55 CPR (2d) 207 (FCTD), aff'd (1992), 41 CPR (3d) 67 (FCA)].

[37] In this case, the parties' services both include restaurant services and franchising services, and thus directly overlap. As for channels of trade, while the evidence indicates that the Opponent performs its restaurant services at brick-and-mortar establishments whereas the Applicant's food services are provided by online delivery and take out only, I find that the channels of trade are nonetheless likely to overlap, given the similar nature of the parties' services and offerings. In this respect, I note that

the Opponent appears to offer its services through the same online delivery apps as the Applicant, including Uber Eats, DoorDash, and Skip The Dishes.

[38] Accordingly, both factors favour the Opponent.

Additional surrounding circumstances: No instances of actual confusion

[39] Evidence of instances of actual confusion is not required in order to demonstrate a likelihood of confusion. However, an adverse inference may be drawn from the absence of such evidence but only when concurrent use of both parties' trademarks has been extensive [see *Christian Dior SA v Dion Neckwear Ltd*, 2002 FCA 29, 20 CPR (4th) 155 (FCA) at para 19; see also *Mr Submarine Ltd v Amandista Investments Ltd* (1987), 19 CPR (3d) 3 (FCA)]. In this case, as noted above, the mere fact that Perogies & Poutine has been available in southern Ontario since fall 2020, with approximately twenty-two Perogies & Poutine “concepts” currently operating, is insufficient to conclude that use of the Mark has been extensive.

[40] Accordingly, this is not an additional surrounding circumstance which assists the Applicant.

Additional surrounding circumstances: state of the marketplace

[41] The Argo affidavit includes, as Exhibit C, particulars for a number of perogy- and pierogi-formative trademarks, about ten of which appear to be extant on the register and owned by parties other than the Opponent. In view of these trademarks, Mr. Argo submits that it is his opinion that “the general consuming public is sophisticated enough to distinguish between” the trademarks at issue. However, to the extent that these third-party trademarks are intended to form evidence as to the state of the marketplace, the Federal Court of Appeal has confirmed that inferences based on the Register should only be drawn if there is a large number of relevant registrations *and* actual use [*Tweak-D Inc v Canada (Attorney General)*, 2023 FCA 238 at para 14]. I am not prepared to make any conclusions as to the state of the marketplace based solely on the existence of these trademarks on the register.

[42] Accordingly, this is not an additional surrounding circumstance which assists the Applicant.

Conclusion

[43] In applying the test for confusion, I have considered it as a matter of first impression and imperfect recollection and have considered all of the surrounding circumstances. In most instances, it is the degree of resemblance between the trademarks that is the most crucial factor in determining the issue of confusion [*Masterpiece; Beverley Bedding & Upholstery Co v Regal Bedding & Upholstery Ltd* (1980), 47 CPR (2d) 145 (FCTD) at 149, aff'd 60 CPR (2d) 70 (FCA)]. Furthermore, section 6(2) of the Act is not concerned with confusion between the trademarks themselves, but rather confusion as to the source of the goods or services.

[44] In this case, I find that the Applicant has not discharged its burden to show that there is not a reasonable likelihood of confusion between the Mark and the Opponent's 011 Mark. I reach this conclusion in view of the fair degree of similarity between the trademarks, the overlap between the parties' services, and the greater length of time in use and acquired distinctiveness of the Opponent's 011 Mark. As a result, I find it to be a reasonable possibility that a hurried consumer who encounters the Mark, and has an imperfect recollection of the 011 Mark, might mistakenly conclude that the services offered in association with the Mark would emanate from the Opponent.

[45] As such, this ground of opposition succeeds.

Ground of Opposition: Section 16(1)(a)

[46] Pursuant to sections 38(2)(c) and 16(1)(a) of the Act, the Opponent pleads that the Applicant is not the person entitled to registration of the Mark because the Mark is confusing with the Opponent's Marks.

[47] The Applicant's evidence indicates that it has been using the Mark since fall 2020 in association with restaurant services and/or take-away fast food services. Thus, in order to meet its initial burden under this ground, the Opponent must show that at least one of its trademarks was used prior to this date and was not abandoned at the date of

the advertisement of the application (September 21, 2022). While the precise date of first use of the Mark is not clear from the Applicant's evidence, the Opponent's evidence shows use of its word and design trademarks between September 2014 and December 2022 in the context of advertising its restaurant services, and I am satisfied, based on the totality of the evidence including the sales figures and advertising expenditures, that the advertising was viewed by consumers and that such services were performed by the Opponent as of the material dates. As such, the Opponent meets its burden with respect to this ground of opposition.

[48] I reach the same conclusions in the confusion analysis as those set out in the section 12(1)(d) ground, as the difference in material dates makes little difference in the confusion analysis.

[49] Accordingly, this ground of opposition succeeds.

Remaining ground of opposition

[50] As the Opponent has already succeeded under two grounds of opposition, it is not necessary to address the remaining grounds of opposition.

DISPOSITION

[51] In view of the above, 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.

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

Appearances and Agents of Record

HEARING DATE: No hearing held

AGENTS OF RECORD

For the Opponent: Elizabeth S. Dipchand (Dipchand LLP)

For the Applicant: John Yiokaris (Sotos LLP)

SCHEDULE A

LOADED PIEROGI Design Mark, Application number 1719654, Reg. No. TMA968,011



Goods (Nice class & Statement)

- (1) Prepared foods, namely, pierogis; pierogi-based prepared meals.
- (2) Non-carbonated beverages, namely, fruit drinks and fruit juices, vegetable juices, tea and tea-based beverages, coffee and coffee-based beverages.
- (3) Carbonated beverages, namely, carbonated soft drinks, carbonated water, fruit-flavoured carbonated drinks.
- (4) Alcoholic beverages, namely, beer and beer-based cocktails, wine and wine-based beverages, alcoholic cocktails; liqueurs; distilled spirits, namely whisky and beverages from or containing whisky, vodka and beverages from or containing vodka, gin and beverages from or containing gin, rum and beverages from or containing rum, brandy and beverages from or containing brandy.

Services (Nice class & Statement)

- (1) Restaurant services, namely the preparation and service of foods and beverages in restaurant establishments.
- (2) Restaurant services, namely the preparation and service of foods and beverages for takeout from restaurant establishments.
- (3) Restaurant services, namely the preparation and service of foods and beverages for delivery from restaurant establishments.
- (4) Franchising services in respect of restaurant establishments, restaurant delivery establishments, take-out restaurant establishments and drive-through restaurant establishments, namely providing advice regarding site selection and construction and equipping of a franchise location, conducting field inspections of franchise

locations, providing training in the operation of a franchise, and providing inventory or supplies necessary to the operation of a franchise.

- (5) Advertising, marketing and promotion services for others, namely advertising, marketing and promoting the goods and services of franchise restaurant, delivery and take-out establishments by administering and disbursing funds for advertising and promotional purposes.

LOADED PIEROGI DESIGN MARK, Application number 2111944



Goods (Nice class & Statement)

29(1) Vegetable salads; poutine; prepared entrées consisting primarily of French fried potatoes; prepared entrées consisting primarily of French fried potatoes, and pork; prepared entrées consisting primarily of French fried potatoes, and beef; prepared entrées consisting primarily of French fried potatoes, and chicken; vegetable-based snack foods; cheese-based snack foods; snack food dips; vegetable-based prepared meals; cheese-based prepared meals; prepared entrées consisting primarily of macaroni and cheese; prepared entrées consisting primarily of macaroni and cheese, and pork; prepared entrées consisting primarily of macaroni and cheese, and beef; prepared entrées consisting primarily of macaroni and cheese, and chicken.

30(2) Brownie squares

30(3) Prepared meals consisting primarily of pasta; macaroni and cheese; macaroni-based prepared meals.

LOADED PIEROGI, Application number 1719653, Reg. No. TMA968,010

Goods (Nice class & Statement)

- (1) Prepared foods, namely, pierogis; pierogi-based prepared meals.
- (2) Non-carbonated beverages, namely, fruit drinks and fruit juices, vegetable juices, tea and tea-based beverages, coffee and coffee-based beverages.
- (3) Carbonated beverages, namely, carbonated soft drinks, carbonated water, fruit-flavoured carbonated drinks.
- (4) Alcoholic beverages, namely, beer and beer-based cocktails, wine and wine-based beverages, alcoholic cocktails; liqueurs; distilled spirits, namely whisky and beverages from or containing whisky, vodka and beverages from or containing gin, rum and beverages from or containing rum, brandy and beverages from or containing brandy.

Services (Nice class & Statement)

- (1) Restaurant services, namely the preparation and service of foods and beverages in restaurant establishments.
- (2) Restaurant services, namely the preparation and service of foods and beverages for takeout from restaurant establishments.
- (3) Restaurant services, namely the preparation and service of foods and beverages for delivery from restaurant establishments.
- (4) Franchising services in respect of restaurant establishments, restaurant delivery establishments, take-out restaurant establishments and drive-through restaurant establishments, namely providing advice regarding site selection and construction and equipping of a franchise location, conducting field inspections of franchise locations, providing training in the operation of a franchise, and providing inventory or supplies necessary to the operation of a franchise.
- (5) Advertising, marketing and promotion services for others, namely advertising, marketing and promoting the goods and services of franchise restaurant, delivery and take-out establishments by administering and disbursing funds for advertising and promotional purposes.

LOADED PIEROGI, Application number 2111943

Goods (Nice class & Statement)

29(1) Vegetable salads; poutine; prepared entrées consisting primarily of French fried potatoes; prepared entrées consisting primarily of French fried potatoes, and pork; prepared entrées consisting primarily of French fried potatoes, and beef; prepared entrées consisting primarily of French fried potatoes, and chicken; vegetable-based snack foods; cheese-based snack foods; snack food dips; vegetable-based prepared meals; cheese-based prepared meals; prepared entrées consisting primarily of macaroni and cheese; prepared entrées consisting primarily of macaroni and cheese, and pork; prepared entrées consisting primarily of macaroni and cheese, and beef; prepared entrées consisting primarily of macaroni and cheese, and chicken.

30(2) Brownie squares

30(3) Prepared meals consisting primarily of pasta; macaroni and cheese; macaroni-based prepared meals.