



MADRID PROTOCOL

Total Provisional Refusal of Protection

(Rule 17(1) of the Regulations under the Protocol)

I. Office making the notification:

Canadian Intellectual Property Office

II. Number of the international registration:

1276160

III. Name of the holder:

Apple Inc.

IV. Information concerning the type of provisional refusal:

Total provisional refusal based on an ex officio examination

V. Information concerning the scope of the provisional refusal:

Total provisional refusal affects all the goods and/or services.

VI. Grounds for refusal [(where applicable, see item VII)]:

This examiner's report concerns the above identified Protocol application. To avoid abandonment proceedings, a proper response must be received by this office by September 3, 2021. All correspondence respecting this Protocol application must indicate the file number.

This Protocol application has been examined under the provisions of the Trademarks Act and Trademarks Regulations.

Pursuant to paragraph 30(2)(a) of the Trademarks Act, an application for the registration of a trademark must contain a statement in ordinary commercial terms of the associated goods or services. Section 29 of the Trademarks Regulations requires that the statement must describe each of those goods or services in a manner that identifies a specific good or service. It is considered that the following goods are not in specific and ordinary commercial terms:

- 1) Sound reproducing apparatus; (class 9)
- 2) wireless communication devices for voice or data transmission; (class 9)
- 3) remote control apparatus, battery chargers, electronic connectors, couplers, battery chargers, docks being power supplies, electrical and electronic docking stations, specially adapted cases, specially adapted cases for battery charging, interfaces for computers, handheld or wearable digital electronic devices, telephones, mobile phones, and digital media players, and electrical, electronic, and power adapters for use with all of the aforesaid goods. (class 9)

With respect to goods described by the terms “apparatus”, as a general rule, such goods are not considered acceptable without further specification since they are considered to include different types of goods with different channels of trade which are not necessarily sold in close proximity (see nos. 1 and 3).

You are also required, under paragraph 30(2)(a) of the Trademarks Act and section 29 of the Trademarks Regulations, to amend the aforementioned goods to replace the indefinite term “or” with appropriate definite term “and” (see nos. 2 and 3).

Lastly, it appears, the goods “battery chargers” have been entered twice in the statement of goods (see no. 3). Please review same and remove the duplicate entry.

By way of example only, the following goods would be deemed acceptable:

- 1) sound reproducing apparatus, namely, microphones, audio speakers, earphones, and headphones; (class 9)
- 2) wireless communication devices and systems for computer software to enable the transmission of audio, voice and digital images, namely mobile and portable electronic devices, namely tablet computers, smart phones and personal digital assistants; (class 9)
- 3) electronic key fobs being remote control apparatus; battery chargers for cell phones; electronic connectors for video recorders; acoustic couplers; docking stations for cell phones; interface cards for computers; wearable digital electronic devices, namely, smart watches, smart glasses, headphones, earphones, wearable activity trackers, and wearable video display monitors capable of providing access to the internet, for sending, receiving and storing of telephone calls, electronic mail, and other digital data, namely, text messages and voice messages; (class 9)

If these examples are not an accurate description of the applicant’s goods, they can be used as a guide to the specificity and ordinary commercial term requirements.

For further guidance on redefining the goods, please refer to the Goods and Services Manual available on our website. This searchable tool is not an exhaustive list of acceptable terms, but it may be used as a guide to the specificity and ordinary commercial term requirements of the Trademarks Act and its Regulations.

The applicant is required to file an amended Protocol application, using the e-service on the CIPO website at www.cipo.ic.gc.ca, by fax at 819-953-2476 or by mail at the following address:

Registrar of Trademarks
Place du Portage I
50 Victoria Street, room C-114
Gatineau, QC K1A 0C9

Upon satisfactory compliance with the above-mentioned requirement(s), further office action will be undertaken.

If the applicant has any specific questions in respect of this Office action, please contact the assigned examiner. Please note that for general inquiries, including assistance with filing of the revised Protocol application, queries about the status of an application or receipt of correspondence, you may contact our Client Service Centre toll free at 1-866-997-1936.

Yours truly,

Lihui Jiang
Examination Section
819-962-6751
fax: 819-953-2476

VII. Information relating to an earlier mark:

-
- (i) Filing date and number, and, if any, priority date:
Not applicable
 - (ii) Registration date and number (if available):
Not applicable
 - (iii) Name and address of the owner:
Not applicable
 - (iv) Reproduction of the mark:
Not applicable
 - (v) List of the relevant goods and/or services (this list may be in the language of the earlier application or registration):
Not applicable

VIII. Corresponding essential provisions of the applicable law:

Paragraph 30(2)(a) of the Trademarks Act
Section 29 of the Trademarks Regulations

IX. Information relating to the possibility to request a review or file an appeal:

- (i) Time limit for requesting review or appeal:
2021-09-03
- (ii) Authority to which such request for review or appeal should be made:
Registrar of Trademarks
- (iii) Whether the request for review or appeal has to be filed in a specific language and/or through the intermediary of a representative whose address is within the territory of the Contracting Party:
Correspondence must be in French or English

(iv) Other requirements, if any:

Not applicable

X. Signature or official seal of the Office making the notification:

Registrar of Trademarks

XI. Date of notification to the International Bureau:

2021-03-03



3 mars/Mar 2021
Votre référence Your File

Notre référence Our File
1995926
Numéro EI IR Number
1276160

BAKER & MCKENZIE LLP
BROOKFIELD PLACE
181 BAY STREET, SUITE 2100
P.O. BOX 874
TORONTO
ONTARIO M5J 2T3
Attention: Christopher Aide

RE: Trademark: AIRPODS
Applicant: Apple Inc.

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- 3) electronic key fobs being remote control apparatus; battery chargers for cell phones; electronic connectors for video recorders; acoustic couplers; docking stations for cell phones; interface cards for computers; wearable digital electronic devices, namely, smart watches, smart glasses, headphones, earphones, wearable activity trackers, and wearable video display monitors capable of providing access to the internet, for sending, receiving and storing of telephone calls, electronic mail, and other digital data, namely, text messages and voice messages; (class 9)

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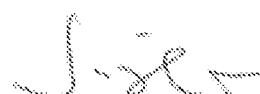
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