



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:

1579478

III. Name of the holder:

Hästens Sängar AB

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 May 23, 2022. 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.

The visual representation of the trademark contained in the Protocol application appears in colour. It is therefore deemed to mean that colour is being claimed as a feature of the trademark for the Protocol application. In compliance with paragraph 31 (f) of the Trademarks Regulations, the applicant is required to provide a statement that colour is claimed as a feature of the trademark, along with the name of each colour claimed and an indication of the principal parts of the trademark that are in that colour.

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. Furthermore, 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 or services are not in specific and ordinary commercial terms:

Class 20

1) Furniture

- 2) furniture fittings, not of metal
- 3) ..., bedding, ...

Class 24

- 4) Textiles and substitutes for textiles

The following three-part test is considered when determining whether the statement of goods or services is considered to be "specific" within the meaning of section 29 of the Trademarks Regulations:

1. Are the goods or services sufficiently specific so that it is possible to assess whether the trademark is clearly descriptive of those goods or services?
2. Are the goods or services sufficiently specific so that it is possible to assess confusion with another trademark?
3. Are the goods or services sufficiently specific to ensure that the applicant will not have an unreasonably wide ambit of protection?

For further guidance on redefining the statements of goods or services, 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,

Dana Lee
Examination Section
819-639-0073
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
Paragraph 31(f) 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:
2022-05-23
- (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:

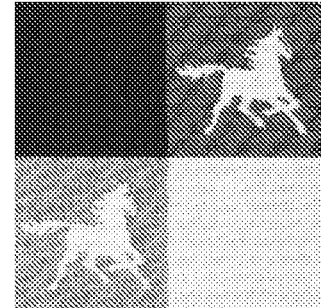
2021-11-23



23 nov/Nov 2021
Votre référence Your File
1208233
Notre référence Our File
2090752
Numéro EI IR Number
1579478

OSLER, HOSKIN & HARCOURT LLP
SUITE 6200, P.O. BOX 50
1 FIRST CANADIAN PLACE
TORONTO
ONTARIO M5X 1B8
Attention: May M. Cheng

RE: Trademark: PATCH AND HORSE DESIGN
Applicant: Hästens Sängar AB



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