



## MADRID PROTOCOL

Total Provisional Refusal of Protection

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

**I. Name of the Office:**

Canadian Intellectual Property Office

**II. International registration number:**

1539627

**III. Name of the holder:**

YGGDRASIL MALTA LIMITED

**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:**

The provisional refusal affects all the goods and 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 November 2, 2023. 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.

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

"Colour is claimed as a feature of the trademark. The trademark consists of an orange (Hex colour: R: 250 G: 100 B: 50;) tree and the word YGGDRASIL in dark grey (Hex colour: R: 42 G: 42 B: 48.)"

Additionally, 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:

- 1) Computer software platforms; computer databases; (Class 9)
- 2) Advertising; marketing; administration services for online casinos; administration services for online casino accounts. (Class 35)
- 3) Entertainment provided via the internet; entertainment services; entertainment services provided on-line from a computer database or the internet; on-line gaming services; gaming services for entertainment purposes.(Class 41)

Services such as “advertising,” “marketing,” and “promoting” are acceptable under the *Trademarks Act* only if the applicant is providing these services to another party, and the third party receives a benefit from the services. In general, the applicant must be “advertising,” “marketing” or “promoting” the goods or services of others.

Pursuant to paragraph 30(2)(a) of the *Trademarks Act* and section 29 of the *Trademarks Regulations*, the goods described as “computer software” must specify both the function and the field of use of the software to be considered in ordinary commercial terms and described in a manner that identifies a specific good.

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](http://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 requirements, 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,

Courtney Potter

Examination Section

819-230-7376

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 services (this list may be in the language of the earlier application or registration):  
Not applicable

**VIII. 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 or otherwise respond to the opposition:**

- (i) Time limit to request a review or file an appeal or otherwise respond to the opposition:  
2023-11-02
- (ii) Calculation of time limit (the time limit runs from):  
2023-05-02
- (iii) Authority to which such request for review, appeal or response should be made:  
Registrar of Trademarks

(iv) Whether the request for review, appeal or response has to be filed in a specific language or through a local representative:

Correspondence must be in French or English

(v) Other requirements, if any:

Not applicable

**X. Date and signature of the Office:**

Registrar of Trademarks

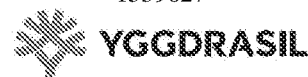
2023-05-02



2 mai/May 2023  
Votre référence Your File

Notre référence Our File  
2158616  
Numéro EI IR Number  
1539627

YGGDRASIL MALTA LIMITED  
Level 2, Tagliaferro Business Centre,  
High Street, c/w Gaiety Lane  
SLM 1551 SLIEMA  
MALTA



RE: Trademark: YGGDRASIL  
Applicant: YGGDRASIL MALTA LIMITED

This examiner's report concerns the above identified Protocol application. To avoid abandonment proceedings, a proper response must be received by this office by November 2, 2023. 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.

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

“Colour is claimed as a feature of the trademark. The trademark consists of an orange (Hex colour: R: 250 G: 100 B: 50;) tree and the word YGGDRASIL in dark grey (Hex colour: R: 42 G: 42 B: 48.)”

Additionally, 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:

- 1) Computer software platforms; computer databases; (Class 9)
- 2) Advertising; marketing; administration services for online casinos; administration services for online casino accounts. (Class 35)
- 3) Entertainment provided via the internet; entertainment services; entertainment services provided on-line from a computer database or the internet; on-line gaming services; gaming services for entertainment purposes. (Class 41)

Services such as “advertising,” “marketing,” and “promoting” are acceptable under the *Trademarks Act* only if the applicant is providing these services to another party, and the third party receives a benefit from the services. In general, the applicant must be “advertising,” “marketing” or “promoting” the goods or services of others.

Pursuant to paragraph 30(2)(a) of the *Trademarks Act* and section 29 of the *Trademarks Regulations*, the goods described as “computer software” must specify both the function and the field of use of the software to be considered in ordinary commercial terms and described in a manner that identifies a specific good.

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](http://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 requirements, 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,



Courtney Potter  
Examination Section  
819-230-7376  
fax: 819-953-2476