



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:

1638576

III. Name of the holder:

SAYSH CORPORATION

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 3, 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.

In compliance with paragraph 31(d) of the Trademarks Regulations, the applicant is required to provide a translation (if any) into English or French of all words in any other language that are contained in the trademark.

Upon receipt of the aforementioned translation, the Registrar may refuse the Protocol application in view of all provisions under section 37 of the Trademarks Act, including for the following grounds:

- paragraph 12(1)(c) and 37(1)(b) of the Trademarks Act, if the trademark is considered to be the name of the goods or services in any language;
- paragraph 12(1)(d) and 37(1)(b) of the Trademarks Act, if the trademark is found to be confusing with a registered trademark;
- paragraph 37(1)(c) of the Trademarks Act, if the applicant is not the person entitled to registration of the trademark because it is confusing with another trademark for the registration of which an application is pending; and

- paragraph 37(1)(d) of the Trademarks Act, if the trademark is not distinctive.

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 services are not in specific and ordinary commercial terms as the field of product launches has not been provided:

[Class 35] Membership and community services, namely, administering a membership program that provides members with exclusive access to product launches; [...].

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 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,

Kimberly PEARSON
Examination Section
819-661-3659
fax: 819-953-2476

VII. Information relating to an earlier mark:

50, rue Victoria • Place du Portage 1 • Gatineau (Québec) K1A 0C9 • www.opic.ic.gc.ca
50 Victoria Street • Place du Portage 1 • Gatineau (Quebec) K1A 0C9 • www.cipo.ic.gc.ca

The logo for Canada, featuring the word "Canada" in a stylized serif font with a small flag icon above the letter 'a'.

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- (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 12(1)(c) of the *Trademarks Act*

Paragraph 12(1)(d) of the *Trademarks Act*

Paragraph 30(2)(a) of the *Trademarks Act*

Paragraph 37(1)(b) of the *Trademarks Act*

Paragraph 37(1)(c) of the *Trademarks Act*

Paragraph 37(1)(d) of the *Trademarks Act*

Section 29 of the *Trademarks Regulations*

Paragraph 31(d) 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:
2023-11-03
- (ii) Calculation of time limit (the time limit runs from):
2023-05-03
- (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

2023-05-03



3 mai/May 2023
Votre référence Your File

Notre référence Our File
2159783
Numéro EI IR Number
1638576

SAYSH CORPORATION
24331 San Juan Road
Carmel CA 93923
UNITED STATES OF AMERICA

RE: Trademark: SAYSH
Applicant: SAYSH CORPORATION

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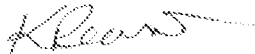
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