



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:

1640194

III. Name of the holder:

SCUD (Guangzhou) Digital TechnologyCo., Ltd.

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 4, 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*.

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 underlined goods or services are not in specific and ordinary commercial terms:

Goods

Class 7

(1) Machines and apparatus for cleaning, electric; high pressure washers; vacuum cleaners; mixing machines; electric fruit squeezers; dishwashers; kitchen machines, electric; washing machines [laundry]; hand-held tools, other than hand-operated; washing installations for vehicles.

Class 9

(2) Transistor radios; batteries, electric; battery chargers; computer mouse [data processing equipment]; stereo systems for personal use; satellite navigational apparatus; computer keyboards; electronic pens [visual display units]; electronic pocket translators; integrated circuit cards [smart cards]; video game cartridges; computer peripheral devices; mouse pads; couplers [data processing equipment]; wrist rests for use with computers; bags adapted for laptops; sleeves for laptops; toner cartridges, unfilled, for printers and photocopiers; tablet computers; laptop computers; protective films adapted for computer screens; covers for personal digital assistants [PDAs]; covers for tablet computers; electronic interactive whiteboards; humanoid robots with artificial intelligence; thin client computers; hand-held electronic dictionaries; wearable computers; covers for computer keyboards; smartglasses [data processing apparatus]; smartwatches [data processing apparatus]; smart rings (data processing apparatus); stands adapted for laptops; credit card terminals; dictating machines; holograms; fingerprint identifiers; scales with body mass analysers; bathroom scales; rulers [measuring instruments]; branch boxes [electricity]; radios; electro-dynamic apparatus for the remote control of signals; sound locating instruments; smartphones; wearable activity trackers; covers for smartphones; cases for smartphones; protective films adapted for smartphones; selfie sticks for mobile phones; telecommunication apparatus in the form of jewellery; megaphones; microphones; camcorders; headphones; electronic book readers; baby monitors; audio interfaces; virtual reality headsets; security surveillance robots; rearview cameras for vehicles; wearable video display monitors; dashboard cameras; headsets; tripods for cameras; measuring devices, electric; selfie sticks [hand-held monopods]; enlarging apparatus [photography]; surveying instruments; air analysis apparatus; automatic indicators of low pressure in vehicle tyres; gas testing instruments; teaching robots; simulators for the steering and control of vehicles; telescopes; cables, electric; semi-conductors; transformers [electricity]; electronic numeric displays; electronic key fobs being remote control apparatus; protection devices for personal use against accidents; fingerprint door locks; electronic access control systems for interlocking doors; spectacles; solar batteries; power banks [rechargeable batteries]; charging stations for electric vehicles; batteries for electronic cigarettes; wireless charging pads for smartphones; battery charging devices for motor vehicles; electronic collars to train animals; electrified fences; wires, electric; USB cables; data synchronization cables; adapter cables for headphones; electric cables for the transmission of sounds and images; 3D spectacles.

Class 11

(3) Fairy lights for festive decoration; germicidal lamps for purifying air; ultraviolet ray lamps, not for medical purposes; nail lamps; cooking utensils, electric; air fryers; cooking apparatus and installations; kettles, electric; USB-powered cup heaters; refrigerating apparatus and machines; ice machines and apparatus; air purifying apparatus and machines; heaters for vehicles; USB-powered desktop fan; USB-powered humidifiers for household purposes; air purifiers for automobiles; portable electric fans; heating apparatus, electric; taps for pipes and pipelines; heating installations; bath fittings; tanning apparatus [sun beds]; foot baths, electric; disinfectant apparatus; water purifying apparatus and machines; disinfectant apparatus for medical purposes; radiators, electric; USB-powered hand warmers; vehicle reflectors.

Services

Class 35

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



(1) Direct mail advertising; advertising; television advertising; online advertising on a computer network; presentation of goods on communication media, for retail purposes; pay per click advertising; promotion of goods and services through sponsorship of sports events; outdoor advertising; market studies; public relations; marketing research; organization of exhibitions for commercial or advertising purposes; commercial intermediation services; consultancy regarding public relations communication strategies; market intelligence services; media relations services; import-export agency services; marketing; search engine optimization for sales promotion; website traffic optimization.

Additionally, please note that while brackets or parentheses in goods or services can be used to provide additional clarification of specific terms, brackets cannot be used to provide clarification for indefinite terms. It will therefore be necessary to amend the aforementioned goods and services to replace brackets with an appropriate definite term having regard to paragraph 30(2)(a) of the *Trademarks Act* and section 29 of the *Trademarks Regulations*.

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,

Yusita Wang

Examination Section

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*

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:
2023-11-04
- (ii) Calculation of time limit (the time limit runs from):
2023-05-04
- (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

2023-05-04



4 mai/May 2023
Votre référence Your File

Notre référence Our File
2162339
Numéro EI IR Number
1640194

KOVOL

SCUD (Guangzhou) Digital Technology Co., Ltd.
Rm 1202, 12/F, Block 4,
Stiger Technology & Innovation Center,
19 Junma Avenue, Dongchong Town,
Nansha District, Guangzhou City
511400 Guangdong Province
CHINA

RE: Trademark: KOVOL
Applicant: SCUD (Guangzhou) Digital
Technology Co., Ltd.

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Yours truly,



Yusita Wang
Examination Section
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fax: 819-953-2476