



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:

1759990

III. Name of the holder:

Factor 75 B.V.

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 **July 30, 2025**. All correspondence respecting this Protocol application must indicate the file number.

Goods and services:

The following underlined goods and services are not considered to be specific pursuant to section 29 of the *Trademarks Regulations*, nor are they considered to be in ordinary commercial terms pursuant to paragraph 30(2)(a) of the *Trademarks Act*:

Goods

[05] (1) Dietary pet supplements in the form of pet treats; dietary supplements for pets in the nature of a powdered drink mix; feed supplements for pets; nutritional supplements for pets; dietary supplements for pets; vitamins for pets; probiotic supplements; dietary, nutritional, and vitamin supplements; deodorizers for litter trays; ingestible soluble pouches made of pharmaceutical substances sold empty for use in encapsulating and aiding in the oral administration of medications and vitamins.

[25] (5) Clothing; footwear; headwear.

[28] (6) Toys for pets; plush toys; pet throw toys; flying discs; balls for games; chew toys for animals, not edible Christmas stockings for pets.

[31] (7) Pet food; foodstuffs for animals; food for animals; pet treats in the nature of bully sticks; edible pet treats; edible chewing bones for dogs; mixes for making edible pet treats; beverages for pets; powdered milk for pets; electrolyte drink mix for pets; consumable pet chews; fresh fruits and vegetables; fresh herbs; fresh beans; fresh nuts and unprocessed edible seeds; unprocessed quinoa; unprocessed grains for eating; raw potatoes; packaged meal ingredient kits consisting of food, beverages, and supplements for pets; kits primarily comprised of pre-assembled and/or pre-portioned combinations of food, specifically for enabling pet meals to be cooked according to specific recipes, including enclosed recipes; litter for animals.

Services

[35] (1) Providing consumer information in the field of pets, pet food, pet beverages, supplements for pets, pet treats, prepared meals for pets, recipes for pets, meal planning for pets, pet health, pet toys, pet supplies, food, beverages, and supplements; providing consumer information via a website in the field of pets, pet food, pet beverages, supplements for pets, pet treats, prepared meals for pets, recipes for pets, meal planning for pets, pet health, pet toys, pet supplies, food, beverages, and supplements; retail store and on-line retail store services featuring subscription boxes containing pet products, pet food, pet beverages, supplements for pets, pet treats, prepared meals for pets, recipes for pets, pet toys, pet supplies, food, beverages, and supplements; mail order subscription services featuring pet products, pet food, pet beverages, supplements for pets, pet treats, prepared meals for pets, recipes for pets, pet health, pet toys, food, beverages, and supplements; online ordering services in the field of pet products, pet food, pet beverages, supplements for pets, pet treats, prepared meals for pets, recipes for pets, pet toys, pet supplies, food, beverages, and supplements; retail store and on-line retail store services featuring pet products, pet food, pet beverages, supplements for pets, pet treats, prepared meals for pets, recipes for pets, pet toys, pet supplies, food, beverages, supplements, bags, clothing, meat, fish, poultry and game, seafood and shellfish, meat substitutes, potatoes, dairy products and substitutes therefor, nuts, eggs, broth, fruits, vegetables, meat extracts, soups, stocks, jellies, jams, compotes, milk and milk products, edible oils and fats; retail store and on-line retail store services featuring ready meals and snacks, cereals, rice, corn, flour and preparations made from cereals, bread, pastries and confectionery, bee products for culinary purposes, honey, treacle, yeast, baking-powder, salt, mustard, vinegar, sauces being condiments, spices, flavorings for beverages, ice, raw and unprocessed agricultural, horticultural, aquacultural and forestry products; retail store and on-line retail store services featuring processed grains and starches for food, and food products made therefrom, baking preparations, herbs, natural plants and flowers, foodstuffs and beverages for animals, malt, raw and unprocessed grains and seeds, non-alcoholic beverages, syrups and other preparations for making beverages, including in pre-portioned form, including for enabling meals and meals for pets to be cooked according to specific recipes, including enclosed recipes; arranging of subscriptions to combinations of goods, namely, subscription-based order fulfillment services in the field of food in the nature of meat, fish, poultry and game, seafood and shellfish, meat substitutes, meat substitute products, ready meals consisting predominantly of meat, fish, poultry, game, seafood, potatoes; arranging of subscriptions to combinations of goods, namely, subscription-based order fulfillment services in the field of food in the nature of dairy products and substitutes therefor, nuts being fruits, eggs, broth and/or vegetables, meat extracts, soups and stocks, preserved, frozen, dried and cooked fruits and vegetables in the nature of nuts being fruits and pulses, jellies, jams, compotes, eggs, milk and milk products, dairy products and substitutes therefor, soy milk, edible oils and fats; arranging of subscriptions to combinations of goods, namely, subscription-based order fulfillment services in the field of food in the nature of

cereals, rice, corn, rice, flour and preparations made from cereals, bread, pastries and confectionery, edible ices, frozen yogurts, sorbets, sugar, natural sweeteners, sweet coatings and fillings, and bee products for culinary purposes, honey, treacle, yeast, baking-powder, salt, mustard, vinegar, sauces being condiments, spices; arranging of subscriptions to combinations of goods, namely, subscription-based order fulfillment services in the field of food in the nature of flavourings for beverages, ice, raw and unprocessed agricultural, horticultural, aquacultural and forestry products, processed grains and starches for food, and goods made therefrom; arranging of subscriptions to combinations of goods, namely, subscription-based order fulfillment services in the field of food in the nature of baking preparations and yeasts, live animals, fresh fruits and vegetables, fresh herbs, natural plants and flowers, foodstuffs and beverages for animals, raw and unprocessed grains and seeds, bulbs, seedlings and seeds for planting; arranging of subscriptions to combinations of goods, namely subscription-based order fulfillment services in the field of food in the nature of mineral and aerated waters and other non-alcoholic beverages, fruit beverages, fruit juices, syrups and other preparations for making beverages, including in pre-portioned form, including for enabling meals and pet meals to be cooked according to specific recipes, including enclosed recipes, in the form of prepared food kits ready for cooking and assembly as a meal; customer loyalty services for sales promotion and/or advertising purposes.

[39] (2) Food delivery; pet food, beverage, supplement, and treat delivery services; delivery of subscription pet meal plans, food, beverages, supplements, and treats; delivery of goods and/or assortments of goods, namely, pet products, pet food, pet beverages, supplements for pets, pet treats, prepared meals for pets, recipes for pets, pet toys, pet supplies, food, beverages, and supplements, meat, fish, poultry and game, seafood and shellfish, meat substitutes, meat substitute products; delivery of goods and/or assortments of goods, namely, ready meals consisting predominantly of meat, fish, poultry, game, seafood, potatoes, dairy products and substitutes therefor, nuts being fruits, eggs, broth and/or vegetables, meat extracts, soups and stocks, preserved, frozen, dried and cooked fruits and vegetables in the nature of nuts being fruits and pulses, jellies, jams, compotes, eggs, milk and milk products, dairy products and substitutes therefor, soy milk, edible oils and fats; delivery of goods and/or assortments of goods, namely, cereals, rice, corn, rice, flour and preparations made from cereals, bread, pastries and confectionery, edible ices, frozen yogurts, sorbets, sugar, natural sweeteners, sweet coatings and fillings, and bee products for culinary purposes, honey, treacle, yeast, baking-powder, salt, mustard, vinegar, sauces being condiments, spices, flavourings for beverages, ice, raw and unprocessed agricultural, horticultural, aquacultural and forestry products; delivery of goods and/or assortments of goods, namely, processed grains and starches for food, and goods made therefrom, baking preparations and yeasts, live animals, fresh fruits and vegetables, fresh herbs, natural plants and flowers, foodstuffs and beverages for animals, raw and unprocessed grains and seeds, bulbs, seedlings and seeds for planting; delivery of goods and/or assortments of goods, namely, mineral and aerated waters and other non-alcoholic beverages, fruit beverages and fruit juices, syrups and other preparations for making beverages, including in pre-portioned form, including for enabling meals and pet meals to be cooked according to specific recipes, including enclosed recipes, in the form of prepared food kits ready for cooking and assembly as a meal; transport services, namely, transportation information; packaging and storage of goods; transportation and delivery of goods; transport, delivery, packaging, and storage of goods, pet products, pet food, pet beverages, supplements for pets, pet treats, prepared meals for pets, recipes for pets, pet toys, pet supplies, food, beverages, supplements, clothing, bags, and printed matter; home delivery service of pet products, pet food, pet beverages, supplements for pets, pet treats, prepared meals for pets, recipes for pets, pet toys, pet supplies, food, beverages, and supplements.

[41] (3) Writing of recipes; cooking instruction; publication of electronic and online recipes and cooking instructions, including ones that can be cooked using individually compiled combinations of foodstuffs that are provided; publishing services, namely, publishing of illustrations in the field of pets, cooking, pet food, pet beverages, supplements for pets, pet treats, prepared meals for pets, recipes for pets, meal planning for pets, pet health, pet toys, pet supplies, food, beverages, and supplements; providing on-line electronic publications, not downloadable, in the nature of brochures, newsletters, and recipes in the field of pets, cooking, pet food, pet beverages, supplements for pets, pet treats, prepared meals for pets, recipes for pets, meal planning for pets, pet health, pet toys, pet supplies, food, beverages, and supplements; publication of printed matter; writing of texts, in the nature of cooking instructions and recipes; development of printed educational materials in the field of pets, cooking, pet food, pet beverages, supplements for pets, pet treats, prepared meals for pets, recipes for pets, meal planning for pets, pet health, pet toys, pet supplies, food, beverages, and supplements; electronic publication services, namely, publishing of newsletters and recipes in the field of pets, cooking, pet food, pet beverages, supplements for pets, pet treats, prepared meals for pets, recipes for pets, meal planning for pets, pet health, pet toys, pet supplies, food, beverages, and supplements; entertainment services, namely, providing recreational information by means of a global computer network in the fields of pets, cooking, pet food, pet beverages, supplements for pets, pet treats, prepared meals for pets, recipes for pets, meal planning for pets, pet health, pet toys, pet supplies, food, beverages, and supplements; providing information in the field of pets for educational or entertainment purposes.

[43] (5) Meal planning services in the nature of meal preparation, including for pets; subscription-based meal planning services in the nature of meal preparation, including for pets; food preparation services, including for pets; consulting in the field of menu planning for others in the nature of meal preparation, including for pets; providing information in the field of cooking and recipes, pet food, pet treats, pet beverages, prepared meals for pets, prepared beverages for pets, prepared recipes for pets through a website on global computer networks; providing information in the field of cooking supplements for pets; personal meal preparation, in a customized manner, of food items, including in pre-portioned form, including for enabling meals to be cooked according to specific recipes, including enclosed recipes; advice concerning cooking recipes, including recipes for pets; providing information through a database in the field of recipes and cooking information, including for pets; providing information through a website featuring information in the field of recipes and cooking, including for pets.

The statement of the goods or services must describe each of those goods or services in a manner that identifies a specific good or service pursuant to section 29 of the *Trademarks Regulations*.

Statements of goods or services cannot be specified by using such indefinite terms as "including", "for example", "i.e.", "e.g.", "and/or" and "etc."

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 more information on the three part test and what is considered when determining whether the statement of goods or services identifies a specific good or service within the meaning of section 29 of the *Trademarks Regulations*, please see section 2.4.5.2 of the *Trademarks Examination Manual* at www.cipo.gc.ca.

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.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 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, file an appeal or otherwise respond to the refusal:

- (i) Time limit to request a review, file an appeal or otherwise respond to the refusal:

A complete response is required within 6 months from the date of issuance of the provisional refusal.

- (ii) Calculation of time limit (the time limit runs from):

(a) The time limit starts on: 2025-01-30

(b) The time limit ends on: 2025-07-30

- (iii) Whether the time limit can be extended:

Yes

- (iv) Authority to which such request for review, appeal or response should be made:

Registrar of Trademarks

- (v) 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

(vi) Other requirements, if any:

Not applicable

X. Date and signature of the Office:

Registrar of Trademarks

2025-01-30



30 janv/Jan 2025

Votre référence Your File

91398789

Notre référence Our File

2291663

Numéro EI IR Number

1759990

SMART & BIGGAR LP
SUITE 1000, 55 METCALFE STREET
P.O. BOX 2999, STATION D
OTTAWA
ONTARIO K1P 5Y6
Attention: Kohji Suzuki

RE: Trademark: The Pets Table
Applicant: Factor 75 B.V.

This examiner's report concerns the above identified Protocol application. To avoid abandonment proceedings, a proper response must be received by this office by **July 30, 2025**. All correspondence respecting this Protocol application must indicate the file number.

Goods and services:

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Goods

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[25] (5) Clothing; footwear; headwear.

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[31] (7) Pet food; foodstuffs for animals; food for animals; pet treats in the nature of bully sticks; edible pet treats; edible chewing bones for dogs; mixes for making edible pet treats; beverages for pets; powdered milk for pets; electrolyte drink mix for pets; consumable pet chews; fresh fruits and vegetables; fresh herbs; fresh beans; fresh nuts and unprocessed edible seeds; unprocessed quinoa; unprocessed grains for eating; raw potatoes; packaged meal ingredient kits consisting of food, beverages, and supplements for pets; kits primarily comprised of pre-assembled and/or pre-portioned combinations of food, specifically for enabling pet meals to be cooked according to specific recipes, including enclosed recipes; litter for animals.

Services

[35] (1) Providing consumer information in the field of pets, pet food, pet beverages, supplements for pets, pet treats, prepared meals for pets, recipes for pets, meal planning for pets, pet health, pet toys, pet supplies, food, beverages, and supplements; providing consumer information via a website in the field of pets, pet food, pet beverages, supplements for pets, pet treats, prepared meals for pets, recipes for pets, meal planning for pets, pet health, pet toys, pet supplies, food, beverages, and supplements;

retail store and on-line retail store services featuring subscription boxes containing pet products, pet food, pet beverages, supplements for pets, pet treats, prepared meals for pets, recipes for pets, pet toys, pet supplies, food, beverages, and supplements; mail order subscription services featuring pet products, pet food, pet beverages, supplements for pets, pet treats, prepared meals for pets, recipes for pets, pet health, pet toys, food, beverages, and supplements; online ordering services in the field of pet products, pet food, pet beverages, supplements for pets, pet treats, prepared meals for pets, recipes for pets, pet toys, pet supplies, food, beverages, and supplements; retail store and on-line retail store services featuring pet products, pet food, pet beverages, supplements for pets, pet treats, prepared meals for pets, recipes for pets, pet toys, pet supplies, food, beverages, supplements, bags, clothing, meat, fish, poultry and game, seafood and shellfish, meat substitutes, potatoes, dairy products and substitutes therefor, nuts, eggs, broth, fruits, vegetables, meat extracts, soups, stocks, jellies, jams, compotes, milk and milk products, edible oils and fats; retail store and on-line retail store services featuring ready meals and snacks, cereals, rice, corn, flour and preparations made from cereals, bread, pastries and confectionery, bee products for culinary purposes, honey, treacle, yeast, baking-powder, salt, mustard, vinegar, sauces being condiments, spices, flavorings for beverages, ice, raw and unprocessed agricultural, horticultural, aquacultural and forestry products; retail store and on-line retail store services featuring processed grains and starches for food, and food products made therefrom, baking preparations, herbs, natural plants and flowers, foodstuffs and beverages for animals, malt, raw and unprocessed grains and seeds, non-alcoholic beverages, syrups and other preparations for making beverages, including in pre-portioned form, including for enabling meals and meals for pets to be cooked according to specific recipes, including enclosed recipes; arranging of subscriptions to combinations of goods, namely, subscription-based order fulfillment services in the field of food in the nature of meat, fish, poultry and game, seafood and shellfish, meat substitutes, meat substitute products, ready meals consisting predominantly of meat, fish, poultry, game, seafood, potatoes; arranging of subscriptions to combinations of goods, namely, subscription-based order fulfillment services in the field of food in the nature of dairy products and substitutes therefor, nuts being fruits, eggs, broth and/or vegetables, meat extracts, soups and stocks, preserved, frozen, dried and cooked fruits and vegetables in the nature of nuts being fruits and pulses, jellies, jams, compotes, eggs, milk and milk products, dairy products and substitutes therefor, soy milk, edible oils and fats; arranging of subscriptions to combinations of goods, namely, subscription-based order fulfillment services in the field of food in the nature of cereals, rice, corn, rice, flour and preparations made from cereals, bread, pastries and confectionery, edible ices, frozen yogurts, sorbets, sugar, natural sweeteners, sweet coatings and fillings, and bee products for culinary purposes, honey, treacle, yeast, baking-powder, salt, mustard, vinegar, sauces being condiments, spices; arranging of subscriptions to combinations of goods, namely, subscription-based order fulfillment services in the field of food in the nature of flavourings for beverages, ice, raw and unprocessed agricultural, horticultural, aquacultural and forestry products, processed grains and starches for food, and goods made therefrom; arranging of subscriptions to combinations of goods, namely, subscription-based order fulfillment services in the field of food in the nature of baking preparations and yeasts, live animals, fresh fruits and vegetables, fresh herbs, natural plants and flowers, foodstuffs and beverages for animals, raw and unprocessed grains and seeds, bulbs, seedlings and seeds for planting; arranging of subscriptions to combinations of goods, namely subscription-based order fulfillment services in the field of food in the nature of mineral and aerated waters and other non-alcoholic beverages, fruit beverages, fruit juices, syrups and other preparations for making beverages, including in pre-portioned form, including for enabling meals and pet meals to be cooked according to specific recipes, including enclosed recipes, in the form of prepared food kits ready for cooking and assembly as a meal; customer loyalty services for sales promotion and/or advertising purposes.

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meat, fish, poultry and game, seafood and shellfish, meat substitutes, meat substitute products; delivery of goods and/or assortments of goods, namely, ready meals consisting predominantly of meat, fish, poultry, game, seafood, potatoes, dairy products and substitutes therefor, nuts being fruits, eggs, broth and/or vegetables, meat extracts, soups and stocks, preserved, frozen, dried and cooked fruits and vegetables in the nature of nuts being fruits and pulses, jellies, jams, compotes, eggs, milk and milk products, dairy products and substitutes therefor, soy milk, edible oils and fats; delivery of goods and/or assortments of goods, namely, cereals, rice, corn, rice, flour and preparations made from cereals, bread, pastries and confectionery, edible ices, frozen yogurts, sorbets, sugar, natural sweeteners, sweet coatings and fillings, and bee products for culinary purposes, honey, treacle, yeast, baking-powder, salt, mustard, vinegar, sauces being condiments, spices, flavourings for beverages, ice, raw and unprocessed agricultural, horticultural, aquacultural and forestry products; delivery of goods and/or assortments of goods, namely, processed grains and starches for food, and goods made therefrom, baking preparations and yeasts, live animals, fresh fruits and vegetables, fresh herbs, natural plants and flowers, foodstuffs and beverages for animals, raw and unprocessed grains and seeds, bulbs, seedlings and seeds for planting; delivery of goods and/or assortments of goods, namely, mineral and aerated waters and other non-alcoholic beverages, fruit beverages and fruit juices, syrups and other preparations for making beverages, including in pre-portioned form, including for enabling meals and pet meals to be cooked according to specific recipes, including enclosed recipes, in the form of prepared food kits ready for cooking and assembly as a meal; transport services, namely, transportation information; packaging and storage of goods; transportation and delivery of goods; transport, delivery, packaging, and storage of goods, pet products, pet food, pet beverages, supplements for pets, pet treats, prepared meals for pets, recipes for pets, pet toys, pet supplies, food, beverages, supplements, clothing, bags, and printed matter; home delivery service of pet products, pet food, pet beverages, supplements for pets, pet treats, prepared meals for pets, recipes for pets, pet toys, pet supplies, food, beverages, and supplements.

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supplements for pets; personal meal preparation, in a customized manner, of food items, including in pre-portioned form, including for enabling meals to be cooked according to specific recipes, including enclosed recipes; advice concerning cooking recipes, including recipes for pets; providing information through a database in the field of recipes and cooking information, including for pets; providing information through a website featuring information in the field of recipes and cooking, including for pets.

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Yours truly,

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