



LE REGISTRAIRE DES MARQUES DE COMMERCE
THE REGISTRAR OF TRADE-MARKS

Citation: 2019 TMOB 3

Date of Decision: 2019-01-03

IN THE MATTER OF AN OPPOSITION

**Canadian Wildlife Federation Inc./
Fédération Canadienne de la Faune
Inc.**

Opponent

and

**African Lion Safari & Game Farm
Ltd.**

Applicant

**1,648,888 for WILD ABOUT GREEN
& PAW DESIGN**

Application

INTRODUCTION

[1] African Lion Safari & Game Farm Inc. (the Applicant) has applied to register the trade-mark WILD ABOUT GREEN & PAW DESIGN (the Mark), shown below:



[2] The Mark is applied for in association with the following goods and services:

Goods:

Toys and games, namely, playing cards, mechanical action and mobile toys, jig-saw puzzles, party favours in the nature of small toys, plush toys, plush animals and plastic buckets; toys and games, namely, action or play figures, plastic animal replica figurines, water-squirting toys, baby rattles, board games, costume masks and dolls; plastic drink cups, plastic ice buckets; beverage glassware and mugs, coasters, plates, serving trays, shot glasses, spoons, forks, knives, placemats, towels, decorative magnets, fridge magnets; ashtrays, cigarette lighters, key chains, address books, bookends, bookmarks, bumper stickers, coloring books, decals, posters, prints, slides, pennants, buttons, pencils, pens, pencil cases, rulers, pencil erasers, postcards, pre-recorded audiovisual tapes and CD, DVD and CD-ROM recordings in the field of wildlife and wildlife conservation, flashlights, clocks, mousepads, binoculars, sunglasses; key cases, coin purses, pocket wallets, wallets, purses; jewellery, necklaces, stick pins, lapel pins; candy suckers; date books, greeting cards, umbrellas, watches, computer screen savers.

Services:

Entertainment services in the nature of a zoo; operation of an animal sanctuary, aviary and aquarium; educational and entertainment services, namely, organizing and conducting instructional and entertainment programs, exhibits, events, shows and workshops in the field of wildlife and wildlife conservation and disseminating information and educational literature in the field of wildlife and wildlife conservation.

[3] The Goods are applied for on the basis of proposed use and the Services are applied for on the basis of use in Canada since at least as early as February 28, 2013.

[4] Canadian Wildlife Federation Inc./Fédération Canadienne de la Faune Inc. (the Opponent) opposes the application on several grounds, including on the basis that the Mark is confusing with the Opponent's registered trade-marks PROJECT WILD (Registration No. TMA316,019), WILD EDUCATION (Registration No. TMA517,103) and WILD SCHOOL (Registration No. TMA656,023) (collectively, the Opponent's Marks). Details of the Opponent's Marks are set out in the attached Schedule A.

[5] For the reasons that follow, the opposition is rejected.

THE RECORD

[6] The application for the Mark was filed on October 22, 2013.

[7] The application was advertised for opposition purposes in the *Trade-marks Journal* on September 9, 2015. The Opponent opposed it on February 9, 2016, by filing a statement of opposition under section 38 of the *Trade-marks Act*, RSC 1985, c T-13 (the Act). The grounds of

opposition are based on sections 30(b), 30(e), 30(i), 12(1)(d), 16(1)(a), 16(3)(a), and 2 of the Act, summarized below:

- The application does not comply with the requirements of section 30(b) of the Act in that the Applicant has not continuously used the Mark in Canada, either directly or through a licensee since the claimed date of first use (February 28, 2013) in association with the Services.
- The application does not comply with the requirements of section 30(e) of the Act in that as of the filing date of the application, the Applicant had no intent to use the Mark in association with the Goods.
- The application does not comply with the requirements of section 30(i) of the Act in that the Applicant could not have been satisfied that it was entitled to use the Mark in Canada having regard to the prior use and registration of the Opponent's Marks.
- Having regard to section 12(1)(d) of the Act, the application is not registrable because it is confusing with the Opponent's Marks.
- Having regard to section 16(1)(a) of the Act, the Applicant is not the person entitled to registration of the Mark in that as of the alleged date of first use of the Mark in Canada, it was confusing with the Opponent's Marks which had been previously used and continue to be used in Canada by the Opponent.
- Having regard to section 16(3)(a) of the Act, the Applicant is not the person entitled to registration of the Mark in that as of the filing date of the application, the Mark was confusing with the Opponent's Marks which had been previously used and continue to be used in Canada by the Opponent.
- Having regard to section 2 of the Act, the Mark is not distinctive in Canada of the Applicant's Goods and Services in that the Mark does not distinguish, nor was it adapted to distinguish, the Applicant's Goods and Services from those of others in view of the use of the Opponent's Marks by the Opponent.

[8] The Applicant filed a counter statement denying each of the allegations in the statement of opposition.

[9] As evidence in support of its opposition, the Opponent filed certified copies of registration Nos. TMA316,109 (for PROJECT WILD), TMA517,103 (for WILD EDUCATION) and TMA656,023 (for WILD SCHOOL).

[10] In support of its application, the Applicant filed the affidavit of Michael Takacs, sworn April 24, 2017 in Cambridge, Ontario, and the affidavit of Cindy Noel, sworn April 24, 2017 in Toronto, Ontario.

[11] Mr. Takacs is the President of the Applicant. His affidavit primarily describes the Applicant's extensive use in Canada of its registered trade-mark GO WILD!! (TMA653,918) since 1969 and some limited use of its registered trade-mark WILD ABOUT GREEN (TMA952,181) since 2013.

[12] Ms. Noel is a secretary with the agents for the Applicant. Her affidavit provides printouts from the Applicant's website, *www.lionsafari.com*, from April 2017 as well as printouts from archived versions of the website from 2002 to 2010. Her affidavit also includes results from searches of CIPO's online database for active trade-marks that include the word WILD in association with Nice classifications 9, 16, 21 and 41.

[13] Neither affiant was cross-examined on their affidavits. The Opponent did not file any evidence in reply. Only the Applicant filed written arguments.

ONUS

[14] The Applicant bears the legal onus of establishing, on a balance of probabilities, that its application complies with the requirements of the Act. However, the Opponent must first adduce sufficient admissible evidence from which it could reasonably be concluded that the facts alleged to support each ground of opposition exist [*John Labatt Ltd v Molson Companies Ltd* (1990), 30 CPR (3d) 293 (FCTD) at 298; *Dion Neckwear Ltd v Christian Dior, SA et al*, 2002 FCA 29, 20 CPR (4th) 155].

MATERIAL DATES

[15] The material dates that apply to the grounds of opposition are:

- sections 38(2)(a)/30 with respect to non-compliance with section 30 – the filing date of the application [*Georgia-Pacific Corp v Scott Paper Ltd* (1984), 3 CPR (3d) 469 (TMOB) at 475];
- section 38(2)(b)/12(1)(d) with respect to confusion – the date of this decision [*Park Avenue Furniture Corporation v Wickes/Simmons Bedding Ltd and The Registrar of Trade-marks* (1991), 37 CPR (3d) 413 (FCA)];
- sections 38(2)(c)/16(1)(a) with respect to entitlement – the date of first use set out in the application for the Mark [section 16(1) of the Act];
- sections 38(2)(c)/16(3)(a) with respect to entitlement – the filing date of the application [section 16(3)(a) of the Act];
- sections 38(2)(d)/2 with respect to non-distinctiveness – the filing date of the opposition [*Metro-Goldwyn-Mayer Inc v Stargate Connections Inc*, 2004 FC 1185, 34 CPR (4th) 317].

ANALYSIS – GROUNDS OF OPPOSITION SUMMARILY REJECTED

[16] The Opponent has filed no evidence to support the grounds of opposition based on sections 30(b), 30(e), 30(i), 16 or 2 of the Act.

Section 30(b)

[17] The Opponent has pleaded that the application does not comply with the requirements of section 30(b) of the Act in that the Applicant has not continuously used the Mark in Canada since the claimed date of first use, February 28, 2013, in association with the Services.

[18] The relevant date for considering the circumstances with respect to this ground of opposition is the filing date of the application [*Georgia-Pacific Corp v Scott Paper Ltd* (1984), 3

CPR (3d) 469 (TMOB)]. To the extent that the relevant facts pertaining to a ground of opposition based on section 30(b) of the Act are more readily available to the applicant, the evidentiary burden on an opponent with respect to such a ground of opposition is less onerous [*Tune Master v Mr P's Mastertune Ignition Services Ltd* (1986), 10 CPR (3d) 84 (TMOB)]. Furthermore, this burden can be met by reference not only to the opponent's evidence but also to the applicant's evidence [see *Labatt Brewing Company Limited v Molson Breweries, a Partnership* (1996), 68 CPR (3d) 216 (FCTD)].

[19] However, an opponent may only successfully rely upon the applicant's evidence to meet its initial burden if the opponent shows that the applicant's evidence puts into issue the claims set forth in the applicant's application [see *Corporativo de Marcas GJB, SA de CV v Bacardi & Company Ltd*, 2014 FC 323 at paras 30-38]. Furthermore, while an opponent is entitled to rely on the applicant's evidence to meet its evidentiary burden, the applicant is under no obligation to evidence its claimed date of first use if this date is not first put into issue by an opponent meeting its evidentiary burden.

[20] In this case, no evidence has been filed nor submissions made by the Opponent which support its allegation that the Applicant has not used the Mark in association with the Services since the date of first use claimed in the application. In any event, the Applicant's evidence does not call into issue the claimed date of first use.

[21] Accordingly, the section 30(b) ground of opposition is rejected as the Opponent has not met its evidential burden.

Section 30(e)

[22] The section 30(e) ground of opposition alleges that, as of the filing date of the application, the Applicant had no intent to use the Mark in Canada by itself or through a licensee in association with the Goods.

[23] As there is no evidence that supports this ground of opposition, it is rejected for the Opponent's failure to meet its evidential burden.

Section 30(i)

[24] The section 30(i) ground of opposition alleges that the Applicant could not have been satisfied it was entitled to use the Mark in Canada, having regard to the prior use and registration of the Opponent's Marks.

[25] Section 30(i) of the Act merely requires that an applicant include a statement in its application that it is satisfied that it is entitled to registration of its trade-mark. Where this statement has been provided, a section 30(i) ground should only succeed in exceptional cases, such as where there is evidence of bad faith on the part of the applicant [*Sapodilla Co Ltd v Bristol Myers Co* (1974), 15 CPR (2d) 152 (TMOB)]. Mere knowledge of the existence of an opponent's trade-mark or trade-name does not in and of itself support an allegation that an applicant could not have been satisfied of its entitlement to use its mark [*Woot, Inc v WootRestaurants Inc*, 2012 TMOB 197].

[26] The application for the Mark contains the statement required under section 30(i) of the Act and there is no evidence that this is an exceptional case. Accordingly, this ground of opposition is rejected.

Sections 16(1)(a) and 16(3)(a) – Entitlement

[27] The grounds of opposition pleaded under sections 16(1)(a) and 16(3)(a) of the Act allege that the Applicant is not the person entitled to register the Mark as it is confusing with the Opponent's Marks which had been previously used by the Opponent.

[28] An opponent meets its evidentiary burden under the 16(1)(a) ground if it shows that as of the alleged date of first use of the applicant's trade-mark in Canada, its trade-mark had been previously used in Canada and had not been abandoned as of the date of advertisement of the applicant's application [section 16(5) of the Act]. However, in this case, the Opponent has not filed any evidence of use of the Opponent's Marks. The mere filing of certified copies of the three registrations can establish no more than *de minimis* use of such trade-marks [*Entre Computer Centers, Inc v Global Upholstery Co* (1992), 40 CPR (3d) 427 (TMOB)]. Such use does not meet the requirements of section 16 of the Act [*Roos, Inc v Edit-SRL* (2002), 23 CPR (4th) 265 (TMOB)].

[29] With respect to the 16(3)(a) ground of opposition, the material date is the Applicant's filing date. However, as with the 16(1)(a) ground, the Opponent has not satisfied its initial evidentiary burden with respect to this ground.

[30] Accordingly, the section 16 grounds of opposition are rejected.

Section 2 – Non-Distinctiveness

[31] The ground of opposition pleaded under section 2 of the Act alleges that the Mark is not distinctive in Canada of the Applicant's Goods and Services, having regard to the use of the Opponent's Marks by the Opponent.

[32] An opponent meets its evidentiary burden with respect to a non-distinctiveness ground if it shows that as of the filing of the opposition its trade-mark had become known to some extent at least to negate the distinctiveness of the applied-for mark [see *Motel 6, Inc v No. 6 Motel Ltd* (1981), 56 CPR (2d) 44 (FCTD)]. In this case, the Opponent has not filed any evidence demonstrating the extent to which the Opponent's Marks have become known in Canada.

[33] As the Opponent has failed to meet its evidential burden, the non-distinctiveness ground of opposition is rejected.

ANALYSIS OF THE REMAINING GROUND OF OPPOSITION – SECTION 12(1)(D)

[34] The Opponent has pleaded that the Mark is not registrable having regard to the provisions of section 12(1)(d) of the Act in that it is confusing with the Opponent's Marks.

[35] I have exercised the Registrar's discretion to confirm that the three registrations relied upon by the Opponent are in good standing as of the date of this decision, which is the material date for assessing a section 12(1)(d) ground of opposition [*Park Avenue Furniture Corp v Wickes/Simmons Bedding Ltd* (1991), 37 CPR (3d) 413 (FCA)].

[36] The Opponent has therefore met its light evidentiary burden in respect of this ground of opposition. Accordingly, the Applicant must establish, on a balance of probabilities, that there is not a reasonable likelihood of confusion between the Mark and one or all of the Opponent's Marks.

The test for confusion

[37] The test for confusion is one of first impression and imperfect recollection. Section 6(2) of the Act provides that the use of a trade-mark causes confusion with another trade-mark if the use of both trade-marks in the same area would be likely to lead to the inference that the goods or services associated with those trade-marks are manufactured, sold, leased, hired or performed by the same person, whether or not the goods or services are of the same general class.

[38] In applying the test for confusion, the Registrar must have regard to all the surrounding circumstances, including those listed at section 6(5) of the Act, namely: (a) the inherent distinctiveness of the trade-marks and the extent to which they have become known; (b) the length of time the trade-marks have been in use; (c) the nature of the goods, services or business; (d) the nature of the trade; and (e) the degree of resemblance between the trade-marks in appearance or sound or in the ideas suggested by them.

[39] This list is not exhaustive and all relevant factors are to be considered. Further, all factors are not necessarily attributed equal weight as the weight to be given to each depends on the circumstances [*Mattel, Inc v 3894207 Canada Inc*, 2006 SCC 22, 49 CPR (4th) 321; and *Masterpiece Inc v Alavida Lifestyles Inc*, (2011) SCC 27, 92 CPR (4th) 361]. However, as noted by the Supreme Court of Canada in *Masterpiece*, although the degree of resemblance is the last factor listed in section 6(5) of the Act, it is the statutory factor that is often likely to have the greatest effect in deciding the issue of confusion [*Masterpiece* at para 49]

Consideration of the section 6(5) factors

[40] In its written argument, the Applicant's submissions include the following (at paragraphs 7.10 to 7.11):

- The only overlap between the Opponent's Marks and the Mark is the word WILD.
- The Noel affidavit provides examples of active trademarks including the word WILD in Nice classifications 16, 9, 21 and 41. There are a large number of marks including WILD, lowering the distinctiveness of the Opponent's Marks.

- There has been no confusion between the Applicant’s previously used GO WILD!! trademark and the Opponent’s Marks (per the Takacs Affidavit, para 15).
- The Mark includes the additional wording ABOUT GREEN and the additional design element.

The degree of resemblance between the trade-marks in appearance or sound or in the ideas suggested by them

[41] Per *Masterpiece*, as the most significant factor for the confusion analysis is often the degree of resemblance between the marks, the Supreme Court has indicated that a consideration of this factor is where most confusion analyses should start [*Masterpiece, supra*, at para 49].

[42] Aside from the common word WILD, the Mark does not resemble any of the Opponent’s Marks in appearance or sound.

[43] With respect to the ideas suggested, the Mark invokes the idea of being excited about nature, as the phrase “WILD ABOUT GREEN” is informed by the paw and globe design element. This particular idea is not invoked by the Opponents Marks. The Opponent’s Marks each invoke the idea of learning about wildlife, with WILD also suggesting the idea of an unrestrained education.

[44] Accordingly, I find that this important factor favours the Applicant.

The inherent distinctiveness of the trade-marks and the extent to which they have become known

[45] With respect to the inherent distinctiveness of the trade-marks, I first note that the application for the Mark and the registrations for the Opponent’s Marks all reference “wildlife” in their respective statement of services, making the term WILD at least suggestive of the parties’ respective services.

[46] Otherwise, the Opponent’s Marks are each comprised of ordinary dictionary words combined with the suggestive term WILD. On the other hand, the Mark includes a distinctive design element consisting of a paw print over a portion of the globe. As such, I find the Mark to be more inherently distinctive than the Opponent’s Marks.

[47] With respect to the extent to which the marks have become known, although the Takacs Affidavit briefly refers to the Applicant's use of the word mark WILD ABOUT GREEN during presentations, on correspondence and advertisements since February 2013 (para 12), the Applicant did not furnish evidence regarding the extent to which the Mark has become known in Canada.

[48] As previously noted, the Opponent furnished no evidence regarding the extent to which the Opponent's Marks have become known in Canada.

[49] Overall, given the inherent distinctiveness of the Mark, this factor favours the Applicant.

The length of time the trade-marks have been in use

[50] The registrations of the Opponent's Marks allege use since August 22, 1985 (PROJECT WILD), September 1996 (WILD EDUCATION), and December 8, 2005 (WILD SCHOOL). However, the Opponent has not provided any evidence of use and, as indicated above, the mere existence of a registration can establish no more than *de minimis* use of the Opponent's trade-marks and cannot give rise to an inference of significant or continuing use [*Entre Computer Centers, supra*].

[51] Similarly, the Applicant claims use of the Mark in association with the Services since February 28, 2013, but has furnished no evidence of use of the Mark.

[52] Accordingly, this factor favours neither party.

The nature of the goods, services or business; and the nature of the trade

[53] When considering the nature of the goods/services and the nature of the trade, I must compare the Applicant's statement of goods with the statements of goods in the registrations relied upon by the Opponent [*Henkel Kommanditgesellschaft auf Aktien v Super Dragon Import Export Inc* (1986), 12 CPR (3d) 110 (FCA); and *Mr Submarine Ltd v Amandista Investments Ltd* (1987), 19 CPR (3d) 3 (FCA)]. However, those statements must be read with a view to determining the probable type of business or trade intended by the parties rather than all possible trades that might be encompassed by the wording. The evidence of the parties' actual trades is

useful in this respect [*McDonald's Corp v Coffee Hut Stores Ltd* (1996), 68 CPR (3d) 168 (FCA); *Procter & Gamble Inc v Hunter Packaging Ltd* (1999), 2 CPR (4th) 266 (TMOB); and *American Optional Corp v Alcon Pharmaceuticals Ltd* (2000), 5 CPR (4th) 110 (TMOB)].

[54] In this case, the Applicant operates a zoo and animal sanctuary in the form of the African Lion Safari, which includes educational and entertainment services in the field of wildlife and wildlife conservation and the operation of a gift shop (Noel Affidavit, Exhibit CN-1). As the Opponent has not furnished evidence of its trade or of its use of the Opponent's Marks, it is difficult to conclude the extent to which the parties' educational services overlap with one another.

[55] There is some overlap with respect to the Goods and the goods set out in the Opponent's registration for WILD SCHOOL, such as posters, stickers, mugs, magnets, bookmarks, and computer screen savers. The Applicant operates a gift shop (Noel Affidavit, Exhibit CN-1), but the application includes no limitation with respect to the potential channels of trade for the Goods. Again, as the Opponent has furnished no evidence with respect to their common goods, it is difficult to conclude the extent to which the parties' channels of trade overlap with one another.

[56] Accordingly, this factor favours neither party.

Additional surrounding circumstances

Existing Canadian registration for WILD ABOUT GREEN

[57] As a surrounding circumstance, the Applicant submits that it already owns Canadian registration No. TMA952,181 for the trade-mark WILD ABOUT GREEN for use in association with the Services and some of the Goods.

[58] However, it is well established that section 19 of the Act does not give the owner of a registration an automatic right to obtain any further registrations [*Coronet-Werke Heinrich Schlerf GmbH v Produits Menagers Coronet Inc*, 4 CPR (3d) 108 (TMOB); and *Groupe Lavo Inc v Procter & Gamble Inc*, 32 CPR (3d) 533 (TMOB)].

[59] As such, I do not consider the mere existence of the Applicant's registration for the word mark WILD ABOUT GREEN a relevant surrounding circumstance favouring the Applicant.

No evidence of actual confusion

[60] As a further surrounding circumstance, Mr. Takacs attests that "There have been no instances of confusion between a mark owned by [the Opponent] and the Applicant" (para 15). This appears to be in reference to the Mark as well as the Applicant's word mark WILD ABOUT GREEN (since February 28, 2013) and its trade-mark GO WILD!! (since 1969).

[61] Since the Opponent did not furnish any evidence with respect to the extent and period of use of the Opponent's Mark, I cannot draw any meaningful conclusion with respect to the absence of confusion. In the absence of evidence showing that the parties' goods and services did in fact co-exist in the marketplace, the absence of evidence of actual confusion is not surprising.

State of the Register

[62] State of the register evidence is introduced to show the commonality or distinctiveness of a mark or portion of a mark in relation to the register as a whole. Evidence of the state of the register is only relevant insofar as inferences may be made on it concerning the state of the marketplace, and inferences about the state of the marketplace can only be drawn when a significant number of pertinent registrations are located [see *Ports International Ltd v Dunlop Ltd* (1992), 41 CPR (3d) 432 (TMOB); *Welch Foods Inc v Del Monte Corp* (1992), 44 CPR (3d) 205 (FCTD); and *Maximum Nutrition Ltd v Kellogg Salada Canada Inc* (1992), 43 CPR (3d) 349 (FCA)].

[63] By way of the Noel Affidavit, the Applicant provides printouts of search results of active trade-marks including the term WILD in association with the following four Nice classifications: Class 16 – Paper and printed goods (Exhibit CN-12); Class 9 – Electrical, scientific and teaching apparatus and software (Exhibit CN-13); Class 21 – Household goods and glass (Exhibit CN-14); and Class 41 – Education and Entertainment (Exhibit CN-15).

[64] In its written argument, the Applicant submits that, as there are a “large number” of marks including the word WILD, this lowers the distinctiveness of the Opponent’s Marks (para 7.11). However, aside from its own trade-marks (Noel Affidavit, Exhibit CN-11), the Applicant does not evidence the particulars of any trade-marks that may be relevant. Instead, these exhibits consist only of the first portion of each of the search results. The search results do not indicate ownership of each mark, nor do they show the specific goods and services. I also note that the search results are not limited to pertinent *registered* trade-marks.

[65] While the search results are focused on the applicable Nice classes, in the absence of particulars, I am not prepared to draw inferences from this evidence regarding the state of the marketplace as it relates to the particular Goods and Services set out in the application.

Conclusion regarding the likelihood of confusion

[66] Having considered all of the surrounding circumstances, I find that the Applicant has satisfied the onus on it to prove that, on a balance of probabilities, there is not a reasonable likelihood of confusion between the parties’ trade-marks as of today’s date.

[67] As indicated above, I find that there is little resemblance between the Mark and the Opponent’s Marks in appearance or sound or in the ideas suggested. This important factor is determinative, notwithstanding some overlap with respect to the Goods and Services, and in particular considering that there is no evidence that the Opponent’s Marks have acquired any distinctiveness in association with the goods and services covered by those registrations.

[68] Accordingly, the section 12(1)(d) ground of opposition is rejected.

DISPOSITION

[69] In view of the foregoing and pursuant to the authority delegated to me under section 63(3) of the Act, I reject the opposition pursuant to section 38(8) of the Act.

Andrew Bene
Member
Trade-marks Opposition Board
Canadian Intellectual Property Office

SCHEDULE A

Schedule A: Opponent's Marks

Trade-mark	Registration No. & Reg. Date	Goods and Services
PROJECT WILD	TMA316,109 (July 11, 1986)	Goods: Printed publications, namely books and activity guides, for use by educators and their students, that are designed to promote appreciation of wildlife. Services: Educational services, such as workshops for educators, designed to promote appreciation of wildlife by educators and their students.
WILD EDUCATION	TMA517,103 (Sept. 27, 1999)	Goods: Newsletters. Services: Environmental education programs, namely courses, conferences, profession development workshops and seminars relating to wildlife and natural resources.
WILD SCHOOL	TMA656,023 (Jan. 4, 2006)	Goods: Educational materials, namely booklets, posters, factsheets, stickers and sticker books, and manuals; t-shirts, hats, caps, sweatshirts, bookmarks, fridge magnets, mouse pads, mugs; computer software, namely screen saver programs. Services: Educational services, namely the distribution of information to educators and their students, community organizations, and the general public, in the fields of gardening, wildlife and wildlife habitat creation and management.

**TRADE-MARKS OPPOSITION BOARD
CANADIAN INTELLECTUAL PROPERTY OFFICE
APPEARANCES AND AGENTS OF RECORD**

No Hearing Held

AGENTS OF RECORD

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