



# Canadian Intellectual Property Office

## **THE REGISTRAR OF TRADEMARKS**

**Citation:** 2023 TMOB 127

**Date of Decision:** 2023-07-26

## **IN THE MATTER OF AN OPPOSITION**

**Opponent:** Chocoladefabriken Lindt & Sprüngli AG

**Applicant:** Maureen Smith

**Application:** 1859548 for Women's Millionaire

### **INTRODUCTION**

[1] Maureen Smith (the Applicant) has applied to register the trademark Women's Millionaire (the Mark), for use in association with a variety of goods and services, reproduced in Schedule A to this decision. Most of the applied-for goods and services are in the nature of workshops and seminars relating to business topics such as finance and real estate, a magazine relating to the same business topics, and other related goods and services. The applied-for goods also include chocolate confectionery.

[2] Chocoladefabriken Lindt & Sprüngli AG (the Opponent) opposes registration of the Mark for use in association with chocolate confectionery. The Opponent's primary allegation is that the Mark is confusing with the Opponent's trademark MILLIONAIRES, which the Opponent alleges is registered and has been used in association with "confectionery, namely candy and chocolate".

[3] For the reasons that follow, Ms. Smith's application is refused in respect of chocolate confectionery only. The application is not refused in respect of any other goods or services.

### **THE RECORD**

[4] The Applicant applied to register the Mark on September 26, 2017. The application was advertised for opposition purposes on May 20, 2020.

[5] On November 20, 2020, the Opponent filed a statement of opposition pursuant to section 38 of the *Trademarks Act*, RSC 1985, c T-13 (the Act). In its statement of opposition, the Opponent relies on four grounds of opposition. In respect of each ground, the Opponent alleges that the Mark is confusing with the Opponent's trademark MILLIONAIRES.

[6] The Applicant served and filed a counter statement on January 26, 2021.

[7] In support of its Opposition, the Opponent submitted a certified copy of its trademark registration No. TMA967,066, for the trademark MILLIONAIRES, for use in association with "confectionery, namely candy and chocolate".

[8] In support of the application, the Applicant submitted an affidavit she swore on July 30, 2021. The affidavit provides the following:

- a description of the application history, and the history of a prior application for the Mark;
- a copy of a US trademark registration for the Mark;
- a description and examples of the Applicant's use of the Mark in association with her workshops and seminars relating to topics such as finance and real estate, her magazine relating to these topics, and other related goods and services; and
- a description of the Applicant's plans to introduce a product line of chocolate confectionery in association with the Mark.

[9] The Opponent requested an order for the cross-examination of the Applicant on her application, which was granted. However, no cross-examination was conducted.

[10] Only the Applicant submitted written representations. Both parties appeared and made representations at the hearing of this matter.

### **GROUND OF OPPOSITION, EVIDENTIAL BURDEN, AND LEGAL ONUS**

[11] In its statement of opposition, the Opponent relies on the following grounds:

- the Non-registrability Ground - pursuant to section 38(2)(b) of the Act, the Mark is not registrable pursuant to section 12(1)(d) of the Act, because the Mark is confusing with the Opponent's registered trademark MILLIONAIRES (reg. No. TMA967,066);
- the Non-entitlement Ground - pursuant to section 38(2)(c) of the Act, the Applicant is not the person entitled to register the Mark pursuant to section 16(1)(a) of the Act because the Mark is confusing with the Opponent's trademark MILLIONAIRES, which had been previously used or made known in Canada;
- the Non-distinctiveness Ground - pursuant to section 38(2)(d) of the Act, the Mark is not distinctive, because the Mark is not adapted to distinguish, does not actually distinguish, nor is it capable of distinguishing, the Applicant's goods and services from the goods and services in association with which the Opponent has used, advertised and promoted its registered trademark MILLIONAIRES trademark; and
- the Non-entitlement to Use Ground - pursuant to section 38(2)(f) of the Act, as of the filing of the application in Canada, the Applicant was not entitled to use the Mark in Canada, in association with chocolate confectionery, because such use would infringe the Opponent's registered trademark MILLIONAIRES pursuant to section 20 of the Act.

[12] Most of the grounds of opposition as pled extend to all goods and services listed in the application. However, at the hearing of this matter the Opponent confirmed that it

was opposing the application only in respect of the goods defined as “chocolate confectionery”.

[13] For each ground of opposition, there is an initial burden on the Opponent to adduce evidence from which it could reasonably be concluded that the facts alleged to support that ground of opposition are true. If this initial burden is met, then the Applicant bears the legal onus of satisfying the Registrar that, on a balance of probabilities, the ground of opposition should not prevent registration of the Mark [see *John Labatt Ltd v Molson Companies Ltd* (1990), 30 CPR (3d) 293 (FCTD)].

### **PRELIMINARY REMARKS REGARDING FACTS NOT IN EVIDENCE**

[14] At the hearing, the Applicant referred to several alleged facts that are not in evidence, including the following:

- there are many other trademarks on the register that contain the word “Millionaire” or “Millionaires”;
- a subsidiary of the Opponent uses the trademark MILLIONAIRE\$, substituting the letter ‘S’ for a dollar sign at the end of the mark;
- the Opponent’s chocolates are sweetened with honey, whereas the Applicant’s chocolates are sweetened with Stevia; and
- the Opponent’s chocolates are made in Switzerland, whereas the Applicant’s chocolates are made in Canada.

[15] The Opponent objected to the Applicant’s reference to these facts, on the basis that there was no evidence of record to support them.

[16] I agree with the Opponent that there is no evidence to support these facts. Accordingly, my decision will not be based on these facts. The opposition process is quasi-judicial in nature. Parties are expected to prove each aspect of their case with evidence. If the Applicant intended to rely on these facts in support of the application, it

was incumbent on her to file evidence and allow the Opponent to opportunity to challenge the evidence through cross-examination, if desired.

[17] With specific regard to the state of the register allegations, while the Registrar has discretion to take official notice of its records, I do not find it appropriate to exercise this discretion in this case. While there is a public interest in maintaining the integrity of the trademarks register, which justifies the Registrar taking official notice of applications and registrations identified in a statement of opposition, there is no public interest in the Registrar seeking to assist an applicant to register its trademark by checking records for third party registrations that may be of assistance [see *John Labatt Limited/John Labatt Limitée v WCE Western Canada Water Enterprises Inc* (1991), 39 CPR (3d) 442 at pages 445-446]. If the Applicant wanted to rely on the fact that other registrations contained the word “Millionaire”, it was up to her to submit evidence of these registrations.

### **THE NON-REGISTRABILITY GROUND**

[18] In respect of this ground, since the Opponent’s registration for MILLIONAIRES is in good standing, the Opponent meets its initial burden. Therefore, the Applicant bears the legal onus of establishing that this ground of opposition should not prevent registration of the Mark. Specifically, the Applicant must establish, on a balance of probabilities, that the Mark is not confusing with the Opponent’s trademark MILLIONAIRES. The material date for assessing confusion under this ground is the date of this decision [*Simmons Ltd v A to Z Comfort Beddings Ltd* (1991), 37 CPR (3d) 413 (FCA)].

### ***The Test for Confusion***

[19] The concept of trademark confusion is defined at section 6 of the Act. According to section 6, a trademark is confusing with another trademark if the use of both trademarks in the same area would be likely to lead consumers to infer that the goods associated with the trademarks are manufactured or sold by the same person. A trademark is also confusing if consumers are likely to assume that that the parties’ goods are approved, licensed or sponsored by the same person [see *Glen-Warren*

*Productions Ltd v Gertex Hosiery Ltd* (1990), 29 CPR (3d) 7 (FCTD) at para 21]. Accordingly, the relevant question in this case is whether consumers seeing the Applicant's chocolate confectionery, in association with the Mark, will believe the chocolate confectionery is manufactured or sold by the Opponent, or is approved, licensed or sponsored by the Opponent. The question of confusion is not about whether consumers will mistake the Mark for the Opponent's trademark.

[20] The test for confusion is a matter of first impression in the mind of a casual consumer somewhat in a hurry, who sees the applicant's trademark at a time when they have no more than an imperfect recollection of the opponent's trademark. This casual, hurried consumer does not pause to give the matter any detailed consideration or scrutiny, nor to examine closely the similarities and differences between the trademarks [*Veuve Clicquot Ponsardin v Boutiques Cliquot Ltée*, 2006 SCC 23 at para 20].

[21] Applying the test for confusion is an exercise in finding facts and drawing inferences [*Masterpiece Inc v Alavida Lifestyles Inc*, 2011 SCC 27 at para 102]. All surrounding circumstances of the case must be considered, including those listed at section 6(5) of the Act, namely:

- the inherent distinctiveness of the trademarks and the extent to which they have become known;
- the length of time the trademarks have been in use;
- the nature of the goods, services or business;
- the nature of the trade; and
- the degree of resemblance between the trademarks in appearance or sound or in the ideas suggested by them.

[22] The list of circumstances to be considered is not exhaustive. All relevant factors are to be considered, although they are not necessarily given equal weight [see *Mattel, Inc v 3894207 Canada Inc* 2006 SCC 22 at para 54; *Veuve Clicquot*, at para 21].

### ***Inherent Distinctiveness, and Extent Known***

[23] The inherent distinctiveness of a trademark refers to its originality. When a trademark is a unique or invented name, such that it could only refer to one thing, the trademark is inherently distinctive [*Tommy Hilfiger Licensing Inc v Produits de Qualité IMD Inc*, 2005 FC 10 at para 53].

[24] Conversely, trademarks consisting of or including words that are not original or unique, such as words used by all traders to describe the character or quality of their goods, have a low degree of inherent distinctiveness. Such trademarks attract a more limited range of protection relative to an invented, unique, or non-descriptive word. Small differences are sufficient to differentiate such trademarks [see *General Motors Corp v Bellows*, 1949 CanLII 47 (SCC), [1949] SCR 678; see also *GSW Ltd v Great West Steel Industries Ltd* (1975), 22 CPR (2d) 154 (FCTD)].

[25] When a trademark is not inherently distinctive, it may still acquire distinctiveness through continual use in the marketplace. To establish that distinctiveness has been acquired, it must be shown that the mark has become known to consumers as originating from one particular source [*Tommy Hilfiger Licensing* at para 53].

[26] The Opponent's trademark has a fair degree of inherent distinctiveness. "Millionaires" is an ordinary English word that refers to people "whose wealth is estimated at a million dollars or more" [see online dictionary located at *mirriam-webster.com*; see also *Tradall SA v Devil's Martini Inc*, 2011 TMOB 65, for the proposition that the Registrar has discretion to take judicial notice of dictionary definitions]. The Opponent's trademark is therefore not unique, and its ordinary meaning, when viewed in connection with goods such as the Opponent's candy and chocolate, is somewhat suggestive of goods are of high quality, or are luxurious. That being said, the trademark does not directly describe the Opponent's candy and chocolate, or any attribute of them. Accordingly, I find that the Opponent's trademark is not highly inherently distinctive, but does have a fair degree of inherent distinctiveness.

[27] As for the extent to which the Opponent's trademark has become known, there is no evidence of any activities that would cause the trademark to become known in

Canada to any extent, such as use or promotion of the Opponent's trademark in Canada. The Opponent's trademark has not acquired distinctiveness through use.

[28] I find that the Mark is somewhat more inherently distinctive than the Opponent's trademark. The phrase "women's millionaire" appears to be fairly unusual and unique. It refers to a millionaire that "belongs to" women in some way, which is unusual and does not appear to have any established meaning, in the context of chocolates or otherwise. The unusual and unique nature of this phrase gives the Mark a degree of inherent distinctiveness that is somewhat higher than that of the Opponent's trademark.

[29] The inherent distinctiveness of the Mark has not been increased through use in the Canadian marketplace. The Applicant implied in her evidence [at second page, fourth and fifth paragraphs] and written representations [at page 1, seventh paragraph] that Women's Millionaire branded chocolates have not yet been sold.

[30] Considering all of the foregoing, I find that this factor somewhat favours the Applicant. While neither trademark has acquired distinctiveness by becoming known in Canada, the Mark has a somewhat higher degree of inherent distinctiveness than the Opponent's trademark.

### ***Length of Time in Use***

[31] This factor favours neither party, because neither party has used their respective trademark in Canada, in association with chocolates.

### ***Nature of the Goods, Services or Business, and Nature of the Trade***

[32] As a matter of common sense, the likelihood of confusion is diminished if the goods or services in question are different. As for the nature of the trade, which refers to the way in which consumers obtain the goods or services in question, there is a greater likelihood of confusion if the goods or services are sold in the same places, and in the same manner [see *Altacor Inc v Nutravite Pharmaceuticals Inc*, 2004 FC 235 at paras 31, 33].



[33] When considering the nature of the parties' goods and services, and the nature of the trade, it is the statements in the subject application and registration that govern [see *Mr Submarine Ltd v Amandista Investments Ltd*, 1987 CanLII 8953 (FCA)]. In this case, since the application is only opposed in respect of chocolate confectionery, these goods will be compared with the candy and chocolate stated in the Opponent's registration.

[34] The nature of the goods at issue and the nature of the trade in which they move both favour the Opponent. The Applicant's chocolate confectionery directly overlaps with the Opponent's candy and chocolate. And because the goods directly overlap, it is reasonable to infer that they could potentially be available to consumers in the same channels of trade.

[35] The Applicant argues that the nature of the goods favours her, because of several alleged differences between the Opponent's chocolates and the chocolates the Applicant intends to introduce, namely the following:

- the Applicant's chocolates will be sugar-free, and sweetened with a sugar substitute known as Stevia [Applicant's written representations at para (k)]. At the hearing, the Applicant asserted that the Opponent's chocolates are sweetened with honey;
- the Applicant's chocolates will be made in Canada, whereas the Opponent's are made in Switzerland [para (m)]; and
- the Applicant's chocolates will be of a distinct size and shape [para (j)].

[36] The Applicant's submissions in respect of the nature of the goods are not persuasive. Since there is no evidence of the nature of the Opponent's MILLIONAIRES chocolates, and since the evidence confirms that the Applicant's Women's Millionaire chocolates do not yet exist, the Applicant cannot establish that the parties' products actually differ in the ways alleged.

[37] Even if the Applicant could establish that the alleged differences exist, they would not assist the Applicant for two reasons. First, neither the Opponent's registration nor the Applicant's application is limited to chocolates having the attributes described by the Applicant. This means that the Opponent's trademark is registered for use in association with any type of chocolates, including those manufactured in Canada and sweetened with Stevia. Similarly, if the Mark was registered for use in connection with chocolate confectionery, the Applicant would have the exclusive right to use the Mark in association with any type of chocolate, including chocolate manufactured in Switzerland and sweetened with honey.

[38] Second, even if the Opponent's registration and the Applicant's application were limited to chocolates having the described attributes, I still would not be satisfied that this factor favours the Applicant. The types of chocolate described by the Applicant (namely, Canadian-made, Stevia-sweetened chocolate, versus Swiss-made, honey-sweetened chocolate) are just that; different types of the same product. In the absence of evidence suggesting that, for some reason, a chocolate manufacturer or seller would not make or sell both these types of chocolates, I am not prepared to accept that differences in sweetener or manufacturing location favour a finding of no confusion.

[39] The Applicant also argues that the nature of the trade favours her, because the Applicant's chocolates will be sold mainly from the websites of Women's Millionaire and Women's Millionaire magazine, and at trade shows where the Applicant is offering coaching and consulting services. While such differences in the channels of trade could potentially favour the applicant, they are not relevant in this case because they are not included in the statement of goods [see *A Lassonde & Fils Inc v Withey's Water Softening & Purification Ltd*, 1996 CanLII 11427 (TMOB), citing *Henkel Kommanditgesellschaft Auf Aktien v Super Dragon Import Export Inc*, 2 CPR (3d) 361, at 372 (FCTD), 12 CPR (3d) 110, at 112 (FCA)]. The registration, if issued as applied for, would give the Applicant the right to sell chocolates in association with the Mark, in any trade channel, including through retailers where the Opponent's MILLIONAIRES chocolates may be present.

[40] In view of the direct overlap in the parties' goods and, by inference, the channels of trade, these factors both favour the Opponent.

### ***Degree of Resemblance***

[41] When considering the degree of resemblance between trademarks, they must be considered in their totality; it is not correct to lay them side by side and closely examine the similarities and differences between the trademarks. While such analysis may allow one to readily distinguish the trademarks at issue, the ability to distinguish the trademarks is not the correct test for trademark confusion. When deciding the issue of confusion, one must guard against the possibility that a person seeing a trademark may mistakenly believe it is the trademark they saw previously, or that a new trademark is somehow associated with the previous trademark [see *Veuve Clicquot*, at para 20].

[42] In the present case, I find there to be a fair degree of resemblance between the Mark and the Opponent's trademark MILLIONAIRES. The Mark as a whole contains the singular form of the Opponent's trademark, and further modifies that trademark with the possessive noun "Women's". Therefore, to the extent that each trademark contains the word "Millionaire" (in either the singular or plural form), there is clearly a fair degree of resemblance in the appearance and sound of the two trademarks.

[43] I also find there to be a fair degree of similarity between the ideas suggested by the trademarks. The addition of the possessive noun "Women's" to the noun "Millionaire" causes the Mark to suggest a variation of the idea suggested by the Opponent's trademark, rather than a different idea entirely. In particular, the Mark suggests the idea of a "women's millionaire", instead of "millionaires" in general. This could reasonably suggest an association of some kind between the Mark and the Opponent's trademark MILLIONAIRES.

[44] In her written submissions, the Applicant points to differences in the number of words and number of letters in each trademark, and the fact the Opponent's trademark is plural whereas the "Millionaire" portion of the Mark is singular. The Applicant asserts that there is no visual resemblance between the two trademarks that would cause confusion [Applicant's written representations, first page]. However, these differences

are of the sort that become apparent upon a detailed, side-by-side examination of the two trademarks. Such a close examination of the trademarks is not the correct approach assessing resemblance in the context of trademark confusion. And even if it were the correct approach, the differences relied on by the Applicant would not negate the possibility that consumers will view the Mark as being associated with the Opponent's trademark MILLIONAIRES in some way.

[45] The Applicant also argues that the packaging design and graphics of its Women's Millionaire chocolate confections will be very distinct from those of the Opponent's MILLIONAIRES chocolates, with different fonts, colours and sizes [Applicant's written representations, para (j)]. This argument does not assist the Applicant because the confusion analysis must focus on the Mark as it is applied for. It is incorrect to limit the analysis to any particular form of the trademark that may fall within the scope of the trademark as defined in the application [*Masterpiece* at paras 56, 59]. In this case, the Mark consists of the words "Women's Millionaire". If the Mark were registered, the Applicant would be entitled to use these words in any form, and on any sort of packaging, including those that may be similar to the form in which the Opponent may present its trademark.

[46] Since I find there to be a fair degree of resemblance between the Mark and the Opponent's trademark MILLIONAIRES, in terms of appearance, sound, and ideas suggested, this factor favours the Opponent.

### ***Conclusion regarding Confusion***

[47] Having considered all surrounding circumstances of the case, as established in the evidence before me, I find the likelihood of confusion between the Mark and the Opponent's trademark MILLIONAIRES to be somewhat greater than even. In other words, on a balance of probabilities I find it somewhat more likely than not that consumers will infer that the Opponent's MILLIONAIRES candy and chocolate and the Applicant's Women's Millionaire chocolate confectionery come from the same source. I make this finding primarily on the basis of the fair degree of similarity between the trademarks, and the overlap in the goods and channels of trade. While the lower degree

of distinctiveness of the Opponent's trademark suggests that relatively small differences may be sufficient to distinguish the two trademarks, I find that the resemblance between the marks and the overlap in the goods and channels of trade outweigh this factor.

[48] As stated above, the Applicant bears the legal onus of establishing, on a balance of probabilities, that the Mark is not confusing with the Opponent's trademark MILLIONAIRES. Since I find it somewhat more likely that the Mark is confusing with the Opponent's trademark in respect of chocolate confectionery, the Applicant has failed to meet its legal onus in respect of these goods. Accordingly, this ground of opposition is successful.

### **THE NON-ENTITLEMENT GROUND**

[49] To meet its initial burden in respect of the Non-entitlement Ground, the Opponent must show that its trademark MILLIONAIRES had been previously used or made known in Canada. The relevant date is the earlier of: (a) the filing date of the application; and (b) the date of first use of the Mark in Canada [section 16(1)(a) of the Act]. The Opponent must also show that its trademark had not been abandoned as of the day on which the application was advertised for opposition purposes [section 16(3) of the Act].

[50] The Opponent has not met its initial burden in respect of this ground, because it has not submitted any evidence of use or making known of its trademark in Canada, at any time. Indeed, the only evidence the Opponent has submitted is a certified copy of its registration for the trademark MILLIONAIRES. The registration does not prove that the trademark has been used or made known in Canada.

[51] Since the Opponent has not met its initial burden, this ground of opposition is rejected.

### **THE NON-DISTINCTIVENESS GROUND**

[52] To meet its initial burden in respect of this ground, the Opponent must demonstrate that: (a) its trademark MILLIONAIRES was known to some extent in Canada; and (b) the reputation of this mark was substantial, significant or sufficient to negate the distinctiveness of the Mark [see *Bojangles' International LLC v Bojangles*

*Café Ltd*, 2006 FC 657 at para 36]. The relevant date in respect of this ground is the filing date of the statement of opposition [*Metro-Goldwyn-Mayer Inc v Stargate Connections Inc*, 2004 FC 1185 at para 25].

[53] The Opponent has not met its initial burden because it has not filed any evidence of any use or making known of the trademark MILLIONAIRES in Canada. There is therefore no basis from which to infer that the Opponent's trademark MILLIONAIRES was known in Canada to any extent.

[54] Since the Opponent has not met its initial burden, this ground of opposition is rejected.

### **THE NON-ENTITLEMENT TO USE GROUND**

[55] To meet its initial burden for this ground of opposition, the Opponent must adduce evidence from which it could reasonably be concluded that, as of the relevant date, the Applicant was not entitled to use the Mark in association with chocolate confectionery, because such use would constitute infringement of the Opponent's registered trademark MILLIONAIRES, pursuant to section 20 of the Act. The relevant date for this ground of opposition is the filing date of the application, determined without taking into account section 34(1) of the Act [section 38(2)(f) of the Act].

[56] Section 38(2)(f) of the Act, on which this ground of opposition is based, addresses the Applicant's lawful *entitlement to use* the trademark (i.e., in compliance with relevant federal legislation and other legal obligations) as opposed to the Applicant's *entitlement to register* the mark (relative to another person's trademark, pursuant to section 16 of the Act) [see *Methanex Corporation v Suez International, société par actions simplifiée*, 2022 TMOB 155]. In my view, the Applicant cannot be entitled to use the Mark in association with chocolate confectionery, if such use would infringe the Opponent's exclusive right to use the trademark MILLIONAIRES pursuant to section 20 of the Act (which is federal legislation). Accordingly, if the Applicant's use of the Mark would infringe the Opponent's registered trademark rights, then section 38(2)(f) prevents the Applicant from *registering* the Mark.

[57] I am satisfied that the Opponent has met its initial evidential burden in respect of this ground. On the evidence before me, the Applicant's *use* of the Mark, in association with chocolate confectionery, would appear to infringe the Opponent's registered trademark MILLIONAIRES pursuant to section 20 of the Act. Section 20 of the Act provides several circumstances in which registered trademark rights are deemed to be infringed. One such circumstance is when one "sells, distributes or advertises any goods or services in association with a confusing trademark ..." [section 20(1)(a) of the Act, emphasis added].

[58] Trademark "use", as defined in section 4 of the Act, falls within the scope of the selling, distributing and advertising referred to in section 20. As for whether the Mark is confusing with the Opponent's trademark, I find that confusion is somewhat more likely than not, as of the relevant date for this ground of opposition. I make this finding for substantially the same reasons that are relied upon in respect of the Non-registrability Ground. The exclusion of evidence post-dating the relevant date for this ground does not materially affect any of my findings in respect of the Non-registrability Ground.

[59] Since the Opponent's initial evidential burden is met, the Applicant bears the legal onus of demonstrating, on a balance of probabilities, that she was entitled to use the Mark as of the material date, despite the fact that such use would appear to infringe the Opponent's registered trademark rights pursuant to section 20 of the Act. In the absence of any evidence or argument suggesting any reason why the Applicant would be so entitled to use the Mark, I am not satisfied that the Applicant has met its legal onus. Accordingly, this ground of opposition is successful.

**DISPOSITION**

[60] Pursuant to the authority delegated to me under section 63(3) of the Act, I refuse the application with respect to the goods “chocolate confectionery” only. The application is not refused in respect of any other goods or services.

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Jaimie Bordman  
Member  
Trademarks Opposition Board  
Canadian Intellectual Property Office



## **SCHEDULE A**

### ***Applied-for Goods and Services***

#### Goods

##### Class 09

(1) Compact discs, MP3's, DVD's, downloadable radio podcasts and digital files for educational materials pertaining to business coaching, real estate consulting and investing; downloadable electronic magazines, books.

##### Class 16

(2) Magazine, books, brochures and flyers on finances, real estate, investing and inspiration.

##### Class 28

(3) Board games.

##### Class 30

(4) Brand tea, pastries and chocolate confectionery.

#### Services

##### Class 35

(1) Advertising and marketing campaigns for the benefit of others businesses via the internet, radio, press releases, radio campaigns.

(2) Administration of a discount program for clients to obtain discounts or perks on goods and services through the use of a discount membership card or club membership.

##### Class 36

(3) Financial consulting to assist with personal finances. Real estate services providing consulting and education mainly in the field of real estate consulting on real estate investing and real estate developing.

##### Class 41

(4) Development of a internet radio and television program.

(5) Workshops and seminars featuring professional public speakers in the subject areas of finance, real estate and inspiration for overall success. Business coaching, life coaching and consulting services to clients on business coaching, marketing and real estate consulting through one on one coaching and group coaching.

##### Class 43

(6) Retreats, speaking events, and workshops providing food and drink, namely through hotels and restaurant catering services and providing temporary hotel accommodations.

##### Class 45

(7) Providing social events through the means of Single's Mix n mingles networking events, speed dating, dance and business promotion events to the public.

# Appearances and Agents of Record

**HEARING DATE:** 2023-05-23

## **APPEARANCES**

**For the Opponent:** Graham Hood

**For the Applicant:** Maureen Smith

## **AGENTS OF RECORD**

**For the Opponent:** Smart & Biggar LP

**For the Applicant:** No agent appointed