

Canadian Intellectual Property Office

THE REGISTRAR OF TRADEMARKS

Citation: 2024 TMOB 030

Date of Decision: 2024-02-22

IN THE MATTER OF AN OPPOSITION

Opponent: Anheuser-Busch, LLC.

Applicant: H.O.W. Medical Solutions Ltd.

Application: 1,898,668 for HELPING PEOPLE FEEL BETTER ONE BUD AT A TIME

INTRODUCTION

[1] H.O.W. Medical Solutions Ltd. (the Applicant) has applied to register the trademark HELPING PEOPLE FEEL BETTER ONE BUD AT A TIME (the Mark), which is the subject of application No. 1,898,668 (the Application) based on proposed use of the Mark in Canada in association with a long list of goods and services in the cannabis industry, as per the statement of goods and services reproduced hereto in Schedule A to my decision (collectively referred to as the Goods and Services).

[2] Anheuser-Busch, LLC. (the Opponent) has opposed the Application.

[3] For the reasons that follow, the opposition succeeds.

THE RECORD

[4] The Application was filed on May 11, 2018 and was advertised for opposition purposes in the *Trademarks Journal* on June 10, 2020.

[5] On August 31, 2020, the Opponent filed a statement of opposition under section 38 of the *Trademarks Act*, RSC 1985, c T-13 (the Act). I note that the Act was amended on June 17, 2019, and because the Application was advertised after this date, it is the Act, as amended, that applies [section 69.1 of the Act].

[6] The Opponent raises grounds of opposition based on non-registrability of the Mark under section 12(1)(d) of the Act, non-entitlement of the Applicant under section 16(1)(a) of the Act, non-distinctiveness of the Mark under section 2 of the Act, and non-compliance of the Application with sections 38(2)(e) and 38(2)(f) of the Act. In this regard, I note that in the course of the proceeding, the statement of opposition was amended by the Opponent, with leave of the Registrar ultimately granted on July 15, 2022, to add three registrations obtained by the Opponent, namely those for the trademarks BUDWEISER (TMA1,099,717), BUD LIGHT (TMA1,101,995), and BUDWEISER in bow tie (2015 in colours) & Design (TMA1,099,715), all in association with cannabis-related goods and services, to the list of trademarks on which the Opponent relies in its pleadings.

[7] The Applicant filed a counter statement denying the grounds of opposition.

[8] Both parties filed evidence, which is discussed below. I note at this juncture that the affidavit of Gary Pedron filed by the Applicant on February 7, 2021, was struck from the record on June 7, 2021 as the affiant had not been made available for cross-examination.

[9] Only the Opponent submitted written representations and only the Opponent was represented at an oral hearing. I note at this juncture that at the hearing, the Opponent rightly conceded that it had failed to meet its evidentiary burden with respect to the grounds of opposition based on sections 38(2)(e) and 38(2)(f) of the Act. As such, they are both rejected.

THE PARTIES' RESPECTIVE BURDEN OR ONUS

[10] The Opponent has the initial evidential burden to adduce sufficient admissible evidence from which it could reasonably be concluded that the facts alleged to support each ground of opposition

exist. Once that burden is met, the Applicant bears the legal onus of establishing, on a balance of probabilities, that the particular grounds of opposition should not prevent the registration of the Mark [John Labatt Ltd v Molson Companies Ltd (1990), 1990 CanLII 11059 (FC), 30 CPR (3d) 293 (FCTD); Dion Neckwear Ltd v Christian Dior, SA et al, 2002 FCA 29, 20 CPR (4th) 155].

OVERVIEW OF THE EVIDENCE

[11] The parties' evidence is briefly summarized below and is discussed further in the analysis of the section 12(1)(d) ground of opposition.

Opponent's evidence in chief

[12] The Opponent's evidence in chief is comprised of two affidavits. None of the Opponent's affiants were cross-examined on their affidavits.

The Affidavit of Pieter Van Den Bulck

[13] At the time of swearing his affidavit on January 12, 2021, Mr. Van Den Bulck was the Global Director of Intellectual Property for Anheuser-Busch InBev S.A. (ABI) since December 2017.

[14] The Van Den Bulck Affidavit speaks to the issue of use and promotion of the Opponent's alleged family of trademarks consisting in the trademark BUDWEISER, its variation BUD and other trademarks composed of BUD (collectively the BUD Trademarks).

The Affidavit of Mindy Louis-Pierre

[15] At the time of swearing her affidavit on January 20, 2021, Ms. Louis-Pierre was a legal assistant employed by the Opponent's agent of record. She performed various searches on the Internet using different search tools and attaches the results of her searches to her affidavit.

[16] Ms. Louis-Pierre also attaches as Exhibit MLP-25 the affidavit of Laura Pietrantonio, sworn on October 8, 2019 (the Pietrantonio Affidavit) in the context of an opposition by the Opponent to a third party trademark application for BUD EH (application No. 1,842,656). Ms. Pietrantonio was, at the time, a lawyer working for the Opponent's agent and had visited various bars, convenience stores and restaurants in the Montreal area, where she took pictures of the Opponent's products and advertising. The reason why Ms. Louis-Pierre attaches the Pietrantonio Affidavit to her affidavit is

because at the date of her affidavit, it was not possible in view of the Covid-19 pandemic, to go in person to bars and restaurants in order to take photos and to do the same exercise as Ms. Pietrantonio did for her affidavit filed as Exhibit MLP-25.

Applicant's evidence

[17] The Applicant's evidence consists of two affidavits of Patrick Balzamo, a research analyst with CompuMark, an intellectual property research firm, sworn on February 9, 2021 (the First Balzamo Affidavit) and November 11, 2022 (the Second Balzamo Affidavit) respectively.

[18] The First and Second Balzamo Affidavits provide as Exhibit PB-1 in each case the results of a "Canada Trade-Mark Register Dilution (How Common) Search" for the term "BUD (OR) BUDS" in association with cannabis-related goods and services. The results (hereinafter referred to as Report A and Report B respectively) include printouts from the Canadian trademarks register database.

[19] Mr. Balzamo was cross-examined on each of his affidavits (and re-examined by the Applicant on his First Affidavit), and the transcripts and responses to undertakings form part of the record.

Opponent's evidence in reply

[20] The Opponent filed the affidavit of Debopriya Kar, sworn November 18, 2021. Ms. Kar was, at the time, a legal assistant employed by the Opponent's agent of record. Ms. Kar attaches to her affidavit a copy of the trademark status of the third party trademark application No. 1, 892,965 for BUDWISE, that was included in Mr. Balzamo's above-mentioned search reports. Ms. Kar was not cross-examined on her affidavit, which constitutes proper evidence in reply.

[21] The Opponent also filed certified copies of its above-mentioned three cannabis-related registrations (in addition to the copies provided in respect of the initial list of trademarks pleaded by the Opponent, included as Exhibit PB-1 to the Van Den Bulck Affidavit).

ANALYSIS OF THE GROUNDS OF OPPOSITION

Non-registrability of the Mark under section 12(1)(d) of the Act

[22] The Opponent has pleaded that the Mark is not registrable because it is confusing with the Opponent's registered trademarks set out in Schedule B to my decision.

[23] I have exercised my discretion to check the register and confirm that each of the Opponent's pleaded registrations remains extant [see *Quaker Oats Co Ltd of Canada v Menu Foods Ltd* (1986), 11 CPR (3d) 410 (TMOB)].

[24] As the Opponent's burden has been satisfied, the Applicant must therefore establish, on a balance of probabilities, that there is not a reasonable likelihood of confusion between the Mark and any one of the Opponent's pleaded registrations.

[25] In this regard, I stress that the Opponent's registered marks must be reviewed individually and not collectively as a "family of marks" for the purpose of assessing the likelihood of confusion with the Mark. As discussed below, however, evidence of a family of marks is a relevant surrounding circumstance in each case.

The test for confusion

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

[27] Thus, section 6(2) of the Act does not concern the confusion of the trademarks themselves, but of the goods or services from one source as being from another. Also, where it is likely the public will assume an applicant's goods or services are approved, licensed, or sponsored by the opponent so that a state of doubt and uncertainty exists in the minds of the purchasing public, it follows that the trademarks are confusing [see *Glen-Warren Productions Ltd v Gertex Hosiery Ltd* (1990), 29 CPR (3d) 7 (FCTD) at para 21].

[28] In applying the test for confusion, the Registrar must have regard to all the surrounding circumstances, including those specifically enumerated in section 6(5) of the Act. The weight to be given to each factor may vary, depending on the circumstances [see *Mattel, Inc v 3894207 Canada Inc*, 2006 SCC 22; *Veuve Clicquot, supra*; and *Masterpiece Inc v Alavida Lifestyles Inc*, 2011 SCC 27 for a thorough discussion of the general principals that govern the test for confusion]. These factors are considered below.

[29] At the hearing, the Opponent submitted that its above-mentioned three cannabis-related registrations for the trademarks BUDWEISER (TMA1,099,717), BUD LIGHT (TMA1,101,995), and BUDWEISER in bow tie (2015 in colours) & Design (TMA1,099,715), should be “central” to my analysis, especially registration No. TMA1,101,995 for BUD LIGHT. I agree with the Opponent and will focus my analysis on these three registrations. If the Opponent is not successful with any of these cited marks, it would not achieve a more favourable result with any of its other registered trademarks.

The inherent distinctiveness of the trademarks and the extent to which they have become known

[30] The inherent distinctiveness of a trademark refers to its originality. Trademarks consisting wholly or in part of words descriptive of the articles to be sold or of the services to be rendered attract a more limited range of protection than does an invented, unique, or non-descriptive word or an original design [see *General Motors Corp v Bellows*, [1949] SCR 678, citing *Office Cleaning Services Ltd v Westminster Window & General Cleaners, Ltd* (1946), 63 RPC 39 at 41 (HL); and *Fairmount Properties Ltd v Fairmount Management LLP*, 2008 FC 876].

[31] Both in its written representations and at the hearing, the Opponent has submitted that the Mark “is composed of a series of common dictionary words without inherent distinctiveness, except for the word BUD.” I do not find this argument persuasive.

[32] As pointed out to the Opponent at the hearing, I note that the definitions of the word BUD which are found in the *Paperback Oxford Canadian Dictionary*, Second Edition, 2006, include the following [see *Tradall SA v Devil’s Martini Inc*, 2011 TMOB 65 (CanLII) at para 29, which provides that the Registrar can take judicial notice of dictionary definitions]:

•*n.* **1 a** an immature knob-like shoot from which a stem, leaf, or flower develops. [...] **3** *informal* marijuana •*v.* [...].

[33] In view of the above informal definition, which predates the legalization of cannabis on October 17, 2018, I find the word BUD in the context of the applied-for Goods and Services can readily be understood as referring to cannabis. That being so, I disagree with the Opponent that it is the more distinctive element of the Mark. Rather, I find that the Mark is likely to be perceived in its entirety as a slogan, that can also function as a trademark (albeit of low inherent distinctiveness).

[34] Likewise, I find that the Opponent's trademark BUD LIGHT is of low inherent distinctiveness in the context of the Opponent's cannabis-related goods and services *per se*. However, the Opponent's trademark BUDWEISER has a higher level of inherent distinctiveness because it has no meaning in English or French.

[35] The fact that there are other "BUD" trademarks standing on the register is consistent with the dictionary definition of this word discussed above. The state of the register evidence submitted by the Applicant and its potential impact on my assessment of confusion will be discussed further below.

[36] The degree of distinctiveness of a trademark may be increased by means of it becoming known through promotion or use.

[37] There is no evidence that the Mark has been used or become known in Canada to any extent.

[38] There is also no evidence that either of the Opponent's *cannabis-related* registered trademarks has been used or become known in Canada to any extent. Indeed, the Opponent conceded at the hearing that the evidence of record is silent in this respect. However, as will be explained later, I am of the view that the long established and extensive use of the Opponent's trademarks BUDWEISER (in both word and design mark formats) and BUD LIGHT in association with beer, as well as the Opponent's evidence of use of some of its other BUD-formative trademarks comprising the BUD Trademarks constitute relevant additional surrounding circumstances in this case.

[39] To sum up, the overall consideration of this first factor does not significantly favour one party over the other.

The length of time the trademarks have been in use

[40] In view of my comments made above, this factor also does not significantly favour either party insofar as each of the Opponent's cannabis-related registered trademarks is concerned.

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

[41] When considering the nature of the goods, services or business and the nature of the trade, I must compare the Applicant's statement of Goods and Services with the statement of goods and/or services in the registrations relied upon by the Opponent [*Henkel Kommanditgesellschaft auf Aktien v Super Dragon Import Export Inc* (1986), 12 CPR (3d) 110 (FCA); *Mr Submarine Ltd v Amandista Investments Ltd* (1987), 19 CPR (3d) 3 (FCA)].

[42] I agree with the Opponent that the nature of the applied-for Goods and Services and that of each of the Opponent's cannabis-related registrations clearly overlap. In the absence of evidence to the contrary, it is fair to assume that the parties' channels of trade would be the same or overlapping with respect to these goods and services.

[43] Accordingly, these third and fourth factors favour the Opponent insofar as each of its cannabis-related registrations is concerned.

The degree of resemblance between the trademarks, including in appearance or sound or in the ideas suggested by them

[44] 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 compare and observe similarities or differences among the elements or components of the trademarks [*Veuve Clicquot, supra* at para 20].

[45] In *Masterpiece, supra* at paragraph 64, the Court further advised that, while in some cases, the first word or syllable of a trademark will be the more important for the purpose of distinction, the preferable approach to considering resemblance "is to first consider whether there is an aspect of the trade-mark that is particularly striking or unique".

[46] Both in its written representations and at the hearing, the Opponent's submissions focussed on the notoriety acquired by its BUD mark (mainly with beer) and the similarities existing between the Mark and the various slogans used throughout the years by the Opponent in the marketing of its beer, such as "THIS BUD'S FOR YOU" (registered under Nos. TMA435446 and TMA261007, as per the particulars set out in Schedule B), "ÇA VAUT UNE BUD", "GRAB SOME BUDS" (registered under No. TMA818398, as per the particulars set out in Schedule B), "THIS BUD IS YOURS", and "BUD AND BURGERS". As mentioned by Mr. Van Den Bulck in his affidavit (discussed below), the trademark BUD is a contraction of the word BUDWEISER for those familiar with the Opponent's beer sold under that trademark. I will address the Opponent's submissions in this respect in my analysis of the surrounding circumstances.

[47] Returning to each of the three cannabis-related trademark registrations of the Opponent, I find there is no resemblance between the Mark and the Opponent's trademark BUDWEISER (in both word and design mark formats).

[48] There is a limited degree of resemblance between the Mark and the Opponent's trademark BUD LIGHT, as they both include the word BUD. In this regard, I agree with the Opponent that this word would likely be perceived as the "focal point" of the Mark. Indeed, this word gives a meaning to the first portion of the Mark in that it is what "[HEPLS] PEOPLE FEEL BETTER". Furthermore, in accordance with the principle set out in paragraph 55 of *Masterpiece, supra*, nothing would prevent the Applicant from depicting the Mark in a manner that puts emphasis on the word BUD as a word mark registration allows to use it "in any size and with any style of lettering, color or design", it being understood, however, that "one should be careful not to give the principle set out at paragraph 55 of *Masterpiece* too great a scope for there would no longer be any need to register a design mark when one has a word mark. [...]. When comparing the marks, one is always limited to a 'use that is within the scope of a registration' (*Masterpiece*, at para 59)" [*Pizzaiolo Restaurants inc v Les Restaurants La Pizzaiolle inc*, 2016 FCA 265, para 33].

[49] This brings me to turn to the additional surrounding circumstances with a view to determining how the idea suggested by the Mark could suggest to consumers the Opponent.

Additional surrounding circumstances

State of the register evidence

[50] As indicated above, the Applicant has provided through the First and Second Balzamo Affidavits, the results of a “dilution” search for the term “BUD (OR) BUDS” in association with cannabis-related goods and services.

[51] State of the register evidence is only relevant insofar as one can make inferences from it about the state of the marketplace [*Ports International Ltd v Dunlop Ltd*, 1992 CarswellNat 1431 (TMOB); and *Welch Foods Inc v Del Monte Corp*, 1992 CarswellNat 178 (FCTD)]. Inferences regarding the state of the marketplace may be drawn from such evidence only if a large number of relevant trademarks are located [*Kellogg Salada Canada Inc v Maximum Nutrition Ltd* (1992), 1992 CanLII 14792 (FCA), 43 CPR (3d) 349 (FCA); *McDowell v Laverana GmbH & Co KG*, 2017 FC 327 at paras 41-46]. Relevant trademarks include those that (i) are registered; (ii) are for similar goods and services as the marks at issue, and (iii) incorporate the component at issue in a material way [*Sobeys West Inc v Schwan's IP, LLC*, 2015 TMOB 197 at para 38].

[52] In this case, and as highlighted by the Opponent at the hearing, a review of Mr. Balzamo’s search reports reveals that the vast majority of the hits revealed by his searches relate to trademark applications that had not proceeded to registration at the dates of the searches. The remaining hits relate to the following third party registered trademarks:

Report A:

Trademark	Registration No.	Goods/Services
THE BUD STORE	TMA,964,782	(1) Marihuana, cannabis, cannabis derivatives, drug paraphernalia namely, [...]
BUDMUD	TMA1,059,627	[...] (2) Printed publications namely, newsletters, flyers, brochures, training manuals and pamphlets in the field of horticulture and cannabis plant growth [...] (3) Consulting in the field of horticulture and cannabis plant growth

Budflo logo	TMA1,058,792	<p>(1) Cannabis oils for cosmetic purposes; Cannabis skin lotions;</p> <p>(2) Cannabis oil containing tetrahydrocannabinol for pharmaceutical purposes; Cannabis oil containing cannabidiol for pharmaceutical purposes [...]</p> <p>(4) Cannabis oils for food;</p> <p>(5) Cannabis infused foods, namely [...];</p> <p>(6) Fresh cannabis; Live cannabis plants; Cannabis seeds for sowing, unprocessed cannabis seeds for oils;</p> <p>(7) Cannabis related products namely dried cannabis; cannabis oils for oral vaporizers for smoking; [...] [...]</p>
Budtanicals; and Design and Budtanicals	TMA,999,152; and TMA1,011,583	<p>(1) Products related to cannabis, namely beverages, namely [...], marijuana concentrates, namely shatter and tinctures, phoenix tears, namely marijuana infused oil for the treatment of cancer, multiple scoliosis, diabetes, [...], marijuana edibles, namely brownies, cookies and candies, marijuana infused cosmetic products, namely lotions and bath bombs, marijuana flower and marijuana infused oil.</p> <p>(1) Providing information in the field of medical marijuana dispensaries and compassion clubs to the public, private individuals and medical marijuana companies.</p> <p>– and –</p> <p>(1) Wholesale distribution of products related to cannabis namely, [...]</p> <p>(1) Providing information in the field of medical marijuana dispensaries and compassion clubs to the public, private individuals and medical marijuana companies</p>
BUDTREE; and	TMA1,081,439; and	<p>(1) [...] Providing an online information directory of suppliers of cannabis and cannabis-related products, namely books, art, clothing and clothing accessories and health and beauty products, and of grower</p>

BUDTREE Logo	TMA1,081,440	and user supplies in the field of cannabis and cannabis cultivation
BUDISTA	TMA1,084,803	(1) Educational services in the field of recreational and medical marijuana, cannabis and cannabis oils; consulting and advisory services in the field of use of marijuana and cannabis and evaluation, selection and service for others of marijuana and cannabis
BUDMAIL; and BUDMAIL & Design	TMA1,044,789; and TMA1,065,112	[...] (1) Sales, dispensary and delivery services of: medicinal cannabis, cannabis baked goods, edible cannabis products, extracts, concentrates and beverages, equipment for growing and extracting medicinal cannabis and paraphernalia for ingestion of medicinal cannabis namely pipes, vaporizers, bongs and e-cigarettes (2) Provision of online magazines and operation of blogs and forums in the field of medicinal cannabis
5 BUDS CANNABIS; and FIVE BUDS CANNABIS	TMA1,085,528; and TMA1,084,968	(1) Edible oils containing cannabis plant derivatives (2) Edible food products all containing cannabis plant derivatives, namely [...] (3) Live cannabis plants; cannabis seeds for horticultural purposes (4) Dried cannabis; dried marijuana; Equipment and accessories for the preparation, use and storage of marijuana and cannabis, namely [...] (1) Online and retail store sale of marijuana, cannabis, cannabis-based food products, oils, and extracts, equipment and accessories, namely, [...]
BREW BUDZ	TMA1,070,085	(1) Nutritionally fortified hot beverages for medical purposes, namely [...], all containing pharmaceutical cannabis, namely medical marihuana, sold in single-serving containers for use in beverage brewing machines; Hot beverages, namely [...], all containing pharmaceutical cannabis, namely medical marihuana, sold in single-serving containers for use in beverage brewing machines

<p>Blues Brothers Bud</p>	<p>TMA1,065,066</p>	<p>(1) Indica and Sativa cannabis and marijuana for medical and non-medical use; Indica and Sativa cannabis and marijuana related products for medical and non-medical use, namely, [...]; Indica and Sativa cannabis and marijuana derivatives for medical and non-medical use, namely, [...]; tablets and capsules namely tablets and capsules, each containing cannabis or derivatives of cannabis, namely [...]; edible and food products, namely chocolates, baked goods, candy, food [...] each containing cannabis, hashish, cannabis resins and cannabis oils</p> <p>(2) Delivery mechanisms and smoking articles for cannabis consumption, namely [...].</p> <p>(4) Chemicals, sprays, inhalants, ingestives for the detection and suppression of external and internal cannabinoid particles, residues, scents and vapors</p> <p>(1) Cultivation, breeding, production, processing, distribution, parcel shipping services, and promoting public awareness of the benefits of use of Indica and Sativa cannabis and cannabis related products, namely [...].</p> <p>(2) Retail and online sales of both Indica and Sativa medical and non-medical cannabis and cannabis and related products namely [...]</p> <p>(3) Retail and online sales of delivery mechanisms and smoking articles for cannabis consumption, namely [...]</p> <p>(5) Retail and online sales of chemicals, sprays, inhalants, ingestives for the detection and suppression of external and internal cannabinoid particles, residues, scents and vapors</p> <p>(6) Retail and wholesale electronic payment fulfilment software and hardware, mobile applications servicing the trade and currency generated through cannabis and cannabis item related sales, namely, [...]; Electronic payment services, namely, developing and providing computer hardware and computer</p>
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		software for use processing and managing the sale of cannabis
WEST COAST BUD & Design	TMA1,048,195	(1) 1) Medical cannabis for the relief of nerve pain and [...] (2) Cannabis derivatives, namely, butters, oils, hashes, [...] (1) Retail and online sale of medical marijuana and medical cannabis, excluding cannabis seeds, plant cuttings, seedlings and plants; retail and online sale of cannabis derivatives, namely, butters, oils, hashes, [...] (2) Production, processing, and distribution of medical marijuana and medical cannabis, [...]
TRAILER PARK BUDS	TMA1,061,919	(1) Cannabis derivatives, namely, butters, oils, hashes, [...] all for the temporary relief of seizures, for the treatment and relief of nausea caused by chemotherapy, muscle spasms caused by multiple sclerosis, nerve pain, [...]; marijuana and cannabis oils, extracts and tinctures, all for the temporary relief of seizures, for the treatment and relief of nausea caused by chemotherapy, muscle spasms caused by multiple sclerosis, nerve pain, [...] [...] (8) Marijuana and cannabis edibles, namely, marijuana-based snack food and cannabis-based snack food, specifically, pastries, [...] (9) Live cannabis plants; plant seeds, namely, cannabis seeds (10) Dried cannabis; smoking accessories, namely, [...]

Report B (I am reproducing below only the trademark registrations that were not already included in Report A):

Trademark	Registration No.	Goods/Services
CANACA, YOUR BUD	TMA1,121,091; and	[...]; (2) Derivatives of cannabis, namely, resins and oils for food; (3) Food products containing cannabis, cannabis resins and cannabis oils, namely

	TMA1,101,035	<p>candy, chocolates, brownies containing marijuana, cookies; cannabis tea;</p> <p>(4) Live cannabis plants; cannabis seeds;</p> <p>(5) Cannabis and marijuana for recreational use for smoking; cannabis and marijuana for recreational use for vaporizing; derivatives of cannabis, namely, resins and oils for smoking; derivatives of cannabis, namely, resins and oils for electronic cigarettes; derivatives of cannabis, namely, resins and oils for oral vaporizers for smoking;</p> <p>(1) Providing the wholesaling and selling of marijuana and cannabis, cannabis extracts, cannabis seeds and cannabis plants; sale of dried cannabis; sale of food products containing cannabis; sale of caps, athletic apparel, t-shirts, sweat shirts, shirts, toques and casual wear; supplying wholesalers with marijuana and cannabis, cannabis extracts, cannabis seeds and cannabis plants; supplying wholesalers with dried cannabis; supplying wholesalers with food products containing cannabis; supplying wholesalers with caps, athletic apparel, t-shirts, sweat shirts, shirts, toques and casual wear</p> <p>(2) Providing educational information in the field of cannabis via a website [...]</p>
YOUR BUD	TMA1,113,538	(1) Providing educational information in the field of cannabis via a website
BUD BARN SOCIETY	TMA1,107,113	<p>(1) [...]</p> <p>(2) Cannabidiol and tetrahydrocannabinol-infused tinctures, oils and creams for external medicinal use; Cannabidiol and tetrahydrocannabinol-infused oils for internal medicinal use.</p> <p>(3) Instructional and educational videos in the fields of cannabis, using cannabis, growing cannabis plants, drying and curing cannabis for smoking and for use with vapourizers, and extracting chemical compounds from cannabis plants, all available on pre-recorded optical discs and for download via the Internet.</p>

		<p>[...]</p> <p>(9) Dried cannabis buds for smoking and for use with electronic vapourizers; Cannabis resins, oils and extracts for smoking and for use with electronic oral vapourizers for smoking; Pipes and water pipes for smoking; Humidors; Cigarette rolling papers; Electronic oral vapourizers for smoking for cannabis and cannabis extracts; [...]</p> <p>(1) Wholesale and retail stores selling cannabis, and smokers' articles.</p> <p>(2) Drying, trimming and curing of cannabis for others; Cannabis processing services [...]</p>
BUD GENIUS	TMA,994,978	(1) Educational services in the field of medical marijuana and cannabis; providing information in the field of medical marijuana and cannabis
Let's Be Buds	TMA1,113,512	<p>(1) Cannabis extracts, namely cannabis oil for food</p> <p>(2) Cannabis tea; cannabis food, namely, chocolate bars infused with cannabis</p> <p>(3) Live cannabis plants</p> <p>(4) Dried cannabis for smoking</p> <p>(1) [...] distributorships in the field of marijuana and cannabis</p> <p>(2) Custom manufacturing of food containing cannabis, namely, brownies</p> <p>(3) Cultivation of marijuana plants</p>

[53] Both in its written representations and at the hearing, the Opponent submitted that Mr. Balzamo's search reports have no probative value and should be given little to no weight in the context of this proceeding. I partly disagree.

[54] First, I do not find persuasive the Opponent's submissions that "the [search] criteria used by Mr. Balzamo is in no way linked or in relation with the Nice classification" and that there would be inconsistencies in CompuMark internal "grouping system" that purports to categorize the search results in a "consistent, easy-to-understand" manner. In my view, what is important is that: (1) the search criteria be clearly identified in each of the search reports (this includes identifying the nature of the goods/services covered by the search, no matter whether the corresponding Nice classes are expressly indicated); and (2) the reports provide the particulars of the trademarks revealed by the searches (i.e. their status (whether registered or not), the owners' names, the detailed statement of

goods and services, etc.). Each of Reports A and B provides this information. Notably, each report identifies the mark searched as “BUD (OR) BUDS” in association with “cannabis-related goods and services, namely dried cannabis, cannabidiol, cannabis smoking accessories; retail cannabis services”, and further provides the full particulars of each trademark revealed by the search.

[55] Second, I do not find persuasive the Opponent’s submission according to which Mr. Balzamo “admitted” during his first cross-examination that the Opponent’s trademark BUD LIGHT (TMA1101995) is similar in look and sound to the text criterion employed for the search (BUD or BUDS). Mr. Balzamo’s mandate was not to render an opinion on the likelihood of confusion but simply to provide a listing of the trademarks that matched the search criteria – the Opponent’s aforementioned registered trademark BUD LIGHT being one of them and having been listed in both Reports A and B, no matter in which of CompuMark presentation groups. Likewise, I do not find persuasive the Opponent’s submission that Mr. Balzamo “admitted” during both his first and second cross-examinations, “that he did not verify the presence of products bearing the marks in the Canadian market or even further his research beyond the CompuMark database.” Again, his mandate was simply to search the Canadian register of trademarks.

[56] Third, I disagree with the Opponent’s position according to which the “case law recognizes that to arrive at a finding of dilution, there *must* [necessarily] be evidence of use” [my emphasis].

[57] As set out by the Registrar in *Via Rail Canada Inc. and Via Transportation, Inc.*, 2023 TMOB 155:

[83] The common occurrence of a certain element in trademarks tends to cause purchasers to pay more attention to the other features of the trademarks and to distinguish between them by those other features [see *Polo Ralph Lauren Corp v United States Polo Assn* (2000), 9 CPR (4th) 51 (FCA); and *Maximum Nutrition Ltd v Kellogg Salada Canada Inc* (1992), 43 CPR (3d) 349 (FCA)].

[84] However, this principle requires that the trademarks comprising the common element be in fairly extensive use in the same market [*Maximum Nutrition, supra*]. The state of the register is relevant in this respect, but only insofar as one can draw inferences from it regarding the state of the marketplace. Where a large number of relevant trademarks are identified on the register, it may give some indication of the state of the marketplace, allowing the Registrar to infer at least some use of the element that the trademarks all have in common [see *Maximum Nutrition, supra*]. Where the number of relevant trademarks identified on the register is not large, evidence of use needs to be furnished [*McDowell v Laverana GmbH & Co KG*, 2017 FC 327]. [...]

[...]

[90] I agree with the Applicant that there is no such precise threshold. Indeed, in *Hawke & Company Outfitters LLC v Retail Royalty Company*, 2012 FC 1539, the Federal Court noted that the exact number of similar marks needed to establish that an element of a mark was commonly adopted as a component of trademarks used in association with the relevant goods or services at the material date likely depends on the facts of a given case. In *Eclectic Edge Inc v Gildan Apparel (Canada) LP* 2015 FC 1332, the Federal Court explained that it is “not the quantity or sheer numbers that count but rather the quality of evidence showing actual use of the common [element] in the relevant industry in Canada” [at para 92]. In this respect, I would also note the Federal Court’s caution in *Hawke* that a register search is not the best way to establish the state of the marketplace, since the fact that a mark appears on the register does not show that it is in use, was in use at the material date, or is used in relation to goods or services similar to those of the parties, or the extent of any such use. The Federal Court affirmed these comments in *Canada Bread Company, Limited v Dr Smood ApS*, 2019 FC 306, noting that it remains “very much unclear” what inference may legitimately be drawn from the state of the register without evidence of the use of the common element made by third parties in the marketplace [at para 61].

[...]

[93] As noted above, the inference that needs to be drawn is that trademarks comprising the common element are in “fairly extensive use” in the market in which the trademarks under consideration are being or will be used [*Maximum Nutrition, supra* at para 14] and such inferences may only be drawn when the number of relevant registrations is large [*McDowell, supra* at 42].

[94] By way of example, in *Kellogg*, such an inference was drawn when the state of the register evidence demonstrated in excess of 50 relevant trademark registrations and more than 40 trade names containing the element NUTRI. By contrast, in *McDowell*, the state of the register evidence demonstrated only 10 registered trademarks (in the names of only seven different owners) that contained the word HONEY as a dominant feature, which the Court held was insufficient for a finding that HONEY was common to the trade, absent evidence of actual use.

[95] The Applicant cites *Perfection Foods Ltd v Otto Pick & Sons Seeds Ltd* (1986), 8 CPR (3d) 551 (TMOB), where evidence of approximately 10 registrations for the trademark PERFECTION covering a wide variety of goods was found to emphasize, at least to some extent, the inherent weakness of the parties’ trademarks and to underscore the average consumer’s ability to distinguish different parties’ products sold under the identical trademark PERFECTION. However, *Perfection Foods* was a case where the parties’ respective goods—grass seed and dairy products—were found to be “totally dissimilar” [at 554]. This is not a case where state of the register evidence was found to decrease the likelihood of confusion between trademarks for use in association with similar services or overlapping trades.

[96] I note that the Applicant also cites a number of additional past decisions where state of the register was considered to decrease the likelihood of confusion. However, each case must be decided on its own facts. For example, the trademarks at issue may be descriptive rather than suggestive, or there may be evidence of a larger relevant market or of actual third-party use of the shared element in the marketplace. I would also note that cases predating the Federal Court’s guidance in *McDowell* regarding the inferences that may properly be drawn from relatively small numbers of relevant trademarks on the register must be approached with caution.

[58] In the *ViaRail* decision, the Registrar ultimately concluded that there were only five relevant third party registrations and that this number was too small for any meaningful inferences to be drawn concerning the state of the marketplace. Likewise, I note that in *Caterpillar Inc v Puma SE*,

2021 FC 974, the state of the register evidence before the Court involved 13 relevant trademarks, which number was considered more in line with that in *McDowell*, and insufficient to draw any inferences about the state of the marketplace, especially in the absence of any demonstrated marketplace use.

[59] In the present case, and as per the search results outlined above, I find there are 17 registered trademarks (if I combine together the word mark and the design version of each of the five pairs of trademarks listed above) owned by 17 different owners that are, arguably, pertinent. While I am prepared to find that the existence of these third party registrations may amount to a surrounding circumstance in the Applicant's favour, in that it underscores the descriptive character of the word BUD in the context of cannabis-related goods and services in line with the dictionary definition reproduced earlier in my decision, I am reluctant to give it significant weight or to consider it to be determinative in this case. Indeed, in the absence of any submissions from the Applicant, I tend to agree with the Opponent that this number of trademarks is, by itself, arguably, too small to enable me draw any meaningful inferences concerning the state of the marketplace.

The notoriety acquired by the Opponent's beer marks

[60] The Opponent submits that its trademarks BUDWEISER and BUD LIGHT are famous in Canada in association with beer and that its BUD mark is very well known in Canada as an abbreviation for BUDWEISER beer, resulting from its extensive reputation and marketing.

[61] As per my review below of the Van Den Bulck Affidavit (and, incidentally, the Pietrantonio Affidavit), I have no difficulty accepting that the Opponent's trademarks BUDWEISER and BUD LIGHT have become very well-known, if not famous, in Canada, in association with beer. I am also prepared to accept that the evidence establishes that the Opponent's trademark BUD has become well-known in Canada as an abbreviation for BUDWEISER beer, resulting from, *inter alia*, some of the Opponent's beer advertising or marketing tag lines and slogans used throughout the years.

The Van Den Bulck Affidavit

[62] I summarize below those portions of the Van Den Bulck Affidavit that I consider to be the most pertinent regarding the extent of use and promotion of the Opponent's BUDWEISER and BUD

LIGHT trademarks and other relied-upon trademarks comprising its alleged BUD family of trademarks. In this regard, I stress that Mr. Van Den Bulck often refers to the BUD Trademarks collectively and I will do the same in my review of his affidavit.

[63] Mr. Van Den Bulck essentially attests to the following in his affidavit:

- The Opponent is a wholly-owned subsidiary of ABI. The Opponent is a “world-famous” brewing company based in St. Louis, Missouri, and headquartered in Belgium [paras 4-6].
- The Opponent has used the trademark BUDWEISER in Canada since at least as early as 1903. Since 1982 BUDWEISER brand of beer has been brewed in Canada by Labatt Brewing Company Ltd. (“Labatt”) under license from the Opponent [paras 9-10]. For the sake of clarity, all references to the Opponent in my decision will encompass its authorized licensee Labatt.
- Since 1980 until today, the Opponent has used the trademark BUDWEISER including its variation BUD and/or other trademarks composed of BUD, with a variety of products and services including but not limited to beer (such as apparel and clothing, beverage containers (notably beer glasses and water bottles), umbrellas, bar and restaurant accessories goods, etc.) [paras 12 and 17].
- The trademark BUD is a contraction of the trademark BUDWEISER and is used by consumers around the world and notably in Canada as the diminutive of the trademark BUDWEISER and to identify the Opponent’s products [para 15].
- Throughout the years, the Opponent has used and still uses the BUD trademark to refer to its products in different important campaigns in Canada, including but not limited to “THIS BUD’S FOR YOU”, “ÇA VAUT UNE BUD”, “GRAB SOME BUDS”, “THIS BUD IS YOURS”, and “BUD AND BURGERS” [para 16].
- The Opponent’s products are sold in bars, restaurants and cafés, as well as beer retail stores, grocery stores, and convenience stores [para 48].
- Approximate gross sales of BUDWEISER beer between 2014 and 2018 in Canada were 3,8 billion dollars, representing approximately 1,130,000,000 litres of beer. For illustration, if converted in number of bottles of 341 ml, the Opponent sold approximately 3.3 billion bottles of BUDWEISER beer in Canada only for the period between 2014 and 2018 [paras 49-50].

- Approximate gross sales of BUD LIGHT beer between 2014 and 2018 in Canada were 2 billion dollars [para 51].
- Canadian sales of collateral merchandising items featuring the BUD Trademarks totaled more than 1 million dollars between 2018 and 2020 [para 38-39]. However, no breakdown per product and per trademark is provided.
- Approximate marketing and advertising figures for BUDWEISER beer (and its variation BUD trademark) between 2013 and 2018 total 150 million dollars. Similar amounts were spent by the Opponent on marketing and advertising its BUD LIGHT beer (and its variation BUD trademark) [paras 56-57].
- The Opponent promotes the BUD Trademarks in sporting events in Canada, namely hockey, baseball and football. Notably, the Opponent has a sponsorship or partnership agreement with major professional sports leagues broadcasted and advertised in Canada, including the National Hockey League (NHL), National Football League (NFL), Major League Soccer (MLS) and Major League Baseball (MLB) [paras 20-21]. By way of example, Mr. Van Den Bulck explains that for the 2017 MLB season alone, the Opponent spent over 2 million dollars in advertising the BUD Trademarks, targeting Canadian baseball fans and the Toronto Blue Jays. This included advertising on television, XM radio, social media, as well as promotional items [para 29].
- The BUD trademark was also notably featured in the BUD & BURGERS campaign, launched since at least as early as 2015. More particularly, Mr. Van Den Bulck explains that, essentially, on thousands of menus across Canada, the Opponent makes sure that Canadians have the opportunity to try the BUD & BURGERS combo and taste why they make the perfect pair. The promotional tag line and trademark used for this event is “BUD & BURGERS”. In 2016, the budget allocated to this campaign was over 5.5 million dollars for the production of a promotion video for television and other media, packaging, sampling, banners, reaching consumers across Canada. Mr. Van Den Bulck further explains that as a part of this campaign, the Opponent also partnered with a production company to create five episodes of an original show in which Canadian chefs were invited to cook their burger and in which the BUD Trademarks were used and advertised throughout the said episodes, which Mr. Van Den Bulck asserts reached a total of over 4.7 million views. During the BUD & BURGERS campaign of 2016 , the Opponent also offered coupons to Canadian consumers

with a chance to win different prizes. Ultimately, almost 1,800 establishments, including restaurants, bars and cafés, across Canada sold the BUD & BURGERS combo feature for the campaign [paras 40-45].

- The BUDWEISER trademark is also advertised and used in association with musical performances and associated services. A concert venue of 16,000 places in downtown Toronto, Ontario, named BUDWEISER STAGE features numerous concerts of the world's most popular artists [para 59]. Likewise, the sports-entertainment centre in London, Ontario, named BUDWEISER GARDENS, has held 10,000 events since its opening in 2002 [para 31].

[64] Upon review of the various exhibits attached to the Van Den Bulck Affidavit that purport to show use and advertising of the BUD Trademarks in Canada, I note that the only exhibited trademarks and/or promotional tag lines or slogans made up of the Opponent's trademark BUD are THIS BUD'S FOR YOU (that has been prominently displayed on the Toronto Blue Jays baseball stadium billboards [Exhibit PB-3] and also on a condiment caddy [Exhibit PB-9]) and BUD & BURGERS (for which there is a plethora of examples of use and advertising including, *inter alia*, in and outside of restaurants and bars [Exhibit PB-10]). Indeed, while Mr. Van Den Bulck often refers in his affidavit to the BUD Trademarks collectively, most of the exhibits focus on the BUDWEISER and BUD LIGHT trademarks in association with beer. Likewise, most of the exhibits purporting to show use of the Opponent's BUD Trademarks in Canada attached as Exhibits LP-1 to LP-9 to the Pietrantonio Affidavit focus on the BUDWEISER and BUD LIGHT trademarks in association with beer, and also show, incidentally, use of the Opponent's French slogan ÇA VAUT UNE BUD (namely on a poster of a convenience store [Exhibit LP-5], on a counter card within a restaurant and bar [Exhibit LP-7], and on a tap handle used to pour draft BUDWEISER beer in a bar and bistro [Exhibit LP-2], all located in Montreal, Quebec). Still, based on a fair reading of the Van Den Bulck Affidavit as a whole, I am prepared to find the foregoing evidence sufficient to support my conclusion above that the evidence establishes that the Opponent's trademark BUD has become well-known in Canada as an abbreviation for BUDWEISER beer.

[65] As I read the *Mattel* and *Veuve Clicquot* decisions, *supra*, the question thus becomes whether the notoriety acquired by the Opponent's trademarks BUDWEISER, BUD LIGHT and BUD may transcend beer so as to create a "mental association" in the mind of an ordinary consumer between the Opponent's beer marks and the applied-for Goods and Services. In the absence of any

submission to the contrary by the Applicant, I agree with the Opponent that the evidence furnished may support such a conclusion. In this regard, I note that a few of the exhibits attached to the Louis-Pierre Affidavit provide some evidence of overlap between recreational cannabis and alcohol in the general nature of the products and potential for overlap in the target consumer base [see, for example, Exhibits MLP-1, MLP-2, and MLP-3].

[66] To sum up, I find the notoriety acquired by the Opponent's trademarks BUDWEISER, BUD LIGHT and BUD in association with beer is a relevant surrounding circumstance favouring the Opponent.

Opponent's BUD family of marks

[67] The Opponent submits that it is the owner of a family of trademarks all containing the word BUD and as such, it should benefit from a broader scope of protection [see *McDonald's Corporation v Yogi Yogurt Ltd* (1982), 66 CPR (2d) 101 (FCTD)].

[68] There can be no presumption of the existence of a family of marks in opposition proceedings. A party seeking to establish a family of marks must establish that it is using more than one or two trademarks within the alleged family [*Techniquip Ltd v Canadian Olympic Assn* (1998), 145 FTR 59, (FCTD)].

[69] In this case, the evidence indubitably establishes use of the trademarks BUDWEISER and BUD LIGHT in association with beer (and incidentally with some collateral merchandising items) and of the slogans or tag lines THIS BUD'S FOR YOU, ÇA VAUT UNE BUD, and BUD & BURGERS. However, I find it is doubtful whether these slogans or tag lines were used as trademarks *per se* pursuant to section 4 of the Act. Indeed, except for the isolated example of display of THIS BUD'S FOR YOU on a condiment caddy [Exhibit PB-9], I find the phrases THIS BUD'S FOR YOU, ÇA VAUT UNE BUD, and BUD & BURGERS, were used as marketing slogans or tag lines to advertise the Opponent's beer products, rather than as trademarks *per se* to distinguish the Opponent's products. Furthermore, even if a family of BUD-formative trademarks exists, the evidence is that this family revolves around the Opponent's beer business, and is not associated with cannabis-related goods and services.

[70] Consequently, I conclude that this factor only nominally favours the Opponent.

Conclusion – likelihood of confusion

[71] As indicated above, the Applicant bears the legal onus of establishing on a balance of probabilities that there is no likelihood of confusion between the trademarks at issue. The presence of a legal onus on the Applicant means that if a determinate conclusion cannot be reached once all the evidence is in, then the issue must be decided against the Applicant.

[72] Having considered all the surrounding circumstances, I find that the probabilities are evenly balanced between a finding of confusion and a finding of no confusion, at least insofar as the Opponent's registered trademark BUD LIGHT in association with cannabis-related goods and services is concerned.

[73] While I acknowledge that there is only a limited degree of resemblance between the Mark and that one mark of the Opponent, and that the parties' cannabis-related trademarks are inherently weak, I am left with a state of doubt respecting the issue of confusion. Specifically, in view of the notoriety acquired by the Opponent's trademarks BUDWEISER, BUD LIGHT and BUD in association with beer, and the Opponent's use of the marketing slogans THIS BUD'S FOR YOU, ÇA VAUT UNE BUD, and BUD & BURGERS, I am not convinced that an individual having an imperfect recollection of the Opponent's cannabis-related registered trademark BUD LIGHT would not conclude, as a matter of first impression and imperfect recollection, that the Applicant's Goods and Services come from the same source or are otherwise associated with the Opponent. Indeed, the Mark could be perceived as a play on words that not only suggests the pleasant effect of marijuana but also makes a parallel with, or a blink of an eye to that procured by the Opponent's beer.

[74] As the onus is on the Applicant to show, on a balance of probabilities, that there is no reasonable likelihood of confusion, I must find against the Applicant.

Remaining grounds of opposition

[75] As the opposition has already succeeded under the section 12(1)(d) ground of opposition, I do not consider it necessary to decide the remaining grounds of opposition.

DISPOSITION

[76] Pursuant to the authority delegated to me under section 63(3) of the Act, I refuse the Application pursuant to section 38(12) of the Act.

Annie Robitaille
Member
Trademarks Opposition Board
Canadian Intellectual Property Office

SCHEDULE A

Statement of Goods and Services of the Application

Goods (Nice class & Statement)

3(1) Cannabis oil for cosmetic purposes; hemp oil for cosmetic purposes; pastes, namely body pastes, body creams and body ointments containing cannabinoids

5(2) Cannabis oil for the treatment of cancer; hemp oil for the treatment of cancer; medicinal cannabis; medicinal marijuana; medicinal preparations containing cannabinoids for the treatment of nausea, vomiting, pain, loss of appetite, muscle tension, muscle spasms, epilepsy, glaucoma, multiple sclerosis, arthritis, Parkinson's disease, cancer, gastrointestinal illness, spinal cord injury, anxiety, bi-polar disorder, depression, insomnia and inflammatory connective tissue diseases and injuries; pharmaceutical preparations containing cannabinoids for the treatment of nausea, vomiting, pain, loss of appetite, muscle tension, muscle spasms, epilepsy, glaucoma, multiple sclerosis, arthritis, Parkinson's disease, cancer, gastrointestinal illness, spinal cord injury, anxiety, bi-polar disorder, depression, insomnia and inflammatory connective tissue diseases and injuries; natural health products, namely, hemp protein powder for meal replacement for use as a dietary supplement; anti-inflammatory ointments containing cannabinoids, anti-itch ointments containing cannabinoids, antibiotic ointments containing cannabinoids, sunburn ointments containing cannabinoid; medicinal preparations containing cannabinoids for the treatment of nausea, vomiting, pain, loss of appetite, muscle tension, muscle spasms, epilepsy, glaucoma, multiple sclerosis, arthritis, Parkinson's disease, cancer, gastrointestinal illness, spinal cord injury, anxiety, bi-polar disorder, depression, insomnia and inflammatory connective tissue diseases and injuries; pharmaceutical preparations containing cannabinoids for the treatment of nausea, vomiting, pain, loss of appetite, muscle tension, muscle spasms, epilepsy, glaucoma, multiple sclerosis, arthritis, Parkinson's disease, cancer, gastrointestinal illness, spinal cord injury, anxiety, bi-polar disorder, depression, insomnia and inflammatory connective tissue diseases and injuries; pharmaceutical preparations for the treatment of nausea, vomiting, pain, loss of appetite, muscle tension, muscle spasms, epilepsy, glaucoma, multiple sclerosis, arthritis, Parkinson's disease, cancer, gastrointestinal illness, spinal cord injury, anxiety, bi-polar disorder, depression, insomnia and inflammatory connective tissue diseases and injuries

29(3) Cannabis oil for food; hemp oil for food; natural health products, namely, hemp milk

30(4) Derivative products of marijuana, namely food products containing cannabinoids, namely cookies, cakes, pastries, brownies, candies, cereal-based bars, chocolate, chocolate bars, energy bars, food energy bars, fruit bars, granola-based snack bars, teas; natural health products, namely, hemp flour; derivative products of hemp, namely cookies, cakes, pastries, brownies, candies, cereal-based bars, chocolate, chocolate bars, energy bars, food energy bars, fruit bars, granola-based snack bars, teas; natural health products, namely, hemp-based breakfast cereal; derivative products of cannabis, namely food products containing cannabinoids, namely cookies, cakes, pastries, brownies, candies, cereal-based bars, chocolate, chocolate bars, energy bars, food energy bars, fruit bars, granola-based snack bars, teas

31(5) Live cannabis plants; live marijuana plants; natural health products, namely, hemp seed

32(6) Derivative products of marijuana, namely food products containing cannabinoids, namely smoothies, fruit beverages, fruit juices, carbonated soft drinks, energy drinks; derivative products of cannabis, namely food products containing cannabinoids, namely smoothies, fruit beverages, fruit juices, carbonated soft drinks, energy drinks

34(7) Cannabis oil for electronic cigarettes; cannabis oil for oral vaporizers for smoking; hemp oil for electronic cigarettes; hemp oil for oral vaporizers for smoking dried cannabis, dried marijuana; marijuana and cannabis paraphernalia, namely rolling papers, pipes, oral vaporizers for smokers
Services (Nice class & Statement)

35(1) Retail sale and wholesale of, and providing distributorship services for, marijuana and cannabis, cannabis related products and cannabis extracts, namely cannabis resins, cannabis seeds and cannabis plants; online retail sale of dried marijuana and cannabis for smoking, for ingestion and for recreational consumption; online retail sale of marijuana and cannabis for the relief of pain, for relaxation, for reducing stress and fatigue, for mood enhancement, for maintaining general health and well-being, for relieving anxiety, for relieving depression, as a sleep aid and for management of opioid addiction and relief of epilepsy; selling, retail and wholesale, of marijuana and derivative products of marijuana, namely food products, extracts, natural health products, medicinal preparations, pharmaceutical preparations, concentrates, pastes, namely pastes, creams and ointments, and oils; selling, retail and wholesale, of marijuana and cannabis paraphernalia, namely rolling papers, pipes, vaporizers, medical equipment, and parts and fittings therefor; selling, retail and wholesale of apparatus for use of cannabis and marijuana, namely rolling papers, pipes, vaporizers, medical equipment, and parts and fittings therefor; selling, retail, and wholesale, of

cannabis and derivative products of cannabis, namely food products, extracts, natural health products, medicinal preparations, pharmaceutical preparations, concentrates, pastes, namely pastes, creams and ointments, and oils; providing consumer information directory in the field of cannabis dispensary location; marketing, namely promotion and advertising for others of treatment of diseases or conditions using cannabis and marijuana, and promotion and advertising for others of products used in the administration or use of cannabis and marijuana for others; marketing namely promotion and advertising for others of treatment of diseases or conditions using cannabis and marijuana, and promotion and advertising of products used in the administration or use of cannabis and marijuana for others

39(2) Packaging of marijuana and derivative products of marijuana, namely food products, extracts, natural health products, medicinal preparations, pharmaceutical preparations, and concentrates; packaging of cannabis and derivative products of cannabis, namely food products, extracts, natural health products, medicinal preparations, pharmaceutical preparations, and concentrates

40(3) Destruction of cannabis and marijuana


41(4) Educational services, namely providing information relating to medical cannabis and medical marijuana

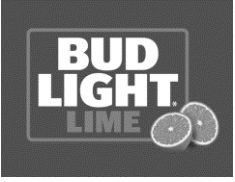


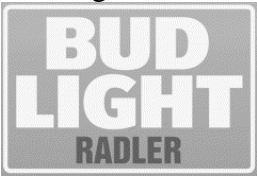
42(5) Research related to medical cannabis and medical marijuana





44(6) Growing, cultivating and harvesting cannabis and cannabis seeds; providing information relating to medical cannabis and medical marijuana via a website

SCHEDULE B

List of the registered trademarks owned by the Opponent, as reproduced from the Opponent's amended statement of opposition (amendments are underlined>)

	Trade-mark in class 32	Registration No. Registration Date	Goods/Services
1.	BUD	TMA157723 1968-07-26	Goods : Beer
2.	BUD HOUSE	TMA780658 2010-10-26	Goods : Beer.
3.	BUD LIGHT	TMA377887 1991-01-11	Goods : Beer
4.	BUD LIGHT & Badge Design 	TMA907795 2015-07-06	Goods : Beer.
5.	BUD LIGHT & Design 	TMA994112 2018-04-10	Goods: Beer
6.	BUD LIGHT & OVAL Design 	TMA551072 2001-09-19	Goods : Beer.
7.	BUD LIGHT & Sploosh Design	TMA907957 2015-07-08	Goods : Beer.
8.	BUD LIGHT APPLE	TMA938807 2016-05-25	Goods : flavored beer
9.	BUD LIGHT APPLEA & Design 	TMA1004723 2018-09-12	Goods : Beer

10.	BUD LIGHT LIME	TMA787263 2011-01-14	Goods : Beer.
11.	BUD LIGHT LIME & Design 	TMA1004737 2018-09-12	Goods: Beer
12.	BUD LIGHT LIME & Sploosh Design 	TMA907958 2015-07-08	Goods : Beer.
13.	BUD LIGHT LIME ARE YOU IN?	TMA818406 2012-02-24	Goods : Beer.
14.	BUD LIGHT LIME STRAW-BER-RITA	TMA933008 2016-03-30	Goods : Flavoured beers.
15.	BUD LIGHT PLATINUM	TMA899562 2015-03-26	Goods : beer
16.	BUD LIGHT PLATINUM & Design 	TMA899559 2015-03-26	Goods : beer
17.	BUD LIGHT RADLER	TMA1004000 2018-08-31	Goods: Flavoured beer
18.	BUD LIGHT RADLER & Design 	TMA1003998 2018-08-31	Goods: Flavoured beer
19.	BUD LIGHT. ARE YOU IN?	TMA819130 2012-03-05	Goods : Beer.

20.	BUD LIME	TMA883185 2014-07-31	Goods : beer
21.	BUD LIME LIME-A-RITA	TMA904868 2015-05-29	Goods : beer
22.	BUD LIME MIX-A-RITA	TMA1011267 2018-12-14	Goods: Flavoured beer
23.	BUD LIME STRAW-BER-RITA	TMA969742 2017-05-02	Goods : Beer.
24.	BUD LIME THE RITAS	TMA1011254 2018-12-14	Goods: Flavoured beer
25.	BUD MAN	TMA433303 1994-09-16	Goods : Beer.
26.	BUDWEISER	TMDA9010 1903-08-07	Goods : Beer.
27.	BUDWEISER & DESIGN 	TMA172014 1970-10-16	Goods : Beer.
28.	BUDWEISER 4	TMA806439 2011-09-12	Goods : Brewed alcoholic beverages, namely, beer.
29.	BUDWEISER CROWN	TMA873892 2014-03-20	Goods : beer
30.	BUDWEISER Design 	TMA864748 2013-11-08	Goods : Beer.
31.	BUDWEISER Design 	TMA864743 2013-11-08	Goods : Beer.
32.	BUDWEISER PROHIBITION BREW Design 	TMA1003679 2018-08-27	Goods: non-alcoholic beer
33.	BUDWEISER SELECT	TMA726839 2008-10-24	Goods : Beer.



34.	BUDWEISER SELECT & CROWN Design	TMA739769 2009-05-08	Goods : Beer.
			
35.	BUDWEISER SHOT	TMA854035 2013-06-26	Goods : beer
36.	BUDWEISER SHOT Design	TMA854042 2013-06-26	Goods : beer
			
37.	BUDWEISER SIGNATURE DRAUGHT	TMA960474 2017-01-19	Goods : beer
38.	BUDWEISER TRUE MUSIC	TMA701731 2007-11-27	Goods :Beer
39.	BUDWEISER UNITED	TMA780395 2010-10-22	Goods : Beer.
40.	GRAB SOME BUDS	TMA818398 2012-02-24	Goods : Beer.
41.	THIS BUD'S FOR YOU	TMA261007 1981-07-17	Goods : Beer



42.	THIS IS THE FAMOUS BUD LIGHT BEER. WE KNOW OF NO BRAND PRODUCED BY ANYOTHER BREWER WHICH IS BREWED AND AGED TO BE MORE REFRESHING. OUR BEECHWOOD AGING PROCESS PRODUCES A LIGHT-BODIED LAGER WITH A FRESHTASTE, A CRISP, CLEAN FINISH, AND A SMOOTH DRINKABILITY.	TMA990013 2018-02-05	Goods: Beer
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	Trade-marks in classes 5, 30 and 31	Registration No. Registration Date	Goods/Services
43.	BUD	TMA174608 1971-02-19	Goods : Yeast

	Trade-marks in class 34	Registration No. Registration Date	Goods/Services
44.	BUD LIGHT	TMA745899 2009-08-21	Goods : Lighters for smokers.
45.	BUDWEISER	TMA745896 2009-08-21	Goods : Lighters for smokers.

	Trade-marks in classes <u>3, 29, 30, 31, 32, 33</u> 35, 38, 39, 41 and 43	Registration No. Registration Date	Goods/Services



46.	#BUD LIGHT LIVING and Design (Horizontal) 	TMA1073827 2020-02-28	<p>Goods: Beer; apparel, namely shirts; bags, namely cooler bags; promotional items, namely bottle openers, key chains, refrigerators, audio speakers, and electronic accessories namely headphones and earphones; mobile application, namely downloadable software in the nature of a mobile application accessed via the Internet providing live and recorded musical concerts, sports games and tournaments and cultural events namely art exhibitions, art shows, travel tours and cruises, entertainment performances, namely, dance and theatrical performances and facilitating interaction and content sharing by users in the field of online social networking, and to allow users to enter and participate in online contests relating to music, sporting and cultural events; mobile phone chargers; bags, namely beach bags and sport bags</p> <p>Services: Arranging and conducting musical concerts, sporting events namely soccer, tennis, baseball, football, basketball, and hockey games and cultural events namely art exhibitions, art shows, travel tours and cruises, entertainment performances, namely, dance and theatrical performances; promoting the sale of goods through promotional contests</p>
47.	#LA VIE BUD LIGHT and Design (Horizontal) 	TMA1073833 2020-02-28	<p>Goods: Beer; apparel, namely shirts; bags, namely cooler bags; promotional items, namely bottle openers, key chains, refrigerators, audio speakers, and electronic accessories namely headphones and earphones; mobile application, namely downloadable software in the nature of a mobile application accessed via the Internet providing live</p>
			<p>and recorded musical concerts, sports games and tournaments and cultural events namely art exhibitions, art shows, travel tours and cruises, entertainment performances, namely, dance and theatrical performances and facilitating interaction and content sharing by users in the field of online social networking, and to allow users to enter and participate in online contests relating to music, sporting and cultural events; mobile phone chargers; bags, namely beach bags and sport bags</p> <p>Services: Arranging and conducting musical concerts, sporting events namely soccer, tennis, baseball, football, basketball, and hockey games and cultural events namely art exhibitions, art shows, travel tours and cruises, entertainment performances, namely, dance and theatrical performances; promoting the sale of goods through promotional contests</p>

48.	<p>BUD LIGHT LIVING (Stacked) and Design (Rectangle)</p> 	<p>TMA1073828 2020-02-28</p>	<p>Goods: Beer; apparel, namely shirts; bags, namely cooler bags; promotional items, namely bottle openers, key chains, refrigerators, audio speakers, and electronic accessories namely headphones and earphones; mobile application, namely downloadable software in the nature of a mobile application accessed via the Internet providing live and recorded musical concerts, sports games and tournaments and cultural events namely art exhibitions, art shows, travel tours and cruises, entertainment performances, namely, dance and theatrical performances and facilitating interaction and content sharing by users in the field of online social networking, and to allow users to enter and participate in online contests relating to music, sporting and cultural events; mobile phone chargers; bags, namely beach bags and sport bags</p> <p>Services: Arranging and conducting musical concerts, sporting events namely soccer, tennis, baseball, football, basketball, and hockey games and cultural events namely art exhibitions, art shows, travel tours and cruises, entertainment performances, namely, dance and theatrical performances; promoting the sale of goods through promotional contests</p>
49.	<p>BUD LIGHT LIVING & Design</p> 	<p>TMA963261 2017-02-17</p>	<p>Goods : (1) Beer; apparel, namely shirts; bags, namely cooler bags; promotional items, namely bottle openers, key chains, refrigerators, audio speakers, and electronic accessories namely headphones and earphones; mobile application, namely downloadable software in the nature of a mobile application accessed via the Internet providing live and recorded musical concerts, sports games and tournaments and cultural events namely art exhibitions, art shows, travel tours and cruises, entertainment performances, namely, dance and theatrical performances and facilitating interaction and content sharing by users in the field of online social networking, and to allow users to enter and participate in online contests relating to music, sporting and cultural events; (2) Mobile phone chargers.</p>
50.	<p>BUD WORLD</p>	<p>TMA629659 2005-01-07</p>	<p>Goods : (1) Retail gift shop services. (2) Educational services, namely interactive presentations, demonstrations, seminars and workshops in the field of beer and brewing.</p>

51.	BUDWEISER APPRÉCIEZ DE MANIÈRE RESPONSABLE	TMA852455 2013-06-04	Services : Promoting the public awareness of the need for responsible consumption of alcoholic beverages
52.	BUDWEISER GOOD SPORT ENJOY RESPONSIBLY & Bowtie Design  GOOD SPORT ENJOY RESPONSIBLY	TMA948241 2016-09-01	Services : Promoting public awareness of the responsible use of alcohol.
53.	BUDWEISER PLAYOFF PAYOFF	TMA875558 2014-04-11	Services : Promoting the sale of wares through promotional contests and the distribution of related printed material; providing a website featuring contests in the field of sports via a global computer network
54.	BUDWEISER RED ZEPPELIN	TMA917133 2015-10-15	Goods : Beer; model hockey goal lights; Internet-enabled indicator lights, namely, indoor indicator lights whose operation may be controlled through the wireless internet. Services : Communicating information, in the fields of sports, concerts and alcoholic and non-alcoholic beverages, via mobile billboards.

55.	BUDWEISER STAGE	TMA1001796 2018-07-30	<p>Goods: (1) Posters, books, post cards, gift wrap, bumper stickers, embroidered crests, invitation cards and stickers; calendars; clothing namely, shirts, sweaters, vests, jackets, aprons, caps, sweatshirts, pants and tops, shorts, t-shirts; clothing accessories namely, wallets, suspenders, headbands, hats, scarves, sun visors, belts, umbrellas and earrings; bags namely, plastic bags, tote bags, suit bags, sports bags, cooler bags, briefcases, back packs, hip packs, luggage bags and handbags; glassware and related accessories, namely, drinking glasses, plastic cups, pint glasses, steins, mugs, cups, sports bottles, coasters and insulated beverage holders, cozies; housewares namely, cans of metal, aprons, paper and cloth napkins, place mats of paper and textiles, ice chests, ice buckets, beer tubs namely beverage containers, tap handles, serving trays, and framed pictures; novelty items namely, pencils, pens, clocks, sunglasses, key chains, pens, watches, lapel and novelty buttons, lapel and novelty pins, bottle openers, lighters, mirrors, playing cards, hockey sticks, hockey pucks, souvenir albums, photos, postal cards, neon signs and banners of textile, cloth flags, toys, namely plush toys, stuffed animals and dolls, dancing cans namely, battery operated novelty items which move in response to sound, posters, puzzles, calendars, blank USB flash drives, and stickers; pre-recorded CDs and DVDs containing movies and music; pre-recorded CDs containing music and computer games; mouse pads</p>
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		<p>Services: (1) Entertainment and educational services, namely the organization and sponsorship of musical concerts, sporting events namely soccer, tennis, baseball, football, basketball, and hockey games, theatrical shows at performance venues, and providing convention hall facilities; operation of retail kiosks selling printed souvenir books and signs, clothing, clothing accessories, bags, glassware, housewares, toys, pre-recorded CDs and DVDs containing movies, music and computer games; mouse pads; bar services, namely the provision of alcoholic and non-alcoholic beverages to others; retail food services, namely, the serving of food to others at a stadium; promoting the goods and services of others by arranging for sponsors to affiliate goods and services with particular sporting events namely soccer, tennis, baseball, football, basketball, and hockey games, and entertainment events namely musical concerts and theatrical shows at performance venues; ticket reservation services, ticket sale services, namely the sale of tickets and vouchers for sporting and entertainment events performed by others; operation of retail outlet for the sale of promotional items, souvenirs and novelty items namely printed souvenir books and signs, clothing, clothing accessories, bags, glassware, housewares, toys, pre-recorded CDs and DVDs containing movies, music and computer games; mouse pads; production of cable television programs; production of radio and television programs; distribution of television programming to cable television systems; the organization and performance of baseball games, football games, basketball games, soccer games, martial arts contests, wrestling matches, motocross competitions, gymnastic competitions, cultural and religious exhibitions, cultural and religious festivals, musical performances, ice skating shows, trade shows, namely, car shows and boat shows, and concerts presented live and through television, radio, and internet, and provision of cinema facilities; advertising services, namely placing advertising for others, electronic billboard advertising of the goods and services of others, co-operative advertising of the goods and services of others and marketing the sale of goods and services through promotional contests and the distribution of related printed material, dissemination of advertising matter on behalf of third parties; leasing billboards, signage, and advertisement spaces to advertise the goods and services of others; vehicle parking lot services; fundraising activities on behalf of others; providing</p>
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			sports arena facilities, and entertainment venue services for entertainment and informational events namely for musical concerts, sporting events namely soccer, tennis, baseball, football, basketball, and hockey games, theatrical shows at performance venues, and providing convention hall facilities; bus transportation and shuttlebus services
56.	<p>LA VIE BUD LIGHT (stacked) and Design (Rectangle)</p> 	<p>TMA1004719 2018-09-12</p>	<p>Goods: (1) Beer; apparel, namely shirts; bags, namely cooler bags; promotional items, namely bottle openers, key chains, refrigerators, audio speakers, and electronic accessories namely headphones and earphones; mobile application, namely downloadable software in the nature of a mobile application accessed via the Internet providing live and recorded musical concerts, sports games and tournaments and cultural events namely art exhibitions, art shows, travel tours and cruises, entertainment performances, namely, dance and theatrical performances and facilitating interaction and content sharing by users in the field of online social networking, and to allow users to enter and participate in online contests relating to music, sporting and cultural events; mobile phone chargers; bags, namely beach bags and sport bags</p> <p>Services: (1) Arranging and conducting musical concerts, sporting events namely soccer, tennis, baseball, football, basketball, and hockey games and cultural events namely art exhibitions, art shows, travel tours and cruises, entertainment performances, namely, dance and theatrical performances; promoting the sale of goods through promotional contests</p>
57.	<p>BUDWEISER STAGE & Design (Stacked)</p> 	<p>TMA1065019 2019-12-03</p>	<p>Goods : Posters, books, post cards, gift wrap, bumper stickers, embroidered crests, invitation cards and stickers; calendars; clothing namely, shirts, sweaters, vests, jackets, aprons, caps, sweatshirts, pants and tops, shorts, t-shirts; clothing accessories namely, wallets, suspenders, headbands, hats, scarves, sun visors, belts, umbrellas and earrings; bags namely, plastic bags, tote bags, suit bags, sports bags, cooler bags, briefcases, back packs, hip packs, luggage bags and handbags; glassware and related accessories, namely, drinking glasses, plastic cups, pint glasses, steins, mugs, cups, sports bottles, coasters and insulated beverage holders, cozies; housewares namely, cans of metal, aprons, paper and cloth napkins, place mats of paper and textiles, ice chests,</p>

			<p>ice buckets, beer tubs namely beverage containers, tap handles, serving trays, and framed pictures; novelty items namely, pencils, pens, clocks, sunglasses, key chains, pens, watches, lapel and novelty buttons, lapel and novelty pins, bottle openers, lighters, mirrors, playing cards, hockey sticks, hockey pucks, souvenir albums, photos, postal cards, neon signs and banners of textile, cloth flags, toys, namely plush toys, stuffed animals and dolls, dancing cans namely, battery operated novelty items which move in response to sound, posters, puzzles, calendars, blank USB flash drives, and stickers; pre-recorded CDs and DVDs containing movies and music; pre-recorded CDs containing music and computer games; mouse pads</p> <p>Services: (1) Entertainment and educational services, namely the organization and sponsorship of musical concerts, sporting events namely soccer, tennis, baseball, football, basketball, and hockey games, theatrical shows at performance venues, and providing convention hall facilities; operation of retail kiosks selling printed souvenir books and signs, clothing, clothing accessories, bags, glassware, housewares, toys, pre-recorded CDs and DVDs containing movies, music and computer games; mouse pads; bar services, namely the provision of alcoholic and non-alcoholic beverages to others; retail food services, namely, the serving of food to others at a stadium; promoting the goods and services of others by arranging for sponsors to affiliate goods and services with particular sporting events namely soccer, tennis, baseball, football, basketball, and hockey games, and entertainment events namely musical concerts and theatrical shows at performance venues; ticket reservation services, ticket sale services, namely the sale of tickets and vouchers for sporting and entertainment events performed by others; operation of retail outlet for the sale of promotional items, souvenirs and novelty items namely printed souvenir books and signs, clothing, clothing accessories, bags, glassware, housewares, toys, pre-recorded CDs and DVDs containing movies, music and computer games; mouse pads; production of cable television programs; production of radio and television programs; distribution of television programming to cable television systems; the organization and performance of baseball games, football games, basketball games, soccer games, martial arts contests, wrestling matches, motocross competitions, gymnastic competitions, cultural and religious exhibitions, cultural and religious festivals, musical performances, ice skating shows, trade shows, namely, car shows and boat shows, and concerts presented live and through television,</p>
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			<p>radio, and internet, and provision of cinema facilities; advertising services, namely placing advertising for others, electronic billboard advertising of the goods and services of others, co-operative advertising of the goods and services of others and marketing the sale of goods and services through promotional contests and the distribution of related printed material, dissemination of advertising matter on behalf of third parties; leasing billboards, signage, and advertisement spaces to advertise the goods and services of others; vehicle parking lot services; fundraising activities on behalf of others; providing sports arena facilities, and entertainment venue services for entertainment and informational events namely for musical concerts, sporting events namely soccer, tennis, baseball, football, basketball, and hockey games, theatrical shows at performance venues, and providing convention hall facilities; bus transportation and shuttlebus services.</p>
58.	<p>BUDWEISER STAGE & Design (Horizontal)</p> <p><i>Budweiser</i> STAGE</p>	<p>TMA1065023 2019-12-03</p>	<p>Goods: Posters, books, post cards, gift wrap, bumper stickers, embroidered crests, invitation cards and stickers; calendars; clothing namely, shirts, sweaters, vests, jackets, aprons, caps, sweatshirts, pants and tops, shorts, t-shirts; clothing accessories namely, wallets, suspenders, headbands, hats, scarves, sun visors, belts, umbrellas and earrings; bags namely, plastic bags, tote bags, suit bags, sports bags, cooler bags, briefcases, back packs, hip packs, luggage bags and handbags; glassware and related accessories, namely, drinking glasses, plastic cups, pint glasses, steins, mugs, cups, sports bottles, coasters and insulated beverage holders, cozies; housewares namely, cans of metal, aprons, paper and cloth napkins, place mats of paper and textiles, ice chests, ice buckets, beer tubs namely beverage containers, tap handles, serving trays, and framed pictures; novelty items namely, pencils, pens, clocks, sunglasses, key chains, pens, watches, lapel and novelty buttons, lapel and novelty pins, bottle openers, lighters, mirrors, playing cards, hockey sticks, hockey pucks, souvenir albums, photos, postal cards, neon signs and banners of textile, cloth flags, toys, namely plush toys, stuffed animals and dolls, dancing cans namely, battery operated novelty items which move in response to sound, posters, puzzles, calendars, blank USB flash drives, and stickers; pre-recorded CDs and DVDs containing movies and music; pre-recorded CDs containing music and computer games; mouse pads</p> <p>Services: Entertainment and educational services, namely the organization and sponsorship of musical concerts, sporting events namely soccer, tennis,</p>

		<p>baseball, football, basketball, and hockey games, theatrical shows at performance venues, and providing convention hall facilities; operation of retail kiosks selling printed souvenir books and signs, clothing, clothing accessories, bags, glassware, housewares, toys, pre-recorded CDs and DVDs containing movies, music and computer games; mouse pads; bar services, namely the provision of alcoholic and non-alcoholic beverages to others; retail food services, namely, the serving of food to others at a stadium; promoting the goods and services of others by arranging for sponsors to affiliate goods and services with particular sporting events namely soccer, tennis, baseball, football, basketball, and hockey games, and entertainment events namely musical concerts and theatrical shows at performance venues; ticket reservation services, ticket sale services, namely the sale of tickets and vouchers for sporting and entertainment events performed by others; operation of retail outlet for the sale of promotional items, souvenirs and novelty items namely printed souvenir books and signs, clothing, clothing accessories, bags, glassware, housewares, toys, pre-recorded CDs and DVDs containing movies, music and computer games; mouse pads; production of cable television programs; production of radio and television programs; distribution of television programming to cable television systems; the organization and performance of baseball games, football games, basketball games, soccer games, martial arts contests, wrestling matches, motocross competitions, gymnastic competitions, cultural and religious exhibitions, cultural and religious festivals, musical performances, ice skating shows, trade shows, namely, car shows and boat shows, and concerts presented live and through television, radio, and internet, and provision of cinema facilities; advertising services, namely placing advertising for others, electronic billboard advertising of the goods and services of others, co- operative advertising of the goods and services of others and marketing the sale of goods and services through promotional contests and the distribution of related printed material, dissemination of advertising matter on behalf of third parties; leasing billboards, signage, and advertisement spaces to advertise the goods and services of others; vehicle parking lot services; fundraising activities on behalf of others; providing sports arena facilities, and entertainment venue services for entertainment and informational events namely for musical concerts, sporting events namely soccer, tennis, baseball, football, basketball, and hockey games, theatrical shows at</p>
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			performance venues, and providing convention hall facilities; bus transportation and shuttlebus services
59.	BUDWEISER GARDENS	TMA866033 2013-11-27	Services : Entertainment and educational services, namely, providing an arena facility for spectator, entertainment and educational events, namely, sports events, concerts, conventions, trade and traveling shows, and exhibitions.
60.	<u>BUDWEISER</u>	<u>TMA1099717</u> <u>2021-05-07</u>	<u>Goods: (1) Cannabis oil for cosmetic purposes; cannabidiol (CBD) oil for cosmetic purposes. (2) Edible oils; cannabis oil for food; cannabidiol (CBD) oil for food; prepared meals consisting principally of chicken and containing cannabis plant derivatives; prepared meals primarily consisting of cooked fruits and vegetables and containing cannabis plant derivatives; prepared meals primarily consisting of cannabis plant derivatives; hemp-based beverages for use as a milk substitute; cannabis-based spreads; fruit chips, kale chips, potato chips, yuca chips, all containing cannabis plant derivatives. (3) Bread, pastries, cakes, cake mixes, cupcakes, chocolate, candy bars, cereal bars, candies, caramel, almond confectionery, chocolate confectionery, frozen confectionery, fruit-based confectionery, sugar confectionery, chewing gum and biscuits all containing cannabis plant derivatives; sauces containing cannabis plant derivatives namely barbecue sauce, chicken wing sauce, steak sauce, tartar sauce, pizza sauce, tomato sauce, pasta sauce, cheese sauce, chili sauce and marinades; dressing and vinaigrette for salads containing cannabis plant derivatives; mustard containing cannabis plant derivatives; popcorn, corn chips, taco chips, tortilla chips, wonton chips, chocolate-covered pretzels, soft pretzels, all containing cannabis plant derivatives; coffee infused with cannabis; tea infused with cannabis; ice cream containing cannabis plant derivatives; prepared pizza containing cannabis plant derivatives; noodle-based prepared meals containing cannabis plant derivatives, rice-based prepared meals containing cannabis plant derivatives; coffee beverages infused with cannabis; tea beverages infused with cannabis; hemp-based</u>

			<p><u>tea. (4) Live cannabis plants. (5) Non-alcoholic malt-based beverages infused with cannabis; non- alcoholic beer beverages infused with cannabis, non-alcoholic fruit-based beverages infused with cannabis; aerated water, bottled water, carbonated water, drinking water, flat water, glacial water, mineral water, soda water and flavoured water infused with cannabis; hemp-based carbonated waters; alcoholic malt-based beverages, namely toasted-malt beer ; beer infused with cannabis.(6) Alcoholic beverages infused with cannabis namely, vodka-based beverages, rum-based beverages, gin- based beverages, alcoholic coolers, alcoholic cocktails, alcoholic bitters, wine-based beverages; alcoholic malt-based beverages, namely malt whiskey, alcoholic malt-based coolers. (7) Dried cannabis and dried cannabinoid; Smoking accessories, namely, lighters, matches, ashtrays, pipes, water pipes, cigarettes rolling papers, grinders, vaporizers.</u></p> <p><u>Services: (1) Providing educational information in the field of cannabis and cannabidiol (CBD) via a website. (2) Bar and restaurants services; cafés; catering services.</u></p>
6 .	<u>BUD LIGHT</u>	<u>TMA1101995</u> <u>2021-06-14</u>	<p><u>Goods: (1) Edible oils; cannabis oil for food; cannabidiol (CBD) oil for food; prepared meals primarily consisting of meat, poultry and fish and cooked vegetables, all containing cannabis plant derivatives; kale chips; potato chips; cannabis-based spreads; hemp-based beverages for use as a milk substitute (2) Bread, pastries, cakes, cake mixes, cupcakes, chocolate, candy bars, cereal bars, candies, caramel, confectionery namely candy, chewing gum and biscuits all containing cannabis plant derivatives; sauces containing cannabis plant derivatives namely barbecue sauce, chicken wing sauce, steak sauce, tartar sauce, pizza sauce, tomato sauce, pasta sauce, cheese sauce, chili sauce and marinades; dressing and vinaigrette for salads containing cannabis plant derivatives; mustard containing cannabis plant derivatives; popcorn, corn chips; tortilla chips, chocolate-covered pretzels, soft pretzels, all containing cannabis plant derivatives; coffee infused with cannabis; tea infused with cannabis; ice cream containing cannabis plant derivatives; prepared pizza containing cannabis plant derivatives; noodle-based prepared meals containing cannabis plant derivatives, rice-based prepared meals containing cannabis plant derivatives; coffee beverages infused with cannabis, tea beverages infused with cannabis (3) Non-alcoholic malt-based beverages infused with cannabis, namely non-alcoholic beer infused with cannabis, non-alcoholic fruit-based beverages</u></p>

			<p><u>infused with cannabis, carbonated water; drinking water; flat water and flavoured water infused with cannabis, hemp-based drinking waters; alcoholic malt-based beverages, namely beer infused with cannabis (4) Alcoholic beverages infused with cannabis namely, vodka-based cocktails, rum-based cocktails, gin-based cocktails, alcoholic coolers, alcoholic cocktails, alcoholic bitters, wine-based beverages (5) Smoking accessories, namely, lighters, matches, ashtrays, pipes, water pipes, cigarettes rolling papers, grinders, vaporizers.</u></p> <p><u>Services: (1) Bar and restaurants services; cafés; catering services</u></p>
6 .	<p><u>BUDWEISER in bow tie (2015 in colors) & Design</u></p>	<p><u>TMA1099715</u> <u>2021-05-07</u></p>	<p><u>Goods: (1) Cannabis oil for cosmetic purposes; cannabidiol (CBD) oil for cosmetic purposes. (2) Edible oils; cannabis oil for food; cannabidiol (CBD) oil for food; prepared meals consisting principally of chicken and containing cannabis plant derivatives; prepared meals primarily consisting of cooked fruits and vegetables and containing cannabis plant derivatives; prepared meals primarily consisting of cannabis plant derivatives; hemp-based beverages for use as a milk substitute; cannabis-based spreads; fruit chips, kale chips, potato chips, yuca chips, all containing cannabis plant derivatives. (3) Bread, pastries, cakes, cake mixes, cupcakes, chocolate, candy bars, cereal bars, candies, caramel, almond confectionery, chocolate confectionery, frozen confectionery, fruit-based confectionery, sugar confectionery, chewing gum and biscuits all containing cannabis plant derivatives; sauces containing cannabis plant derivatives namely barbecue sauce, chicken wing sauce, steak sauce, tartar sauce, pizza sauce, tomato sauce, pasta sauce, cheese sauce, chili sauce and marinades; dressing and vinaigrette for salads containing cannabis plant derivatives; mustard containing cannabis plant derivatives; popcorn, corn chips, taco chips, tortilla chips, wonton chips, chocolate-covered pretzels, soft pretzels, all containing cannabis plant derivatives; coffee infused with cannabis; tea infused with cannabis; ice cream containing cannabis plant derivatives; prepared pizza containing cannabis plant derivatives; noodle-based prepared meals containing cannabis plant derivatives, rice-based prepared meals containing cannabis plant derivatives; coffee beverages infused with cannabis; tea beverages infused with cannabis; hemp-based tea. (4) Live cannabis plants. (5) Non-alcoholic malt-based beverages infused with cannabis; non-alcoholic beer beverages infused with cannabis, non-alcoholic fruit-based beverages infused with cannabis; aerated water, bottled water, carbonated water, drinking water, flat water, glacial water, mineral water, soda water and flavoured water</u></p>




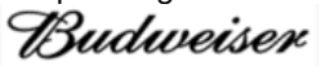
			<p><u>infused with cannabis; hemp-based carbonated waters; alcoholic malt-based beverages, namely toasted-malt beer ; beer infused with cannabis. (6) Alcoholic beverages infused with cannabis namely, vodka-based beverages, rum-based beverages, gin- based beverages, alcoholic coolers, alcoholic cocktails, alcoholic bitters, wine-based beverages; alcoholic malt-based beverages, namely malt whiskey, alcoholic malt-based coolers. (7) Dried cannabis and dried cannabinoid; Smoking accessories, namely, lighters, matches, ashtrays, pipes, water pipes, cigarettes rolling papers, grinders, vaporizers.</u></p> <p><u>Services: (1) Providing educational information in the field of cannabis and cannabidiol (CBD) via a website. (2) Bar and restaurants services; cafés; catering services.</u></p>
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	Trade-marks in classes 9 and others	Registration No. Registration Date	Goods/Services
60.63	TRACK YOUR BUD	TMA869495 2014-01-20	Goods : Downloadable software applications for mobile devices which provide information about beer; downloadable software accessed via the Internet, which provide information about beer.
61.64	BUD-E APP	TMA1040828 2019-07-12	Goods: Computer application software for mobile devices, namely, software for mobile devices that enables users to remotely view, monitor, program, operate, and control household appliances.
62.65	BUD LIGHT	TMA875449 2014-04-10	Goods : Neon signs, sunglasses, audio speaker boxes, music docking stations, on-line downloadable software in the nature of a mobile application providing information about beer; downloadable software in the nature of a mobile application accessed via the Internet, providing information about beer; indoor and outdoor decorative electrical string lights, barbecue grills and refrigerators; pens, paper napkins, coasters, calendars; mirrors, namely, decorative mirrors; non-metal key chains, bar stool, chairs, tables.
6.66	BUDWEISER RED LIGHTS	TMA898367 2015-03-10	Goods : (1) Model hockey goal lights; Internet-enabled indicator lights (2) Beer

64-67	<p>BUDWEISER RED LIGHTS Design</p> 	<p>TMA898366 2015-03-10</p>	<p>Goods : (1) Model hockey goal lights; Internet-enabled indicator lights (2) Beer</p>
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	Trade-marks in class 25 et others	Registration No. Registration Date	Goods/Services
65-68	BUD	TMA429251 1994-06-24	<p>Goods : (1) Caps, hats, sweatshirts, sweatpants, shirts and shorts. (2) Clothing, namely socks. (3) Wearing apparel for men and women, namely shorts, jackets, coats, sweaters, shirts, sweatshirts, pants, headwear namely hats, caps, visors, bags namely handbags, sportbags, cooler bags, shoulder bags, tote bags, golf head covers, drinking vessels namely glasses plastic cups, umbrellas, chairs and folding seats.</p>
66-69	BUD BOWL	TMA646717 2005-08-25	<p>Goods : (1) Beer. (2) Clothing namely hats and shirts.</p>
67-70	BUD CAMP	TMA770505 2010-06-22	<p>Goods : Beer; clothing, namely shirts; headwear, namely hats; drinking vessels, namely cups, mugs and drinking glasses.</p>
68-71	BUD LIGHT	TMA434860 1994-10-28	<p>Goods : (1) Clothing, namely caps, hats, visors, t-shirts, shirts, shorts, jackets, vests, belts, socks, sweatshirts, suspenders, scarves, wind-resistant jackets, sweaters, aprons and warmup suits. (2) Wearing apparel for men and women, namely jackets, mitts, bags namely handbags, sportbags, cooler bags, shoulder bags, tote bags, gifts and novelties namely drinking vessels namely plastic cups bottle openers, ornamental pins, umbrellas, key chains.</p>
69-72	<p>BUD LIGHT & DESIGN</p> 	<p>TMA435223 1994-11-11</p>	<p>Goods : (1) Clothing, namely aprons, hats, jackets, shorts, shirts, socks, sweatshirts and visors. (2) Wearing apparel for men and women, namely shorts, vests, jackets, coats, sweaters, shirts, sweatshirts, pants; headwear namely hats, caps, visors; bags namely sportbags, cooler bags, shoulder bags, tote bags; gifts and novelties namely</p>

			drinking vessels namely glasses and paper, plastic and ceramic cups, ceramic steins, coolers, bottle openers; ornamental pins; mirrors; umbrellas; key chains.
70-73	<p>BUD LIGHT & DESIGN</p> 	<p>TMA434585 1994-10-21</p>	<p>Goods : (1) Clothing, namely aprons, hats, jackets, scarves, shorts, shirts, socks, sweatshirts, sweaters, warmup suits, visors and vests.</p> <p>(2) Wearing apparel for men and women, namely shorts, vests, jackets, shirts, sweatshirts, pants; headwear namely hats, caps, visors; bags namely sportbags, cooler bags; drinking vessels namely paper, plastic and ceramic cups, ceramic steins; bottle openers; towels; mirrors; umbrellas and key chains.</p>
71-74	<p>BUDWEISER</p>	<p>TMA429786 1994-07-01</p>	<p>Goods : (1) Aprons, headbands, wrist bands, bandanas, belts, suspenders, blazers, blouses, caps, golf gloves, hats, jackets, ski jackets, vests, scarves, jerseys, ponchos, rainwear namely rain jackets, raincoats and ponchos, robes, shirts, shorts, slacks, socks, sport coats, athletic suits, sweatshirts, swimsuits, sweaters, neckties, uniforms and visors.</p> <p>(2) Radios, telephone receivers, cameras and sunglasses.</p> <p>(3) Key chains, ornamental badges made primarily of metal, and metal clips for closing bags; playing cards, pens, pencils, writing boards, paper napkins, coasters, greeting cards, note paper, paper clips, gift wrapping paper and paper pennants; tote bags, billfolds and umbrellas; mirrors, plaques, name badges, plastic clips for closing bags, cabinets and bar stools; drinking vessels, beer pails, trays, bottle openers, flower holders, heat insulated containers for beverages and beer carriers and coolers; towels and pennants not of paper; belt buckles, ornamental pins, buttons for clothing and shoe laces; matches, ashtrays and lighters for smokers.</p> <p>(4) Clothing, namely shoes.</p> <p>(5) Wearing apparel for men and women, namely shorts, vests, jackets, coats, sweaters, shirts, sweatshirts, pants, warm-up suits, swimsuits, ski jackets, headwear namely hats, caps, bags namely handbags, sportbags, cooler bags, shoulder bags, back packs, tote bags, drinking vessels namely glasses and paper, plastic and ceramic cup; ceramic steins, mugs; coolers namely insulated beverage containers, bottle openers, ornamental pins, ornamental badges made primarily of metal; mirrors, umbrellas, key chains and chairs.</p>
72-75	<p>BUDWEISER & DESIGN</p> 	<p>TMA429250 1994-06-24</p>	<p>Goods : Wearing apparel for men and women, namely shorts, jackets, coats, sweaters, shirts, sweatshirts, pants headwear namely hats, caps, visors bags namely handbags, sportbags, cooler bags, shoulder bags, tote bags, drinking vessels namely glasses and plastic cups, mugs insulated mugs and steins, ornamental pins, mirrors, umbrellas, key chains, chairs.</p>

73-76	<p>BUDWEISER & DESIGN</p> 	<p>TMA495717 1998-06-08</p>	<p>Goods : (1) Clothing, namely shoes. (2) Clothing, namely socks. (3) Wearing apparel for men and women, namely shirts, swimsuits, dresses, steins, bottle openers, towels, playing cards, chairs.</p>
74-77	<p>BUDWEISER B & Crown Design</p> 	<p>TMA730943 2008-12-15</p>	<p>Goods : (1) Beer. (2) Clothing namely t-shirts and hats.</p>
75-78	<p>BUDWEISER Bow Tie Design</p> 	<p>TMA877006 2014-05-02</p>	<p>Goods : Key chains, lapel pins, novelty pins, tie pins, ornamental badges, beer head cutters, gazebos made primarily of metal; neon signs, sunglasses, audio speaker boxes, music docking stations, on-line downloadable software in the nature of a mobile application providing information about beer; downloadable software in the nature of a mobile application accessed via the Internet, providing information about beer, indoor and outdoor decorative electrical string lights, barbecue grills and refrigerators, clocks, watches and jewelry; pens, paper napkins, coasters, calendars; tote bags, billfolds and umbrellas; mirrors namely decorative mirrors, non-metal key chains, bar stool, chairs, tables; table glassware, drinking vessels namely beer glasses and cups, trays, bottle openers, heat insulated containers for beverages, beer carriers and coolers, beer buckets of metal; towels and pennants not of paper; aprons, headbands, bandanas, belts, blouses, caps, hats, jackets, ski jackets, vests, jerseys, ponchos, rainwear, robes, shirts, T-shirts, shorts, slacks, athletic suits, sweatshirts, swimsuits, sweaters, visors, slippers, wristbands; bowling balls, basket balls, soccer balls, darts, dart boards, pool cue racks, adult collectible die-cast trucks and cars, playing cards, roll-up pool floats, shuffleboard tables, poker sets, checker sets; mustard, sauces namely barbecue sauce, chicken wing sauce, steak sauce, marinades and barbecue meat seasoning; matches, ashtrays and lighters for smokers.</p>
76-79	<p>BUDWEISER in Script Design</p> 	<p>TMA608871 2004-04-29</p>	<p>Goods : Beer, clothing namely t-shirts and hats, drinking vessels namely cups, mugs, glasses and steins, lighters, footwear namely beach sandals, key rings, and model/hobby remote control boats</p>
77-80	<p>BUDWEISER in Script Label Design</p>	<p>TMA779688 2010-10-13</p>	<p>Goods : Clothing, namely t-shirts and hats, and drinking vessels, namely cups, mugs, glasses and steins.</p>

Appearances and Agents of Record

HEARING DATE: January 17, 2024

APPEARANCES

For the Opponent: Bruno Barrette

For the Applicant: No one appearing

AGENTS OF RECORD

For the Opponent: Barrette Legal Inc.

For the Applicant: Smart & Biggar LP