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| GOWLING WLG (CANADA) LLPSUITE 16001 FIRST CANADIAN PLACE100 KING STREET WESTTORONTOONTARIO M5X 1G5 |
| Attention: Susannah Rolston |
| RE: | Trademark: | CRAYON SCENT MARK |
|  | Applicant: | CRAYOLA PROPERTIES, INC. |

This examiner's report concerns the above identified application. To avoid abandonment proceedings, a proper response must be received by this office by November 25, 2022. All correspondence respecting this application must indicate the file number.

Pursuant to paragraph 37(1)(d) of the *Trademarks Act*, it appears that the trademark is not distinctive.

As the trademark consists exclusively or primarily of a scent, pursuant to paragraph 32(1)(d) of the *Trademarks Act* the applicant is required to furnish the Registrar with evidence establishing that the trademark was distinctive at the filing date of the application for its registration.

Please note that pursuant to subsection 32(2) of the *Act*, the Registrar shall, having regard to the evidence adduced, restrict the registration to the goods or services in association with which, and to the defined territorial area in Canada in which, the trademark is shown to be distinctive.

Your comments are invited.

In addition, for a trademark containing or consisting of a scent to be clearly defined pursuant to paragraph 30(2)(c) of the *Act*, the application must include a clear and concise description of the scent.

Examples of acceptable descriptions for scent trademarks include:

The trademark consists of the scent of strawberry.

The trademark is a coconut scent diffused throughout a retail store setting.

**A revised application is required.**

If the applicant has any specific questions in respect of this Office action, please contact the assigned examiner. Please note that for general inquiries, including assistance with filing of the revised application, queries about the status of an application or receipt of correspondence, you may contact our Client Service Centre toll free at 1-866-997-1936.

Yours truly,



Wanda Lockhead

Examination Section

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