

**IN THE CANADIAN TRADEMARKS OFFICE**

**In The Matter of Trademark Application:**

Applicant(s) : Canadian Safe Boating Council  
Appln No. : 1851536  
Filing Date : August 8, 2017  
Trademark : CANADIAN SAFE BOATING COUNCIL  
Examiner : Damith Silva

---

To: The Registrar of Trademarks  
CIPO, Trademarks Office  
Ottawa-Gatineau, Canada, K1A 0C9.

Dear Sir/Madam:

This paper follows the office action dated July 10, 2020 wherein the Examiner:

- (i) fails to accept the voluminous evidence of distinctiveness filed;
- (ii) alleges lack of inherent distinctiveness; and
- (iii) demands clarification of the services.

Applicant has clarified the services as requested.

With regards to (i) and (ii), since 2015, the following marks have been registered:

CANADIAN MASSAGE COUNCIL 1633497  
AMERICAN ACUPUNCTURE COUNCIL 1633500  
AMERICAN MASSAGE COUNCIL 1633489  
MANAGED FOREST COUNCIL 1704468  
THE AMERICAS DANCE COUNCIL 1769772  
CATHOLIC PRINCIPALS COUNCIL ONTARIO 1645314  
NATIONAL ZERO WASTE COUNCIL 1644842  
ECONOMIC DEVELOPERS COUNCIL ONTARIO 1640579  
WILD FUR SHIPPERS COUNCIL 1651897  
CANADA GREEN BUILDING COUNCIL 1727990

Each and every one of these registrations stands in stark contradistinction to the position of the Examiner. Applicant demands that its application be treated on equal footing with all of the foregoing.

Applicant notes that descriptiveness or lack of inherent distinctiveness cannot be supported merely by the construction of a sentence that includes the trademark. Examiner must set forth a prima facie rejection. Applicant is unaware as to any reason why the terms CANADIAN or COUNCIL are in any way characteristic of the applied-for services listed. Applicant expressly denies that any other trader should be able, in the ordinary course of their business, to use the subject trademark in association with the same services.

Applicant looks forward to immediate publication of this case or a final refusal so that this persisting injustice can be corrected on appeal.

We submit that this application is in good standing. If, however, any action is required to be taken to maintain or to put this application in good standing, we request that any other necessary action be taken and any related fee be charged to our Deposit Account No. 600000242.

Respectfully Submitted,

Canadian Safe Boating Council

By: *Ridout & Maybee LLP*

RIDOUT & MAYBEE LLP  
Trademark Agents for the Applicant

January 4, 2021

Burlington, Ontario, Canada

(For personal contact, please call Steven H. Leach\* at telephone no. 905-363-3620)

**Practising through Steven Leach Professional Corporation**