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CANADA  
Attention: Cynthia D. Mason

RE: Trademark: PTBO GAME JAM  
Applicant: dotBunny Inc.

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This examiner's report concerns the above identified application. To avoid abandonment proceedings, a proper response must be received by this office by May 14, 2024. All correspondence respecting this application must indicate the file number.

### **Notices:**

As this application was filed prior to, and not advertised as of, June 17, 2019 it has been examined under the provisions of the amended *Trademarks Act* and the new *Trademarks Regulations*.

### **Registrability:**

#### **Paragraph 12(1)(b) – Clearly Descriptive or Deceptively Misdescriptive – Place of Origin**

The applicant is requested to confirm that the associated goods and services originate from the city of Peterborough, as research shows that this word is primarily a geographic name.

If the goods and services do not originate from Peterborough, then the trademark is unregistrable pursuant to paragraph 12(1)(b) of the *Trademarks Act* in that the trademark deceptively misdescribes the place of origin of the goods and services. Research shows that Peterborough is primarily a geographic name and the average Canadian consumer or dealer would be misled into the belief that the goods and services originate from there. .

Goods originate from a geographic location if they are manufactured, produced, grown, assembled, or designed there and services originate from a geographic location if they are performed, provided or offered there.

For more information on trademarks that are deceptively misdescriptive of the place of origin of the goods and services and paragraph 12(1)(b) of the *Trademarks Act*, please see sections 4.4.3 and 4.4.14 of the *Trademarks Examination Manual* at [www.cipo.gc.ca](http://www.cipo.gc.ca).

#### **Paragraph 37(1)(d) – Not Inherently Distinctive**

The trademark is not distinctive pursuant to paragraph 37(1)(d) of the *Trademarks Act*.

The Registrar's preliminary view is that the trademark is not inherently distinctive. In particular, the associated goods and services originate from the city of Peterborough.

The applicant may wish to furnish the Registrar with evidence establishing that the trademark was distinctive at the filing date of the application for its registration pursuant to paragraph 32(1)(b) of the *Trademarks Act*. Alternatively, the applicant may wish to provide, in writing, information which would persuade the Registrar to withdraw the objection that the trademark is not, on a preliminary view, inherently distinctive.

For more information on distinctiveness and paragraph 37(1)(d) of the *Trademarks Act*, please see sections 4.9.2 and 4.10 of the *Trademarks Examination Manual* at [www.cipo.gc.ca](http://www.cipo.gc.ca).

Any comments the applicant may wish to submit in writing will receive consideration.

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,

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