



11 juin/Jun 2024
Votre référence Your File

Notre référence Our File
2045107

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RE: Trademark: CANNMART
Applicant: Namaste Technologies Inc.

This examiner's report concerns the above identified application. To avoid abandonment proceedings, a proper response must be received by this office by December 11, 2024. All correspondence respecting this application must indicate the file number.

Goods, Services and Nice classification:

While goods or services must be stated “in ordinary commercial terms” and “in a manner that identifies a specific good or service” in compliance with paragraph 30(2)(a) of the *Trademarks Act* and section 29 of the *Trademarks Regulations*, additional details may also be required to group them according to the classes of the Nice Classification. For ease of reference, the requirement to amend the goods and services to comply in both these instances has been combined below.

The underlined goods and services are not considered to be specific pursuant to section 29 of the *Trademarks Regulations*, nor are they considered to be in ordinary commercial terms pursuant to paragraph 30(2)(a) of the *Trademarks Act*. The goods and services in **bold** are not specific enough in order to group them according to the classes of the Nice Classification pursuant to subsection 30(3) of the *Trademarks Act*.

[3] (1) [...] **skin cleansing preparations**; lip balm; body lotion, moisturizing balms, moisturizing body prays; essential oils for aromatherapy; essential oils for personal use; massage oil; moisturizing balms, body lotions, moisturizing body sprays, bath soaks & scrubs, [...]

[25] (2) Clothing; headwear; hats; t-shirts; golf shirts; underwear; socks; exercise wear; athletic wear; lounge wear; slippers; eye masks; blankets; pillows; **sleep accessories**

[29] (3) Biochemical preparations, namely psilocybin mushroom extract, as lawfully permitted

[30] (4) [...] **gummies**, candies and biscuits; snack products containing psilocybin extracts, namely cakes, cereal bars, brownies, muffins, cupcakes, chocolate, chocolates, chocolate confectionery, sugar confectionery, **gummies**, candies and biscuits, as lawfully permitted; snack products containing nootropics, namely cakes, cereal bars, brownies, muffins, cupcakes, chocolate, chocolates, chocolate confectionery, sugar confectionery, **gummies**, [...]

[32] (6) Cannabis infused beverages; **hemp-based beverages**; beer; drinking water; fruit juice; vegetable juice; beverages containing psilocybin extracts, namely beer, juice, water, as lawfully permitted; beverages containing nootropics, namely, beer, juice, water, as lawfully permitted.

[34] (7) Dried cannabis; cannabis cigarettes; cannabis for smoking; cannabis capsules, cannabis sprays; **cannabis extracts, namely, hashish, resins and oils; cannabis products, namely, oils, salves, concentrated pastes and tinctures containing cannabinoids; hemp**; smoking accessories, namely hand pipes, water pipes, hookahs, nebulizers, atomizers, oral vaporizers; smoking pipes, electronic smoking pipes, oral vaporizers for smokers; cigarette paper; **vaporizers, pipes**, bongs, rolling papers, cigarette papers, **grinder**, weighing scales and **storage containers**; kits consisting primarily of cannabis accessories; Dried edible fungi, edible fungi oils

[35] (1) Online and retail sale of products and accessories for inhaling, ingesting and storing cannabis, medical cannabis and its derivatives, namely smoking pipes, rolling papers, water pipes, vaporizers, metre-dosed inhalers containing cannabis and cannabis-based derivatives, herb grinders, scales, storage containers; [...]

[40] (2) **Production, cultivation, breeding, propagation, processing, manufacturing, dispensing, distribution, transportation, wholesale and retail sale of cannabis, medical cannabis, cannabis-based derivatives and preparations, and recreations cannabis; Production, cultivation, breeding, propagation, processing, manufacturing, dispensing, distribution, transportation, wholesale and retail sale of psilocybin, holistic medicines, natural medicine, psychedelics and nootropics, as lawfully permitted**

[41] (3) Educational services in the field of cannabis and medical cannabis and publication and dissemination of information on cannabis namely proper usage, dosage, ingestion methods, strains, harm reduction, regulatory issues, advocacy, health promotion, alternative medicine services, counseling services in the fields of physical and mental health, nutrition and lifestyle wellness, and advancements in cannabis and health research; Workshops, seminars, classes, training sessions and cooking classes in the field of cannabis, medical cannabis, cannabis-based derivatives and preparations, and recreational cannabis; **Assessment and referral services for clients to health care practitioners and licensed cannabis producers seeking cannabis, medical cannabis, cannabis-based derivatives and preparations, and recreational cannabis**; [...]

[42] (4) **Provision of research and development related information and consulting in the field of cannabis**; [...]

[44] (5) Consulting services in the field of cannabis, medical cannabis, cannabis-based derivatives and preparations, and recreational cannabis; [...]

The words "moisturizing body prays", "body rubs", and "snak products" in the statement of goods and services appear to include a typographical error. Please amend the statement of goods and services if required.

The statements of goods and services "massage oil"; "lip balm"; "moisturizing body sprays" appear more than once in the application. Please amend the statements of goods and services to remove the duplicates if required.

For further guidance on redefining the statements of goods or services, please refer to the *Goods and Services Manual* available on our website. This searchable tool is not an exhaustive list of acceptable

terms, but it may be used as a guide to the specificity and ordinary commercial term requirements of the *Trademarks Act* and its Regulations.

The **bolded** goods of this application appear to be improperly classed:

[25] (2) Clothing; headwear; hats; t-shirts; golf shirts; underwear; socks; exercise wear; athletic wear; lounge wear; slippers; **eye masks; blankets; pillows**; sleep accessories

[34] (7) [...] **Dried edible fungi, edible fungi oils**

The application must group the goods according to the classes of the Nice Classification pursuant to subsection 30(3) of the *Trademarks Act*. Please consider the following class(es): 3, 20 24, 29.

The applicant is required to pay the prescribed fee for **2 additional class(es)**.

Note: The prescribed application fee, including fees for additional Nice classes, is adjusted every year on the first of January. The amount depends on the date on which the payment is received by the Registrar, even if the prescribed fee for the first class of goods or services to which the application relates was paid prior to the annual adjustment. To find out the exact amount of a fee, please consult the list of fees available on CIPO's website at www.Canada.ca/IP-fees.

As of the date of this report, an additional **\$278 (2 x \$139)** is required to cover the prescribed application fee.

Please note that if the amendment of the goods or services results in additional Nice classes, the applicant will be required to pay the prescribed fee for the additional class(es).

For further guidance on Nice Classification in Canada, please see section 2.4.7 of the *Trademarks Examination Manual*, as well as the *Goods and Services Manual* which may provide some assistance in grouping goods and services according to the classes of the Nice Classification. Both manuals are available on the CIPO website at www.cipo.gc.ca.

The applicant is required to file an amended application, using the e-service on the CIPO website at www.cipo.gc.ca, by fax at 819-953-2476 or by mail at the following address:

Registrar of Trademarks
Place du Portage I
50 Victoria Street, room C-114
Gatineau, QC K1A 0C9

Upon satisfactory compliance with the above-mentioned requirement(s), further office action will be undertaken.

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,

Bettina Wong
Examination Section
819-360-6499
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