|  |  |  |
| --- | --- | --- |
| GOWLING WLG (CANADA) LLP  SUITE 2600, 160 ELGIN STREET  OTTAWA  ONTARIO K1P 1C3 | | |
|  | | |
| RE: | Trade-mark: | Sound mark |
|  | Applicant: | Danjaq, LLC |

|  |
| --- |
| 3 mars/Mar 2016 |
| *Votre référence Your File*  06717779CA |
| *Notre référence Our File*  1733564 |
|  |

This examiner's report concerns the above identified application. To avoid abandonment proceedings, a proper response must be received by this office by September 3, 2016. All correspondence respecting this application must indicate the file number.

The subject mark of this application is considered to be clearly descriptive since it is considered to be functional of the goods namely the goods bolded below:

**Pre-recorded audio** and video compact discs, DVDS, and motion picture films featuring entertainment, namely, action adventure, drama, comedy, and romance; **musical sound recordings, contained on compact discs and digital music (downloadable) provided from web sites or from any other communications network including wireless and cable**; magnetically encoded computer and video game programs; video and computer game compact discs adapted for use with television receivers; downloadable computer video game software supplied on-line from databases or provided through a global computer network or from any other communications network including wireless and cable; **downloadable mobile telephone ring tones**, images and animations via the internet and wireless devices; downloadable videos and films featuring entertainment, namely, action adventure, drama, comedy, and romance via a wireless network for use with mobile devices; downloadable mobile telephone games and graphics via a global computer network and wireless devices.

The use of the subject trademark is essential to the goods bolded above and therefore deemed functional and in view of the practice notice entitled *Trademark consisting of a sound* published on March 28, 2012 and with respect to the provisions of paragraph 12(1)(b) of the *Trade-marks Act*, this mark does not appear registrable.

Any comments you may wish to submit will receive consideration.

A statement in more specific terms of the goods emphasized in the list below is required. The goods should be defined in ordinary commercial terms in compliance with the provisions of paragraph 30(a) of the *Trade-marks Act.*

Pre-recorded audio and video compact discs, DVDS, and motion picture films featuring entertainment, namely, action adventure, drama, comedy, and romance; musical sound recordings, contained on compact discs and digital music (downloadable) provided from web sites or from any other communications network including wireless and cable; magnetically encoded computer and video game programs; video and computer game compact discs adapted for use with television receivers; downloadable computer video game software supplied on-line from databases or provided through a global computer network or from any other communications network including wireless and cable; downloadable mobile telephone ring tones, images and animations via the internet and wireless devices; downloadable videos and films featuring entertainment, namely, action adventure, drama, comedy, and romance via a wireless network for use with mobile devices; downloadable mobile telephone games and graphics via a global computer network and wireless devices.

A statement in more specific terms of the services emphasized in the list below is required. The services should be defined in ordinary commercial terms in compliance with the provisions of paragraph 30(a) of the *Trade-marks Act.*

Entertainment services, namely, production and distribution of motion pictures Internet services, namely, providing information via an electronic global computer network in the field of entertainment relating to motion pictures, and providing electronic games, not downloadable, via the Internet.

It appears that a semi-colon is missing following “Entertainment services, namely, production and distribution of motion pictures”. Please add a semi-colon to differentiate these services from the services the immediately proceed.

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,



Jordan Doyle

Examination Section

819-934-2708

fax: 819-953-2476