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2021/09/10

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OPIC-CIPO C006014714

The Registrar of Trademarks
 Canadian Intellectual Property Office
 Place du Portage I
 50 Victoria Street
 Gatineau QC K1A 0C9

Our Ref: LT206584CA**Date:** September 10, 2021

Dear Madam,

**Re: Canada Lands Company Limited's Rights in and to Designs
 of Canada's National Tower (the "CN Tower")**

We represent Canada Lands Company Limited ("**Canada Lands**") in Canadian intellectual property matters. Canada Lands is a federal Crown corporation with a mandate to ensure the commercially oriented, orderly disposition of surplus federal properties with optimal value to the Canadian taxpayer, as well as the holding of certain properties (such as the CN Tower). Canada Lands reports to the Government of Canada.

Canada Lands is the steward and guardian of Canada's National Tower, commonly referred to as the CN Tower. It owns and operates the CN Tower through its subsidiary Canada Lands Company CLC Limited. Part of Canada Lands' mandate includes controlling commercial use of designs of the CN Tower, in part to ensure the integrity of the CN Tower as a symbol of Canadian pride and innovation, and to prevent trading on the goodwill in the iconic imagery of the CN Tower without its permission.

Canada Lands owns trademark rights in and to designs and depictions of the CN Tower (collectively, the "**CN Tower marks**"). By way of example, Canada Lands owns the design marks enclosed as **Annex A** and the associated trademark registrations listed therein. The CN Tower marks are registered and have been used with a wide range of goods and services including merchandise, media, restaurants, and various other services. Details of the registrations for the CN Tower marks are shown in Annex A. Canada Lands has also adopted CN Tower designs as official marks, and recently requested the Canadian Intellectual Property Office advertise certain of its official marks.

The CN Tower mark was used in Canada as early as 1976. Today, the CN Tower marks are well known across Canada, and are valuable assets. Display of the CN Tower marks signals to the public that the associated goods and services are performed under the mandate of Canada Lands. Canada Lands operates a licensing program to achieve its mandate, and generally does not permit use or registration of designs of the CN Tower as or in trademarks of third parties. Improper use of the CN Tower marks harms the distinctiveness of these marks.

Canada Lands recently became aware that several design marks containing designs of the CN Tower have been approved by the Register of Trademarks over the course of time.

This letter is sent on behalf of Marks & Clerk Law LLP, a limited liability partnership registered in Ontario with registered number 280320128. Marks & Clerk is a trading name of Marks & Clerk Law LLP and other entities within the Marks & Clerk network of associated operating firms, each of which is a separately constituted entity. Marks & Clerk offices are located in Beijing and Hong Kong (China); Kuala Lumpur (Malaysia); Singapore, Ottawa and Toronto (Canada); Paris and Sophia Antipolis (France); Luxembourg; Aberdeen, Birmingham, Cambridge, Edinburgh, Glasgow, London, Manchester and Oxford (UK).

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Canada Lands wishes to remind the Registrar of Canada Lands' rights in and to designs and depictions of the CN Tower, and requests the Registrar's assistance in examining for images and depictions of the CN Tower appearing in design marks for which a Canadian trademark application has been filed. In particular, Canada Lands requests that the Registrar raise objections to applications for third party design marks that contain images or depictions of the CN Tower.

We trust the Registrar understands the importance of this request, not only to protect Canada Lands' rights, but to ensure the integrity of the CN Tower as an iconic symbol.

Respectfully submitted,



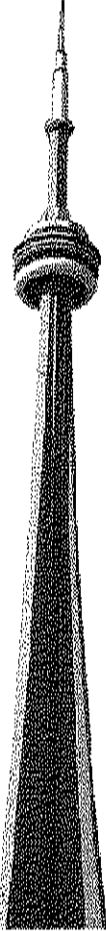
Catherine Lovrics
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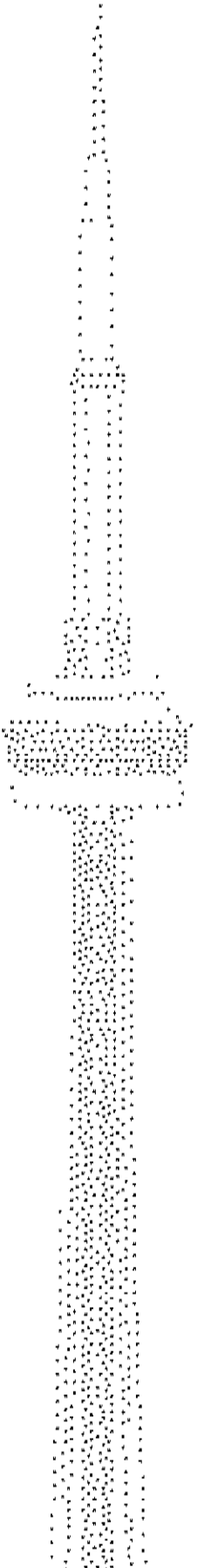
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Annex A


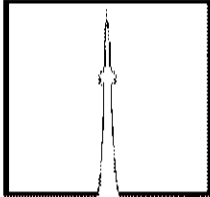
Mark	Application / Registration Information	Status	Goods and Services
TOWER photograph Design 	App 1248545 App 25-FEB-2005 Reg TMA739612 Reg 07-MAY-2009	Registered	(1) Souvenir items namely photograph albums, stamp albums, coin albums, aprons, ash trays, athletic bags, athletic shoes, athletic visors, pre-recorded audio cassettes, tote bags, hand bags, sports bags, backpacks, balloons, golf balls, bandannas, bathrobes, beach bags, beach balls, beach umbrellas, beer glasses, beer mugs, belts, belt buckles, berets, bibs, binoculars, blankets, board games, bonnets, book markers, books, boots, bottle openers, bowls, bracelets, briefcases, brochures, brooches, hair brushes, bumper stickers, ornamental novelty buttons, calendars, camera bags, camera cases, photographic cameras, candle holders, candles, candy dishes, caps and hats, car ornaments, playing cards, card games, card holders, cardboard auto shades, pre-recorded audio cassettes featuring musical recordings, pre-recorded compact disks containing musical recordings, pre-recorded video cassettes and DVDs featuring movies, chains, charms, clip boards, clips and bobby pins, coasters, coats, coffee table books, coins, coin banks, colouring books, combs, commemorative plates, cook books, coveralls, covers, cowboy hats, crayons, crests, cruet sets, cufflinks, cups, cushions, decals, desk pen sets, desk sets, diaries, dish towels, doll accessories, dolls, drawings, dresses, drinking glasses, duffle bags, earrings, elastic pony tails clips, emblems, embroidered crests, envelopes, erasers, felt pens, flash lights, flasks, gift glass snowballs, glass mugs, golf shirts, greeting cards, growth charts, hand and body lotions, handkerchiefs, hats, headbands, inflatable toys, jackets, jars, jerseys, jewelry, jigsaw puzzles, jogging suits, key chains, key fobs, key holders, knapsack, labels, lapel pins, letter openers, lighters, liquor glasses, lockets, luggage tags, lunch boxes, magazines, magnets, match books, matches, mats, medallions, medals, metal ingots, miniature buildings, mittens, mobiles, money banks, money clips, mugs, murals, name plates, napkins, neck ties, necklaces, note pads, notebooks, novelty hats, oven mitts, pajamas, pants, paper weights, parkas, patches, pencil cases, pencils, pendants, penlights, pens, pennants, photographic slides, photographs, pictures, pillows, pillow cases, pitchers, cloth and plastic placemats, plaques, plates, playing cards, polo shirts, post cards, posters, pot holders, pottery, prints, puppets, purses, radios, rain suits, jewelry namely rings, rulers, sandals, saucers, scarves, scenic cards, school bags, scrap books, sculptures, serviettes, hair shampoo, shirts, shooter glasses, shopping bags, shorts, shot glasses, skirts, slippers, sneakers, hand, face and body soaps, socks, souvenir books and albums, souvenir spoons, souvenir guide books, spice mills, sport bags, statuettes, steins, stickers, straw hats, stuffed animals, sun visors, sunglasses and cases, sweatbands, sweaters, sweatshirts, swimsuits, swizzler sticks, t-shirts, table cloths, key tags, tags, tams, telescopes, thermometers, three-


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			<p>dimensional models, tie bars, tie pins, tokens, tooth pick holders, toques, tote bags, towels, trading cards, travel bags, tray tables, trays, tumblers, turtlenecks, umbrellas, underwear, video and audio equipment namely, videotape recorders, audio cassette recorders, video cameras, mixers and speakers, waist packs, wall hangings, wallets, watches, watch cases, water glasses, water bottles, wristbands, writing paper.</p> <p>(1) The operation of a communications and observation tower featuring restaurants, taverns, lounges, cafés, bars, nightclubs, coffee bars, boutiques, retail stores and multi-station take-out food outlet services; operation of entertainment, attractions and exhibits, namely motion simulator rides, photograph displays, video displays, interactive displays, and a cinema; provision of information to the public as it relates to a communications and observation tower; provision of tourist information; provision of sightseeing tours to individuals and groups, the leasing and management of space for commercial or individual purposes.</p>
TOWER drawing Design	<p>App 1248553 App 25-FEB-2005 Reg TMA739615 Reg 07-MAY-2009</p>	Registered	<p>(1) Souvenir items namely photograph albums, stamp albums, coin albums, aprons, ash trays, athletic bags, athletic shoes, athletic visors, pre-recorded audio cassettes, tote bags, hand bags, sports bags, backpacks, balloons, golf balls, bandannas, bathrobes, beach bags, beach balls, beach umbrellas, beer glasses, beer mugs, belts, belt buckles, berets, bibs, binoculars, blankets, board games, bonnets, book markers, books, boots, bottle openers, bowls, bracelets, briefcases, brochures, brooches, hair brushes, bumper stickers, ornamental novelty buttons, calendars, camera bags, camera cases, photographic cameras, candle holders, candles, candy dishes, caps and hats, car ornaments, playing cards, card games, card holders, cardboard auto shades, pre-recorded audio cassettes featuring musical recordings, pre-recorded compact disks containing musical recordings, pre-recorded video cassettes and DVDs featuring movies, chains, charms, clip boards, clips and bobby pins, coasters, coats, coffee table books, coins, coin banks, colouring books, combs, commemorative plates, cook books, coveralls, covers, cowboy hats, crayons, crests, cruet sets, cufflinks, cups, cushions, decals, desk pen sets, desk sets, diaries, dish towels, doll accessories, dolls, drawings, dresses, drinking glasses, duffle bags, earrings, elastic pony tails clips, emblems, embroidered crests, envelopes, erasers, felt pens, flash lights, flasks, gift glass snowballs, glass mugs, golf shirts, greeting cards, growth charts, hand and body lotions, handkerchiefs, hats, headbands, inflatable toys, jackets, jars, jerseys, jewelry, jig saw puzzles, jogging suits, key chains, key fobs, key holders, knapsack, labels, lapel pins, letter openers, lighters, liquor glasses, locket, luggage tags, lunch boxes, magazines, magnets, match books, matches, mats, medallions, medals, metal ingots, miniature buildings, mittens, mobiles, money banks, money clips, mugs, murals, name plates, napkins, neck ties, necklaces, note pads, notebooks, novelty hats, oven mitts, pajamas, pants, paper weights, parkas, patches, pencil cases, pencils, pendants, penlights, pens, pennants, photographic slides, photographs, pictures,</p>

		<p>pillows, pillow cases, pitchers, cloth and plastic placemats, plaques, plates, playing cards, polo shirts, post cards, posters, pot holders, pottery, prints, puppets, purses, radios, rain suits, jewelry namely rings, rulers, sandals, saucers, scarves, scenic cards, school bags, scrap books, sculptures, serviettes, hair shampoo, shirts, shooter glasses, shopping bags, shorts, shot glasses, skirts, slippers, sneakers, hand, face and body soaps, socks, souvenir books and albums, souvenir spoons, souvenir guide books, spice mills, sport bags, statuettes, steins, stickers, straw hats, stuffed animals, sun visors, sunglasses and cases, sweatbands, sweaters, sweatshirts, swimsuits, swizzler sticks, t-shirts, table cloths, key tags, tags, tams, telescopes, thermometers, three-dimensional models, tie bars, tie pins, tokens, tooth pick holders, toques, tote bags, towels, trading cards, travel bags, tray tables, trays, tumblers, turtle necks, umbrellas, underwear, video and audio equipment namely, videotape recorders, audio cassette recorders, video cameras, mixers and speakers, waist packs, wall hangings, wallets, watches, watch cases, water glasses, water bottles, wristbands, writing paper.</p> <p>(1) The operation of a communications and observation tower featuring restaurants, taverns, lounges, cafés, bars, nightclubs, coffee bars, boutiques, retail stores and multi-station take-out food outlet services; operation of entertainment, attractions and exhibits, namely motion simulator rides, photograph displays, video displays, interactive displays, and a cinema; provision of information to the public as it relates to a communications and observation tower; provision of tourist information; provision of sightseeing tours to individuals and groups, the leasing and management of space for commercial or individual purposes.</p>
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<p>TOWER POD DESIGN</p> 	<p>App 399494 App 24-JUN-1976 Reg TMA251211 Reg 10-OCT-1980</p>	<p>Registered</p>	<p>(1) Plates, coasters, ashtrays, steins, cruet sets, jars, plaques, distilled alcoholic beverages, photographic slides, pens, mats, pads, lapel pins, necklaces, pendants, charms, rings, bracelets, earrings, tie pins, cufflinks, money clips, brooches, miniature buildings, key chains, trays, albums, tapes, cassettes, purses, wallets, bookmarkers, three-dimensional kits, luggage tags, tags, writing cases, notebooks, key fobs, key holders, mugs, flasks, thermometers, medals, tokens, metal ingots, bags, cases, card holders, desk pen sets, record books, card game cards, calendars, drawings, lighters, housewares namely covers, wall hangings, aprons, calendar towels, ticking towels, growth charts, notes, buttons, sculptures, mobiles, letter openers, posters, radios, binoculars, telescopes, statuettes, board games, cushions, umbrellas, ceramics, rulers, gliders, bottle openers, decals, labels, stickers, pennants, hats, head squares, paper weights, money banks, gift glass snowballs, handkerchiefs, shirts, postcards, photos, crests, emblems, candles, desk sets, pictures, matches, souvenir spoons, pencils, name plates, murals and drinking glasses.</p> <p>(2) Inflatable toys (plastic tower), lights (plastic pen light) and chocolate bars.</p> <p>(1) Restaurant, tavern and lounge services.</p> <p>(2) Operation of a communications tower; provision of information to the public; provision of sightseeing tours to individuals and groups; leasing and management of space for commercial or industrial purposes.</p>
<p>TOWER OUTLINE DESIGN</p> 	<p>App 399495 App 24-JUN-1976 Reg TMA251212 Reg 10-OCT-1980</p>	<p>Registered</p>	<p>(1) Plates, coasters, ashtrays, steins, cruet sets, jars, plaques, distilled alcoholic beverages, photographic slides, pens, mats, pads, lapel pins, necklaces, pendants, charms, rings, bracelets, earrings, tie pins, cufflinks, money clips, brooches, miniature buildings, key chains, trays, albums, tapes, cassettes, purses, wallets, bookmarkers, three-dimensional kits, luggage tags, tags, writing cases, notebooks, key fobs, key holders, mugs, flasks, thermometers, medals, tokens, metal ingots, bags, cases, card holders, desk pen sets, record books, card game cards, calendars, drawings lighters, housewares namely covers, wall hangings, aprons, calendar towels, ticking towels, growth charts, notes, buttons, sculptures, mobiles, letter openers, posters, radios, binoculars, telescopes, statuettes, board games, cushions, umbrellas, ceramics, rulers, gliders, bottle openers, decals, labels, stickers, pennants, hats, head squares, paper weights, money banks, gift glass snowballs, handkerchiefs, shirts, postcards, photos, crests, emblems, candles, desk sets, pictures, matches, souvenir spoons, pencils, name plates, murals, drinking glasses.</p> <p>(2) Corkscrews, lights, and inflatable toys.</p> <p>(3) Chocolate bars and sunglasses.</p> <p>(1) Restaurant, tavern and lounge services.</p> <p>(2) Operation of a communications tower; provision of information to the public; provision of sightseeing tours to individuals and groups; leasing and management of space for commercial or industrial purposes.</p>

<p>TOWER DESIGN</p> 	<p>App 399498 App 24-JUN-1976 Reg TMA251213 Reg 10-OCT-1980</p>	<p>Registered</p>	<p>(1) Lapel pins, necklaces, pendants, charms, rings, bracelets, earrings, tie pins, cuff links, money clips, brooches. (2) Water-applied and pressure-sensitive tourist decals and pressure-sensitive bumper stickers. (3) T-shirts, sweat-shirts, headwear, including head squares and handkerchiefs. (4) Paper weights (metal only), glass ashtrays (strictly limited in respect of glass ashtrays where the reproduction of the "Licensable Rights" thereon is of the "post card" process), tower banks, water-snow balls and bottles. (5) Water glasses, liquor glasses, beer glasses, shot glasses, glass mugs, glass beer steins, glass trays, glass ashtrays. (6) Souvenir guide books. (7) Radios, in the form of a model tower. (8) Book marks. (9) Embroidered crests and emblems. (10) Wax candles. (11) Travel bags, sport bags, seat cushions, ladies' halter bags, ladies' carry-all bags, club bags all in extensible vinyl. (12) Post-cards, mini-albums (accordion folders), scenic cards, bonus albums. (13) Pictures, namely metallic foil pictures, mounted on colored board but not pictures of other kinds. (14) Key chains, bottle openers, paper weights, letter openers and desk pens in acrylic only. (15) Pens, pencils and desk pen sets (except for those desk pen sets made in clear hard plastic) of the executive or relatively more expensive variety and not of less expensive, disposable or novelty varieties. (16) Souvenir spoons. (17) Pennants, matches, placemats, namely laminated placemats, made only of paper and/or plastic, and marketed at the retail level only, and not placemats of any other materials or substances; trays, namely plastic trays the design on which is suitable for self-colouring. (18) Medals. (19) Aprons, hats, synthetics or substitutes, namely: cushions, mats, pads, ticking towels; cases, purses, wallets, luggage tags, umbrellas; pictures of all kinds and photographic, video and audio equipment, namely: photos, albums, pictures, photographic slides, cassettes, tapes; gliders, board games, card game cards; hobby kits, namely; three-dimensional kits; housewares namely: bottle openers, covers, cruet sets, jars, plates; growth charts, drawings, albums, calendars, card holders, desk sets, desk pen sets, labels, letter openers, name plates, notes, notebooks, paper weights, pens, pencils, rulers, writing cases, lighters, coasters, flasks, distilled alcoholic beverages; buttons, calendar towels, gift glass snow balls, miniature buildings, mobiles, sculptures, money banks, murals, plaques, posters, statuettes, tokens, wall hangings, ceramics, metal ingots, key chains, medallions, key fobs, key holders, binoculars, telescopes, thermometers. (20) Inflatable toys (plastic tower) bottle openers (corkscrew-plastic), lights (plastic penlights).</p>
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			<p>(21) Sun glasses (made out of plastic with metal frames, chocolate bars. (1) Restaurant, tavern and lounge services. (2) Operation of a communications tower; provision of information to the public; provision of sightseeing tours to individuals and groups; leasing and management of space for commercial or industrial purposes.</p>
<p>TOWER DESIGN</p> 	<p>App 362107 App 06-MAR-1973 Reg TMA252950 Reg 21-NOV-1980</p>	<p>Registered</p>	<p>(1) Commemorative plates, drinking glasses, tumblers, ash trays, souvenir spoons, caps, hats, handkerchieves, head squares, shirts, toques, tams, berets, radios, jewellery, brooches, charms, cuff links, earrings, lapel pins, medallions, necklaces, pendants, rings, tie pins, medals, wristbands namely bracelets, luggage namely briefcases, money clips, money banks, tote bags, pocket lighters, cushions, matches, book markers, desk sets, labels, letter openers, paper weights, pencils, pens, decals, murals, tags, stickers, post cards, souvenir books, photos, pictures, bottle openers, crests, key chains, nameplates, pennants, posters, bar accessories, candies, emblems, glass snow balls, photo albums, growth charts. (1) All services inherent in or incidental to the operation of a communications tower; all services inherent in or incidental to the operation of retail stores, boutiques; the provision of information to the public; the provision of sight-seeing tours to individuals and groups, the leasing and management of space for commercial or industrial purposes.</p>

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Facsimile

DATE: September 10, 2021

TO: CIPO TRADEMARKS Office

FAX No.:

PHONE No.:

The Registrar of Trade-Marks
Canadian Intellectual Property Office
Place du Portage I
50 Victoria Street
Gatineau, Quebec K1A 0C9

+1 819-953-2476

+1 819-635-8625

Re: Canada Lands Company Limited's Rights in and to Designs of Canada's National Tower (the "CN TOWER")

Our File Ref: LT206584CA

Your File Ref: 1248545 & Others

From : CATHERINE LOVRICS

Direct Line: +1 416 595 1155

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Total Number of Pages (Including This Page): 9

COMMENTS: Please see the attached correspondence. Thank you.

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