

Zellers Restaurant Inc.  
40 Rue Principale Ouest  
La Trinite Des Monts , Quebec  
G0K 1B0

[zellersrestaurant@gmail.com](mailto:zellersrestaurant@gmail.com)

ISDE-ISED Canada AAAA/MMJJ-YYYY/MM/DD  
 2024/03/15  
075 - 24  
OPIC-CIPO D004175283

Montreal . March 15,2024

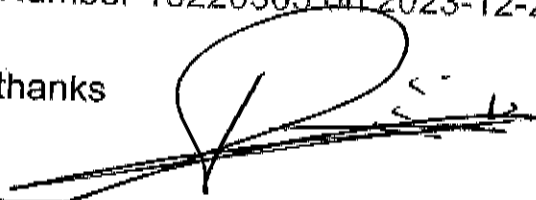
**Att : Natasha Gareau**

Examination Section  
**819-953-2476**  
CIPO

File : 2137494 Zellers Restaurant & Design

Prescribed Application fee of \$105.26 for the additional class was paid online to Cipo on December 27,2023 and i have attached copy of the receipt of the transaction with payment confirmation and Tracking Number 16220305 on 2023-12-27 at 13:53:00 HNE / EST for \$105.26

thanks



Robert Moniz Tel. 514-814-8873 or 450-746-1233  
For Zellers Restaurant & Design Application 2137494



Innovation, Sciences et  
Développement économique Canada  
Office de la propriété intellectuelle du Canada

Innovation, Science and  
Economic Development Canada  
Canadian Intellectual Property Office

28 juin/Jun 2023  
Votre référence / Your File

Notre référence / Our File  
2137494

ASHLEY BURK  
(Burk Law PC)  
834 Colonel By Drive  
Ottawa  
ONTARIO  
K1S5C4  
CANADA



RE: Trademark: ZELLERS RESTAURANT & Design  
Applicant: Zellers 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 28, 2023. All correspondence respecting this application must indicate the file number.

The applicant's correspondence dated April 25, 2023 is acknowledged.

In view of paragraph 12(1)(d) of the *Trademarks Act*, the trademark does not appear to be registrable since it is considered confusing with registered trademark nos. TMA445,428, TMA445,249, TMA434040, TMA445,430, TMA434,003, TMA434,004, TMA445,429 and, TMA452,495, particulars of which are attached.

In view of paragraph 37(1)(c) of the *Trademarks Act*, the applicant does not appear to be entitled to registration. Specifically, the entitlement date October 2, 2021 of the application is later than the entitlement date of June 30, 2021 of co-pending and confusing application nos. 2,117,653, 2,117,654 and 2,117,731, particulars of which are attached.

In assessing whether there is a reasonable likelihood of confusion between the trademark and the cited registered trademark(s), the Registrar must have regard to the provisions of subsection 6(2) of the *Trademarks Act*, which provides that:

The use of a trademark causes confusion with another trademark if the use of both trademarks in the same area would be likely to lead to the inference that the goods or services associated with those trademarks are manufactured, sold, leased, hired or performed by the same person, whether or not the goods or services are of the same general class.

The Registrar must consider all the surrounding circumstances including those stated in subsection 6(5) of the *Act*:

- the inherent distinctiveness of the trademarks or tradenames and the extent to which they have become known;
- the length of time the trademarks or tradenames have been in use;
- the nature of the goods, services or business;
- the nature of the trade;

(e) the degree of resemblance between the trademarks or tradenames in appearance or sound or in the ideas suggested by them.

Confusion is tested in terms of the average consumer's first impression of the one trademark and imperfect recollection of the other mark(s), and not by a side-by-side scrutiny. The "average consumer" is a likely buyer of the associated goods or services who has an average education in English and/or French.

The applicant's action and/or written comment is awaited.

In addition to the above objections, the following requirements must also be addressed:

The original application filed on October 2, 2021 contained the goods "sunglasses" in Class 25. The proper class for "sunglasses" is Class 9. Please note that as per the June 17, 2019 Practice Notice on Application Fees, the applicant cannot avoid the fee for additional classes by removing goods or services after an application has been granted a filing date. Therefore, in the present case, the applicant is still required to pay for "sunglasses" which appeared in the initial application but not in the amended application.

In view of the number of classes in respect of the goods and services listed in the application at the date of filing, as determined by the Registrar, the applicant is required to pay for **1 additional class**.

**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](http://www.Canada.ca/IP-fees).

As of the date of this report, an additional **\$105.26** is required to cover the prescribed application fee.

The applicant's action and/or written comment is awaited.

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,

*Natasha Garcau*

Natasha Garcau  
Examination Section  
819-635-5401  
fax: 819-953-2476



Innovation, Sciences et  
Développement économique Canada  
Office de la propriété intellectuelle du Canada

Innovation, Science and  
Economic Development Canada  
Canadian Intellectual Property Office

December 27, 2023

**Registrar of Trademarks**  
Canadian Intellectual Property Office  
Place du Portage I  
50 Victoria Street, Room C-114  
Gatineau, QC K1A 0C9 CANADA

**Application No:** 2137494

The prescribed fee of CDN \$105.26 for this application is processed by credit card, using the secure online payment service.

**GENERAL CORRESPONDENCE**

**Applicant:**  
Zellers Inc.  
40 Rue Principale O  
La Trinité-Des-Monts, QC G0K1B0  
Canada

**Correspondence Type:** Payment of a fee  
Additional Proper Class 9 Sunglasses

**A payment in the following amount was deducted:** \$105.26

**Attachment(s):**  
lettercipozellersrestaurant.pdf

**Submitted by:**  
ROBERT MONIZ  
720 Rue Du Clocher  
Auclair, QC G0L1A0  
Canada





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[Canada.ca](http://Canada.ca)

# Transaction approved

This transaction is now complete. Your payment of **\$105.26 (CAD)** was approved.

Please print this page and keep it as your transaction receipt.

## Transaction record

Merchant:	CIPO
Transaction type:	Purchase
Transaction amount:	\$105.26 (CAD)
Account type:	MasterCard
Card number:	
Date / Time:	2023-12-27 01:53:46
Reference number:	663257740019724850
Authorization code:	00406J
Transaction Id:	16220305

Date modified: 2023-01-20



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Signed in as Robert770

[Access my profile](#)

[Sign out](#)

# Payment confirmation

**The payment was successfully processed.**

## Payment information

**Tracking number**

16220305

**Status**

Success

**Date**

2023-12-27 13:53 EST

**Amount**

\$105.26

**Receipt**

Global receipt ([PDF](#)) ([HTML](#))

**All documents related to your transactions can be retrieved through the [Trademark Documents Retrieval Service \(TDRS\)](#).**

Application number	Trademark	Submission type	Fee	Documents
2137494	ZELLERS RESTAURANT & Design	General correspondence - Payment of a fee	\$105.26	<ul style="list-style-type: none"> <li>Individual receipt (<a href="#">PDF</a>) (<a href="#">HTML</a>)</li> <li>Application form (<a href="#">PDF</a>) (<a href="#">HTML</a>)</li> </ul>

**Version number:**

4.16.29



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Développement économique Canada  
Office de la propriété intellectuelle du Canada

Innovation, Science and  
Economic Development Canada  
Canadian Intellectual Property Office

**Reçu du paiement / Payment receipt**

**Office de la propriété intellectuelle du Canada**  
Place du Portage, Phase I  
50, rue Victoria  
Gatineau (Québec) K1A 0C9  
Canada

**Canadian Intellectual Property Office**  
Place du Portage, Phase I  
50 Victoria Street  
Gatineau, Quebec K1A 0C9  
Canada

**Nom et address / Name and address:**

ROBERT MONIZ  
720 Rue Du Clocher  
Auclair, Quebec  
G0L1A0  
Canada

Numéro de suivi Tracking number	Date et heure de réception Receipt date and time	Montant payé Amount paid
16220305	2023-12-27 13:53:00 HNE / EST	\$105.26

N° de demande / Application No.	Marque de commerce / Trademark	Droits / Fees
2137494	ZELLERS RESTAURANT & Design	Correspondance générale - Paiement d'un droit / General correspondence - Payment of a fee: \$105.26

Total des droits payés / Total fees paid: **\$105.26**

Information sur le paiement SVP appelez / For payment inquiries please call (819) 994-2269

