

May 26, 2023

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The Registrar of Trademarks  
Place du Portage I  
50 Victoria Street, Room C-114  
Gatineau, Quebec K1A 0C9

**Attention: Wanda Lockhead, Examination Section**

Dear Ms. Lockhead:

Re: Canadian Trademark Application  
Trademark : **CRAYON SCENT MARK**  
Applicant : Crayola Properties, Inc.  
Application No. : 1,986,544  
Our Reference : T6805831CA

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This is in response to the Examiner's Report dated May 25, 2022.

The Examiner's Report objects that the applied-for CRAYON SCENT MARK is not distinctive pursuant to paragraph 37(1)(d) of the *Trademarks Act*.

The Applicant respectfully asks the Registrar to reconsider this matter and to withdraw the raised distinctiveness objection given that the applied-for CRAYON SCENT MARK is actually distinctive of the Applicant's goods. To show the actual distinctness of the applied-for CRAYON SCENT MARK, the Applicant hereby submits the Affidavit of ALBERT P. MAURO, JR. and accompanying exhibits. The Affidavit shows that:

- Crayola has meticulously manufactured quality crayons bearing the CRAYON SCENT MARK since as early as 1905: paragraph 10;
- the CRAYON SCENT MARK has been noted in scholarly articles as being one of the world's most famous scents, and is recognized by consumers as being exclusively tied to Crayola: paragraph 28; and
- over the past years, Crayola has regularly and extensively used its the CRAYON SCENT MARK in Canada.

As a result of this extensive use of the CRAYON SCENT MARK by Crayola and various third party articles, comments, and recognition relating to said mark, the CRAYON SCENT MARK has become intrinsically linked with, and is instantly recognizable as a trademark and strong symbol of Crayola, and this has been the case since well before September 24, 2019 (the filing date of the subject application. Therefore, the CRAYON SCENT MARK is highly distinctive and registrable.

We look forward to receiving confirmation that this application has been approved for advertisement in the Trademarks Journal.

Yours very truly,



Susannah C. Rolston  
Registered Trademark Agent,  
Gowling WLG (Canada) LLP

Encls.