

TRADEMARK APPLICATION - REQUEST FORM page 1

Note – use separate forms for separate trademark applications

FAX ALL PAGES TO 416-622-4724

Your Trademark (use the exact words or combination of letters/symbols you want registered)	
Your LOGO (i.e. design/graphic) (place an image in this space, or attach a sheet showing only your logo)  NOTE – a trademark application covers only words or a logo, <u>not both</u> . If you want to protect a word mark and a logo, then you will need two separate applications.	
Your name	
Your full correspondence address	
Your correspondence phone number	
Your correspondence fax number	
Your correspondence email address	
Full Legal Name of Trademark owner (if different from above)	
Full Mailing Address of owner (if different from above)	
List of wares (products/goods) the trademark has been (or shall) be <b>used</b> * with – see comments below for applications for USA	
Has the trademark been <b>used</b> * with the above wares, and if so when was the date of first sale using the trademark.	
List of services the trademark has been (or shall) be <b>used</b> * with – see comments below for applications for the USA	
Has the trademark been <b>used</b> * with the above services, and if so when was the date of first sale using the trademark.	

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This trademark application is to be filed with the:

Canadian Trademarks Office - or -  United States Trademark Office

(note: for applications in the United States, the goods and services must be listed by class and the class for each must be identified. There are 45 separate classes of goods and services. For example, running shoes and men’s coats are in class 25, cosmetics are in class 3, and operating a restaurant are in class 43. Consult the list of International trademark classes. The government filing fee is \$325 for each class; therefore, if your application is for use with two classes, the filing fee will be \$325 X 2 = \$650)

For United States Trademark Applications Only		
Goods/Services	Class	Description of goods or services
First class of goods or services to be <b>used</b> with trademark		
Second class of goods or services to be <b>used</b> with trademark		
Third class of goods or services to be <b>used</b> with trademark		

You hereby retain the firm of Borges and Rolle LLP to file the above referenced trademark application pursuant to the terms and conditions attached hereto. You hereby verify that the information contained in this form is accurate and correctly identifies the trademark, the goods/services for use with the trademark and the name and address of the trademark owner. You also verify that, to the best of your knowledge and belief, you are entitled to use the trademark identified above.

Date: \_\_\_\_\_ Signed: \_\_\_\_\_

\* Note: **Use** is defined as making a real commercial sale of the product / service in association with the exact (i.e. identical) trademark as applied for. Be prepared to prove the actual date of first use with a sales receipt or the like in the event the trademark application or trademark registration is challenged.

**Credit Card Pre-Authorization Form for  
Trademark Related Services and Disbursements**

I hereby authorize Borges & Rolle LLP to keep my signature on file and to charge my credit card account for services and disbursements relating to the filing and prosecution of my Trademark Application. I hereby acknowledge and agree that Borges & Rolle LLP shall invoice me on a periodic basis for their fees and disbursements related to the above services.

I hereby agree and authorize Borges & Rolle LLP to charge my credit card account for the cumulative total of any said invoices which remain outstanding after thirty days plus a service fee of 3.5% of the amount outstanding.

I understand that if I decide to terminate any of the services and said invoices are paid up in full, I may withdraw the authorization to charge my credit card in the future provided I communicate the revocation of the authorization in writing to Borges & Rolle LLP by mail or fax, and provided that I further authorize Borges & Rolle LLP to charge the credit card listed below in the amount of any invoice relating to any work or disbursement which was incurred by Borges & Rolle LLP before said notice was sent.

Please Print Legibly:

Card Holder's Name (as it appears on the card): \_\_\_\_\_

Credit Card Billing Address

Street Address: \_\_\_\_\_

City, Province, Postal Code: \_\_\_\_\_

Credit Card Type:    Visa \_\_\_\_\_    Master Card \_\_\_\_\_

Credit Card Number: \_\_\_\_\_

Security Number: \_\_\_\_\_ (the last 3 digits of the number on the back of the credit card)

Expiry Date: \_\_\_\_\_

Signature (of Card Holder): \_\_\_\_\_

## TERMS AND CONDITION

**Preliminary Trademark Search:** Using a trademark which has already been adopted by another party may result in serious legal consequences, including legal liability for trademark infringement or passing off. Also, any existing trademarks used by another party may adversely affect the trademark application process. Therefore, we strongly advise all clients to conduct a trademark search before adopting or using a trademark. We suggest doing as extensive a trademark search as possible including a register search and a common law search. If you wish us to conduct a trademark search before proceeding, please inform us.

**Credit Card Authorization:** We require the signed credit card authorization before starting work.

**Information:** You acknowledge and agree that the information contained in the TRADEMARK APPLICATION REQUEST FORM is accurate and correctly identifies the trademark, the goods/services for use with the trademark and the name and address of the trademark owner.

**Prosecution of Trademark Application:** As we have informed you, after a trademark application is filed it will have to be processed by the trademarks office. This will entail additional work on our part such as forwarding correspondence to you, replying to courtesy letters or official actions from the trademarks office, and/or preparing declarations of use. We charge for our services for attending to these matters on an hourly rate basis of \$275 per hour. Also, there will be additional government fees due upon approval of the application for trademark by the trademarks office.

**Change of Address / Correspondence:** It is vitally important that you keep us informed of any changes in address. If you change your address, then please inform us right away IN WRITING (not just over the phone). We will not be held responsible for any delay or missed deadline because of a change in address on your part which you did not inform us about in writing.

**Failure to Reply to Our Correspondence:** It is vital that you reply to our correspondence in a timely manner. Trademark offices often have relatively short deadlines for responding to courtesy letters or office actions, and we will require your instructions before we can reply to the trademarks office. Failure to reply to us in a timely manner may result in the loss of your trademark rights; therefore, always reply to our correspondence in a timely fashion.

**Payment of Fees and Invoices:** You agree to pay off all outstanding invoices in full within 30 days of issue of any invoice relating to any work relating to your patent application and/or any post filing prosecution relating thereto. **You agree that in the event any invoice remains outstanding for more than 30 days, we may, at our sole discretion, debit your credit card for the amount equal to the sum of all outstanding invoices, plus an administrative and bank fee of 3.5% of the overdue amounts and you hereby authorize Borges & Rolle LLP to debit your credit card for said amounts.**

List of Classes for Goods & Services  
(for use in United States Applications only)

Class 1 (Chemicals) Chemicals used in industry, science and photography, as well as in agriculture, horticulture and forestry; unprocessed artificial resins, unprocessed plastics; manures; fire extinguishing compositions; tempering and soldering preparations; chemical substances for preserving foodstuff; tanning substances; and adhesives used in industry.

Class 2 (Paints) Paints, varnishes, lacquers preservatives against rust and against deterioration of wood; colorants, mordants; raw natural resins; metals in foil and powder form for painters, decorators, printers and artists.

Class 3 (Cosmetics and cleaning preparations) Bleaching preparations and other substances for laundry use; cleaning, polishing, scouring and abrasive preparations; soaps; perfumery, essential oils, cosmetics, hair lotions; dentifrices.

Class 4 (Lubricants and fuels) Industrial oils and greases; lubricants; dust absorbing; wetting and binding compositions; fuels (including motor spirit) and illuminants; candles, wicks.

Class 5 (Pharmaceuticals) Pharmaceutical, veterinary and sanitary preparations; dietetic substances adapted for medical use, food for babies; plasters, materials for dressings; material for stopping teeth, dental wax; disinfectants; preparations for destroying vermin; fungicides, herbicides.

Class 6 (Metal Goods) Common metals and their alloys; metal building materials; transportable buildings of metal; materials of metal for railway tracks; non-electric cables and wires of common metal; iron mongery, small items of metal hardware; pipes and tubes of metal; safes; goods of common metal not included in other classes; ores.

Class 7 (Machinery) Machine and machine tools; motors and engines (except for land vehicles); machine coupling and transmission components (except for land vehicles); agricultural implements other than hand-operated; incubators for eggs.

Class 8 (Hand Tools) Hand tools and implements (hand operated); cutlery; side arms; razors.

Class 9 (Electrical and scientific apparatus) Scientific, nautical, surveying, electric, photographic, cinematographic, optical, weighing, measuring, signaling, checking (supervision), lifesaving and teaching apparatus and instruments; apparatus for recording, transmission or reproduction of sound or images; magnetic data carriers, recording discs; automatic vending machines and mechanisms for coin operated apparatus; cash registers, calculating machines; data processing equipment and computers; fire-extinguishing apparatus. (Also, for CD-ROM's, computer hardware, software and related accessories.)

Class 10 (Medical apparatus) Surgical, medical, dental and veterinary apparatus and instruments, artificial limbs, eyes and teeth, orthopedic articles; suture materials.

Class 11 (Environmental control apparatus) Apparatus for lighting, heating, steam generating, cooking, refrigerating, drying, ventilating, water supply and sanitary purposes.

Class 12 (Vehicles) Vehicles; apparatus for locomotion by land, air or water.

Class 13 (Firearms) Firearms; ammunition and projectiles; explosives; fireworks.

Class 14 (Jewelry) Precious metals and their alloys and goods in precious metals or coated therewith, not included in other classes; jewelry, precious stones; horological and chronometric instruments.

Class 15 (Musical Instruments) Musical Instruments.

Class 16 (Paper goods and printed matter) Paper, cardboard and goods made from these materials, not included in other classes; printed matter; bookbinding material; photographs; stationary, adhesives for

stationary or household purposes; artists' materials; paint brushes; typewriters and office requisites (except furniture); instructional and teaching material (except apparatus); plastic materials for packing (not included in other classes); playing cards; printers' type; printing books. (This class covers only hard-copy publications. Electronic publications in the form of a CD-ROM, disc, etc. are classified in class 9. Publications downloadable from the Internet or other online service is classified in class 42.)

Class 17 (Rubber goods) Rubber, gutta-percha, gum, asbestos, mica and goods made from these materials and not included in other classes; plastics in extruded form for use in manufacture; packing stopping and insulating materials; flexible pipes, not of metal.

Class 18 (Leather goods) Leather and imitations of leather; and goods made of these materials and not included in other classes; animal skins, hides; trunks and traveling bags; umbrella, parasols and walking sticks; whips, harness and saddlery.

Class 19 (Nonmetallic building materials) Building materials (nonmetallic); nonmetallic rigid pipes for building; asphalt, pitch and bitumen; nonmetallic transportable buildings, monuments, not of metal.

Class 20 (Furniture and articles not otherwise classified) Furniture, mirrors, picture frames; goods (not included in other classes) of wood, cork, reed, cane wicker, horn, bone, ivory, whalebone, shell, amber, mother-of-pearl, meerschaum and substitutes for all these materials, or of plastics.

Class 21 (Housewares and glass) Household or kitchen utensils and containers (not of precious metal or coated therewith); combs and sponges; brushes (except paint brushes); brush-making materials; articles for cleaning purposes; steel wool; unworked or semi-worked glass (except glass used in building); glassware, porcelain and earthenware not included in other classes.

Class 22 (Cordage and fibers) Ropes, string, nets, tents, awnings, tarpaulins, sails, sacks and bags (not included in other classes); padding and stuffing materials (except of rubber or plastic); raw fibrous textile materials.

Class 23 (Yarns and threads) Yarns and thread, for textile use.

Class 24 (Fabrics) Textiles and textile goods, not included in other classes; bed and table covers.

Class 25 (Clothing) Clothing, footwear, headgear.

Class 26 (Fancy goods) Lace and embroidery, ribbons and braid; buttons, hooks and eyes, pins and needles; artificial flowers.

Class 27 (Floor Coverings) Carpets, rugs, mats and matting, linoleum and other materials for covering existing floors; wall hanging (nontextile).

Class 28 (Toys and sporting goods) Games and playthings; gymnastic and sporting articles not included in other classes; decorations for Christmas trees.

Class 29 (Meats and processed foods) Meat, fish, poultry and game; meat extracts; preserved, dried and cooked fruits and vegetables; jellies, jams, fruit sauces; eggs, milk and milk products; edible oils and fats.

Class 30 (Staple foods) Coffee, tea, cocoa, sugar, rice, tapioca, sago, artificial coffee; flour and preparations made from cereals, bread, pastry, and confectionery, ices; honey, treacle, yeast, baking-powder; salt, mustard; vinegar, sauces (condiments); spices; ice.

Class 31 (Natural agricultural products) Agricultural, horticultural and forestry products and grains not included in other classes; living animals; fresh fruits and vegetable; seeds, natural plants and flowers; foodstuffs for animals, malt.

Class 32 (Light beverages) Beers; mineral and aerated waters and other nonalcoholic drinks; fruit drinks and fruit juices; syrups and other preparations for making beverages.

Class 33 (Wine and spirits) Alcoholic beverages (except beers).

Class 34 (Smokers' articles) Tobacco; smokers' articles; matches.

#### Services Classes

Class 35 (Advertising and business) Advertising; business management; business administration; office functions. (Note: retail services were moved from Class 42 to Class 35).

Class 36 (Insurance and financial) Insurance; financial affairs; monetary affairs; real estate affairs.

Class 37 (Building construction and repair) Building construction; repair; installation services.

Class 38 (Telecommunications) Communications services through telephony. This class is for telecommunications "connections" services provided by companies such as Bell Canada, etc.

Class 39 (Transportation and storage) Transport; packaging and storage of goods; travel arrangement. Services rendered in transporting people or goods from one place to another (by rail, water, air or pipeline) and services connected therewith.

Class 40 (Treatment of materials) Mechanical or chemical processing or transformation of objects or inorganic or organic substances.

Class 41 (Education and entertainment) Education; providing of training; entertainment; sporting and cultural activities.

Class 42 (Miscellaneous) Providing food and drink; temporary accommodation; medical, hygienic and beauty care; veterinary and agricultural services; legal services; scientific and industrial research; computer programming; services that cannot be placed in other classes. (Now covers Internet service provider and web-hosting services).

Class 43 (Hotels and Restaurants) Services for providing food and drink: temporary accommodations.

Class 44 (Medical, beauty & agricultural) Medical services; veterinary services; hygienic and beauty care for human beings or animals; agriculture, horticulture and forestry services.

Class 45 (Personal) Personal and social services rendered by others to meet the needs of individuals; security services for the protection of property and individuals.