

Application number

1395504

Registration number

TMA860614

Type(s)

Design

Category

Trademark

CIPO Status

REGISTERED

TM5 status

LIVE/REGISTRATION/Issued
and Active



The trademark application has
been registered with the Office.

Filed

2008-05-14

Registered

2013-09-19

Registration Expiry Date

2028-09-19

Registered Owner

DSM IP Assets B.V.
Het Overloon 1
Heerlen, 6411TE
NETHERLANDS

Agent

SMART & BIGGAR LP
SUITE 1000, 55 METCALFE
STREET
P.O. BOX 2999, STATION D
OTTAWA
ONTARIO K1P5Y6

Old Owner

Martek Biosciences
Corporation
6480 Dobbin Road

Index headings

LIFE'S DHA CERVEAU, YEUX, COEUR SAINES

Vienna information (Code & Description)

5.3.11	Other leaves
A 5.3.14	One leaf
A 5.3.13	Stylized leaves
26.4.2	Rectangles
26.4.4	Other irregular parallelograms, trapezia and quadrilaterals, quadrilaterals containing one or more rounded corners
26.4.7	Two quadrilaterals, one inside the other
A 26.4.15	Quadrilaterals containing representations of animals or parts of animals' bodies or plants
A 26.4.18	Quadrilaterals containing one or more letters
A 26.4.24	Quadrilaterals with dark surfaces or parts of surfaces

Goods (Nice class & Statement)

- 1 (1) Biological cultures and fermented preparations of microorganisms namely algae for clinical, research, and manufacturing use; chemical compounds for use in the manufacture of pharmaceuticals for lipid related disorders; microbiologically produced materials, namely, algal biomass, plant biomass, algal oil, plant oil, microbial oil, algal powder, and plant powder containing lipids for use in the manufacture of nutritional and dietary supplements and additives, vitamins, and nutritional supplement ingredients; Dietary additives, namely, OMEGA-3 fatty acids and OMEGA-6 fatty acids, as additives for food products; Nutritional and dietary supplements, namely OMEGA-3 fatty acids, food additives, namely OMEGA-3 fatty acids for use as nutritional supplements; nutritional supplements, namely omega-3 fatty acids for infant formula; nutritional additives namely OMEGAS fatty acids; Nutritional supplement ingredients, namely, OMEGA-3 fatty acids and OMEGA-6 fatty acids as additives for food products.
- 5 (2) Algal oil for medical research; biological cultures and fermented preparations of microorganisms namely algae for medical and biological and use; nutritional drinks for use as a meal replacement; dietary additives, namely, algal oil, plant oil, microbial oil, edible oil containing DHA, ARA, DPA, EPA and nutritional lipids as additives for food products; infant formula; food for babies; vitamins and vitamin preparations, namely vitamin preparations for use in the manufacturing of nutritional supplements; nutritional supplement ingredients, namely, algal oil, plant oil, microbial oil, edible oil containing DHA, ARA, DPA, EPA and nutritional lipids as additives for food products; nutritional food bars for meal replacement and for medicinal purposes, namely, dietetic bars, diabetic bars, high protein bars, energy bars, low glycemic bars and low carbohydrate bars; foods for medically restricted diets,

Documents

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- namely dietetic food bars, diabetic food bars, high protein food bars, low glycemic food bars and low carbohydrate food bars; nutritional drink mixes for use as a meal replacement.
- 9 (3) Instructional and educational materials namely software containing information about the benefits of DHA and OMEGA-3 fatty acids.
- 16 (4) Instructional and educational materials namely books, guides, brochures, flyers, manuals and newsletters, all containing information about the benefits of DHA and OMEGA-3 fatty acids.
- 29 (5) Oils, namely, peanut oil, corn oil, olive oil, safflower oil, canola oil and vegetable oil; eggs; dairy products excluding ice cream, ice milk and frozen yogurt; non-alcoholic dairy-based beverages; non-alcoholic soybased food beverages used as a milk substitute; dairy analogues, namely, soy milk, flavored soy milk, soy yogurt, non-alcoholic flavored dairy analogue drinks, namely, dairy food beverages; non-alcoholic flavored milk-based drinks; non-alcoholic specialty non-carbonated milk based fruit flavored drinks; non-alcoholic yogurt based beverages; butter; margarine; butter substitutes; spreadable edible fat; cheese; cream cheese; sour cream; cottage cheese; milk; cream; whipped cream; snack food dips; dairy-based spreads; yogurt; egg substitutes; prepared entrees consisting primarily of meat; prepared entrees consisting primarily of vegetables; meats; fish; poultry; preserved, dried and cooked fruits and vegetables; edible oils and fats used as ingredients in the manufacturing of foods and food products; peanut butter; potato chips, potato crisps; soups, preparations for making soups; edible dried algae and microalgae.
- 30 (6) Bakery goods, namely, bread, bread rolls, bread loaves, crisp breads, biscuits, pastries, cakes, cookies, tarts and pies.
- 30 (7) Salad oil; frozen dairy desserts, namely, ice cream, flavored ices, ice milk and frozen yogurt; pudding; pasta products, namely, fresh and dried pasta; mixes for making bakery goods namely pancake mixes, cake mixes, muffin mixes and cookie mixes; cereal products, namely, breakfast cereal, processed cereal, granola, cereal-based snack food, and ready to eat cereal-derived food bars; oatmeal; waffles; confectioneries, namely chocolate candy; flour mill products, namely, flour made from whole grains; wheat germ; popcorn; food flavorings; sauces namely spaghetti sauce, tomato sauce, chocolate sauce, pizza sauce; processed grains for human consumption; salad dressings.
- 31 (8) Bran.
- 32 (9) Non-alcoholic fruit based soft drinks, non-alcoholic vegetable based soft drinks; non-alcoholic rice-based food beverages; fruit juices; vegetable juices; soft drinks; water; sparkling water.

Services (Nice class & Statement)

- 42 (1) Biotechnology research and development services.

Claims

Used in CANADA since at least as early as April 24, 2008 on goods (6)
 Declaration of Use filed September 10, 2013 on goods (1), (2), (3), (4),
 (5), (7), (8), (9) and on services

Action History

Action	Action date	Due date	Comments
Filed	2008-05-14		
Created	2008-05-14		
Formalized	2008-05-15		
Search Recorded	2009-03-10		
Examiner's First Report	2009-05-11	2009-09-11	
Correspondence Created	2009-07-06	2010-01-06	
Correspondence Created	2009-10-07	2010-04-07	
Approval Notice Sent	2010-01-12	2010-02-09	
Approved	2010-03-04		APPROVED BY PROGRAM EX200M1
Advertised	2010-03-10		Vol.57 Issue 2889
Proposed Opposition	2010-03-24		Proposed Opposition Filed by receiving mail.
Opposed	2010-12-02		Opposition generated by creation of a S/O sent to Applicant.
Opposition Removed	2012-09-14		Case Closed - Opponent Withdraws 91
Allowed	2012-09-21		
Allowance Notice Sent	2012-09-21	2013-03-21	
Rep for Service Changed	2012-10-16		From: 69 To: 12 / Voir Preuve au dossier/See evidence on File No. 764296
Agent Changed	2012-10-16		From: 69 To: 12 / Voir Preuve au dossier/See evidence on File No. 764296
Change of Title Registered	2012-10-16		Assignment / Voir Preuve au dossier/See evidence on File No. 764296
Extension of Time	2013-03-25	2013-09-21	Request Letter Date: 2013/03 /18
Registered	2013-09-19	2028-09-19	
Note to file	2014-01-09		The Registrar has corrected the error in the wares as per the correspondence of January 7, 2014.
Correspondence Created	2020-05-25		
Correspondence Created	2020-11-09		

Opposition History

Case # 1 : 911979 Alberta Ltd. and Shoppers Drug Mart Inc. - Closed

General Actions - Opposition

Action	Action date	Due date
Case Closed - Opponent Withdraws	2012-09-14	

Statement of Opposition

Action	Action date	Due date
Extension of Time Granted to Opponent	2010-03-26	
Extension of Time Granted to Opponent - Cooling-off	2010-08-23	
S/O Filed	2010-11-09	
S/O Fee Received	2010-11-09	
S/O Forwarded for Review	2010-11-23	
S/O Sent to Applicant	2010-12-02	2011-02-02

Counter Statement

Action	Action date	Due date
C/S Filed by Applicant	2011-01-18	
C/S Served on Opponent	2011-01-18	2011-08-18

Evidence - Opponent

Action	Action date	Due date
Extension of Time Granted to Opponent	2011-05-18	
Evidence Served on Applicant	2011-08-18	2012-12-18
Evidence Filed by Opponent	2011-08-18	

Evidence - Applicant

Action	Action date	Due date
With Consent - Extension of Time Granted to Applicant	2011-12-16	
Extension of Time Granted to Applicant - Cooling-off	2012-03-16	
Deadline to File Applicants Evidence	2012-03-16	2012-12-18