

CORAM:STRAYER, J.A.
LINDEN, J.A.
McDONALD, J.A.

IN THE MATTER OF Section 38 and 56 of the Trade-marks Act
R.S.C. 1985 c. T-13;

AND IN THE MATTER OF an Appeal from a Decision rendered on
behalf of the Registrar of Trade-marks dated
November 22, 1995 and concerning Canadian Trade-
mark Applications Serial Nos. 544,477 and 544,478.

B E T W E E N:

POLO RALPH LAUREN CORPORATION

Appellant
(Respondent)

-and-

UNITED STATES POLO ASSOCIATION

Respondent
(Appellant)

HEARD at Toronto, Ontario, Thursday, October 23, 1997.

JUDGMENT delivered from the Bench at Toronto, Ontario, on Thursday, October 23,
1997.

REASONS FOR JUDGMENT BY:

McDONALD, J.A.

CORAM:STRAYER, J.A.
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REASONS FOR JUDGMENT

(Delivered from the Bench at Toronto, Ontario

on Thursday, October 23, 1997)

McDONALD, J.A.:

We are all of the view that the Motions Judge had before him all of the relevant factors necessary to make his decision, a decision with which we agree. There is nothing to suggest that he exercised his discretion unlawfully or made any error in law that would require the interference of this Court.

The appeal is dismissed with costs to the respondent.

"F.J. McDonald"

J.A.

FEDERAL COURT OF CANADA

Names of Counsel and Solicitors of Record

COURT NO: A-517-96

STYLE OF CAUSE: POLO RALPH LAURENT
CORPORATION

- and -

UNITED STATES POLO
ASSOCIATION

DATE OF HEARING: OCTOBER 23, 1997

PLACE OF HEARING: TORONTO, ONTARIO

REASONS FOR JUDGMENT BY: McDONALD, J.A.

Delivered from the Bench at Toronto, Ontario
on Thursday, October 23, 1997

APPEARANCES:

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For the Appellant

Ms. Michelle Wassenaar

For the Respondent

SOLICITORS OF RECORD:

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For the Respondent

FEDERAL COURT OF CANADA

Court No.: A-517-96

Between:

**POLO RALPH LAUREN
CORPORATION**

Appellant

- and -

**UNITED STATES POLO
ASSOCIATION**

Respondent

REASONS FOR JUDGMENT