

Application based on judgment of court.

33. Any person who desires to make an application for the registration of a trade mark based upon a judgment, order or declaration of the Exchequer Court of Canada or of a superior court shall file a certified copy of the judgment of such court containing the declaration and an application in writing containing so much of the information required in the case of an application under the last preceding section as is not contained in such judgment. 5

Evidence of legal existence of commercial association.

34. Every application by a commercial association for the registration of a trade mark shall contain or be accompanied by evidence that the legal existence of the association is recognized by the laws of the country or province in which its headquarters are situate. 10

Registration applies to whole of Canada.

35. An application for the registration of a trade mark shall, unless the contrary appears therefrom, be deemed to assert a claim on the part of the applicant to be registered as owner of the mark throughout Canada. 15

Indexes of pending applications.

36. (1) There shall be kept under the supervision of the Registrar three indexes of applications for the registration or extension of trade marks which have been received by the Registrar but are still pending and undisposed of; such indexes shall respectively contain 20

(a) an alphabetically arranged list of the persons by whom such applications have been made, with an indication of the nature of the trade mark applied for by each, and of the wares in connection with which it is proposed to be used; 25

(b) an alphabetically arranged list of the word marks which are the subject of such applications and of the groups of letters and figures forming part of them, with a note of the persons by whom such word marks have been respectively applied for and of the wares in connection with which the marks are proposed to be used, and 30

(c) a classified list of the design marks which are the subject of such applications, with a note of the persons by whom such design marks have been respectively applied for and of the wares in connection with which the marks are proposed to be used. 35

(2) Upon the disposition of any pending application for the registration of a trade mark, the nature and date of such disposition shall be noted in the indexes aforesaid against the entries therein relating to such application. 40

(3) The indexes and the applications therein referred to shall be open to public inspection during business hours and the Registrar shall, upon request and the payment of 45