



**CITY OF HAMILTON**

**CITY MANAGER'S OFFICE  
Legal Services Division**

<b>TO:</b> Mayor and Members General Issues Committee	<b>WARD(S) AFFECTED:</b> CITY WIDE
<b>COMMITTEE DATE:</b> May 1, 2013	
<b>SUBJECT/REPORT NO:</b> Consent to Register Trade-mark (LS13013) (City Wide)	
<b>SUBMITTED BY:</b> Janice Atwood-Petkovski City Solicitor City Manager's Office	<b>PREPARED BY:</b> Debbie Edwards ext. 2628
<b>SIGNATURE:</b>	

**RECOMMENDATION**

- (a) That the City of Hamilton consent to 0920380 B.C. Ltd. registering their trade-marks "LIFE MAID EASY" AND "LIFE MAID EASY HOME CLEANING SERVICES" for house cleaning services in the Province of British Columbia with the Trade-Marks Office.
- (b) That the City Solicitor be authorized and directed to execute, on behalf of the City of Hamilton, all necessary documents to implement subsection (a), in a form satisfactory to the City Solicitor.

**EXECUTIVE SUMMARY**

The City's Legal Services Division received a request from the solicitors for 0920380 B.C. Ltd., a company that operates a house cleaning business in British Columbia called Life Maid Easy.

In the process of applying to register two trade-marks, “LIFE MAID EASY” and “LIFE MAID EASY HOME CLEANING SERVICES”, they were advised that the Trade-Marks Office could not register those trade-marks because the mark “LIFE MADE EASY” has already been filed by the City of Hamilton as an “official mark” under the Act. The Trade-Marks Office indicated that if the City of Hamilton granted their consent to 0920380 B.C. Ltd. registering their trade-marks, the Trade-Marks Office could proceed with their application.

City staff in Corporate Services and the City Manager’s Office have reviewed this request and have consulted with the Hamilton Public Library. As a result of their review, they do not have any concerns that the proposed trade-marks could be confused with the City’s official mark. Therefore, this report is to recommend that the City provide the requested consent and that the City Solicitor be authorized and directed to execute, on behalf of the City of Hamilton, all necessary documents to reflect that consent, in a form satisfactory to the City Solicitor.

***Alternatives for Consideration – See Page 4***

<b>FINANCIAL / STAFFING / LEGAL IMPLICATIONS</b> (for Recommendation(s) only)
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**Financial:** None

**Staffing:** None

**Legal:** Under the federal *Trade-marks Act*, no person can adopt a trade-mark “consisting of, or so nearly resembling as to be likely to be mistaken for,” an official mark adopted by any public authority in respect of which the Registrar has given public notice of its adoption and use.

In 2005, the Registrar gave public notice of the City of Hamilton’s adoption and use of its official mark “LIFE MADE EASY” in connection with the myhamilton.ca community portal.

The *Trade-marks Act* contains an exception where the public authority gives its consent to the use of the proposed trade-mark(s). Therefore, the City of Hamilton is able to provide its consent to the use of the trade-marks, “LIFE MAID EASY” and “LIFE MAID

EASY HOME CLEANING SERVICES”, as is contained in the recommendations to this report. The City’s consent will be limited to those trade-marks being used for house cleaning services in the Province of British Columbia.

**HISTORICAL BACKGROUND** (Chronology of events)

The City’s Legal Services Division received a request from the solicitors for 0920380 B.C. Ltd., a company that operates a house cleaning business in British Columbia called Life Maid Easy.

In the process of applying to register two trade-marks, “LIFE MAID EASY” and “LIFE MAID EASY HOME CLEANING SERVICES”, the solicitors for 0920380 B.C. Ltd. were advised that the Trade-Marks Office could not register those trade-marks because the official mark “LIFE MADE EASY” has already been filed by the City of Hamilton. The Trade-Marks Office indicated that if the City of Hamilton granted their consent to 09020380 B.C. Ltd. registering their trade-marks, the Trade-Marks Office could proceed with their application.

The City of Hamilton obtained the official mark “LIFE MADE EASY” back in 2005 in connection with the myhamilton.ca community portal.

City staff have reviewed the request and do not have any concerns that the proposed trade-marks could be confused with the City’s official mark. The two proposed trade-marks are attached as Appendix A to this report. The company currently operates only in the Province of British Columbia and their lawyer has advised that there are no plans to expand their franchise to the rest of Canada.

It is therefore recommended that the City provide the requested consent and that the City Solicitor be authorized and directed to execute, on behalf of the City of Hamilton, all necessary documents to reflect that consent, in a form satisfactory to the City Solicitor.

**POLICY IMPLICATIONS/LEGISLATED REQUIREMENTS**

No City policies with respect to City owned trade-marks or officials marks have been located.

There is no legislated requirement for the City of Hamilton to provide its consent.

**RELEVANT CONSULTATION**

Corporate Services Department – Financial Planning and Policy Division  
City Manager’s Office  
Hamilton Public Library

**ANALYSIS / RATIONALE FOR RECOMMENDATION**

(include Performance Measurement/Benchmarking Data, if applicable)

City staff have reviewed the request and given the spelling of the proposed trade-marks and the nature and location of the services involved, do not have any concerns that the proposed trade-marks could be confused with the City’s official mark.

**ALTERNATIVES FOR CONSIDERATION**

(include Financial, Staffing, Legal and Policy Implications and pros and cons for each alternative)

An alternative is to not provide the requested consent. The solicitors for 0920380 B.C. Ltd. have indicated that the Trade-marks Office has advised that if they do not provide a response by May 20, 2013, their client’s application will be deemed to be “abandoned”. They have therefore requested that the City of Hamilton provide its position on the request for a consent as soon as possible so that they can respond before that date.

**ALIGNMENT TO THE 2012 – 2015 STRATEGIC PLAN:**

Not applicable

**APPENDICES / SCHEDULES**

Appendix A: Proposed Trade-marks

Proposed Marks

(with index heading)



(without index heading)

