

MIRA INFORM REPORT

Report No. :	524590
Report Date :	14.08.2018

IDENTIFICATION DETAILS

Name :	CHARM JEWELRY LIMITED
Registered Office :	35 Sunnywood Road St. Margaret's Bay Ns B0j 1r0
Country :	Canada
Financials (as on) :	2017
Date of Incorporation :	01.09.1972
Legal Form :	Limited
Line of Business :	Subject is operates a chain of jewelry retail stores
No. of Employees :	700

RATING & COMMENTS

(Mira Inform has adopted New Rating mechanism w.e.f. 23rd January 2017)

MIRA's Rating :	A
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Credit Rating	Explanation	Rating Comments
A	Acceptable Risk	Business dealings permissible with moderate risk of default

Status :	Satisfactory
Payment Behaviour :	Slow but Correct
Litigation :	Clear

NOTES :

Any query related to this report can be made on e-mail : infodept@mirainform.com while quoting report number, name and date.

ECGC Country Risk Classification List

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Country Name	Previous Rating (31.12.2017)	Current Rating (01.04.2018)
Canada	A1	A1

Risk Category	ECGC Classification
Insignificant	A1
Low Risk	A2
Moderately Low Risk	B1
Moderate Risk	B2
Moderately High Risk	C1
High Risk	C2
Very High Risk	D

CANADA - ECONOMIC OVERVIEW

Canada resembles the US in its market-oriented economic system, pattern of production, and high living standards. Since World War II, the impressive growth of the manufacturing, mining, and service sectors has transformed the nation from a largely rural economy into one primarily industrial and urban. Canada has a large oil and natural gas sector with the majority of crude oil production derived from oil sands in the western provinces, especially Alberta. Canada now ranks third in the world in proved oil reserves behind Venezuela and Saudi Arabia and is the world's seventh-largest oil producer.

The 1989 Canada-US Free Trade Agreement and the 1994 North American Free Trade Agreement (which includes Mexico) dramatically increased trade and economic integration between the US and Canada. Canada and the US enjoy the world's most comprehensive bilateral trade and investment relationship, with goods and services trade totaling more than \$680 billion in 2017, and two-way investment stocks of more than \$800 billion. Over three-fourths of Canada's merchandise exports are destined for the US each year. Canada is the largest foreign supplier of energy to the US, including oil, natural gas, and electric power, and a top source of US uranium imports.

Given its abundant natural resources, highly skilled labor force, and modern capital stock, Canada enjoyed solid economic growth from 1993 through 2007. The global economic crisis of 2007-08 moved the Canadian economy into sharp recession by late 2008, and Ottawa posted its first fiscal deficit in 2009 after 12 years of surplus. Canada's major banks emerged from the financial crisis of 2008-09 among the strongest in the world, owing to the financial sector's tradition of conservative lending practices and strong capitalization. Canada's economy posted strong growth in 2017 at 3%, but most analysts are projecting Canada's economic growth will drop back closer to 2% in 2018.

Source : CIA

STATUTORY INFORMATION

Legal Name	CHARM JEWELRY LIMITED
Trade Name	Charm Jewelry
ID	ID
ID Details	1049708
Creation Date	1972
Incorporation Date	1 September 1972
Legal Address	Agent Name RICHARD D. CALDER Agent Address 35 SUNNYWOOD ROAD ST. MARGARET'S BAY NS B0J 1R0
Operative Address	140 Portland St Dartmouth, NS, B2Y 1J1 Canada
Telephone	902-463-7177
Fax	902-466-5472
Legal Form	LIMITED
E-Mail	troy@charmdiamondcentres.com / advertising@charmdiamondcentres.com
Registered In	CANADA
Website	www.charmdiamondcentres.com
Contact	Richard Calder, Founder and Board Member
Staff	700 employees
Activity	NAICS 1: Jewelry, Watch, Precious Stone, and Precious Metal Merchant Wholesalers SIC 1: Precious Stones And Metals

BANKS

Name of Bank	Reported Amount
There are not informed banks	
Description	The company does not make its banking data public.

HISTORY

History	Charm Jewelry Ltd. was founded in 1972
Key Developments	NA

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Parent Company NA

PRINCIPAL ACTIVITY

General Description	Charm Jewelry Ltd. operates a chain of jewelry retail stores in Canada.
Service/Product Description	It offers diamond, gemstone, gold, silver, and pearl jewelry products, which include Canadian diamonds, rings, earrings, necklaces, bracelets, collections, watches, and gifts and products for various occasions; and bridal and anniversary jewelry, pendants, and custom products. The company also provides corporate gift products, such as rings and pins, watches, clocks, insignia jewelry, mugs, key-chains, pens, luggage products, and electronics products. It also offers its products online.
Sales	Wholesale and Retail
Operations Area	National and International
Imports From	Diamonds are mostly shipped via air. In Canada, Customs only releases the ocean freight data. The company mainly imports from India and Hong Kong
Employees	700 employees
Payments With Suppliers	Slow but Correct
Brands Brand	Comments
ALEX AND ANI	NA
BELLA MODA	NA
CHAMILIA	NA
CHARMED BY RICHARD CALDER	NA
ELLE	NA
ENCHANTED DISNEY	NA
GLACIER FIRE	NA
JULIANNA B	NA
Clients	

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Name of Client	Country	Comments
There are not informed clients		
Comments		The company`s main clients include national companies and private customers.
Suppliers		
Supplier Name	Country	Comments
DRC TECHNO	INDIA	NA
Chippenhook Corp	HONG KONG	NA
Comments		-

LOCATION

Headquarters	140 Portland St Dartmouth, NS, B2Y 1J1 Canada
Branches	It has locations in Alberta, New Brunswick, Newfoundland, Nova Scotia, Ontario, Prince Edward Island, and Saskatchewan.
	ALBERTA Market Mall 3625 Shaganappi Trail N.W. Calgary, AB T3A 0E2 Canada 403-288-5555 Southcentre Mall 100 Anderson Rd. SE Calgary, AB T2J 3V1 Canada 403-271-9627 West Edmonton Mall Suite 2992 8882 170th St. NW Edmonton, AB T5T 3J7 Canada 780-489-2560 Park Place 501-1st Avenue S Lethbridge, AB T1J 4L9 Canada 403-320-0907 Medicine Hat Mall

3292 Dunmore Road SE
Medicine Hat, AB T1B 2R4
Canada
(403) 487-4484
MANITOBA
Shoppers Mall
1570 -18th Street, Unit CRU-26
Brandon, MB R7A 5C5
Canada
204-571-9520
St. Vital Centre
1225 St. Mary's Road
Unit #CRU 61
Winnipeg, MB R2M 5E5
Canada
204-256-6487
NEW BRUNSWICK
Bathurst Mall
1300 St. Peter Avenue
Bathurst, NB E2A 3A6
Canada
506-548-5346
Champlain Place
477 Paul Street
Dieppe, NB E1A 4X5
Canada
506-858-7965
Regent Mall
1381 Regent Street
Fredericton, NB E3C 1A2
Canada
506-459-2807
McAllister Place Mall
519 Westmorland
Saint John, NB E2J 3W9
Canada
506-633-4809
Gateway Mall
138 Main Street
Sussex, NB E4E 3E1
Canada
506-432-5997
NEWFOUNDLAND
Random Square Mall
69 Manitoba Drive, Suite 111
Clareville, NL A5A 1K3
Canada
709-466-2030
Corner Brook Plaza

44 Maple Valley Rd
Corner Brook, NL A2H 6L8
Canada
709-634-0882
Avalon Mall
48 Kenmount Road
St. John's, NL A1B 1W3
Canada
709-726-8454
Village Mall
430 Topsail Road
St. John's, NL A1E 4N1
Canada
709-364-3326
Stephenville Plaza
Main/Queen
Stephenville, NL A2N 3A3
Canada
709-643-5514
NOVA SCOTIA
Amherst Centre Mall
142 South Albion Street
Amherst, NS B4H 4H4
Canada
902-667-1400
Bedford Place Mall
1658 Bedford Hwy
Bedford, NS B4A 1E9
Canada
902-835-2022
Bridgewater Mall
421 LaHave Street
Bridgewater, NS B4V 3A2
Canada
902-543-0229
Corporate Office
140 Portland Street
Dartmouth, NS B2Y 1J1
Canada
902-463-7177
Mic Mac Mall
21 Mic Mac Blvd.
Dartmouth, NS B3A 4N3
Canada
902-469-0430
Halifax Shopping Centre
7001 Mumford Road
Halifax, NS B3L 4N9
Canada

902-455-0168
Highland Square Shopping Ctr
689 Westville Road
New Glasgow, NS B2H 2J6
Canada
902-928-1205
County Fair Mall New Minas
9256 Commercial Street
New Minas, NS B4N 4A9
Canada
902-681-6649
Mayflower Mall
800 Grand Lake Road
Sydney, NS B1P 6S9
Canada
902-564-7555
Truro Mall
245 Robie Street
Truro, NS B2N 5N6
Canada
902-895-8638
ONTARIO
RioCan Georgian Mall
509 Bayfield Street
Barrie, ON L4M 4Z8
Canada
705-733-1391
Quinte Mall
390 North Front Street
Belleville, ON K8P 3E1
Canada
613-962-0754
Lynden Park Mall
84 Lynden Road
Brantford, ON N3R 6B8
Canada
519-752-8131
1000 Island Mall
2399 Parkdale Ave.
Brockville, ON K6V 3G9
Canada
613-342-1168
Mapleview Shopping Centre
900 Maple Avenue
Burlington, ON L7S 2J8
Canada
905-681-1998
Cambridge Centre
355 Hespeler Road

Cambridge, ON N1R 6B3
Canada
519-740-4274
Downtown Chatham Centre
100 King St. West
Chatham, ON N7M 6A9
Canada
519-355-0916
Cornwall Square
1 Water Street
Cornwall, ON K6H 6M2
Canada
(613) 933-0400
Stone Road Mall
435 Stone Road, West, Unit 21A
Guelph, ON N1G 2X6
Canada
519-824-0147
Catarraqui Town Centre
945 Gardiners Road
Kingston, ON K7M 7H4
Canada
613-384-0014
Masonville Place
1680 Richmond Street
London, ON N6G 3Y9
Canada
(519) 645-7444
White Oaks Mall
1105 Wellington Road
London, ON N6E 1V4
Canada
519-668-0544
Erin Mills Town Centre
5100 Erin Mills Parkway, Unit #R219A
Mississauga, ON L5M 4Z5
Canada
905-828-6678
Bayshore Mall
100 Bayshore Road
Nepean, ON K2B 8C1
Canada
613-820-1058
Northgate Square Shopping Ctr
1500 Fisher Street
North Bay, ON P1B 2H3
Canada
705-474-6072
Oshawa Centre

419 King St W
Oshawa, ON L1J 2K5
Canada
905-728-7000
Billings Bridge Plaza
2269 Riverside Drive, Unit #56
Ottawa, ON K1H 7X6
Canada
613-260-2628
Carlingwood Mall
2121 Carling Ave
Ottawa, ON K2A 1H2
Canada
613-728-8731
St. Laurent Shopping Centre
1200 St Laurent Blvd
Ottawa, ON K1K 3B8
Canada
613-745-0321
Lansdowne Place Mall
645 Lansdowne Street West, Unit 127
Peterborough, ON K9J 7Y5
Canada
705-749-6108
Lambton Mall
1380 London Road
Sarnia, ON N7S 1P8
Canada
519-542-7154
Station Mall
293 Bay Street
Sault Ste Marie, ON P6A 1X3
Canada
705-254-4746
The Pen Centre
221 Glendale Avenue
St. Catharines, ON L2T 2K9
Canada
905-684-0004
Eastgate Square
75 Centennial Parkway N
Stoney Creek, ON L8E 2P2
Canada
905-578-2882
Sudbury Centre
1349 Lasalle Blvd
Sudbury, ON P3A 1Z2
Canada
705-521-1600

Intercity Shopping Centre
1000 Fort William Road
Thunder Bay, ON P7B 6B9
Canada
807-623-1114
Timmins Square Shopping Centre
1500 Riverside Drive
Timmins, ON P4R 1A1
Canada
705-268-1174
Conestoga Mall
550 King St. North, Unit G10A
Waterloo, ON N2L 5W6
Canada
519-746-2872
Devonshire Mall
3100 Howard Avenue
Windsor, ON N8X 3Y8
Canada
519-250-5327
PRINCE EDWARD ISLAND
Charlottetown Mall
670 University Avenue
Charlottetown, PE C1E 1H6
Canada
902-368-3797
County Fair Mall Summerside
475 Granville Street
Summerside, PE C1N 4K7
Canada
902-436-4403
SASKATCHEWAN
Northgate Mall
489 Albert Street North
Regina, SK S5R 3C4
Canada
(306) 584-9890
Southland Mall
2915 Gordon Road, Unit #3
Regina, SK S4S 6H7
Canada
306-585-6585
Midtown Plaza
101-1st Ave South, Unit #220
Saskatoon, SK S7K 1J9
Canada
306-683-1947
The Centre At Circle & 8th
3310-8th St. East, Unit 0480

Industries	Saskatoon, SK S7H 5M3 Canada 306-373-1764 NA
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GROUP STRUCTURE AND SUBDIARY COMPANIES

Listed at the stock exchange	NO
Capital	NA
Shareholders (%)	This is a private company. The company does not disclose information on shareholders. The following information has been obtained through private sources and could not be confirmed:
Management	Major holder is Richard Calder Richard Calder, Founder and Board Member Troy Calder, President and Board Member Sharon Calder, Secretary-Treasurer & Board Member Lauren Dunn, Digital Marketing Martin Mills, Director Business Development Tom Hart, Vice President of Merchandising Ian Vincent, Vice President Store Operations Dave Winmill, Merchandise Buyer at Charm Diamond Centres Barry Corkum, Corporate Sales Manager
Subsidiary Companies	NA
Related Companies	NA

FINANCIAL INFORMATION

General Description	The company does not make its financial statements public. The following information has been provided by private sources:
Year/Currency	2017 USD
Sales	43 000 000
Money Flow	Normal
Import Fob Dollar	
Year	Amount
There are not Import Fob Dollar informed	

Export Fob Dollar Year	Amount
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There are not Export Fob Dollar informed

LEGAL FILINGS

Lawsuits

Charm Jewelry Limited v Robert Forget, 2018 TMOB 31 (CanLII)

Date: 2018-03-29

Citation: Charm Jewelry Limited v Robert Forget, 2018 TMOB 31 (CanLII)

Citation: 2018 TMOB 31

Date of Decision: 2018-03-29

[1] On January 5, 2016 at the request of Charm Jewelry Limited (the Requesting Party), the Registrar sent the notice stipulated in section 45 of the Trade-marks Act, RSC 1985, c T-13 (the Act) to Robert Forget (hereinafter called the Owner), holder of registration No. TMA823,809 for the ROMANCE trade-mark (the Mark).

[2] The Mark is registered in association with the following goods: "bijoux en or, en argent, en metal (sic), cristal ou toutes autres matières, en collier, bracelet, bague, boucle d'oreille, chevilère (sic), broche" [jewellery in gold, silver, metal, crystal or other materials, in necklaces, bracelets, rings, earrings, anklets, brooches] (the Goods).

[3] This notice enjoined the Owner to provide an affidavit or a statutory declaration that its Mark was used in Canada at any time between January 5, 2013 and January 5, 2016, in association with the goods specified in the registration, and, in the negative, the date when the Mark was used for the last time and the reason for its failure to use it since that date.

[4] The relevant definition of "use" in association with goods is set out in section 4(1) of the Act, as follows:

(1) A trade-mark is deemed to be used in association with goods if, at the time of the transfer of the property in or possession of the goods, in the normal course of trade, it is marked on the goods themselves or on the packages in which they are distributed or it is in any

other manner so associated with the goods that notice of the association is then given to the person to whom the property or possession is transferred.

[5] It is well established that mere allegations of use are not enough to establish use in the context of the procedure contemplated in section 45 [Plough (Canada) Ltd v Aerosol Fillers Inc (1980), 53 CPR (2d) 63 (FCA)]. The evidential threshold required is low [Lang, Michener, Lawrence & Shaw v Woods Canada Ltd (1996), 1996 CanLII 17297 (FC), 71 CPR (3d) 477 (FCTD)]. It is unnecessary to adduce overabundant evidence [Union Electric Supply Co v Canada (Registrar of Trade-marks) (1982), 63 CPR (2d) 56 (FCTD)]. Nonetheless, sufficient facts must be presented to allow the Registrar to conclude that the trade-mark was used in association with each of the goods specified by the registration during the relevant period [John Labatt Ltd v Rainer Brewing Co et al. (1984), 80 CPR (2d) 228 (FCA)].

[6] In response to the Registrar's notice, the Owner filed his own affidavit, sworn on April 4, 2016 in Québec City.

[7] Neither of the parties filed written representations or requested a hearing.

Preliminary Remarks

[8] In response to the Registrar's notice, the Owner first filed a letter dated January 9, 2016 (received on January 19, 2016), to which were attached a business card, two small cards bearing the Mark, and three designs representing the Mark.

[9] In a decision rendered on February 24, 2016, the Registrar informed the Owner that his letter and the attachments could not be accepted as evidence in response to the Registrar's notice because, under the provisions of section 45 of the Act, the evidence must be adduced in the form of an affidavit or a statutory declaration.

[10] Subsequently, on April 5, 2016, the Owner filed with the Registrar a document entitled [TRANSLATION]"DETAILED AFFIDAVIT", which essentially reproduced the contents of the letter dated January 9, 2016. We find stapled to the affidavit the three designs that were attached to the letter of

January 9, 2016.

[11] I note that the designs attached to the affidavit are not marked as attachments thereto, nor do they bear a designation entered by the notary to this effect.

[12] However, the Registrar is not bound to follow rigorously the Rules of Practice of the Federal Court in this regard. Especially in the context of section 45 expungement proceedings—which are intended to be summary and expeditious—the Registrar frequently considers certain irregularities as mere technical details [see, for example, Maximilian Fur Co v Maximilian for Men's Apparel Ltd (1983), 82 CPR (2d) 146 (TMOB); and 88766 Canada Inc v Tootsie Roll Industries Inc (2006), 56 CPR (4th) 76 (TMOB)]. It is well established that such technical deficiencies should not prevent an owner from responding to a notice provided for in section 45 when the evidence adduced could suffice to establish use [see Baume & Mercier SA v Brown (1985), 4 CPR (3d) 96 (FCTD)]. In particular, attachments that do not bear the inscription of the Commissioner for Oaths or the notary, but which nonetheless are clearly identified and explained in the body of the affidavit, may be received as evidence in this context [see, for example, Borden & Elliot v Raphaël Inc (2001), 16 CPR (4th) 96 (TMOB)].

[13] In the case at bar, I find that the three designs are identified adequately in the affidavit. Although there are two designs of the Mark in logo form—while Mr. Forget mentions only one, as described below—the two designs of the logo resemble each other, and all three designs are physically associated with the affidavit by means of a staple. In the circumstances, I am prepared to conclude that the three designs are part of the evidence in the case at bar.

[14] In any case, the Requesting Party raised no objection in this regard and the affidavit, including the designs, was placed on the record.

[15] However, I note that the attachments to the affidavit include only the three designs that were attached to the letter of January 9, 2016, and not the three cards. As the Registrar indicated in his decision of February 24, 2016, the attachments to the letter of January 9, 2016 cannot be accepted as evidence, since they are not filed in the form of an affidavit or a

statutory declaration. Consequently, in the context of my analysis, I consider only the contents of the affidavit sworn on April 4, 2016 and the attached drawings. I will not consider the cards that accompany the letter of January 9, 2016.

The Evidence

[16] I reproduce below the relevant paragraphs of Mr. Forget's affidavit [TRANSLATION]:

I am Robert Forget, owner of 7265409 Canada Inc., and I confirm the use of the name Romance in the jewellery field since June 1, 2010.

I am a producer and wholesale importer for jewellery stores, and I sell (sic) in the field of jewellery, .925, silver, gold, fashion jewellery and Lotus watches. Our sales are mainly in Quebec and Ontario.

The Romance collection is used mainly in silver .925, gold and fashion jewellery, in rings, earrings, necklaces and bracelets.

Attached is a copy of the logo, the displays and an earring card.

[17] Effectively, attached to the affidavit we find two designs of the Mark in logo form and a diagram of a display. The display contains several watches and a sign bearing the logo and the mention ".925".

[18] However, as mentioned above, no earring card is attached to the affidavit. Although such a card was attached to the letter filed on January 19, 2016, on the grounds set out previously, I can only consider the contents of the affidavit sworn on April 4, 2016.

Analysis

[19] In his affidavit, Mr. Forget affirms that the Mark [TRANSLATION] "has been used" since June 1, 2010, in relation to some of the jewellery specified in the registration.

[20] Although section 45 provides for a summary procedure, and the evidential burden is not heavy, it nonetheless remains that a mere assertion of use is, in itself, insufficient to establish the use of a trade-mark under the terms of section 45 of the Act. One must instead prove the use of the mark, by describing

enough facts for the Registrar to be able to arrive at a conclusion whether the mark was used in Canada during the relevant period and in accordance with section 4 of the Act [see *Guido Berlucchi & C Srl v Brouillette Kosie Prince*, 2007 FC 245 (CanLII), 56 CPR (4th) 401]. In particular, it is incumbent on the registered owner to prove—regarding each of the goods specified in the registration—how the mark was marked on these goods or their packages, or otherwise associated with these goods, at the time of their sale or delivery in the normal course of trade.

[21] In the case at bar, the few vague facts provided by Mr. Forget are insufficient to substantiate his assertion of use.

[22] First of all, Mr. Forget does not specify if “the use” of the Mark since June 1, 2010 was continuous, or at least in such a manner as to include uses of the Mark between January 5, 2013 and January 5, 2016.

[23] Moreover, although Mr. Forget indicates that the jewellery is sold [TRANSLATION]“mainly” in Quebec and Ontario, he does not confirm that in fact the Goods were sold in these provinces, in association with the Mark and during the relevant period. Nor is it indicated that the Goods were sold in association with the Mark elsewhere in Canada during the relevant period.

[24] Likewise, concerning the Goods, Mr. Forget simply affirms that the Mark [TRANSLATION]“is mainly used” in the field of gold and silver jewellery, rings, earrings, necklaces and bracelets. He does not specify which of this jewellery was sold in association with the Mark during the relevant period. Moreover, his affidavit does not refer in any way to the other goods that appear in the registration, namely [TRANSLATION] “anklets” and brooches, and jewellery in metal, crystal and [TRANSLATION] “other materials”. If by [TRANSLATION] “fashion jewellery” Mr. Forget means such jewellery, he does not explain this in his affidavit.

[25] In any case, Mr. Forget does not provide any evidence of sales or transfers of Goods in Canada during the relevant period.

[26] Although it is not mandatory to produce invoices to respond satisfactorily to the notice stipulated in section 45 [*Lewis Thomson & Son Ltd v Rogers, Bereskin &*

Parr (1988), 21 CPR (3d) 483 (FCTD)], it remains necessary to provide at least certain evidence that would allow the Registrar to conclude that the goods specified in the registration were transferred in association with the Mark in Canada in the normal course of trade during the relevant period. For example, in the absence of invoices, such evidence may take the form of sales reports or equivalent factual details [see, for example, 1471706 Ontario Inc v Momo Design srl, 2014 TMOB 79, CarswellNat 2439; and Gowling Lafleur Henderson LLP v Wertex Hosiery Incorporated, 2014 TMOB 193 (CanLII), CarswellNat 4624].

[27] However, in the case at bar, Mr. Forget's affidavit does not contain any evidence proving that the Goods were transferred in the normal course of trade. Mr. Forget does not provide any sales figures or any document showing any transaction whatsoever.

[28] Moreover, Mr. Forget does not describe or prove the manner in which the Mark was presented on, or in association with, each of the Goods at the time of their sale or transfer during the relevant period.

[29] In particular, the designs of a logo accompanying Mr. Forget's affidavit do not show how this logo was marked on or otherwise associated with the goods. Although one of the designs represents the Mark shown on a display, nothing indicates when and where this display was exhibited. Moreover, nothing indicates what jewellery was presented in this display. It is also curious that Mr. Forget chose to provide a diagram in support of his assertions of use of the Mark, instead of a photograph showing an actual display, as it would have been at the points of sale during the relevant period.

[30] I will add in passing that if the above-mentioned earring card had been attached to the affidavit and designated as representative of the cards attached to the earrings sold in Canada during the relevant period, this card could have indicated the manner in which the Mark was associated with one of the Goods at the time of its transfer. However, as I mentioned above, I can consider as evidence only the affidavit, to which the card is not attached. In all cases, no evidence proves a transfer of earrings in the normal course of trade.

[31] In the absence of additional details and supporting documents, I cannot conclude that the Mark as registered was marked on the Goods or their packages or was otherwise associated with the Goods, such that a notice of this association would have been given to the buyers at the time of the transfer of the property in or possession of the Goods. It is thus impossible to determine the extent to which the Mark was used, within the meaning of section 4 of the Act, with each of the goods specified in the registration.

[32] On the whole, Mr. Forget's statements amount to mere allegations of use, instead of statements of fact establishing the use of the Mark. As such, Mr. Forget's statements are insufficient to establish the use of the Mark within the meaning of sections 4 and 45 of the Act.

Decision

[33] In view of all of the above, I am not convinced that the Owner proved the use of the Mark in association with the goods covered by the registration within the meaning of sections 4 and 45 of the Act. Moreover, I do not have any evidence of special circumstances justifying failure to use.

[34] In exercising the authority delegated to me pursuant to the provisions of section 63(3) of the Act, and in compliance with the provisions of section 45 of the Act, the registration will be expunged.

Oksana Osadchuk

Hearing Officer

Trade-marks Opposition Board

Canadian Intellectual Property Office

No records found

Trademarks

Patents Registered

No records found

Renewals

1 Sep 2015
ANNUAL RENEWAL
5 Sep 2014
ANNUAL RENEWAL
17 May 2013
ANNUAL RENEWAL
16 Aug 2012
ANNUAL RENEWAL

OFAC Sanctions List Search

17 Aug 2011
ANNUAL RENEWAL
17 Aug 2011
ANNUAL STATEMENT FILED
8 Sep 2010
ANNUAL RENEWAL
30 Nov 2009
CHANGE OF DIRECTORS
The company is not listed in the OFAC list.

SUMMARY

Summary

Founded in 1972, Charm Jewelry Ltd. operates a chain of jewelry retail stores in Canada.

The company has approximately 700 employees in and generates an estimated USD 43 million in annual revenue.

The company imports from India and Hong Kong, operating within national and international markets.

Diamonds are mostly shipped via air. In Canada, Customs only releases the ocean freight data.

This has been an ACTIVE company incorporated in CANADA.

RISK INFORMATION

Debts
Payments
Cash Flow
State

Controlled
Slow but Correct
Normal
ACTIVE

INTERVIEW

First Name
Position
Comments

Mike
Operator
The person contacted confirmed legal name, trade name, website, telephone, address, branches, principal

activity and operations area.

He refused to provide such information as staff number and major holders, explaining that he was not authorized to do so.

FOREIGN EXCHANGE RATES

Currency	Unit	Indian Rupees
US Dollar	1	INR 69.47
UK Pound	1	INR 88.63
Euro	1	INR 79.19
CAD	1	INR 53.38

Note : Above are approximate rates obtained from sources believed to be correct

INFORMATION DETAILS

Analysis Done by :	VIVR
Report Prepared by :	KET

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RATING EXPLANATIONS

Credit Rating	Explanation	Rating Comments
A++	Minimum Risk	Business dealings permissible with minimum risk of default
A+	Low Risk	Business dealings permissible with low risk of default
A	Acceptable Risk	Business dealings permissible with moderate risk of default
B	Medium Risk	Business dealings permissible on a regular monitoring basis
C	Medium High Risk	Business dealings permissible preferably on secured basis
D	High Risk	Business dealing not recommended or on secured terms only
NB	New Business	No recommendation can be done due to business in infancy stage
NT	No Trace	No recommendation can be done as the business is not traceable

NB is stated where there is insufficient information to facilitate rating. However, it is not to be considered as unfavourable.

This score serves as a reference to assess SC's credit risk and to set the amount of credit to be extended. It is calculated from a composite of weighted scores obtained from each of the major sections of this report. The assessed factors are as follows:

- Financial condition covering various ratios
- Company background and operations size
- Promoters / Management background
- Payment record
- Litigation against the subject
- Industry scenario / competitor analysis
- Supplier / Customer / Banker review (wherever available)