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ARTICLE

Intellectual Property Weekly Abstracts Bulletin — Week of August 21, 2017

Trademarks Decision

Appeal of Federal Court's decision upholding Board's finding of confusion dismissed
U-haul International Inc. v. U Box It Inc., 2017 FCA 170

The Court of Appeal dismissed U-Haul's appeal of the Federal Court's decision, which upheld the Opposition Board's decision allowing the opposition of U-Haul's two trademark applications of U-BOX and U-BOX WE-HAUL. The Board determined that U-Haul had failed to show that its two trademarks were not confusing with U Box It Inc.'s trademark, U BOX IT. On appeal, the Federal Court refused to conduct a *de novo* review as the new evidence would not have made a material difference in the Board's findings of fact or exercise of discretion. The Federal Court also concluded that the Board's finding of confusion was reasonable.

In the present appeal, U-Haul submitted that the Federal Court erred by not conducting a *de novo* analysis and upholding the Board's conclusion of confusion. The Court of Appeal found that the new evidence merely supplemented or confirmed the findings of the Board. The Court of Appeal also concluded that the Board's finding of confusion was reasonable, and that it was not appropriate to conduct a re-weighing exercise in this case.

Industry Updates

Health Canada published a Notice — [Publication of the Health Canada Guidance Document: Use of Certificates of Suitability as supporting information in Drug Submissions](#).

Health Canada published a Notice — [The Regulatory Enrolment Process \(REP\) Functional Pilot for eCTD Format — Stage III](#).

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