

# Bereskin & Parr

INTELLECTUAL PROPERTY LAW

December 15, 2009

C. Lloyd Sarginson B.Sc. (Chem. Eng.), LL.B.  
416 957 1693 lsarginson@bereskinparr.com

By Email info@illegalsigns.ca

Our References: 6563-1422

IllegalSigns.ca  
c/o Rami Tabello  
359 Palmerston Blvd.  
Toronto, Ontario  
M6G 2N5

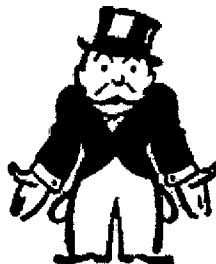
**Without Prejudice**

Dear Mr. Tabello:

**Re: Use of Monopoly Graphics**

We act as trade mark and copyright counsel to Hasbro, Inc. in Canada.

Our client is the worldwide owner of the rights in the MONOPOLY real estate trading board game including the trade marks and graphics used on the game and the game material. This includes the MR. MONOPOLY graphics depicted below:



Our client not only owns the copyright in the above graphics, but this depiction of "MR. MONOPOLY" is the subject matter of our client's Canadian trade mark registration No. TMA461,613, a copy of which is attached. This trade mark is not only used by our client in association with its MONOPOLY board game, it is also licensed to others for use in promoting their goods and services, and the Canadian trade mark registration for this trade mark includes coverage for such use.

It has come to the attention of our client that IllegalSigns.ca has manufactured and is distributing a hand sanitizer, which it has called "Billboard Lobbyist Sanitizer", in bottles which it designed and which prominently display our client's MR. MONOPOLY trade mark.

Bereskin & Parr LLP

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Tel: 519.783.3210 Fax: 519.783.3211 [www.bereskinparr.com](http://www.bereskinparr.com)

**TORONTO MISSISSAUGA WATERLOO REGION MONTRÉAL**

Your use of our client's trade mark on your product constitutes an infringement of its trade mark registration No. 461,613 contrary to Section 20 of the Canadian *Trade-marks Act*, and an infringement of its copyright in that graphic design contrary to the *Copyright Act*.

Our client would be entitled to a full range of legal remedies including an injunction restraining all further manufacture and sale of this product, delivery up or destruction of all unsold containers, damages or at its option an accounting of your profits, and its costs.

The MR. MONOPOLY trade mark and graphics are of paramount value to our client. It is imperative to our client that all use of its trade mark cease immediately.

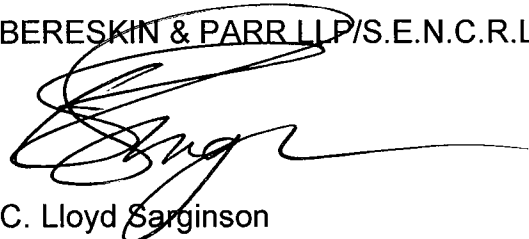
We have therefore been instructed to write to you to demand that:

- i. all sale of product bearing our client's trade mark cease immediately and all containers bearing this trade mark be destroyed or altered to remove our client's trade mark;
- ii. all pictures and other depictions of your product on your website that display our client's trade mark be removed, and any other printed, digital or electronic material bearing or containing our client's trade mark be destroyed, along with any material used to create, print, display or publish such material; and
- iii. you provide us with a list of all such material referred to in paragraph ii above and the details of its destruction.

We require your written confirmation by the end of the day on **Friday, December 18, 2009** that you will immediately co-operate with these demands, failing which our client will consider it necessary to seek its own remedies.

Yours truly,

BERESKIN & PARR LLP/S.E.N.C.R.L., s.r.l.



C. Lloyd Sarginson  
/am  
Enclosure



Canadian Intellectual  
Property Office  
An Agency of  
Industry Canada

Office de la propriété  
intellectuelle du Canada  
Un organisme  
d'Industrie Canada

Canada

Home > Canadian Trade-marks Database

[↔ Search Page](#)

## CANADIAN TRADE-MARK DATA

\*\*\* Note Data on trade-marks is shown in the official language in which it was submitted.

The database was last updated on: 2009-12-08

**APPLICATION NUMBER:**

0772616

**REGISTRATION NUMBER:**

TMA461613

**STATUS:**

REGISTERED

**FILED:**

1994-11-24

**FORMALIZED:**

1995-01-19

**ADVERTISED:**

1996-02-14

**REGISTERED:**

1996-08-23

**REGISTRANT:**

TONKA CORPORATION,  
1027 NEWPORT AVENUE,  
P.O. BOX 1059,  
PAWTUCKET, RHODE ISLAND 02862-1059,  
UNITED STATES OF AMERICA

**REPRESENTATIVE FOR SERVICE:**

BERESKIN & PARR LLP/S.E.N.C.R.L.,  
S.R.L.  
SCOTIA PLAZA  
40 KING STREET WEST  
40th FLOOR  
TORONTO  
ONTARIO M5H 3Y2

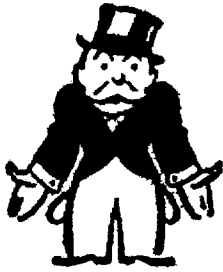
**CURRENT OWNER:**

HASBRO, INC.  
1027 NEWPORT AVENUE  
P.O. BOX 1059  
PAWTUCKET, RHODE ISLAND  
02862-1059  
UNITED STATES OF AMERICA

**REPRESENTATIVE FOR SERVICE:**

BERESKIN & PARR LLP/S.E.N.C.R.L.,  
S.R.L.  
SCOTIA PLAZA  
40 KING STREET WEST  
40th FLOOR  
TORONTO  
ONTARIO M5H 3Y2

**TRADE-MARK:**



**MARK DESCRIPTIVE REFERENCE:**

**RICH UNCLE DESIGN**

**VIENNA INFORMATION:**

**Code Description**

2.1.5 Men wearing a dinner jacket or a suit

2.1.25 Other men

**WARES:**

(1) Toys and games, namely equipment sold as a unit for playing a board game.

**SERVICES:**

(1) Consumer and trade promotional services, namely, promoting the sale of the goods and services of others, including the promotion of restaurant and take-out food services, and the conduct of lotteries, games of chance and consumer contests.

**CLAIMS:**

Used in CANADA since at least as early as 1946 on wares.

Used in CANADA since at least as early as April 1988 on services.

**ASSOCIATED MARKS:**

TMA314,318 TMA363,172 TMA461,614

<b><u>ACTION</u></b>	<b><u>DATE</u></b>	<b><u>BF</u></b>	<b><u>COMMENTS</u></b>
Filed	24 November 1994		
Created	24 November 1994		
Formalized	19 January 1995		
Search Recorded	01 March 1995		
Correspondence Created	02 May 1995		
Approved	05 January 1996		
Advertised	14 February 1996		Vol.43 Issue 2155
Allowed	10 May 1996		
Allowance Notice Sent	10 May 1996	10 November 1996	
Registered	23 August 1996		
Change in Title Registered	15 November 1996		Merger
Rep for Service Name Change	09 March 2009		
Rep for Service Name Change	25 November 2009		

**FOOTNOTES:**

**CHANGE IN TITLE/CHANGEMENT EN TITRE:**

TYPE OF CHANGE/GENRE DE CHANGEMENT: Merger/Fusionnement

DATE REGISTERED/DATE DE L'ENREGISTREMENT: 15 nov/Nov 1996

DATE OF CHANGE/DATE DE CHANGEMENT: 01 janv/Jan 1996

COMMENTS/COMMENTAIRES: FROM: TONKA CORPORATION,  
Voir Preuve au dossier/See evidence on File No. 167376

[Back to search](#) | [Back](#)

Last updated 2009-12-08