

Reply Attention of: Mat Brechtel  
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Our File: 17087  
Date: May 20, 2015

**BY E-MAIL [kerry.morris1249@gmail.com]**

784 East 15th Street  
North Vancouver, BC  
V7L 2S4

**Attention: Mr. Kerry Morris**

Dear Sirs/Mesdames:

**Re: Unauthorized use of City of North Vancouver Trade-mark**

We write in response to your e-mail of May 20, 2015.

Despite your suggestions, the City of North Vancouver (the “City”) is entitled to enforce its trade-mark rights through an action in passing off, whether or not the trade-mark has been registered, as a result of its established reputation.

You are not correct when you suggest that explicit notice must be attached to each use of a trade-mark. No requirement exists in the *Trade-marks Act*, RSC 1985, c T-13, nor has such a requirement been recognized at common law. Nonetheless, as a courtesy, by our letter of March 15, 2015 we provided you with notice of your infringing use.

As noted in our letter, your use of the City’s logo as a letterhead, in a manner which implies a connection with, or authorization or endorsement from the City, constitutes a misuse of the City’s goodwill. Such unauthorized use, which deprives the City of its right to control the use of its trade-mark, and risks causing confusion to the public, is a harm recognized at law and sufficient to ground an action in passing off. We urge you to seek legal advice in this matter.

We trust this satisfies your concerns, and that we will receive a favourable response from you by this Friday, May 22, 2015, as previously requested.

Yours truly,  
Bull, Houser & Tupper LLP



Mat Brechtel

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Copy to: Ken Tollstam