



STAFF REPORT ACTION REQUIRED

RAMP – Request for Permission to Use Trademark

Date:	September 17, 2007
To:	Toronto Public Library Board
From:	City Librarian

SUMMARY

The purpose of this report is to obtain the Toronto Public Library Board's consent for the registration of the trademark "RAMP" by Housing Services Inc., a wholly owned subsidiary of the Toronto Community Housing Corporation.

The Toronto Public Library Board is the owner of an official mark for the word "RAMP" pursuant to section 9 of the federal Trade Marks Act. The mark is used in conjunction with that portion of the Library's website devoted to teenagers.

Granting consent enables Housing Services Inc. to register a different, independent mark for completely distinct goods and services.

RECOMMENDATIONS

The City Librarian recommends that the Toronto Public Library Board:

1. Consents to the registration of the trademark "RAMP" by Housing Services Inc., subject to the condition that the trademark shall not be used in any form, including any typeface, which is confusingly similar to the form used by the Toronto Public Library for its "RAMP" official mark;
2. Authorizes and directs the appropriate staff to take the necessary action to give effect thereto.

FINANCIAL IMPACT

There is no financial impact associated with the approval of the recommendation in this report.

The Director, Finance and Treasurer has reviewed this report and agrees with the financial impact information.

DECISION HISTORY

Solicitors for Housing Services Inc., a wholly owned subsidiary of Toronto Community Housing Corporation, which is itself wholly owned by the City of Toronto, recently contacted Library staff requesting that the Toronto Public Library Board consent to the registration of a trademark for the word “RAMP” by Housing Services Inc. in association with construction, maintenance and call centre services. A copy of the correspondence received by the Library is provided in Attachment 1.

ISSUE BACKGROUND

Subsection 9(1) of the *Trade Marks Act* provides that no person shall adopt in connection with a business, as a trademark or otherwise, any mark consisting of, or so nearly resembling as to be likely to be mistaken for, any badge, crest, emblem or mark adopted and used by any public authority in Canada as an official mark for wares or services. Subsection 9(2) of that Act provides that nothing in the section prevents the adoption, use or registration of a trade-mark or otherwise, in connection with a business, of any mark described in subsection 9(1) with the consent of the public authority which was intended to be protected by the section. It is this requirement for consent that has generated the request from Housing Services Inc.

COMMENTS

It is unlikely that anyone would associate the provision of the services of Housing Services Inc. with those of the Library’s teen website and, therefore, the Board can reasonably give its consent.

By granting consent to Housing Services Inc, the Board is not giving permission to use its official mark, which might raise issues respecting the licensing of such use and the charging of fees for such use. Rather, the Board is being asked to give consent to registration of a different, independent, albeit similar, mark for completely distinct goods and services. The Board is not giving permission to use its property but, due to the similarity between the proposed trademark and the Board’s official mark, is being asked to approve the formal legal recognition of the applicant’s intellectual property interest in its mark in relation to the limited, specified goods and services.

Under the circumstances and in view of the proposed use of the trademark, no limitations on its use are recommended with the exception that the trademark not be used in any form, including any typeface, which is confusingly similar to the form used by the Toronto Public Library for its “RAMP” official mark.

CONTACT

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SIGNATURE

Josephine Bryant
City Librarian

ATTACHMENTS

Attachment 1: Letter from Ziad Katul, Borden Ladner Gervais, dated June 21, 2007