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MEMORANDUM

TO: The Halifax Board of Police Commissioners

FROM: Ashley Dutcher, Solicitor, Legal Services

DATE: June 8th, 2015

SUBJECT: Update – Registration of Halifax Regional Police’s Emblem as an Official Mark

For quite some time Halifax Regional Police were under the impression that the HRP emblem had been registered with the Canadian Intellectual Property Office as a trade-mark or official mark. An application process was commenced in 2001. However, in 2013 it was discovered that the emblem was never in fact registered as an official mark of the Halifax Regional Police or Halifax Regional Municipality. The 2001 application was identified as abandoned and for one reason or another was never completed.

After this realization we embarked upon the process of having HRP’s emblem Registered as an official mark, which means that once recognized as such, the emblem will be the intellectual property of Halifax Regional Municipality’s. An official mark prohibits others from adopting or registering a trademark that is identical or so nearly resembling as to be mistaken for an official mark.

This is a lengthy process and we have been engaged in this process for well over a year now. In March of 2014 Legal Services completed the application and all required documentation was sent to the Canadian Intellectual Property Office. The application was actually brought on behalf of HRM as it is the legal entity and not the business unit that has the authority to bring such an application. Mr. Richard Butts, Chief Administrative Officer, reviewed the application and signed the Request for Public Notice of an Official Mark.

We are now in the final stages of the process. Legal Services received a Certificate which certifies that in the Trade-marks Journal dated April 8th, 2015, the Registrar of Trade-marks gave public notice under subparagraph 9(1)(n)(iii) of the *Trade-marks Act* of the adoption and use in Canada of HRP’s emblem. This is the forum in which public notice is given. The emblem

will only be published in one issue of the Journal. There is a two month period in which a member of the public can oppose HRM's application. It is unlikely that there will be opposition in this case to HRM's application, therefore, we will move on to the next stage of the process, which is the Allowance stage, and at that point we will receive a Notice of Allowance. Once issued the Notice of Allowance the Emblem will legally belong to HRM.