

INNOVATION PEI TRADE-MARK LICENSING
Of "Island Blue and/or Malpeque" Or Variations Thereof And Bilingual Equivalent
APPLICATION

1. Name of Applicant: _____

Business Address/Location: _____

Mailing Address: _____

Contact Person(s): _____

Phone (Business) _____ **(Home)** _____ **(Cell)** _____

E-Mail: _____

2. Business Registration:

(Please check one)

- Individual
 - Co-operative
 - Sole Proprietorship
 - Partnership
 - Limited Company
 - Incorporated Company
 - Other
-

3. Type of Operation: Based upon the Provincial and/or Federal Permits/Licenses you hold? (please check all which may apply)

- Grower/Harvester
- Processor/Packer
- Retail
- Peddler
- Buyer
- Agent

4. Shellfish Grown/Harvested/Bought/Processed/Packed/Sold?

- Mussels
- Oysters

5. For which shellfish species are you applying for Trade-mark(s) used?

- Mussels
- Oysters

6. Have you used the "Island Blue" and/or "Malpeque" trade-marks in the past?

- Yes
- No

6b. When was the last time you used the "Island Blue" and/or "Malpeque" trade-marks? _____

7. Which trade-marks are you applying?

(Check all those that apply)

- | | |
|------------------------------------------------------------------|------------------------------------------------------------------|
| <input checked="" type="checkbox"/> ISLAND BLUE | <input checked="" type="checkbox"/> PEI MUSSELS |
| <input checked="" type="checkbox"/> ISLAND BLUE MUSSELS | <input checked="" type="checkbox"/> BABY BLUE MUSSELS |
| <input checked="" type="checkbox"/> ISLAND BLUE ROPE CULTURED | <input checked="" type="checkbox"/> MALPEQUE |
| <input checked="" type="checkbox"/> MUSSELS | <input checked="" type="checkbox"/> MALPEQUE OYSTERS |
| <input checked="" type="checkbox"/> ISLAND BLUE BOTTOM | <input checked="" type="checkbox"/> PEI MALPEQUE OYSTERS |
| <input checked="" type="checkbox"/> CULTIVATED MUSSELS | <input checked="" type="checkbox"/> PRINCE EDWARD ISLAND OYSTERS |
| <input checked="" type="checkbox"/> PEI CULTURED MUSSELS | <input checked="" type="checkbox"/> PEI OYSTERS |
| <input checked="" type="checkbox"/> PRINCE EDWARD ISLAND MUSSELS | |

8. What is the intended use of the trademarks? (Please include samples of graphic images if appropriate) _____

DECLARATION of APPLICANT

- (a) The information given in this application is, to the best of my knowledge and ability, complete, true and correct.**

- (b) That in the use of the trade-mark applied for that the applicant agrees to and complies with the Terms and Conditions as specified in this application process.**

Name and Title of Authorized Official

Signature of Authorized Official

Signed at _____ this _____ day of _____, 201_.

Send completed application to:

c/o Lee Brammer
lwbramme@gov.pe.ca

**Innovation PEI
P.O. Box 910
94 Euston Street
Charlottetown
P.E.I.
C1A 7L9**

APPENDIX 1
INNOVATION PEI LICENSING TERMS AND CONDITIONS
“ISLAND BLUE” and “MALPEQUE” or Variations Thereof and Bilingual Equivalent

1. That oysters sold under these Trade - marks must be appropriate to the high quality image of Prince Edward Island.
2. That oysters must be marked/marketed with the appropriate quality standards as graded according to the Provincial and Federal seafood regulations.
3. That mussels labeled under these Trade-marks shall be deemed to be #1 quality grade and those Trade-marks which have/are/include the words “Island Blue” shall be used by only those Companies using the trade-mark for their sole and only brand.
4. The licensed product may be sold world wide.
5. Adhere to the rules of license graphics associated with the specific Trade-mark.
6. Subject to the other provisions of this license, this license shall have a term of one (1) year and shall be renewed automatically for four(4) further one-year terms provided the Licensee is not in default under any of the terms of this license.
 - a. Warrant that the mussels and oysters are *original to Prince Edward Island *(that the spawn, spat collection, growing, harvesting occurred within waters deemed to be within Prince Edward Island.)
 - b. Warrant that in the case where/when mussels and/or oysters are brought into Prince Edward Island, that they be held in waters deemed to be waters of Prince Edward Island for a period of no less than 12 months.
 - c. Adhere to only using the trade-mark for the American oyster (*Crassostrea virginica*)
7. Warrant that the mussels and oysters are produced according to the specified Trade-mark format; i.e. rope cultured, bottom cultivated.
8. Withdraw from sale anylicensed mussel or oyster product, associated marketing materials, which have been trade-marked and have been deemed to be in contravention to this licensing agreement.
9. Advise Innovation PEI of any sale of the licensed business so an amendment can be made to the signing company authority.
10. Indemnify and save harmless Innovation PEI from any injury, damage, loss, cost, claim or expense caused or incurred by the licensed user as a result of the sale or use of the licensed product and/or as a result of a breach of this License Terms and Conditions.

INNOVATION PEI TRADE MARK LICENSING

Innovation PEI Licensing Of “Island Blue” Mussels & “Malpeque” Oysters Or Variations Thereof and bilingual Equivalentents

Innovation PEI is the Trade-mark owner of the following:

“ISLAND BLUE”
“ISLAND BLUE MUSSELS”
“ISLAND BLUE ROPE CULTURED MUSSELS”
“ISLAND BLUE BOTTOM CULTIVATED MUSSELS”
“PEI CULTURED MUSSELS”
“PRINCE EDWARD ISLAND MUSSELS”
“PEI MUSSELS”
“BABY BLUE MUSSELS”

The Registrar of the Canadian Intellectual Property Office has given public notice under Section 9 (1) (n) (iii) of the Trade-marks Act, of the adoption and use by Innovation PEI (PEI Crown Corporation) of the marks listed above, as official marks for services : Growing, marketing and sale of mussels.

“MALPEQUE”
“MALPEQUE OYSTERS”
“PEI MALPEQUE OYSTERS”
“PRINCE EDWARD ISLAND OYSTERS”
“PEI OYSTERS”

The Registrar of the Canadian Intellectual Property Office has given public notice under Section 9 (1) (n) (iii) of the Trade-marks Act, of the adoption and use by Innovation PEI (PEI Crown Corporation) of the marks listed above, as official marks for services : growing, packaging, marketing and sale of oysters.