

Innovation PEI Trademark Licensing of “Island Blue and/or Malpeque”, or variations thereof, and bilingual equivalent.

APPLICANT INFORMATION

Business name: _____

Contact first name: _____ Contact last name: _____

Civic address: _____

Mailing address: _____

City, Town, Community: _____ Province: _____ Postal code: _____

Telephone: _____ Cell phone: _____

Email: _____ Website: _____

2. BUSINESS REGISTRATION

Form of business: Sole proprietor Partnership Individual

Incorporated Cooperative Limited Company

Other _____

3. Type of operation: Based upon the Provincial and/or Federal permits/licences you hold. (Check all that apply)

Grower/Harvester Processor/Packer Retail

Peddler Buyer Agent

4. Shellfish Grown/Harvested/Bought/Processed/Packaged/Sold

Mussels

Oysters

5. For which shellfish species are you applying for Trademark(s)?

Mussels

Oysters

6. Have you used the “Island Blue” and/or “Malpeque” trademarks in the past?

Yes No

6B. When was the last time you used “Island Blue” and/or “Malpeque” trademarks _____

7. Which trademark(s) are you applying for? (Check all that apply)

- Island Blue
- Island Blue Bottom Cultivated Mussels
- PEI Mussels
- PEI Cultured Mussels
- Prince Edward Island Mussels
- Malpeque Oysters
- Baby Blue Mussels
- Malpeque
- PEI Oysters
- PEI Malpeque Oysters
- Prince Edward Island Oysters
- Island Blue Mussels
- Island Blue Rope Cultured Mussels

8. What is the intended use of the trademark(s)? (Include samples of graphic images if appropriate)

Attach photos here

DECLARATION OF APPLICANT

- A) The information given in this application is, to the best of my knowledge and ability, complete, true and correct. I agree
- B) In regard to the use of the trademark(s) applied for, the applicant agrees to and complies with the Terms & Conditions as specified and attached to this application. I agree
- C) Information on this form is collected for the purpose of determining your suitability or eligibility for licensing of the requested trademark(s) from Innovation PEI. Information provided is subject to, and collected in accordance with, the Freedom of Information and Protection of Privacy Act R.S.P.E.I. 1988, Cap. F-15.01. For additional information, visit <https://www.princeedwardisland.ca/en/information/justice-and-public-safety/foipp-frequently-asked-questions> I agree
- D) I consent to have Innovation PEI make any inquiries of such persons, firms, or corporations as it deems necessary in order to reach a decision on this application. I agree
- E) I agree to provide all information required by Innovation PEI to complete the assessment of this application. I agree

Name and title of authorized official: _____

Signature of authorized official: _____

Signed at _____ this _____ day of _____, 20____
Location Day Month Year

Please submit your completed application and attachments to Innovation PEI.

94 Euston Street, PO Box 910, Charlottetown, PE C1A 7L9

Phone: (902) 368-6300 * Email: innovation@gov.pe.ca * www.innovationpei.com

Innovation PEI Trademark Licensing Terms & Conditions

“Island Blue and/or Malpeque” or variations thereof and bilingual equivalent.

1. Oysters sold under these trademarks must be appropriate to the high-quality image of Prince Edward Island.
2. Oysters must be marked/marketed with the appropriate quality standards as graded according to the Provincial and Federal seafood regulations.
3. Mussels labeled under these trademarks shall be deemed to be #1 quality grade and those trademarks which have/are/include the words “Island Blue” shall be used by only those companies using the trademark for their sole and only brand.
4. The licenced product may be sold worldwide.
5. Adhere to the rules of licence graphics associated with the specific trademark.
6. Subject to the other provisions of this licence, this licence 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 licence.
 - a. Warrant that the mussels and oysters are *original to Prince Edward Island *(that the spawn, spat collection, growing, and 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 trademark for the American oyster (*Crassostrea virginica*).
7. Warrant that the mussels and oysters are produced according to the specified trademark format; i.e. rope cultured, bottom cultivated.
8. Withdraw from sale any licenced mussel or oyster product, and associated marketing materials, which have been trademarked and deemed to be in contravention to this licensing agreement.
9. Advise Innovation PEI of any sale of the licenced business so an amendment can be made to the signing company authority.
10. Indemnify and save Innovation PEI from any injury, damage, loss, cost, claim or expense caused or incurred by the licenced user as a result of the sale or use of the licenced product and/or as a result of a breach of this licence terms and conditions.

Innovation PEI is the Trademark 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 Trademarks 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 Trademarks 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.