

NAME ANALYSIS REPORT



A Service Provider
under Contract with
the Ministry of
Government Services

Proposed Name:	AP Foods Canada
NUANS Reservation No:	118851676
Date of Order:	6/1/2016 1:10:01 PM
Search Type:	Ontario
Required For:	Profit Corporation
Service / Wares:	Food Produce
Consent & Other Info:	

NAME ANALYSIS/COMMENTS

An analysis of the NUANS report for the above-referenced proposed name reveals that the proposed name:

1) is similar to:

AP FOODS ON | 0250090248 | 2015Ja27 | MISSISSAUGA | | AsmdBusNm | Active

2) is, or could be confusing with:

A & P ; | METRO ONTARIO INC. 0237695 | TMA106917 | 1957Jn07 | | 03,05,29,30. Coffee, instant coffee, tea, instant skim milk powder, canned toma>

AP GOURMET ; | BEAU-LIEU INSTANTANE I 1562722 | TMA872685 | 2014Mr05 | | 21,29,30. Huile nommement huile a trempette, huile infusee, huile a cuisson: >

Please refer to the section in the pages following entitled TRADE-MARK INFRINGEMENT.

A supplementary search using the NUANS Pre search database also reveals record of the following registered trademarks:

A & P & CIRCLE; TM-131326 1926Se21 TMDA 40593 29,30,31. Food products. SpecfMark 1926Se21 METRO ONTARIO INC.

A & P ; TM-1257675 1999AI TMA 663845 35,44, Operation of grocery stores and supermar TM1999AI 2005Ma13 2006Ma09 METRO ONTARIO INC.

A & P ; TM-1257676 1999AI TMA 663844 35,44, Operation of grocery stores and supermar TM1999AI 2005Ma13 2006Ma09 METRO ONTARIO INC.

A & P TM-1196365 2003No10 TMA 621640 35,44, Operation of grocery stores and supermar TM1927 2003No10 2004Oc04 METRO ONTARIO INC.

A & P ; TM-394517 1976Fe16 TMA 226031 1,3,4,5. Fresh meats, cooked meats, preserved mea 1976Fe16 1978Fe10 METRO ONTARIO INC.

Please refer to the section in the pages following entitled TRADE-MARK INFRINGEMENT.

Please note that the proposed name was submitted twice for the same applicant:

AP FOODS CANADA ON | 118850732 | 2016Jn01 | | | Prop.ONCORP

AP FOODS CANADA ON | 118851676 | 2016Jn01 | | | Prop.ONCORP

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NUANS VALIDITY PERIOD:

The validity period for a NUANS report is ninety (90) days. If you do not incorporate within that period, you must purchase a new NUANS report.

ELEMENTS OF A CORPORATE NAME:

A corporation name should include the following elements:

Distinctive element - coined word, initials, acronym, geographic location, person's name, dictionary word used in unique or fanciful manner and not associated with the business activities or goods or services.

Descriptive element - word or phrase that describes the business activities or goods or services.

Legal element - see note below on legal elements.

LEGAL ELEMENT:

If the proposed name is intended for purposes of incorporation of a business, then it will be necessary to include a legal element in the name - LIMITED, INCORPORATED, CORPORATION or the abbreviated or French form. Moreover, the abbreviated English forms must include the period (.) in the term. Please note that the following legal elements are the only ones permitted for Ontario business corporations – CORP., CORPORATION, INC., INCORPORATED, INCORPOREE, LIMITED, LIMITEE, LTD., LTEE.

If the proposed name is intended for a business registration (business name registration under the Ontario Business Names Act), then a legal element is prohibited.

TRADE-MARK INFRINGEMENT:

Infringing on trade-mark rights makes one liable by way of an injunction (an order to cease the infringing activity) and/or damages.

ONTARIO BUSINESS CORPORATIONS ACT 24.1:

Please make note of the following section of the Business Corporations Act, esp. 24.1(2)(b):

24.1 (1) Only articles of incorporation and their supporting documents may be submitted in electronic format for filing with the Director. O. Reg. 288/00, s. 2.

(2) Articles of incorporation and their supporting documents may be submitted in electronic format for filing with the Director if,

- (a) the person submits them in a format compatible with the technical requirements established by the Director;
 - (b) the corporation agrees to keep a paper or electronic copy of the NUANS report referred to in subsection 18(2) and any consent or consent and undertaking required under the Act or the regulations at the corporation's registered office and to permit any person to inspect and copy the documents during the corporation's normal business hours; and
 - (c) the corporation agrees that, upon receipt of a written notice from the Director, it shall provide the Director or any other person specified in the notice with a copy of any of the documents referred to in clause (b) within the time period set out in the notice. O. Reg. 246/05/, s.5.
- (3) Articles submitted in electronic format are not required to be signed. O. Reg. 288/00, s.2.

COMPREHENSIVE NAME SEARCH:

Check important sources not covered by NUANS - supplement this NUANS report with a Comprehensive Name Search. Call our help desk for details - 416-964-2677.

TO INCORPORATE AN ONTARIO CORPORATION:

To incorporate a new for profit Ontario corporation and file an Initial Return, please look under Frequently Accessed Services on the Home Page.

CORPORATE SUPPLIES:

Call 416-964-2677 for information on ordering corporate supplies (minute book, corporate embosser seal, share certificates and by-laws).

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DISCLAIMERS**RECOMMENDATION ON NAME AVAILABILITY:**

Please be advised that ONCORP DIRECT INC. cannot give legal advice. The analysis provided is intended as a guide only to assist with the name decision process. For further assistance or legal information, please consult legal counsel. The Ontario BUSINESS CORPORATIONS ACT requires that the incorporator examine the NUANS report to ensure that the proposed name conforms to the name regulations under the BCA. Recommendations offered by ONCORP DIRECT INC. do not affect the availability of a name and they are offered without liability to assist its clients. The responsibility for name selection rests with the incorporator and legal advisor.

DISCLAIMER:

The report on the above name has been created using the NUANS system – a database of corporate names, trade or business names and trade-marks which is the property of INDUSTRY CANADA. No liability is undertaken by ONCORP DIRECT INC. regarding its correctness, completeness or the interpretation and use which may be made of it. It is recommended that the NUANS report be supplemented with a search of the CIDREQ database, a provincial database of names in Quebec. It is also recommended that the applicant undertake searches of Internet domain names.

-----END OF NAME SEARCH ANALYSIS-----