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CONSENT TO USE “RIDESAVER” TRADEMARK

The Transportation Services Committee recommends the adoption of the recommendation contained in the following report dated August 27, 2009, from the Commissioner of Transportation Services and the Regional Solicitor.

1. RECOMMENDATION

It is recommended that:

1. Regional Council approve the use of the trademark “RideSaver” by Chipkar Health Concepts Limited, subject to Chipkar reimbursing the Region for all costs associated with registering the trademark.

2. PURPOSE

This report requests approval from Regional Council for Chipkar Health Concepts Limited (“Chipkar”) to use the trademark “RideSaver” for their products.

3. BACKGROUND

York Region Transit registered the trademark “RideSaver”

In 2006, York Region Transit received approval for the trademark RideSaver. This trademark was developed in connection with a program offering business groups a volume discount for purchases of monthly transit passes.

4. ANALYSIS AND OPTIONS

A Manufacturer of vehicle seat covers has requested consent to use the name “RideSaver” in connection with its products

Regional staff have been advised that Chipkar has requested the Region’s consent to use the name “RideSaver” in connection with their production of vehicle seat covers. Their application states that they manufacture seats and seat covers for a variety of vehicles, including motorcycles, all-terrain vehicles, watercraft and tractors. Chipkar has asserted that the RideSaver mark is not likely to be mistaken for York Region’s official mark of the same name. The Region has not developed a logo in connection with RideSaver but uses the name to market the discount program to business groups.

The decision to grant Chipkar's request is within the discretion of Regional Council. There is no obligation to grant the consent. Generally, holders of official marks choose to grant consent where there is little chance for confusion between their official mark and the mark of the requesting party, either because the marks are different, or the goods and services with which each mark is associated, are sufficiently different that there would be no opportunity for confusion. Regional staff, through the Region's trademark agent, were advised that Chipkar is prepared to pay \$600 for the use of the mark. This represents the cost incurred by the Region to register the trademark. It is recommended that, in addition, Chipkar be required to reimburse the Region for all additional costs including legal fees.

Regional staff have considered this request and are of the opinion that the use of the name in connection with Chipkar's seat cover products and services is not likely to cause confusion with the Region's services and recommend that the request be granted.

5. FINANCIAL IMPLICATIONS

The amount offered by Chipkar as a fee will cover the original costs of registering the trademark. It is recommended that the approval be subject to the Region recovering additional costs to cover its related expenses.

6. LOCAL MUNICIPAL IMPACT

There are no local municipal impact associated with this report.

7. CONCLUSION

In 2006, York Region Transit registered a trademark for the use of "RideSaver" in connection with its discount program for transit passengers. Chipkar, a manufacturer of vehicle seat covers for assorted vehicles has requested consent to use the name "RideSaver" in connection with its products. York Regional staff are of the opinion that use of the name in this context will not cause confusion with the Region's products and services and recommends that Council consent to the use of the trademark, subject to payment to cover all the Region's costs.

For more information on this report, please contact Don Gordon at Ext. 5625.

The Senior Management Group has reviewed this report.