

Federal Court  
of Appeal



Cour d'appel  
fédérale

**Date: 20100928**

**Docket: A-503-09**

**Citation: 2010 FCA 248**

**CORAM: PELLETTIER J.A.  
TRUDEL J.A.  
STRATAS J.A.**

**BETWEEN:**

**JOSE CUERVO S.A. DE C.V.**

**Appellant**

**and**

**BACARDI AND COMPANY LIMITED  
AND REGISTRAR OF TRADE-MARKS**

**Respondents**

Heard at Ottawa, Ontario, on September 28, 2010.

Judgment delivered from the Bench at Ottawa, Ontario, on September 28, 2010.

REASONS FOR JUDGMENT OF THE COURT BY:

PELLETIER J.A.

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**REASONS FOR JUDGMENT OF THE COURT**  
**(Delivered from the Bench at Ottawa, Ontario, on September 28, 2010)**

**PELLETIER J.A.**

[1] The appeal will be dismissed with costs for substantially the reasons given by the Federal Court, as reported as 2009 FCC 1166.

"J.D. Denis Pelletier"

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J.A.

**FEDERAL COURT OF APPEAL**

**NAMES OF COUNSEL AND SOLICITORS OF RECORD**

**DOCKET:** A-503-09

**STYLE OF CAUSE:** JOSE CUERVO S.A. DE C.V. AND  
BACARDI AND COMPANY  
LIMITED AND REGISTRAR OF  
TRADE-MARKS

**PLACE OF HEARING:** OTTAWA, ONTARIO

**DATE OF HEARING:** SEPTEMBER 28, 2010

**REASONS FOR JUDGMENT OF THE COURT BY:** PELLETIER J.A.  
TRUDEL J.A.  
STRATAS J.A.

**DELIVERED FROM THE BENCH BY:** PELLETIER J.A.

**APPEARANCES:**

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**SOLICITORS OF RECORD:**

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LIMITED