

ITEM	4
MANAGER'S REPORT NO.	18
COUNCIL MEETING	1978 03 06

Re: USE OF THE MUNICIPAL LOGO AND THE WORD "BURNABY"
IN A NAME FOR A RACQUETS CLUB FACILITY

Attached is a request dated 1978 February 13 from Mr. J. Christopher Meyer to use the word "Burnaby" and the Municipal logo in a name that is being proposed for a racquets club facility.

With respect to the request for use of the logo, it is the opinion of staff that the logo was intended for the exclusive use of the Municipality. The Municipality's display program, which was undertaken in 1975, was primarily intended to produce a symbol which would become synonymous with the Corporation of the District of Burnaby and reflect Burnaby's uniqueness as a community, and as such was never intended for assignment to private commercial interests for enterprises that are not public in nature and sponsored by the Municipality.

More specifically, it is felt that use of the Municipal logo should not be used in a private commercial logo display because, in addition to this being a deviation from our original intention regarding the logo's purpose, its use by a commercial enterprise could result in confusion in the public's mind as to the role or interest that the Municipality would have in private business matters. Furthermore, there is the question of such use resulting in a dilution of the impact of our logo. It is therefore recommended that permission to use the Municipal logo for a commercial display purpose as requested be denied.

The Parks and Recreation Administrator is favourably disposed to requests for use of the word "Burnaby" by bonafide organizations that operate within the community and have a mailing address in Burnaby. The Administrator, therefore, has no objection to the request that has been received from Mr. Meyer. The Director of Planning likewise has no basic objection, but does call attention to the fact that use of the name "Burnaby Racquets Club" could result in some confusion with the Burnaby Tennis Club, which has been established for some years in this Municipality.

RECOMMENDATIONS:

1. THAT the request for permission to use the Municipal logo in the private commercial logo display as proposed by Mr. Meyer in his correspondence be denied; and
2. THAT the request for permission to use the word "Burnaby" in the name as proposed be approved, with the understanding that the name will be "Burnaby Racquets Club", and subject to the further understanding that if the Club's address is changed to a location not in Burnaby, such permission will be automatically withdrawn; and
3. THAT Mr. Meyer be advised accordingly.

ITEM 4
MANAGER'S REPORT NO. 18
COUNCIL MEETING 1978 03 06

107

ANSTEY, AYDIN, TAYLOR, MEYER & COMPANY

BARRISTERS & SOLICITORS
NOTARIES PUBLIC

202 - 1070 RIDGEWAY AVENUE
COQUITLAM, B.C. V3J 1S7
TELEPHONE (604) 939.6661

RECEIVED
1978 FEB 15

R. W. McQUARRIE (1978)
J. CHRISTOPHER MEYER
GRANT C. TAYLOR
KEVIN T. ANSTEY
KURT T. AYDIN

MUNICIPAL MANAGER'S
OFFICE

February 13, 1978.

FILE REF.:

Mayor's Office,
Municipality of Burnaby,
4949 Canada Way,
Burnaby, British Columbia.

RECEIVED

1978 FEB 14

Dear Sirs:

MAYOR'S OFFICE

Re: Lions Gate Properties Ltd.

Please be advised that we are the solicitors for Lions Gate Properties Ltd.

Our clients, who are already in the business of owning and managing various racquets clubs in British Columbia, Alberta and Alaska, are in the process of negotiating the establishment of a racquets club facility at the Eastbrook Executive Park, 4500 Still Creek Avenue, Burnaby, B.C., with Canadian Freehold Properties Ltd.

Our clients have decided that if the negotiations are successful, to name the racquets club facility the "Burnaby Racquets Club".

Our clients have, in anticipation of successful negotiations with Canadian Freehold Properties Ltd., instructed us to investigate the availability of the name "Burnaby Racquets Club" from you.

They have also instructed us to enquire into the registrability of the name "Burnaby Racquets Club" with a logo, a copy of the proposed logo being enclosed herewith. You will notice that the logo used in the tennis racquet is a copy of the logo used by the Municipality of Burnaby. As we are anxious to obtain registration of the same, if the same is available in Ottawa, we would be most grateful if you would indicate to us:

- (a) whether or not the name "Burnaby Racquets Club" is acceptable to you; and
- (b) whether or not the logo as prepared would be acceptable to you. If the logo is acceptable to you and is registered in Ottawa, we will probably need to prepare some form of registered user agreement for registration there between us in order to ensure the continued

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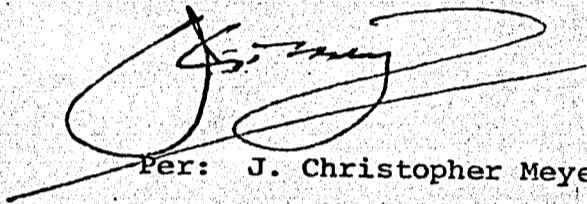
ANSTEY, AYDIN & COMPANY

- 2 -

registration of the Burnaby trademark in Ottawa.
We look forward to your reply on these questions.

Yours very truly,

ANSTEY, AYDIN, TAYLOR AND MEYER,



Per: J. Christopher Meyer.

jcm/kb
cc/T. Fawsitt

CC: Mun. Mgr.
-for your attention and
appropriate action. T.W.C. 1978 02 15

Burnaby



Racquets Club