

IN THE MATTER OF the Trade-Marks Act
AND IN THE MATTER OF an Opposition by
COUNCIL ON AMERICAN-ISLAMIC
RELATIONS to Application Serial No. 1,021,840
for the Trade-mark CAIR CANADA (CANADIAN
ASSOCIATION FOR ISLAMIC RELATIONS)

AFFIDAVIT

I, Sheema Khan, of the City of Ottawa, Province of Ontario, Canada make oath

and say as follows::

1. I am the Board Chair of the Council on American-Islamic Relations Canada (hereinafter "AIRC") which is the Canadian Chapter of the Council on American-Islamic Relations of the United States (hereinafter "CAIR UNITED STATES"). I have knowledge of facts hereinafter sworn based on my personal knowledge and the day-to-day records of AIRC to which I am responsible and to which I have full knowledge.
2. That CAIR is the commonly used acronym of Council on American-Islamic Relations and is used as a trade-mark by CAIR UNITED STATES.
3. That the activities of CAIR UNITED STATES under the trade-mark CAIR have been providing benefits to members of Muslim communities, namely assisting in the practice of Islam religion and educating Muslims on their rights and privileges as citizens; providing advocacy services in the area of religious and racial discriminations; promoting understanding between Muslims and non-Muslims through media presentations, conferences and seminars; promoting activism and generating grassroot responses to important issues.
4. That in providing the aforementioned services, CAIR UNITED STATES distributes newsletters, publicity kits, brochures and handbooks, all bearing the trade-mark CAIR, throughout Canada directly and through the Canadian chapter.
5. That in 1994 I became a member of CAIR UNITED STATES. At that time I was living in Montreal. As a member I received newsletters and communications by email from CAIR UNITED STATES.
6. In 1996 a Canadian chapter of CAIR UNITED STATES was established in Montreal. The purpose of the chapter was to promote CAIR UNITED STATES awareness in Montreal. One of the means of promoting awareness was through the distribution in Canada of CAIR UNITED STATES' newsletters, publicity kits, brochures and handbooks. CAIR UNITED STATES had direct control over the character and quality of the activities of the Canadian chapter in Montreal. I was a Director of the Montreal chapter from its beginning to 1998.
7. That in 1998 I formed the Ottawa chapter of CAIR UNITED STATES and became the Director. We were known as CAIR OTTAWA and in June 2000, we filed a non-profit incorporation with Industry Canada and we became AIRC. The activities of AIRC include promoting awareness of CAIR UNITED STATES through the distribution of newsletters, publicity kits, brochures and handbooks bearing the trade-mark CAIR. The Canadian chapter also provides benefits to members of Muslim communities, namely assisting in

the practice of Islam religion and educating Muslims on their rights and privileges as citizens; providing advocacy services in the area of religious and racial discrimination; promoting understanding between Muslims and non-Muslims through media presentations, conferences and seminars; promoting activism and generating grassroots responses to important issues.

8. That CIRC uses the trade-marks CAIR and CAIR-CAN and the name Council on American-Islamic Relations Canada under license from CAIR UNITED STATES. Under the terms of license CAIR UNITED STATES has direct control over the character and quality of all activities of CIRC including the use of its trade-mark and trade name.
9. That CIRC uses the trade-mark CAIR-CAN on its letterhead which is used in the day-to-day activities of CIRC. Furthermore, CAIR-CAN is a mark which is used in association with the activities of CIRC.
10. The trade-mark CAIR-CAN was first used in Canada by CIRC in association with its services since November 2000.
11. That since 1994, membership of people in Canada to CAIR UNITED STATES has risen so that it is now over 2000 people to date.
12. That attached hereto and marked as Exhibit A to this my affidavit are copies of minutes of meetings in Montreal as well as copies of agenda topics for meetings which took place in 1996.
13. That attached hereto and marked as Exhibit B to this my affidavit is a copy of a document titled "Council on American-Islamic Relations (CAIR)" which was handed out to potential members in Montreal since at least as early as 1996.
14. That attached hereto and marked as Exhibit C to this my affidavit are samples of newsletters, and publications which were distributed to Canadians by the Montreal chapter.
15. That attached hereto and marked as Exhibit D to this my affidavit are copies of advisories which were sent to print, radio and television media.
16. That attached hereto and marked as Exhibit E to this my affidavit are copies of letterhead of the type that is used by CIRC in conducting its day-to-day activities.

SWORN BEFORE ME AT the City of)
Ottawa, Province of Ontario, Canada,)
this 16th day of December, 2003)

Sheema Khan
SHEEMA KHAN

Jerry Lind

A Commissioner, etc.

JERRY LIND