Federal Court of Appeal | Cour d'appel fédérale

Date: 20260121

Docket: A-193-24

Citation: 2026 FCA 12

CORAM: **LOCKE J.A.**
ROUSSEL J.A.
GOYETTE J.A.

BETWEEN:

WANAKOME INC.

Appellant

and

ERIC MARTIN, KARA MARTIN and PARK ENTERPRISES WORLDWIDE INC.

Respondents

Heard at Montréal, Quebec, on January 21, 2026.
Judgment delivered from the Bench at Montréal, Quebec, on January 21, 2026.

REASONS FOR JUDGMENT OF THE COURT BY: GOYETTE J.A.

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REASONS FOR JUDGMENT OF THE COURT
(Delivered from the Bench at Montréal, Quebec, on January 21, 2026).

GOYETTE J.A.

[1] Wanakome Inc. appeals from the judgment of the Federal Court: 2024 FC 688. The Federal Court dismissed Wanakome Inc.'s action seeking, among other things, 1) a declaration that it owned the unregistered trademark WANAKOME; 2) a declaration that the respondents, Eric and Kara Martin as well as Mr. Martin's company, Park Enterprises Worldwide Inc. engaged in unfair competition prohibited under subsections 7(b), (c) and (d) of the *Trademarks*

Act, R.S.C. 1985 c. T-13; and 3) a declaration that the copyright in the WANAKOME logo registered to Park is invalid and should be expunged.

[2] Before this Court, Wanakome Inc. says the Federal Court made reviewable errors by exceeding its jurisdiction, misapplying the law and misapprehending the evidence. Specifically, Wanakome Inc. submits in determining whether Wanakome Inc. was entitled to a declaration of ownership of the WANAKOME trademark, the Federal Court went beyond its jurisdiction by "effectively" deciding matters related to a parallel shareholder dispute and trademark opposition proceedings between the same parties: Appellant's Memorandum at para. 56. In addition, Wanakome Inc. says the Federal Court misinterpreted the evidence in dismissing the claim of unfair competition and in refusing to expunge the copyright registration.

[3] We disagree.

[4] The applicable standard of review plays an important role in this appeal. The Federal Court's decision is subject to the appellate standards of review as set out in *Housen v. Nikolaisen*, 2002 SCC 33. Questions of law and questions of mixed fact and law involving an extricable question of law are reviewed for correctness. On the other hand, factual findings or inferences are accorded a very high degree of deference under the palpable and overriding error standard of review. Such an error must not only be obvious, but it must also affect the outcome of the case: *Mahjoub v. Canada (Citizenship and Immigration)*, 2017 FCA 157 at paras. 62-64.

[5] The Federal Court did not commit any errors warranting intervention.

[6] It properly determined that it had jurisdiction to address the issue raised by the appellant with respect to ownership of the WANAKOME trademark, including its authority to interpret the contractual documents in evidence. The Federal Court correctly cited the legislative sources of its jurisdiction in the *Federal Courts Act*, R.S.C. 1985, c. F-7, and *Trademarks Act* as well as the jurisprudence: Federal Court Decision at paras. 45–50 citing, among other cases, *Salt Canada Inc. v. Baker*, 2020 FCA 127 at paras. 24, 31 and 40, and *Royal Doulton Tableware Ltd v Cassidy's Ltd*, [1986] 1 FC 357 at pp. 374–376. In addition, the Federal Court carefully measured its words to avoid straying outside its jurisdiction, recognizing that some aspects of the dispute lie outside its authority: Federal Court Decision at paras. 49, 50 and 81.

[7] As for the Federal Court's conclusion that the evidence did not establish unfair competition, it was reached by applying the required legal tests and carefully reviewing the evidence: Federal Court Decision at paras. 83–131. The factual findings are well supported and owed deference: *Masterpiece Inc. v. Alavida Lifestyles Inc.*, 2011 SCC 27 at para. 102.

[8] Finally, we do not see any reason to interfere with the Federal Court's decision not to expunge the copyright registration in the WANAKOME logo. An application to expunge a registration under subsection 57(4) of the *Copyright Act*, R.S.C. 1985, c. C-42, turns on the specific facts and the evidence: *Gemstone Travel Management Systems Inc. v Andrews*, 2017 FC 463 at para. 16; *Neugebauer v. Labieniec*, 2010 FCA 229 at para. 2. Based on the evidence, the Federal Court found that Ms. Martin was the author of the logo and that the copyright in the artistic work was validly registered by Park on behalf of Ms. Martin: Federal Court Decision at

paras. 143-144, 148, and 150. Wanakome Inc. has not pointed to a palpable and overriding error that would require overturning the Federal Court.

[9] For all the foregoing reasons, this appeal will be dismissed with costs.

"Nathalie Goyette"
J.A.

FEDERAL COURT OF APPEAL

NAMES OF COUNSEL AND SOLICITORS OF RECORD

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