



# REPORT FOR ACTION WITH CONFIDENTIAL ATTACHMENT

## Overview of TPA Trademarks and Official Marks

Date: February 4, 2022

To: Board of Directors, Toronto Parking Authority

From: President, Toronto Parking Authority

Wards: All

### REASON FOR CONFIDENTIAL INFORMATION

---

The attachment to this report pertains to litigation or potential litigation involving Toronto Parking Authority (TPA) and contains advice that is subject to solicitor-client privilege.

### SUMMARY

---

Toronto Parking Authority's (TPA) history goes back nearly 70 years to June 24, 1952 when the Council of the City of Toronto passed a bylaw establishing the Parking Authority of Toronto. TPA's use of the Green P logo dates back to at least 1956 and is now a central component of TPA's branding of all TPA parking facilities, parking equipment, the Green P Mobile App, TPA's online and social media presence and third-party parking lots operated by TPA as Green P parking.

The use of the Green P Logo has come to be known as an indicator of affordable, safe, and secure public parking in the City of Toronto. The longstanding use of this logo has led to the TPA's parking facilities becoming known simply as "Green P" spaces, lots or garages. Use of the name "Green P" is so popular with consumers that TPA actively uses it in its branding.

While other parking lots may use logos including a "P" element, the Green P Logo and use of the colour green in association with parking facilities is recognized by consumers as an indication that a parking lot, garage, or space, is operated and maintained by the TPA, the City of Toronto's public parking authority.

TPA considers its registered trademarks and official marks to be valuable assets and it has applied for, registered and taken other steps to protect these marks in Canada. Today, TPA operates over 300 off-street parking facilities across the City of Toronto and the City of Vaughan and a further 20,000 on-street paid parking spaces. Through the

operation of Green P parking, TPA has generated revenues exceeding \$2.1 Billion since 2001.

Since 2013, TPA has operated Bike Share Toronto, which has grown to include 625 Bike Share Stations and approximately 6,850 bikes, generating revenues of \$7 million in 2021. TPA has also taken steps to register the trademarks and official marks of Bike Share Toronto.

This report provides an overview of TPA's registered trademarks and official marks, how they are used and the ongoing efforts to protect its intellectual properties. This report should be received for information purposes only.

## **RECOMMENDATIONS**

---

The President, Toronto Parking Authority recommends that:

1. The Board of Directors, Toronto Parking Authority, receive this report for information purposes only.
2. The Board of Directors, Toronto Parking Authority direct that Confidential Attachment 1 remain confidential in its entirety, as it pertains to litigation or potential litigation involving Toronto Parking Authority and contains advice that is subject to solicitor-client privilege.

## **FINANCIAL IMPACT**

---

There is no financial impact associated with the adoption of this report.

## **DECISION HISTORY**

---

At its meeting of July 19, 2021, TPA Board of Directors (Item PA25.10) adopted instructions outlined in a confidential attachment with respect to Toronto Parking Authority's opposition of trademarks proposed to be registered in Canada by Parkmobile International Holding B.V. (Parkmobile). Additional information on this report can be found at the following link:

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2021.PA25.10>

## COMMENTS

---

### Background

TPA's history goes back nearly 70 years to June 24, 1952 when the Council of the City of Toronto passed a bylaw establishing the Parking Authority of Toronto (PAT). As part of the amalgamation of the City of Toronto in 1998, TPA was formed as a result of the merging of the former PAT and the former Parking Authority of North York into a single entity under the City of Toronto Act, 1997 (No.2). Operational responsibilities for properties utilized by other predecessor municipalities, (Metro Toronto, York, East York, Etobicoke and Scarborough) for parking purposes were subsequently transferred to TPA by City Council. Upon the City of Toronto Act, 2006 taking effect, TPA was continued as a City Board under a general transition provision of the City of Toronto Act, 2006.

TPA's use of the Green P logo dates back to at least 1956 (Refer to Appendix A for example images) and is now a central component of TPA's branding of all parking facilities, parking equipment, the Green P Mobile App and TPA's online and social media presence. TPA considers its registered trademarks and official marks to be valuable assets and it has applied for, registered and taken other steps to protect these marks in Canada.

TPA currently has 15 Green P-related marks listed on the Trademarks Register. These marks include 13 official or "public authority" marks in its portfolio, along with two (2) regular trademark registrations. The common element in each of the Green P registered marks and the Green P Official Marks is the capital letter "P" shown inside of a circle. The circle is usually green, and the "P" is usually white. Some versions include arrows, while others do not. The various representations of the letter "P" (in white), inside of a green circle, with or without an arrow, are commonly referred to in this report as the "Green P Logo."

Included in the 15 protected symbols are symbols pertaining to Bike Share Toronto. Similar to the Green P Logo, Bike Share Toronto registered marks also contain the common element of a green circle. As opposed to a letter "P" inside of the green circle however, a bicycle symbol is frequently depicted in the colour white.

The TPA also has a variety of other official or "public authority" marks in its portfolio, as set out in Appendix B.

TPA uses the Green P Logo in association with both goods and services. The goods include payment tickets, parking machines, wayfinding signage and a downloadable mobile application through which services offered by TPA can be accessed. The services offered by TPA in association with the Green P Logo include the construction, maintenance, control, operation and management of parking facilities, online and mobile parking payment services and online and mobile services for finding parking locations.

As described, the Green P Logo is used throughout the City of Toronto to designate the availability of parking services. The use of the Green P Logo has come to be known as an indicator of affordable, safe, and secure public parking in the City of Toronto. The longstanding use of this logo has led to TPA's parking facilities becoming known simply as "Green P" spaces, lots or garages. Use of the name "Green P" is so popular with consumers that TPA actively uses it in its branding.

While other parking lots may use logos including a "P" element, the Green P Logo and use of the colour green in association with parking facilities is recognized by consumers as an indication that a parking lot, garage, or space, is operated and maintained by TPA, the City of Toronto's public parking authority.

TPA Policy Resolution 3-12: Use of Parking Authority Trademarks and Symbols (see Appendix C), addresses TPA's symbols and signs which are protected under Section 9 of the Trademark Act. All 13 "official mark" signs and symbols used by TPA are protected under Section 9 of the Trademark Act which states the following:

*No person shall adopt in connection with a business, as a trade mark or otherwise, any mark consisting of, or so nearly resembling as to be likely to be mistaken for:*

*(n) any badge, crest, emblem or mark*

*(iii) adopted and used by any public authority in Canada as an official mark for wares or services,*

*in respect of which the Register (of Trademarks) has, at the request of... the.... public authority... given public notice of its adoption and use.*

The remaining two (2) ordinary trademark registrations for the Green P logos provide the TPA with additional protections against trademark infringement and "depreciation of goodwill" by competitors in the field. The protections apply to prevent other entities in similar fields from using marks that resemble the Green P closely enough to cause public confusion. An example might include a competitor logo that has a light green encircled P for parking services or a parking app.

TPA has retained McCarthy Tétrault LLP to provide general advice on intellectual property matters. Under TPA's May 1, 2020 retainer, McCarthy is also available to assist with the filing and prosecution of patent, trademark or other intellectual property applications or enforcement in Canada. A summary of actual and potential intellectual property disputes being managed by McCarthy is included in Confidential Attachment 1. The City's Legal Services Division is also engaged to support TPA in its management of trademark and intellectual property disputes.

## **CONTACT**

---

Jeffrey Dea, Vice President, Business Development, Toronto Parking Authority,  
437-243-6545, [Jeffrey.Dea2@toronto.ca](mailto:Jeffrey.Dea2@toronto.ca)

## **SIGNATURE**

---

W. Scott Collier, President  
Toronto Parking Authority

## **ATTACHMENTS**

---

Confidential Attachment 1 - Confidential Information

Appendix A – Examples of the Use of the Green P Logo on Parking Authority of Toronto signage pre-dating City of Toronto amalgamation (1998)

Appendix B - Toronto Parking Authority Official Marks and Registered Trademarks

Appendix C – Toronto Parking Authority Policy Resolution 3-12

## APPENDIX A – TORONTO PARKING AUTHORITY OFFICIAL MARKS AND REGISTERED TRADEMARKS

---



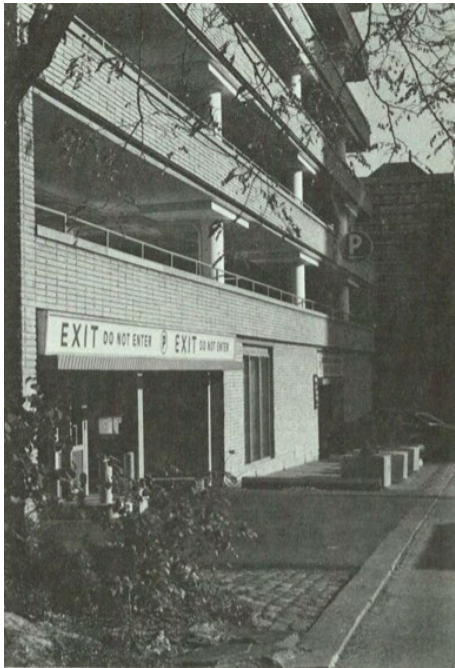
(Source: Parking Authority of Toronto, 1975 Annual Report)



(Source: Parking Authority of Toronto, 1976 Annual Report)



(Source: Parking Authority of Toronto, 1976 Annual Report)



(Source: Parking Authority of Toronto, 1978 Annual Report)



(Source: Parking Authority of Toronto, 1980 Annual Report)



(Source: Parking Authority of Toronto, 1982 Annual Report)





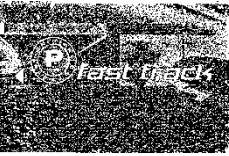









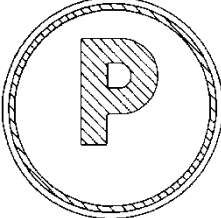
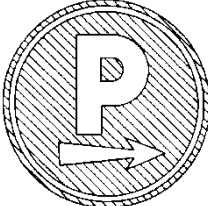


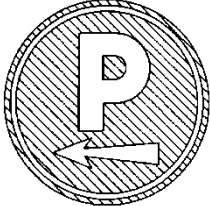
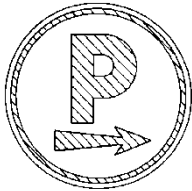



(Source: Parking Authority of Toronto, 1987 Annual Report)

## APPENDIX B – TORONTO PARKING AUTHORITY OFFICIAL MARKS AND REGISTERED TRADEMARKS


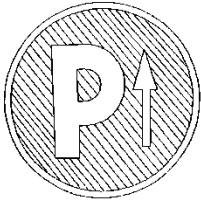
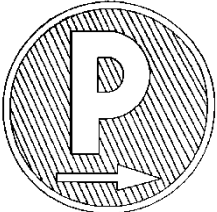
### Toronto Parking Authority Official Marks

Official Mark	Design
App 907006 AUTOEXPRESS	N/A
App 907005 AUTOEXPRESS & DESIGN	
App 923937 BIKE SHARE TORONTO & Design	
App 923936 CARD Pictogram	
App 923933 ELECTRIC VEHICLE CHARGING & Design	
App 915550 FAST TRACK	N/A
App 915549 FAST TRACK & Design	
App 915548 FAST TRACK & Design	
App 915551 FAST TRACK & Design (colour)	
App 923934 GREEN P	N/A
App 924655	N/A

Official Mark	Design
IT STARTS HERE	
App 923935 MOBILE DEVICE Pictogram	
App 903893 P & DESIGN	
App 903894 P & DESIGN	
App 903221 P & DESIGN	
App 903222 P & DESIGN	
App 901604 P & DESIGN	
App 901605 P & DESIGN	

Official Mark	
App 901606 P & DESIGN	
App 901607 P & DESIGN	
App 913621 P DESIGN LEFT ARROW (black & white)	
App 913620 P DESIGN LEFT ARROW (colour)	
App 913622 P DESIGN RIGHT ARROW (black & white)	
App 913623 P DESIGN RIGHT ARROW (colour)	
App 907951 PEDAL 'N PARK	N/A
App 907952 PEDAL 'N PARK & DESIGN	

## Toronto Parking Authority Registered Trademarks

Trademark	Design	Goods and Services
<p>Reg TMA494383 WITH THE CONVENIENCE OF RAPID PARK DESIGN</p>		<p>(1) Equipment used in the operation of motor vehicle parking facilities, namely ticket dispensers, and coding terminals, point of sale cashier terminals, traffic control barrier gates, pay and display machines, access card readers, access cards, vehicle detectors, vehicle count systems, slide and swing gate operating mechanisms, and pay on foot stations. (1) Management, operation, maintenance, and servicing of motor vehicle parking facilities.</p>
<p>Reg TMA466811 PEDAL 'N PARK</p>	<p>N/A</p>	<p>(1) Operation of a parking facility.</p>
<p>Reg TMA300438 P &amp; DESIGN</p>		<p>(1) Construction, maintenance, control operation and management of municipal parking facilities.</p>
<p>Reg TMA292150 P &amp; DESIGN</p>		<p>(1) Parking signs, parking tickets and parking stamps. (1) Construction, maintenance, control, operation and management of municipal parking facilities.</p>

## APPENDIX C –

# TORONTO PARKING AUTHORITY POLICY RESOLUTION 3-12

---

## TORONTO PARKING AUTHORITY

### POLICY RESOLUTION

### 3-12

---

ITEM: **Use of Parking Authority Trademarks and Symbols**

PAGE 1 OF 1

---

The Authority shall have all signs and symbols used by it protected under Section 9 of the Trade Mark Act. To quote Section 9 of the Act:

No person shall adopt in connection with a business, as a trade mark or otherwise, any mark consisting of, or so nearly resembling as to be likely to be mistaken for

- (n) any badge, crest, emblem or mark
- (iii) adopted and used by any public authority in Canada as an official mark for wares or services,

in respect of which the Register (of Trade Marks) has, at the request of ... the .... public authority ... given public notice of its adoption and use.

Subsection 2 of Section 9 provides that:

Nothing in this section prevents the use as a trade mark or otherwise, in connection with a business, of any mark described in sub-section (1) with the consent of ... such ... authority ... as may be considered to have been intended to be protected by this section.

Before permission is given to others for the use of the Parking Authority's protected signs or symbols, the approval of the Board of Directors of the Toronto Parking Authority must be received.

---

FIRST ADOPTED:	88-232 (PAT)	MINUTE NUMBER:	12-114
LAST AMENDED:	July 24, 2012	MINUTE NUMBER:	17-055
LAST REVIEWED:	April 24, 2017		

---