

**IN THE HEARINGS AND MEDIATION DEPARTMENT OF
THE INTELLECTUAL PROPERTY OF SINGAPORE
REPUBLIC OF SINGAPORE**

Trade Mark Application Nos. T99/05892B in Class 18, T99/05893J in Class 25, T02/02986H in Class 25 and T02/08224F in Class 14.

12 July 2006, 27 July 2006 and 28 February 2007

IN THE MATTER OF AN APPLICATION BY

YOUNG SANGYO CO, LTD

TO REGISTER A TRADE MARK

And

OPPOSITION THERETO BY

VALENTINO GLOBE B.V.

Hearing Officer: Ms Anne Loo
Principal Assistant Registrar of Trade Marks


Mr Sivakumar (M/s Joseph Lopez) for the Opponents


Mr G Radakrishnan (M/s Rada & Associates) for the Applicants

GROUND OF DECISION

1 This is an opposition against trade mark applications, Nos. T99/05892 in Class 18, T99/05893 in Class 25, T02/02986 in Class 25 and T02/08224 in Class 14. The applications were filed by Young Sangyo Co, Ltd of 4-9-5, Hirano-Nishi, Hirano-Ku, Osaka, 547-0033, Japan.

2 The particulars of the applications are:

Trade mark application no., mark, class and specification of goods	Application date	Date of advertisement in Trade Marks Journal
<p style="text-align: center;">GIANNI VALENTINO</p> <p>T99/05892B in Class 18 in respect of “Bags, pouches, portable cases for toiletry articles; umbrellas and parasols; sticks, canes, cane handles, collars and clothing for animals; all included in Class 18.”</p>	10 June 1999	9 Feb 2001
<p style="text-align: center;">GIANNI VALENTINO</p> <p>T99/05893J in Class 25 in respect of “Clothing including suits, jackets, skirts, trousers, coats, sweaters, shirts, blouses, underwear, night wear, shorts and aprons; gloves; hosiery; neckwear including mufflers and scarves; headgear including hats and caps; garters; suspenders; braces; bands; belts; footwear; sporting and gymnastics wear and footwear; swim wear; armbands; parts and fittings for all the aforesaid goods; all included in Class 25.”</p>	10 June 1999	3 Nov 2000
<div style="text-align: center;">  </div> <p>T02/02986H in Class 25 in respect of “Articles of clothing for men, women and children; sportswear; swimwear; footwear; headgear; gloves; hosiery; mufflers, scarves and shawls; slippers; raincoats; belts; ties.”</p>	6 Mar 2002	31 Jan 2003

Trade mark application no., mark, class and specification of goods	Application date	Date of advertisement in Trade Marks Journal
 <p>T02/08224F in Class 14 in respect of “Watches, clocks, timepieces, horological and chronometric apparatus and instruments; genuine and imitation jewellery”.</p>	14 June 2000	20 Jan 2003

For the purposes of the opposition, these marks will be collectively referred to as the “Applicants’ marks”.

3 The Opponents, Valentino Globe B.V., filed Notices of Opposition against the applications on 30 March 2001, 3 January 2001, 30 May 2003 and 20 May 2003 respectively. The 4 opposition matters were consolidated and heard on the 12 July 2006 and the 27 July 2006. As parties filed further evidence during the course of proceedings, the matter was finally concluded on the 28 February 2007.

4 The Opponents are registered proprietors and applicants in Singapore of trade marks in classes 3, 9, 14, 16, 18, 25, 34, 35 and 42. A list of 40 trade marks is shown in Annex A of the Grounds of Decision. However, of the 40 trade marks listed in Annex A, 12 of these marks have been either abandoned or removed.

Grounds of Opposition

5 The Opponents cited the following grounds in their Notice of Opposition:

- (i) The Applicants’ marks are similar to the Opponents’ trade marks and are registered for goods which are identical with or similar to those for which the

Opponents' marks are protected. Registration of the Applicants' marks is contrary to section 8(2) of the Act.

- (ii) The Opponents are registered proprietors worldwide and in Singapore of trade marks containing or comprising the word "VALENTINO" and the trade marks appearing in Annex A; and in light of the Opponents' extensive use and goodwill are well-known in Singapore and worldwide. Registration of the Applicants' mark is contrary to section 8(3) of the Act.
- (iii) The Opponents have substantial goodwill and reputation in their mark, and the use or proposed use of the Applicants' mark in respect of the goods applied for is likely to deceive and/or cause confusion and/or lead to the Applicants goods being passed off as or mistaken as goods originating from the Opponents and this would be injurious to the goodwill and proprietary rights of the Opponents. Registration of the Applicants' mark if allowed would be contrary to section 8(7) of the Act.
- (iv) The Applicants in choosing to register the application mark are seeking to take advantage of the Opponents' earlier rights and reputation in the Opponents' marks and therefore, the Applicants' mark was not chosen in good faith. The use or intended use of the Applicants' mark is likewise not in good faith and the Applicants therefore cannot validly claim to be the bona fide proprietors of the Applicants' mark. Registration of the Applicants' mark if allowed would be contrary to section 7(6) of the Act.
- (v) The Applicants' mark is not distinctive and is not capable of distinguishing the goods of the Applicants from the goods of the Opponents by reason of the Opponents' extensive goodwill and reputation in the Opponents' marks. The Applicants' mark does not satisfy the definition of a trade mark under section 2(1) and is therefore contrary to section 7(1)(a) of the Act.

Counter-Statement

6 In the Counter-Statements to the Notices of Opposition, the Applicants stated that the Applicants' and the Opponents' marks are not confusingly similar. The Applicants also state that the Opponents' marks are not well-known marks and deny that the Opponents' marks have become well-known in worldwide or in Singapore. Further, the Applicants deny that their mark

has been made in bad faith or that they have passed off their mark as the Opponents' mark, and put the Opponent to strict proof thereof of all their allegations.

The applicable law

7 The opposition falls to be determined under the Trade Marks Act (Cap. 332) 2005 Revised Edition ("the Act").

The Opponents' Evidence

8 A total of 12 statutory declarations were filed on behalf of the Opponents in respect of the 4 trade mark applications. The statutory declarations were filed by George F. Nicolai, the Managing Director in the Opponents since September 1989, and by Gert-Jan Lobbes, the Managing Director.

The statutory declarations were filed in respect of the trade mark applications as follows:

T99/05892 Class 18	Statutory declaration of George F. Nicolai ("Nicolai") filed on 8 October 2001 Statutory declaration in reply by Nicolai filed on 20 January 2004 Statutory declaration by Gert-Jan Lobbes ("Lobbes") filed on 27 October 2006
T99/05893 Class 25	Statutory declaration of George F. Nicolai ("Nicolai") filed on 12 October 2001 Statutory declaration in reply by Nicolai filed on 20 January 2004 Statutory declaration by Gert-Jan Lobbes ("Lobbes") filed on 27 October 2006
T02/02986 Class 25	Statutory declaration of George F. Nicolai ("Nicolai") filed on 26 November 2003 Statutory declaration in reply by Gert-Jan Lobbes ("Lobbes") filed on 1 February 2005 2 nd statutory declaration by Lobbes filed on 27 October 2006
T02/08224 Class 14	Statutory declaration of George F. Nicolai ("Nicolai") filed on 26 November 2003 Statutory declaration in reply by Gert-Jan Lobbes ("Lobbes") filed on 1 February 2005 2 nd statutory declaration by Lobbes filed on 27 October 2006

The contents of the statutory declarations for each trade mark opposition are very similar.

Nicolai's evidence

9 In essence, the statutory declaration of Nicolai states that the Opponents are the registered proprietor of the trade marks “VALENTINO”, “VALENTINO” & V (logos), “VALENTINO GARAVANI” and variations thereof. The Opponents’ goods bearing the marks have been marketed and sold in Singapore on an aggressive and substantial scale since at least 1976. The retail annual sales turnover in Singapore regularly exceeds US\$10million (SGD 15million). Worldwide annual retail sales turnover of the Opponents’ goods bearing the “VALENTINO” marks regularly exceeds US\$1000million and the expenditure for worldwide advertising and promotional activities is about US\$6million annually. The advertising and promotional activities include advertisements in widely circulated magazines such as GQ, W, Cosmopolitan, Vanity, Vogue and Elle; as well as fashion shows in Paris, Rome, Milan and New York which are attended by buyers in the industry from all over the world.

10 The Opponents’ extensive use of the trade mark “VALENTINO” by their Opponents and their authorized users in classes 14, 18 and 25 in Singapore from 1990 to 1997 are exhibited. The Opponents were not able to exhibit the sales figures for years 1998 onwards due to the termination of the license with their former licensee on non-amicable terms.

<u>Year</u>	<u>Amount (USD)</u>	<u>Amount (SGD)</u>	<u>Conversion rate</u>
1990	10,574,785.00	18,400,125.00	1.74
1991	8,876,650.00	14,380,173.00	1.62
1992	10,177,225.00	16,588,876.00	1.63
1993	17,078,300.00	27,325,280.00	1.60
1994	21,040,880.00	30,509,276.00	1.45
1995	19,586,180.00	27,616,513.00	1.41
1996	25,343,350.00	35,227,256.00	1.39
1997	9,960,400.00	16,434,660.00	1.65

11 The figures are also not broken down into the sales for each class of goods as the Opponents do not have access to records indicating the annual retail sales figures for the individual classes. The Opponents are able to confirm that a certain percentage of the sales relate to Class 14 goods, close to 20% of the sales relate to Class 18 goods and estimate that 80% of the sales relate to sales of Class 25 goods.

12 The evidence showing sales figures of class 14, 18 and 25 goods bearing the “VALENTINO” trade mark is as follows:

<u>Year</u>	<u>Amount (SGD)</u>
1985	84,890.00
1986	60,211.00
1987	360,385.00
1988	496,720.00
1989	788,017.50
1990	1,300,822.00
1991	1,100,500.00
1992	1,698,270.00
1993 (January to September)	1,247,550.00

The Opponents’ evidence included invoices for sale of goods bearing the “VALENTINO”, “VALENTINO GARAVANI” and “VALENTINO Miss V” marks. These invoices were from the Opponents’ licensees Vogue Bijoux and IPM Societa; invoices issued by Cidat SpA, CoPel SpA and GFT Donna SpA to Walker & Charhon, Paris, the European purchasing agent of Club 21 Pte Ltd, Singapore; and invoices from YGM Corporation Pte Limited, the sole distributor in Singapore of GFT Donna SpA. Besides the invoices, copies of the Opponents’ Annual Reports, catalogues used in Singapore and worldwide to promote use of the Opponents’ “VALENTINO” marks and a booklet entitled “VALENTINO STORY” which is distributed in through boutiques and sales networks were enclosed as evidence.

13 The advertisement and promotional expenditure incurred in Singapore from 1990 to September 1994 were exhibited and the Opponents explained that they were not able to produce the figures for the other years due to the termination of the license agreement in Singapore.

Advertisement And Promotional Expenditure In Singapore

<u>Year</u>	<u>Amount (SGD)</u>
1990	101,170.99
1991	93,485.40
1992	61,172.48
1993	35,241.48
1994 (January to September)	18,263.00

The Opponents commenced use of their “VALENTINO” marks worldwide as early as 1961 and have numerous registrations worldwide in various international classes which are kept valid and subsisting. The class 14, 18 and 25 registrations were secured as early as the 1970s.

The Statutory Declaration In Reply

14 The statutory declaration in reply for T99/05892 and T99/05893 were filed by Nicolai and in respect of T02/08224 and T02/02986, by Lobbes. Nicolai in response to the Applicants’ evidence verifies that the Opponents’ goods have been sold in major departmental stores as supported by the invoices. He also states that the Opponents have created a 2nd line of clothing and accessories under the mark “VALENTINO ROMA” in relation to Class 14, 18 and 25 goods and confirms that the Opponents have an intention to create a 3rd line of clothing geared at customers in the mid-priced market. The co-existence agreement between the Opponents and Mario Valentino was exhibited in the evidence.

15 Lobbes’ statutory declaration in reply to the Applicants’ statutory declaration states that the Opponents have filed an invalidation application to remove the Applicants’ registration T02/02985Z in Class 18 for “fur; bags; shoulder bags; rucksacks; suitcases; travelling bags; shopping bags; wheeled shopping bags; wallets; purses; key cases; coin cases; business card cases; card cases; cosmetic pouches; parasols and umbrellas and covers for them; walking sticks; canes; clothing for pets; collars for animals; covers for animals; all being goods included in Class 18”. The Opponents also state that the Japanese High Court and the Japanese Supreme Court both ruled in favour of the Opponents in the invalidation action in Japan against the Applicants’ class 19 “GIANNI VALENTINO” and V device mark and exhibit the translations of the said judgements. Lobbes also reiterated what was declared in Nicolai’s statutory declaration concerning the Opponents’ creation of a 2nd line of clothing and accessories under the mark “VALENTINO ROMA” in relation to Class 14, 18 and 25 goods and states that the Opponents also created a 3rd line of clothing under “R.E.D.VALENTINO” targeted at customers in the mid-priced market.

Lobbes' evidence

16 In his second statutory declaration, Lobbes disputes the Applicants' evidence as filed in 2006 by Hasegawa, Yoshie and Horimoto. He exhibits the search result from the official database of the Italian Chambers of Industry and Commerce which shows that there are no results for companies under the name "CONFEZIONI" with a legal seat in Milan, Corso Garibaldi. He also exhibits a search of the Telecom Italia, the Italian telephone company directory showing no results for "CONFEZIONI", "Carlo Valentino" and "Gianni Valentino" in Milano. Also included in the evidence was the search result from the website www.paginegialle.it, database that includes commercial information concerning all enterprises in Italy which also showed no results in connection with any boutique called "CONFEZIONI" in Milan, Corso Garibaldi.

The Applicants' Evidence

17 The Applicants' evidence was filed by Takaaki Hasegawa, Peng Jiaen Joshua, Liaw Kim Chew, Takashi Yoshie and Yukihiro Horimoto. The Applicants' statutory declarations were filed on the following dates:

T99/05892 Class 18	Statutory declaration of Takaaki Hasegawa ("Hasegawa") filed on 10 December 2002 Further Statutory declaration of Hasegawa dated 28 August 2006 Statutory declaration of Takashi Yoshie ("Yoshie") dated 30 August 2006 Statutory declaration of Yukihiro Horimoto ("Horimoto") dated 30 August 2006
T99/05893 Class 25	Statutory declaration of Takaaki Hasegawa ("Hasegawa") filed on 10 December 2002 Further statutory declaration of Hasegawa dated 28 August 2006 Statutory declaration of Takashi Yoshie ("Yoshie") dated 30 August 2006 Statutory declaration of Yukihiro Horimoto ("Horimoto") dated 30 August 2006
T02/02986 Class 25	Statutory declaration of Takaaki Hasegawa ("Hasegawa") filed on 8 June 2004 Statutory declaration of Peng Jiaen Joshua ("Peng") dated 27 May 2004 Statutory declaration of Liaw Kim Chew ("Liaw") dated 26 May 2004

	<p>Further statutory declaration of Hasegawa dated 28 August 2006</p> <p>Statutory declaration of Takashi Yoshie (“Yoshie”) dated 30 August 2006</p> <p>Statutory declaration of Yukihiro Horimoto (“Horimoto”) dated 30 August 2006</p>
T02/08224 Class 14	<p>Statutory declaration of Takaaki Hasegawa (“Hasegawa”) filed on 8 June 2004</p> <p>Statutory declaration of Peng Jiaen Joshua (“Peng”) dated 27 May 2004</p> <p>Statutory declaration of Liaw Kim Chew (“Liaw”) dated 26 May 2004</p> <p>Further statutory declaration of Hasegawa dated 28 August 2006</p> <p>Statutory declaration of Takashi Yoshie (“Yoshie”) dated 30 August 2006</p> <p>Statutory declaration of Yukihiro Horimoto (“Horimoto”) dated 30 August 2006</p>

Hasegawa’s evidence

18 The Applicants’ first statutory declaration was sworn by Takaaki Hasegawa, the Vice President of Young Sangyo Co., Ltd, who has been with the Applicants for more than 26 years. He states that the Applicants are a well-known business in Japan and have been in the fashion business since 1972. The Applicants make and sell fashion articles such as clothing, jewellery and leather goods, and are also licensees for well-known international brands such as Levis, FILA, Timberland, Wrangler, HIROKO KOSHINO SPORTS and ENRICO COVERI.

19 The Applicants are the proprietors of the mark “GIANNI VALENTINO” and the GV logo and have used these marks in Japan since 1984 on various fashion articles such as clothing, sportswear, leather goods, bags, kitchenware, utensils, cutlery, towels, bed linen and others. The Applicants have several registrations in Japan for the “GIANNI VALENTINO” mark in the Japanese classes 4, 12, 17, 19, 20, 21, 22, and 23. The earliest of these registrations is dated 30 April 1987 and relates to registration for the mark “GIANNI VALENTINO” for clothing.

20 Mr Hasegawa states that the mark “GIANNI VALENTINO” is the name of an Italian designer, one Mr Gianni Valentino, who was the owner of a boutique in Italy and sold clothes under the same mark. Mr Gianni Valentino gave the Applicants his consent to use his name on various products and to register the mark for various products in various countries. The written consents are exhibited in the statutory declaration. Mr Gianni Valentino is a publicity shy designer. He has designed various goods for the Applicants and the Applicants have used the

mark on Class 18 leather goods, Class 25 goods and Class 14 goods, as designed by Mr Gianni Valentino. The Applicants have used the marks extensively in Japan and the total retail sales of all “GIANNI VALENTINO” goods is currently about 65 billion yen (which is about USD 572 million or SGD972 million at the current exchange rate in year 2004). Sales of “GIANNI VALENTINO” goods are five times more than that of Mario Valentino and Valentino Garavani put together. The Applicants have also advertised extensively in Japan and have exhibited evidence of the same in the statutory declarations. In view of the success of the “GIANNI VALENTINO” mark in Japan, the Applicants decided to expand into Singapore by filing applications in Classes 14, 18 and 25. The Singapore applications were filed on intent to use basis. The Applicants claim that they are more famous than the Opponents in Japan owing to the long use since 1984.

21 Mr Hasegawa states that the Opponents and the Applicants marks co-exist in Japan and although there have been some attempts by the Opponents to object to the Applicants’ marks, these have not been successful.

22 In respect of the Class 25 goods in T99/05893J, Mr Hasegawa states that the Applicants became aware that a company called Yaoki International Pte Ltd had filed an application T99/01894G for an identical mark for ties, shirts, t-shirts, trousers and underclothing. The Applicants opposed Yaoki’s application when it was advertised and the matter was settled with Yaoki assigning the mark to the Applicants and agreeing to stop the sale of clothing bearing the “GIANNI VALENTINO” mark in Singapore.

23 In respect of the Class 14 goods in T02/08224F, Mr Hasegawa states that the Applicants have commenced use in Singapore on watches. The Applicants have a Singaporean licensee Retro Development Pte Ltd, which has commenced use of the Applicants’ mark on watches.

Further statutory declaration of Hasegawa dated 28 August 2006

24 A further statutory declaration was declared by Hasegawa to address the issue of the identity and existence of Gianni Valentino raised by the Opponents. Hasegawa states that the statement in the earlier statutory declarations implying that Gianni Valentino continues to

design for the Applicants are not correct; although in the early stages, he did provide some design sketches. He does not know when Gianni Valentino stopped designing for the Applicants. He declares that the Applicants began using design sources from independent design companies in Japan and their own designers who better understand Japanese taste. Hasegawa also clarified the Applicants' yearly turnover figure represents the Applicants' gross income from the Applicants' license fees and the sales revenue. The Applicants license the use of the "GIANNI VALENTINO" mark to several licensees who manufacture under quality control, various goods with the "GIANNI VALENTINO" mark, sell them and pay license fees to the Applicants. The sales revenue comes from the Applicants' sale of goods bearing the "GIANNI VALENTINO" mark to retailers.

25 With respect to the consent to use "GIANNI VALENTINO", Hasegawa declares that the 1st consent dated 10 December 1982 and 2nd consent dated 1 June 2000 are genuine. He declares further that when the 1st consent was due to expire in December 2002, the Applicants obtained an extension from Gianni Valentino through Dr Yoshie.

Peng's evidence

26 Mr Peng Jiaen Joshua, a private investigator with a Commercial Investigations ("CI"), a commercial private investigation agency, was instructed by the Applicants' solicitors, M/s Rada & Associates to conduct investigations on the use in Singapore of the Opponents' "VALENTINO" marks. The instructions were given on behalf of the Applicants Young Sangyo Co Ltd. He filed the following evidence on behalf of the Applicants.

27 Based on his investigations which were conducted on the 10, 12 and 13 of March 2003 at various departmental stores and at the Valentino outlet at the Hilton Shopping Gallery, he observed that only the Valentino outlet at the Hilton Shopping gallery sold the Opponents' Valentino goods. The Hilton Valentino outlet had on display for sale handbags, shoes, clothing, belts and sunglasses with the mark "VALENTINO GARAVANI" or "VALENTINO ROMA". The clothes hangers had a "V" logo. All the merchandise concerned was for ladies. Peng also observed that other Valentino marks such as Valentino Louis, Valentino Cravette, Valentino Creations and Valentino Rudy, were found to be on sale at the other departmental stores or

outlets. However, these departmental stores or outlets did not sell any goods with the Opponents' "VALENTINO" marks.

Liaw's evidence

28 In the statutory declaration of Mr Liaw Kim Chew, a director of 7 years with Retro Development Pte Ltd ("Retro"), the Applicants' Singapore licensee, he states that Retro was granted a master license by the Applicants in 2002 to make and sell on behalf of the Applicants, goods in Class 14 and 25 bearing the Applicants' marks, in Singapore.

29 He states that goods bearing the Applicants' marks were made and sold in Singapore on behalf of the Applicants in 2002 and 2003. The details of the sales were as follows:

<u>Goods</u>	<u>Amount in SGD</u>
Watches	155,736
Apparel (shirts and pants)	180,271

The watches bearing the Applicants' mark were supplied for credit card purchases promoted by DBS Bank. The apparel was supplied to Tibs. (i.e. "Trans Island Bus Service")

Yoshie's evidence

30 Dr Takashi Yoshie, a consultant designer in Japan and Italy filed his statutory declaration on the 30 August 2006. His evidence is that he was the person who had contact with Gianni Valentino and who had acted as the liaison between the former chairman of Young Sangyo, one Mr Yukihiro Horimoto and Gianni Valentino in 1982. He deposes that the liaison was done through him as he could speak Italian.

31 Dr Yoshie declares that after his graduation from Tokyo University in 1965, he studied the Italian language, leather and textiles in Milan, Italy under the sponsorship of the Ministry of Trade and Industry ("MITI"). After his return to Japan, he worked briefly at MITI before being recruited by Marubeni Inc as an executive and co-ordinator for textile goods. He was in charge of Italy-related transactions, such as launching of new brands, information gathering and marketing. He states that he has helped launch the Italian brands such as Trussardi and

Biemonterz in Japan; and has also helped launch brands such as Dunhill (from UK), Hart Shaffner, Walt Disney and Fruit of the Loom (all from the USA).

32 He declares that his relationship with Gianni Valentino began when he was a student in Italy during the years 1965 to 1967. He lived in a town called Garibaldi in Milan where a cluster of craftsmen lived, and lived next to an Italian family headed by Carlo Valentino, the father of Gianni Valentino. Carlo Valentino owned a boutique called CONFEZIONI in Garibaldi which sold women's clothing, coats, raincoats, pants, shoes, hats and fashion accessories. He became a close friend of Carlo Valentino and his family. He states that at that point in time, Gianni Valentino was about 12 years old. In the early eighties when he visited Italy again, he discovered that Gianni Valentino had become a designer and was living in Rome. Gianni Valentino's designs which included men's suits, shirts, coats and ties were displayed at the CONFEZIONI in Garibaldi. Dr Yoshie states that his close friend, Mr Yukihiro Horimoto who was the chairman of Young Sangyo (the Applicants) in the early 1980s, had at that time expressed a desire to own their own brand instead of being licensees for foreign brands. Horimoto expressed interest in Gianni Valentino's designs and entrusted Dr Yoshie to enter into negotiations with Gianni Valentino to acquire the right to use the "GIANNI VALENTINO" name as a trade mark . After much negotiation, Gianni Valentino gave his written consent on the 10 December 1982 to the Applicants to use the name "Gianni Valentino" as a trade mark in Japan for goods. Dr Yoshie declares that the copy of the consent as exhibited as TH-4 in Hasegawa's statutory declaration is the consent which was signed by Gianni Valentino in his presence and given to him.

33 Dr Yoshie declares that he has been the intermediary between Gianni Valentino and the Applicants, Young Sangyo, at all times. The Applicants had no direct contact with Gianni Valentino as all dealings, including payment for design sketches by Gianni Valentino, were handled through Dr Yoshie. He states that after 1982, he continued to be engaged by the Applicants as a paid consultant. He further states that he lost contact with Gianni Valentino thereafter when Gianni Valentino moved. He states that initially the Applicants used Gianni Valentino's designs but subsequently, they used their own design sources.

34 The trade mark “Gianni Valentino” became successful under the management of the Applicants and in 1999, he was asked to get further consent to use the name outside Japan. He managed to contact Gianni Valentino and obtained the written consent. The written consent dated 1 June 2000 which is exhibited in TH-4 of Hasegawa’s statutory declaration is the second consent given by Gianni Valentino to the Applicants. The Applicants made payment for the consent through Dr Yoshie. A third consent was obtained from Gianni Valentino during Dr Yoshie’s last visit to Italy as the original consent given on 10 December 1982 was due to expire on 10 December 2002. This consent was to extend the use of the mark in Japan for another 20 years. The consent in the English language was signed before Dr Yoshie who confirms that the copy in exhibit TH-14 is a true copy of the consent. He states that payment for the consent was again made through him to Gianni Valentino.

35 Dr Yoshie states that given his age (84 years) and infrequent travels to Italy, he has had no further contact with Gianni Valentino. He was recently asked by the Applicants to contact Gianni Valentino in respect of this opposition matter but has not been able to contact him. He declares that Gianni Valentino is a real person and not a fictitious creation, having dealt with him personally and obtained consents for the Applicants. He declares that the consents are authentic, having personally witnessed Gianni Valentino sign the same.

Horimoto’s evidence

36 Yukihiro Horimoto, the previous chairman of the Applicants in his statutory declaration states that during his term as chairman from 1977 to 2003, the Applicants developed the brand “GIANNI VALENTINO” for use on various goods. He states that in the early 1980s, the Applicants wanted to develop its own brand rather than continue as licensees in Japan for foreign brands. Through Dr Yoshie, a good friend of the deponent, consent from Gianni Valentino was obtained. Horimoto confirms that the Applicants had no direct dealings with Gianni Valentino as all these were handled through Dr Yoshie. He also declares that the Applicants initially used Gianni Valentino’s designs but progressively, started using design sources in Japan to design “GIANNI VALENTINO” articles. The brand became successful in Japan and Horimoto states that two further consents were obtained, one for the use of the mark overseas and the other to extend use the name “GIANNI VALENTINO” in Japan. Horimoto states that the copies of the consents exhibited in Hasegawa’s statutory declarations at TH-4

and TH-14 are the consents obtained from Gianni Valentino through Dr Yoshie. Payment for these consent was made to Gianni Valentino through Dr Yoshie.

Burden of Proof

37 ***Kerly's Law of Trade Marks and Trade Names 13th Edition*** states at paragraph 5-109 that there is no overall onus on the applicant in opposition proceedings. The onus will generally be on the opponent to make out any ground on which he relies, whether this is based on the absolute grounds for refusal of registration under Section 7 of the Act or the relative grounds for refusal of registration under Section 8 of the Act.

DECISION

Ground of opposition under section 8(2)

38 Section 8(2)(b) of the Act reads as follows:

A trade mark shall not be registered if because —

(a) ...

(b) it is ***similar*** to an earlier trade mark and is to be registered for goods or services ***identical*** with or ***similar*** to those for which the ***earlier trade mark*** is protected, there exists a likelihood of confusion on the part of the public.

The Act in section 2 defines “an earlier trade mark” as:

(a) a registered trade mark or international trade mark (Singapore), the application for registration of which was made earlier than the trade mark in question, taking account (where appropriate) of the priorities claimed in respect of the trade marks; or

(b) a trade mark which, at the date of application for registration of the trade mark in question or (where appropriate) of the priority claimed in respect of the application, was entitled to protection under the Paris Convention or the TRIPS Agreement as a well-known trade mark,

and includes a trade mark in respect of which an application for registration has been made and which, if registered, would be an earlier trade mark by virtue of paragraph (a) subject to its being so registered.

The Opponents' Submission

39 The Opponents submit that the 3 stage test as laid down in the Sabel and Lloyd's cases is applicable. The Applicants' marks are confusingly similar to the Opponents' "VALENTINO" marks which are earlier trade marks, so as to lead to a likelihood of confusion on the part of the public. The Applicants' mark is used on goods which are identical to or similar to those for which the Opponents' "VALENTINO" marks are protected. The Opponents state that allowance should be made for "imperfect recollection" of the consumer and marks ought not to be compared side by side or examined in minute detail. They submit that the general impression or significant detail of the Opponents' marks is the word "VALENTINO" and the "V and Endless Belt" or "V & Ellipse Device", and more weight ought to be attributed to these in the comparison of marks. **Re Wong Seng & Son Bhd's Application and Salamander AG's Opposition [1993] AIPR 252, De Cordova v Vick.** The Opponents also say that they own a "series of marks" which have a common feature or common syllable which is distinctive, which is either the single word "VALENTINO", or the "V & Endless Belt device" or the "V & Ellipse Device".

40 The word "GIANNI" in the Applicants' mark is non-distinctive and its impact on differentiating the marks is minimal. Since the Opponents are known to affix prefixes to their "VALENTINO" marks, this conveys the impression that there is a close connection between the Opponents and the Applicants; or that the Applicants' mark is a variant of the Opponents' "VALENTINO" marks. Further, the use of an Italian sounding prefix such as "GIANNI" by the Applicants who are a Japanese company, serves to reinforce the confusion and deception of a connection between the Applicants and the Opponents' "VALENTINO" marks.

41 The Applicants' evidence filed by a private investigator ("Peng's SD) shows that up to at least 1999, there were sales of the goods bearing the Opponents' "VALENTINO" marks in departmental store which are the same trade channels through which the Applicants' goods will also be sold to the public. Based on this independent evidence from the Applicants' own investigations, there will be a likelihood of confusion since the goods of both parties can potentially be found side by side.

The Applicants' Submissions

42 The Applicants state that their goods and the Opponents' goods are similar goods, but argue that the marks are not visually or aurally similar. The Opponents rely on a series or family of marks but not each and every mark is similar to the Applicants "GIANNI VALENTINO" mark. Although there is a common element, the emphasis for the Applicants' mark is on the first word "Gianni". The Applicants submit that just because the word "Valentino" is included in the Applicants' marks, this would not mean that there will be visual confusion. Conceptually, the Opponents and the Applicants marks both refer to individuals with a common Italian surname "VALENTINO".

43 The fact that there are several marks in the marketplace which include the word "Valentino" mean that the consumers have learnt to differentiate them by focussing on other aspects of the marks. The Opponents' use in Singapore is limited and it cannot be said that their "VALENTINO" or their device marks are distinctive such that the public will be confused into thinking that the Applicants' mark is that of the Opponents'. The manner in which the Opponents do their business and the Applicants have of intend to do so will be able to differentiate them and dispel any confusion at the point of purchase. The Opponents sell their expensive clothes and accessories in an upmarket boutique in Orchard Road. The Applicants' goods are intended to be sold in departmental stores. The pricing of the goods also differ, the Opponents goods are high end goods and by comparison, the Applicants goods which cost less than the Opponents. The target consumers are different.

Decision

44 In order to succeed under the section 8(2)(b) ground of opposition, the Opponents have the burden of proving that the following criteria are satisfied:

- a) that they have earlier trade mark registrations as defined in section 2 of the Act;
- b) that the Applicants' marks and the earlier trade marks are similar;
- c) that the goods of the Applicants' marks and of the earlier trade marks are identical or similar; and
- d) there is a likelihood of confusion by virtue of the similarity of the marks and the goods.

Earlier trade mark registrations

45 The Opponents clearly satisfy the criteria of an earlier trade mark and have listed 40 registered trade marks that they want to rely on (which may be found in Annex A of the Grounds of Decision). The Opponents' 40 marks are registered in a number of different classes of goods, in classes 3, 9, 14, 16, 18, 25, 34, 35 and 42. Section 2 requires that the Opponents' earlier mark be a registered trade mark, the application for registration of which was made earlier than the Applicants' trade mark. The Opponents' earliest trade mark was registered in 1975 in class 34 and there are also several registered marks which were applied for in 1989, 1992, 1995, 1996 and 1997. The Opponents' 1999 registrations also pre-date the Applicants' 1999 applications.

Similarity of goods

46 The Applicants have conceded that the goods in their Classes 14, 18 and 25 applications are goods which are identical or similar goods to the Opponents' goods in the same classes of goods. In order however, to determine which of the Opponents' marks I will have to consider under this ground of opposition, I will examine the goods and services of the registrations in classes 3, 9, 16, 34, 35 and 42 against the Applicants' goods to determine whether the goods of the Applicants' marks and of the earlier trade marks are identical or similar.

47 The list of goods and services of the Opponents' registrations in classes 3, 9, 16, 34, 35 and 42 are listed in the table below:

Class	Specification of goods/services
3	Bleaching preparations and other substances for laundry use; cleaning, polishing, scouring and abrasive preparations; soaps; perfumery, essential oils, cosmetics, hair lotions; dentifrices, perfume, body sprays, body lotions and deodorant sprays.
9	Spectacles, glasses, sunglasses, eyeglass and eyeglasses, opera glasses, eyewear, lenses, contact lenses; spectacle frames, chains and cases for spectacles and sunglasses; parts and fittings of all the aforesaid goods, optical apparatus and

	instruments.
16	Paper; copying paper (carbon paper); paper napkins; cardboard; cardboard articles; printed matter; writing pads; organisers; calendars; agendas, desk agendas, pocket agendas; diaries, pocket diaries; address books, pocket address books; holders for checkbooks; publications; newspapers; periodicals; books; posters; photographs; paper for packaging; bags of paper or plastic for packaging or wrapping; book binding materials; stationery (office requisites); pens; teaching materials (except apparatus).
34	Smokers' articles.
35	Retail sales services relating to bleaching preparations and other substances for laundry use, cleaning, polishing, scouring and abrasive preparations, soaps, perfumery, essential oils, cosmetics, hair lotions, dentifrices, scientific, nautical, surveying, electric, photographic, cinematographic, optical, weighing, measuring, signalling, checking (supervision), life-saving and teaching apparatus and instruments, apparatus for recording, transmission or reproduction of sound or images, magnetic data carriers, recording discs, automatic vending machines and mechanisms for coin-operated apparatus, cash registers, calculating machines, data processing equipment and computers, fire-extinguishing apparatus, precious metals and their alloys and goods in precious metals or coated therewith, not included in other classes, jewellery, precious stones, horological and chronometric instruments, umbrellas, articles of clothing and headwear, excluding gloves and footwear; retail services relating to eyewear products, jewellery and costume jewellery, paper and cardboard articles and stationery, fashion orientated books and magazines, leather products, umbrellas, bags, travelling bags, furniture, household and kitchen utensils, cookery, porcelain, glassware, bathroom fixtures, gift items, textiles and textile goods, rugs, bed and table covers, clothing, footwear and headgear, sporting articles, smoker's articles, and watches.
42	Fashion and design professional consultancy services; provision of fashion information; cosmetic research; design of interior decor; dress designing, dress rental; packaging and graphic arts designing.








48 ***Kerly's Law of Trade Marks and Trade Names 13th Edition*** lists at page 241 the following considerations which would be of assistance in deciding whether the goods are similar or identical. These are:

- “(1) the uses of the respective goods or services;*
- (2) the users of the respective goods or services;*
- (3) the physical nature of the goods or acts of services;*
- (4) the trade channels through which the goods or services reach the market;*
- (5) in the case of self-serve consumer items, where in practice they are respectively found or likely to be found in supermarkets and in particular whether they are, or are likely to be, found on the same or different shelves;*
- (6) the extent to which the respective goods or services are in competition with each other; that inquiry may take into account how those in trade classify goods, for instance whether market research companies, who of course act for the industry, put the goods or services in the same or different sectors.”*



Based on the criteria, the goods in the Opponents' registrations in classes 3, 9, 16 and 34 are clearly different from the Applicants' goods in classes 14, 18 and 25. The goods have different uses, users, are made of a different physical nature and move through different trade channels.

49 In respect of class 35 retail services relating to “precious metals and their alloys and goods in precious metals or coated therewith, not included in other classes, jewellery, precious stones, horological and chronometric instruments, umbrellas, clothing, footwear and headgear, fashion orientated books and magazines, leather products, umbrellas, bags, travelling bags” and services in Class 42 for “fashion and design professional consultancy services; provision of fashion information; dress designing, dress rental”, these are arguably services that are closely related to the Applicants' goods. In any event, the Opponents' marks in classes 35 (“V & Ellipse device” and “VALENTINO” & Endless belt device) and 42 will be assessed as there are corresponding registrations in Classes 14, 18 and 25 for the goods to which these services relate to.

50 Hence from the original list of 40 trade marks, the remaining trade mark registrations are as set out in the following table. I will therefore, only consider these marks under this ground of opposition:

Trade Mark No.	Mark
T96/11521F in Cl 14 Registered T96/11520H in Cl 18 Registered T96/11523B in Cl 25 Registered	
T00/21729B in Cl 14 Registered T00/21730F in Cl 18 Registered T00/21731D in Cl 25 Registered	
T92/02442I in Cl 14 Registered	valentino
T92/04507H in Cl 14 Registered T89/07703G in Cl 25 Registered	valentino 
T99/04403D in Cl 18 Registered	 VALENTINO
T00/21726H in Cl 18 Registered	 VALENTINO
T89/07702I in Cl 18 Registered T89/07704E in Cl 25 Registered	 valentino garavani
T89/00746B in Cl 25 Registered	valentino  Miss V
T96/08712C in Cl 18 Registered T96/08713A in Cl 25 Registered	華倫天奴

51 For the purposes of this opposition and for ease of reference, the Opponents' marks in Classes 14, 18 and 25 may be classified into 4 categories:

1. Marks containing only  - the "V & Endless Belt Device" or  - the "V & Ellipse Device" (collectively the "V device marks"),

2. Marks with the word “VALENTINO” – whether the word on its own (the “VALENTINO” word mark) or in combination with a device, (“VALENTINO and V device mark”),
3. Marks containing “VALENTINO GARAVANI” in combination with a device, (“VALENTINO GARAVANI and V device mark”) and
4. The Chinese character marks, the transliteration of which is “hua lun tian nu”.

Similarity of Marks

52 In dealing with the issue of similarity of marks, I rely on the principles of comparison of marks, as enunciated by Parker J in *Pianotist Co’s Application* at page 777:

“You must take two words. You must judge of them, both by their look and by their sound. You must consider the goods to which they are to be applied. You must consider the nature and kind of customer who would be likely to buy those goods. In fact, you must consider all the surrounding circumstances; and you must further consider what is likely to happen if each of those trademarks is used in a normal way as a trade mark for the goods of the respective owners of the marks. If, considering all those circumstances, you come to a conclusion that there will be a confusion – that is to say, not necessarily that one man will be injured and the other will gain illicit benefit, but that there will be a confusion in the mind of the public which will lead to confusion in the goods – then you may refuse the registration, or rather you must refuse the registration in that case.”

53 The parties cited several cases which enunciate established principles to be applied in the comparison of marks. In particular, I have to be mindful that marks ought not to be compared side by side for rarely will the consumer have the opportunity to make such comparisons. (*Re Wong Seng*) Marks should also be compared as wholes and not to be dissected into parts, with each part then sought to be compared on a piecemeal basis. (*McDonald’s Corp v Future Enterprises Pte Ltd [2004] SGCA 50*) An ordinary consumer has an ordinary memory and will only have a general recollection of marks hence there will be

imperfect recollection of marks. Further, marks are remembered by general impressions or by some significant detail than by any photographic recollection of the whole (*De Cordova v Vick (1951) 68 RPC 103*)

54 From the outset, I am able to decide that the Opponents' Chinese character marks “*華倫天奴*” (the transliteration of which is “hua lun tian nu”) in T96/08712C and T96/08713A are not visually, aurally or conceptually similar to the Applicants' marks. It is unlikely that the ordinary consumer will be confused or deceived into thinking that the Applicants' marks are related to or an extension of the Opponents' Chinese character mark.

55 The word “VALENTINO” is the common feature in the some of the Opponents' marks and the Applicants' marks. Where there are common words in the marks, it is important to look at the non-common elements and “pay much more regard to the parts of the formulae that are not common” (*In the Matter of Broadhead's Application for Registration of a Trade Mark (1950) 67 RPC 209*). The Court of Appeal in *McDonald's Corp v Future Enterprises Pte Ltd [2004] SGCA 50*, where there was a common prefix [“Mc”] used, said that “[a] mark may very well consist of some common word(s) or device but it does not necessarily follow that it is thereby incapable of being distinctive or will be confused with an existing mark with the same word or words.” Similarly, in the case of *The Polo/Lauren Co, LP v Shop In Department Store Pte Ltd [2005] SGHC 175 (“The Polo/Lauren Co”)*, where the application mark “POLO PACIFIC” was challenged by the proprietor of the mark “POLO”, Lai Kew Chai J stated at paragraph 26 that :

“In cases where there is a common denominator, it is important to look at the differences between the mark and the sign in order to decide whether the challenged sign has been able to distinguish itself sufficiently and substantially: **The European Limited v The Economist Newspapers Limited [1996] FSR 431** at 436;... In **Samsonite Corp v Montres Rolex SA [1995] AIPR 244** (“Samsonite Corp”) at 270, it was held that just because the registered mark was wholly included in the challenged sign, it did not mean that it would necessarily cause confusion between the two. In **Polo Textile Industries Pty Ltd v**

Domestic Textile Corporation Pty Ltd (1993) 26 IPR 246 (“Polo Textiles”) at 250, Burchett J emphasised that decisions, which held that the taking of a word mark and adding to it an additional word constituted infringement, should not be applied mechanically such that no added word could ever save such a taking from infringement. In other words, sometimes, looking at the challenged sign as a whole, the distinctiveness of the registered word mark is dissolved by the addition of the word. Accordingly, the similarity between the mark and the sign is significantly diminished and may be insufficient to cause a likelihood of confusion.”

In the present matter, the Opponents’ contention is that their “VALENTINO” word mark has been wholly included in the Applicants’ “GIANNI VALENTINO” marks. With respect to the Opponents’ “VALENTINO GARAVANI” mark, the Opponents and Applicants’ marks also share a common element that is the word “VALENTINO”. A number of the marks also carry a “V” device in combination with the words “VALENTINO”, “VALENTINO GARAVANI” and “GIANNI VALENTINO”.

56 With these differences in mind, the next question that has to be asked is “whether the [Opponents’ “VALENTINO” mark] can be considered to be so distinctive that the differences would not negate the similarity”. (*The Polo/Lauren Co*) What this essentially means is this: if the Opponents’ “VALENTINO” mark is a very distinctive mark, then regardless of the presence of “Gianni” and the “V” device in the Applicants’ marks, the net effect will not diminish the similarity between the Applicants and the Opponents marks. The Applicants in their evidence have said that the mark “VALENTINO” in Class 25 appears on the register as a mark belonging not to the Opponents, but to one Mario Valentino. The Opponents do not dispute this and tendered a copy of the co-existence agreement between Mario Valentino and themselves in Nicolai’s statutory declaration in reply. The Applicants also made mention of several other marks which had the word “VALENTINO” appearing either as a forename or a family name. The examples listed were “Mario Valentino” (Signature), “MARIO VALENTINO”, “Rodolfo Valentino” and “Valentino Rudy”. It is interesting to note that these marks are owned by 3 other proprietors and that these marks are all valid and subsisting on the

trade mark register. The word “VALENTINO” therefore cannot be said to be distinctive only of the Opponents’ goods.

Visual similarity

57 Against this background, and apart from the common word “VALENTINO” in the marks, the visual differences between the Opponents and the Applicants marks are clear. Visually, the Applicants’ word mark appears as a proper name comprising “GIANNI” as the first name and “VALENTINO” as the family name or surname. The Applicants’ marks “GIANNI VALENTINO” and “GIANNI VALENTINO and V device” are not visually similar to the Opponents’ device marks. In respect of the Opponents’ marks “VALENTINO” (word mark alone), or marks which combine the word “VALENTINO” or “VALENTINO GARAVANI” with one of the Opponents’ “V” devices, there is also no visual similarity to the Applicants’ “GIANNI VALENTINO” or “GIANNI VALENTINO and V device” marks; albeit that there are similar elements in the marks.

Aural Similarity

58 The Applicants’ marks “GIANNI VALENTINO” and “GIANNI VALENTINO and V device” are not aurally similar to the Opponents’ device marks as words tend to speak in marks. These Applicants’ marks will likely to be referred to as the “Gianni Valentino” marks as opposed to the Opponents’ “V” marks. With respect to the category of marks where the words “VALENTINO GARAVANI” appear with either of the Opponents’ “V” devices, I am also of the view that aurally, these are not similar to the Applicants’ “GIANNI VALENTINO” and “GIANNI VALENTINO and V device” marks. The word “Garavani” is a longer word with more syllables than “Gianni”, and neither word when enunciated is likely to be confused one for the other. The positioning of “Garavani” and “Gianni” in relation to the word “Valentino” is inverted such that when the words “GIANNI VALENTINO” or “VALENTINO GARAVANI” are enunciated, the marks are aurally dissimilar. As for the Opponents’ “VALENTINO” and “VALENTINO with the V device” marks, these again are not aurally similar to the words “GIANNI VALENTINO” or “GIANNI VALENTINO and V device”.

Conceptual similarity

59 Although visually and aurally the Opponents and the Applicants' marks are not similar, conceptually though, the marks bear some similarity. This is particularly so in relation to the combination marks which have the words "VALENTINO" plus a device - for example the "GIANNI VALENTINO plus V device mark", the "VALENTINO GARAVANI plus V device mark" and the "VALENTINO plus V device" marks. The Opponents state that their strategy is to use the mark "VALENTINO" together with another name or word, and they already have several registrations which they refer to as a "series or family" of "VALENTINO" marks. The Applicants' "GIANNI VALENTINO" mark is likely to be perceived as one of such marks as it has the "Valentino" element within it.

60 The "V" devices of the Opponents and the Applicants are aurally, visually and conceptually alike, for consumers with ordinary recollection of the devices are not likely to be able to remember whether the "V" marks have a "horizontal elliptical shape" as opposed to a "vertical elliptical shape"; or whether the "V" is within an "endless belt". Indeed, not many consumers would use terms such as "ellipse" or "endless belt" to describe the border surrounding the letter "V". The basic shape which encapsulates the "V" is very similar in respect of both the Opponents' and the Applicants' device marks. The presence of a "V" device will therefore compound the conceptual similarity of the Opponents' and Applicants' marks. Hence when the marks are perceived as wholes (combination of words and device), it is primarily due to the presence of the word "VALENTINO" and the "V" devices in the marks that the Opponents' and the Applicants' marks will be viewed as conceptually the same.

Likelihood of confusion

61 Having satisfied that the Opponents have earlier trade marks, that there is some conceptual similarity between the marks and that the Applicants' marks relate to goods which are similar or identical to the Opponents' goods, the last limb to be satisfied in order to come to a finding under s.8(2)(b) is whether there is likely to be confusion on the part of the public. The time for assessing confusion is at the date of application of the Applicants' marks.

62 In assessing whether there is “a likelihood of confusion on the part of the public”, I must have regard to “the average consumer in Singapore who has been described as literate, educated, exposed to the world and unlikely to be easily hoodwinked” (*Tong Guan Food Products Pte Ltd v Hoe Huat Hng Foodstuff Pte Ltd [1991] SLR 133* at page143–144, and *McDonald’s* at paragraph 64). As the goods in questions are class 14, 18 and 25 goods, the “average consumer” here is not likely to be from any specialised sector, rather the general public.

63 The consideration one must make in the assessment of likelihood of confusion is stated in the *McDonald’s* case at paragraph 66. The Court of Appeal held that:

“Ultimately, the question whether a proposed mark will likely give rise to confusion on account of some similarity with an existing mark is a *question of fact* [emphasis mine] depending on all the circumstances of the case. Besides comparing the marks, also germane are the extent of the reputation of the existing mark, how the proposed mark is to be used, the nature of the goods to which the mark will be put, how the goods are to be sold and who the target customers are: see *In the Matter of an Application by the Pianotist Company Ltd* (1906) 23 RPC 774 at 777. Obviously, these considerations are not exhaustive.”

64 The Applicants state that there is no likelihood of confusion citing that differences in the pricing of the Opponents’ and Applicants’ goods. The Opponents goods are higher-end expensive goods which are sold in their own exclusive boutique and which cater to the higher-end and more sophisticated consumer. The Applicants have in the statutory declaration of a private investigator shown evidence that the Opponents’ goods are no longer sold in departmental stores. The Applicants’ goods on the other hand are not as expensive as the Opponents’ and cater to the general consumer of those goods.

65 The Applicants have also pointed out in their statutory declaration several other proprietors who have been selling goods bearing marks with the word “Valentino” combined with either a forename (Rodolfo Valentino, Mario Valentino) or used as a forename (Valentino Rudy). These other marks bearing the “Valentino” element have been in the market for many years and it is certain that the average Singaporean shopper have been exposed to them and is

discerning enough to be aware of the existence of these trade marks which do not belong to either the Opponents or the Applicants. Besides, the Opponents' evidence shows that there has been long use of the mark in Singapore since 1976 and indeed, the Opponents' statutory declaration (by Nicolai) states that "the Opponents' goods bearing the marks have been marketed and sold in Singapore on an aggressive and substantial scale since at least 1976. The retail annual sales turnover in Singapore regularly exceeds US\$10million (SGD 15million)". Nicolai's evidence also indicates high expenditure on advertisement and promotional activities. He declared that "...expenditure for worldwide advertising and promotional activities is about US\$6million annually" and the Opponents' marks are advertised in widely circulated and read fashion magazines. The Opponents' are clearly successful in this line of business and with their extensive publicity and promotional activities are well recognised by the general public. Confusion therefore is unlikely for the average Singaporean shopper is often well-informed, usually quite particular when purchasing higher-end goods and will be able to distinguish between the Opponents' mark and the other's "Valentino" marks.

66 Taking all these circumstances into account, I do not think that the marks are confusingly similar and that there is any real likelihood of confusion on the part of the public. I find therefore that the Opponents do not succeed under section 8(2)(a) of the Act.

Ground of opposition under section 8(3)

67 Section 8(3) of the Act provides as follows:

Where an application for registration of a trade mark is made before 1st July 2004, if the trade mark —

- (a) is identical with or similar to an earlier trade mark; and
- (b) is to be registered for goods or services which are not similar to those for which the earlier trade mark is protected,

the later trade mark shall not be registered if —

- (i) the earlier trade mark is well known in Singapore;
- (ii) use of the later trade mark in relation to the goods or services for which the later trade mark is sought to be registered would indicate a connection between those goods or services and the proprietor of the earlier trade mark;

- (iii) there exists a likelihood of confusion on the part of the public because of such use; and
- (iv) the interests of the proprietor of the earlier trade mark are likely to be damaged by such use.

Decision

68 Apart from Class 14, 18 and 25, the Opponents' marks are also registered in classes 3, 9, 16, 34, 35 and 42. Although the goods of these latter classes are not similar to the Opponents' goods, I have found that the marks are not confusingly similar and that there is no likelihood of confusion under the s.8(2)(b) ground of opposition. As it is an essential requirement under s.8(3) that the marks have to be identical or similar, I will not have to consider the other requirements in s.8(3).

The opposition under this ground of opposition fails.

Ground of opposition under section 8(7)(a)

69 Section 8(7)(a) states that a trade mark shall not be registered if its use in Singapore is liable to be prevented by virtue of any rule of law (in particular, the law of passing off) protecting an unregistered trademark or other sign used in the course of trade. Under this ground, the Opponents must establish that they have goodwill in their business; there must be a misrepresentation by the Applicants that their goods are connected/associated with the Opponents; and that there is damage arising as a result of the goodwill and misrepresentation in order to succeed under this ground.

70 At the hearing, the Opponents conceded that if one does not succeed under the s.8(2) ground of opposition, similarly, he cannot succeed under this ground. I have found that under section 8(2)(b) of the Act, the Opponents' and the Applicants' marks are not confusingly similar and that there is no likelihood of confusion. It is clear therefore that there is no evidence to show that there was a calculated move on the part of the Applicant to misrepresent that the goods sold under their "GIANNI VALENTINO" marks emanated from the Opponents.

The section 8(7)(a) ground of opposition also fails.

Ground of opposition under section 7(1)(a)

71 Section 7(1) of the Act states that:

“The following shall not be registered:

(a) signs which do not satisfy the definition of a trade mark in section 2 (1);...

The Opponents’ Submission

72 In their written submissions, the Opponents say that the Applicants’ marks are devoid of distinctive character as it does not have the ability to distinguish the goods of the Applicants from the goods of the Opponents. This therefore fails to fulfil the function of a trade mark within the meaning of section 2(1) of the Act. In their oral submissions, the Opponents’ submission is that as “GIANNI VALENTINO” is the name of a natural person, it does not have inherent distinctiveness - it is not invented and not fanciful, hence it is inherently not capable of distinguishing.

The Applicants’ Submissions

73 The Applicants say that their mark “GIANNI VALENTINO” is capable of distinguishing the Applicants’ goods from that of others. (*In the Matter of a Trade Mark Application by TKR Electronics Pte Ltd and Opposition thereto by Matsushita Electric Industrial Co. Ltd [2003] SGIPOS 13, In the Matter of a Trade Mark Application by by First Principal Financial Pte Ltd and Opposition thereto Principal Financial Group Inc*) As the Opponents’ marks containing “VALENTINO” have been registered and one of the Applicants’ marks “GIANNI VALENTINO” and the GV device have already been registered in Class 18, this indicates that the examiner must have considered these marks capable of distinguishing thus satisfying the requirement of section 7(1)(a).

Decision

74 In the Notice of Opposition, the Opponents had stated that the Applicants’ mark is not capable of distinguishing the goods of the Applicants from the goods of the Opponents by

reason of the Opponents' extensive goodwill and reputation in the Opponents' marks. Their argument is that the Applicants' mark is devoid of distinctive character as it does not have the ability to distinguish the goods of the Applicants from the goods of the Opponents and hence fails to fulfil the function of a trade mark within the meaning of section 2(1).

75 **Kerly's**, at paragraph 7-25 states that the UK section 3(1) (which is in *pari materia* with our section 7(1)) "*...is concerned with the fundamental issue of distinctiveness*" and states that distinctiveness is the "*... simple and fundamental requirement which any sign must fulfil before it can properly be registered as a trade mark. The requirement is that the sign must possess a distinctive character, inherent or acquired, so that it can carry out the essential function of a trade mark which is to distinguish the goods or services of one undertaking from those of other undertakings.*"

76 Section 7(1)(a) is clear – it states that signs which do not satisfy the definition of a trade mark in section 2 (1) shall not be registered. The Applicants' "GIANNI VALENTINO" and "GIANNI VALENTINO and V device" marks are signs which fall within the definition of section 2(1), being visually perceptible signs capable of being represented graphically and which are capable of distinguishing goods or services dealt with or provided in the course of trade by a person from goods or services so dealt with or provided by any other person. "GIANNI VALENTINO" is the name of a person as declared in the Applicants' statutory declarations and this in itself shows that the mark is inherently distinctive.

The Opponents therefore do not succeed under s.7(1)(a) ground of opposition.

Ground of opposition under section 7(6) - Bad faith

77 Section 7(6) states that a trade mark shall not be registered if or to the extent that the application is made in bad faith.

Section 8(6) of the Act has also to be considered, for it states : "In deciding whether any such application was made in bad faith, it shall be relevant to consider whether the applicant had, at the time the application was made, knowledge of, or reason to know of, the earlier trade mark".

The Opponents' Submission

78 The crux of the Opponents' arguments under s.7(6) is that the Applicants have failed to satisfy that they had in 1999, the authority to use the mark "GIANNI VALENTINO" in Singapore. The Opponents state that based on the consent letters given by Gianni Valentino, the 1st letter of consent specifically granted consent to use only in Japan. He queries the authenticity of the 2nd letter of consent, pointing out that the signatures on the 1st and 2nd letters of consent differ. The Opponents also challenge the existence of the person named Gianni Valentino and allege that the Applicants have used a fictitious name of a purported Italian designer. The Opponents also state that with respect to the Class 14 and 18 cases, there was no bona fide intention to use the mark. The Opponents pointed out that there were discrepancies in the Applicants' Hasegawa's evidence which points to "direct misrepresentations" or what the Opponents deem "active misrepresentation". These include:

- T02/8224F - Hasegawa's statutory declaration dated 31/5/04 at paragraph 7 where it is stated that "...he designs..." As this is stated in the present tense, it imputes that Gianni Valentino is still designing for the Applicants.
- T02/8224F - Hasegawa's statutory declaration dated 31/5/04 at page 12 paragraph xiii where he says that both designers co-exist and design fashion articles. This conflicts with Dr Yoshie's recent statutory declaration. Dr Yoshie is the only person in the Applicants' company who deals directly with GV but states that he does not know where Gianni Valentino is a present moment. This contradicts Hasegawa's statement in 2004 that states Gianni Valentino is still in the designing line.
- T02/8224F - in Hasegawa's statutory declaration dated Oct 2006 at paragraph 6, there is a clear admission that Gianni Valentino has not been involved in the design for a long time. Hasegawa having to "check" the position is saying that although he has been with the company for 30 years, he does not know that Gianni Valentino is not part of the design team.
- T99/05892 - Hasegawa's statutory declaration dated Dec 2002 at paragraph 7, again the use of the present tense indicates an active misrepresentation.
- T02/2986H - Hasegawa's statutory declaration dated 31/5/04 at page 4 paragraph 7, the use of the language indicates that Gianni Valentino is working for the

Applicants and that he still continues to design for the Applicants. Similarly, the statutory declaration in respect of T99/5893 states the same thing.

- In the statutory declaration of Liaw Kim Chew, the Applicants' distributor, the mark shown has the word "Milan" on the goods. This again is an active misrepresentation; knowing that the goods are designed in Japan and not Milan, which is the fashion capital of Italy.

The Applicants' Submissions

79 In their written submissions, the Applicants cite the Court of Appeal in the *McDonalds* case which has stated that the key ingredient in a successful opposition where bad faith is pleaded is misappropriation of the mark by the applicant. As the allegation of bad faith is a serious matter, it will not be upheld unless it is distinctly proved and this is rarely by a process of inference. Knowledge of an earlier mark alone is insufficient evidence to make an inference that the Applicants made the application in bad faith. The Applicants have explained the origin of their mark and how they came to acquire it. "Valentino" is a common Italian surname and not an invented word; hence there cannot be a misappropriation of a common surname and other traders should be free to use marks with the surname as part of the marks. Mere visual and aural similarity of two trade marks does not mean that one of them is a misappropriated mark. Such an inference cannot be drawn and unless there is strong direct evidence of misappropriation, bad faith cannot be made out.

80 The Applicants state that the Opponents' allegation that Gianni Valentino is a fictitious person is a very serious allegation and was not specifically pleaded in the Notice of Opposition. The Opponents had not raised this ground in Japan despite the co-existence of the Opponents and Applicants marks in Japan for 20 years. The Applicants filed further evidence to show how the relationship between the Applicants and Gianni Valentino developed and also submitted a 3rd letter of consent from Gianni Valentino.

Decision

81 The onus is on the Opponents to prove the allegation of bad faith. An allegation of bad faith is a serious one and in ***“Royal Enfield” Trade Marks [2002] RPC 24*** at 31 it was held that:

“An allegation that a trade mark has been applied for in bad faith is a serious allegation. ... A plea of fraud should not lightly be made ... and if made should be distinctly alleged and distinctly proved. It is not permissible to leave fraud to be inferred from the facts (see *Davy v Garrett* (1877-78) L.R. 7 Ch.D. 473 at 489). In my judgment precisely the same considerations apply to an allegation of ... bad faith made under section 3(6). It should not be made unless it can be fully and properly pleaded and should not be upheld unless it is distinctly proved and this will rarely be possible by a process of inference.”

82 Bad faith is defined in the case of ***Gromax Plasticulture Ltd v Low Nonwovens Ltd [1999] RPC 367*** at page 379, where Lindsay J states that:

“[p]lainly it includes dishonesty... and includes also some dealings which fall short of the standards of acceptable commercial behaviour observed by reasonable and experience men in the particular area being examined.”

83 The Opponents rely on the most recent case on bad faith, ***Nautical Concept Pte Ltd v Mark Richard Jeffery and Another [2006] SGHC 239*** (“JWest”) and state that there is “duty to inquire” which is incumbent on the Applicants for trade mark registration. This present case however may be distinguished from the JWest case. In JWest, the parties had a long history of business dealings with each other. The applicant of the JWest mark introduced the respondents/opponents’ goods into Singapore, and was the respondents/opponents’ agents in Singapore for goods sold under the respondents/opponents’ brands. With all this background and dealings, the applicant nevertheless attempted to register the respondents/opponents’ marks as his own trade marks in Singapore without their consent. The applicant when confronted

about his action could not produce any credible or legitimate explanation for taking such action. In this present matter however, the parties do not have any prior business relationship, even though the Applicants state that they secure licenses from overseas brand owners in order to bring in new brands for the Japanese market. There is no evidence from either the Applicants or the Opponents to show that the Applicants were at any time negotiating a license between them for the Opponents' "VALENTINO", "VALENTINO GARAVANI" and "V" device marks.

84 On the other hand, the Applicants have through Dr Yoshie, filed a statutory declaration setting out in detail how the relationship between the Applicants and Gianni Valentino came about and how the Applicants' right to use Gianni Valentino's name as their trade marks was secured. Dr Yoshie, under oath, has declared that he personally witnessed the signing of the letters of consent by Gianni Valentino and verified that the copies in Hasegawa's statutory declaration are true copies of those letters. The Opponents have argued that there is difficulty in reconciling the letters of consent because the letters have inconsistent signatures. Although the letters were purportedly signed by Gianni Valentino, the signature appearing on each is different. They object to the fact that the Applicants had initially put into evidence only 2 letters of consent but have since produced a third letter in the face of questions from the Opponents about their authority to file trade marks in Singapore in 1999. They also point out that the first 2 letters were in the Italian language whereas the third is in the English language. The third consent reads:

*"Since 10/12/1982 for 20 years we allowed you to use and to register the trademark
GIANNI VALENTINO.*

*At the end of December 2002 this license will expire, therefore we authorize you to
renew for another 20 years the consent to use the trademark GIANNI VALENTINO."*

85 It is not clear from the evidence or the submissions of either of the parties whether Gianni Valentino was fluent in both Italian and English. In any event, there is nothing stated in the third consent to say that the contents were read to or explained to Gianni Valentino in the Italian language. Hence, I am not able to come to any decision based on the evidence before me whether there is irregularity in the letters of consent.

86 Although there is some doubt raised by the Opponents with respect to the third letter of consent, it bears noting that Dr Yoshie's evidence is supported by the evidence in the statutory declaration of Yukihiro Horimoto, the previous chairman of the Applicants from 1977 to 2003. Horimoto's evidence confirms that the brand "GIANNI VALENTINO" came about because the Applicants wanted to develop its own brand, that he had requested his good friend Dr Yoshie to source for a mark and entrusted him fully to liaise with Gianni Valentino for consent to use the mark, for payment for use and to get designs from Gianni Valentino. Horimoto also declares under oath the Applicants had no direct dealings with Gianni Valentino and that although they had initially used Gianni Valentino's designs, progressively the Applicants started using other design sources in Japan.

87 I also examined the evidence lodged by Hasegawa, the Applicants' chairman and note from exhibit TH-1 of his 1st statutory declaration (which is a copy of the company profile of the Applicants Young Sangyo), that the Applicants were founded as "Horimoto Company" in 1968, changed its name to Horimoto Industry Co in 1970 and then were incorporated as Young Sangyo K.K. in 1972. The figures in their annual report show that they are reputable company. The Applicants' "GIANNI VALENTINO" marks in Japan would have been used for more than 23 years and are still being used. There have been some registrations for "GIANNI VALENTINO" in Japan which have been opposed by the Opponents but most of which have been upheld. (The Opponents however have shown that they have successfully removed the Applicants' registration for goods such as kitchen utensils.) I therefore find it difficult therefore to disbelieve the evidence filed by the Applicants' Dr Yoshie. With such long established presence in Japan and evidence indicating a stable and healthy organisation, it would be difficult to reconcile why a reputable Japanese company would want to resort to such dubious dealings in order to secure registrations in Singapore.

88 The Opponents also cited the case of *Rothmans of Pall Mall Limited v Maycolson International Ltd [2006] 2 SLR 551*. I find that this case can also be distinguished from the present. In *Rothmans*, there were numerous instances of conduct which would have aroused a reasonable person's suspicions that there was bad faith. These included the applicant's licensors' attempt to ride on the goodwill and reputation of the registered proprietor's Rothman

trade marks by dubious and dishonest advertising, various infringement suits overseas to which the applicant's licensors were parties to, a Europe-wide injunction forbidding the applicant's licensors from using the "Fairlight" mark and packaging, and the highly suspicious manner in which the respondent (the applicant for registration) company was incorporated. That set of circumstances led the judge to conclude that there was bad faith in that the respondent's conduct which had fallen short of the standards of acceptable commercial behaviour observed by reasonable and experienced men. Unlike *Rothmans*, in the present case the Applicants had obtained Gianni Valentino's consent to use his name in 1982 and there are concurrent registrations as well as 23 years of use of the "GIANNI VALENTINO" marks in Japan. The evidence also suggests that Gianni Valentino is not a fictitious person. The litigation involving the Applicants and the Opponents are unlike the infringement suits in *Rothmans*, these pertain to opposition or invalidation matters.

89 I find that the Opponents have not discharged the burden of showing that there is bad faith on the Applicants' part and the opposition fails under this ground.

Conclusion

90 Having considered all the pleadings and evidence filed and the submissions made in writing and orally, I find that the opposition fails under all grounds. Trade Mark application numbers T99/05892B, T99/05893J, T02/02986H and T02/08224F may proceed to registration. The taxed costs of this opposition are to be paid by the Opponents to the Applicants.

Dated this 28th day of May 2007

Anne Loo





Principal Assistant Registrar

Registry of Trade Marks







For Registrar of Trade Marks

Intellectual Property Office of Singapore

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SN	TM No.	Class	Mark	Specification
1	T96/11522D Registered	09		Spectacles and sunglasses; lenses; frames and cases for spectacles and sunglasses; parts and fittings of all the aforesaid goods.
2	T96/11521F Registered	14		Precious metals and their alloys and goods in precious metals or coated therewith, gold and silverware; jewellery, costume jewellery, precious stones, horological and chronometric apparatus and instruments; parts and fittings therefor.
3	T96/11520H Registered	18		Leather and imitation of leather, and goods made of these materials; belts; handbags, trunk travelling bags; credit card holders, business card holders; purses, French purses; key holders, passport holders; pocket magnifying glass holders, pocket nail clipper holders, pocket nail file holders, pocket scissors holders, pocket tissue holders, all being articles of goods made of leather or imitation of leather; wallets, pocket wallets, coin purses; checkbook holders, writing instruments holders, all being made of leather or imitation of leather; non-compartmentalised toiletry bags; briefcases, eyeglass cases being made of leather or imitation of leather; attache cases, vanity cases; pouches; animal skins, hides; umbrellas, parasols and walking sticks; whips, harness and saddlery; all included in Class 18.
4	T96/11523B Registered	25		Articles of clothing, bathing suits, beachwear, bikinis, shorts, shirts, sports shirts, T-shirts, dress shirts, socks, dressing gowns, hosiery; cotton knitwear, pullovers, vests, cardigans, knit jackets, knitwear, coats, overcoats, pants, belts, ties, gloves, costumes, blouses, pyjamas, scarves, dresses, suits, jackets, blazers, tuxedos, blousons, mufflers, raincoats, bras, girdles, garter belts; briefs; hipsters; panty hoses, nightgowns, peignoirs, skirts, sweaters, trousers, underwear; slippers, boxer shorts, long johns, under shirts, headgear, hats, caps, footwear including boots, shoes,

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SN	TM No.	Class	Mark	Specification
				sports shoes, sandals and slippers.
5	T00/21727F Registered	03		Bleaching preparations and other substances for laundry use; cleaning, polishing, scouring and abrasive preparations; soaps; perfumery, essential oils, cosmetics, hair lotions; dentifrices.
6	T00/21728D Registered	09		Spectacles, glasses, sunglasses, eyeglasses, spectacle frames, chains and cases for the above identified goods.
7	T00/21729B Registered	14		Precious metals and their alloys and goods in precious metals or coated therewith, not included in other classes; jewellery, precious stones; horological and chronometric instruments.
8	T00/21730F Registered	18		Umbrellas.
9	T00/21731D Registered	25		Articles of clothing, excluding gloves and footwear.
10	T00/21732B Registered	35		Retail sales services relating to bleaching preparations and other substances for laundry use, cleaning, polishing, scouring and abrasive preparations, soaps, perfumery, essential oils, cosmetics, hair lotions, dentifrices, scientific, nautical, surveying, electric, photographic, cinematographic, optical, weighing, measuring, signalling, checking (supervision), life-saving and teaching apparatus and instruments, apparatus for recording, transmission or reproduction of sound or images, magnetic data carriers, recording discs, automatic vending machines and mechanisms for coin-operated apparatus, cash registers, calculating machines, data processing equipment and computers, fire-extinguishing apparatus, precious metals and their alloys and goods in precious metals or coated therewith, not included in other classes, jewellery, precious stones, horological and chronometric instruments, umbrellas, articles of clothing and










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SN	TM No.	Class	Mark	Specification
				headwear, excluding gloves and footwear.
11	T92/02442I Registered	14	valentino	Precious metals and their alloys and goods in precious metals or coated therewith, jewellery, precious stones; horological and chronometric instruments.
12	T75/64126A Registered	34	VALENTINO	Smokers' articles.
13	T92/04507H Registered	14	valentino 	Jewellery, imitation jewellery, horological and chronometric instruments, parts and fittings therefor all included in Class 14.
14	T89/07703G Registered	25	valentino 	Clothing, namely bathing suits, beachwear, coats, dresses, dressing gowns, hosiery, jackets, knitwear, overcoats, pants, pyjamas, scarves, shirts, blouses, suits, sweaters, trousers, skirts, underwear; headgear.
15	T99/04401H Registered	09	 VALENTINO	Optical apparatus and instruments; eyewear, contact lenses; spectacles and sunglasses; eyeglass and eyeglasses; opera glasses; lenses, frames and cases for spectacles and sunglasses; chains for spectacles; parts and fittings of all the aforesaid goods.
16	T99/04402F Registered	16	 VALENTINO	Paper; copying paper (carbon paper); paper napkins; cardboard; cardboard articles; printed matter; writing pads; organisers; calendars; agendas, desk agendas, pocket agendas; diaries, pocket diaries; address books, pocket address books; holders for checkbooks; publications; newspapers; periodicals; books; posters; photographs; paper for packaging; bags of paper or plastic for packaging or wrapping; book binding materials; stationery (office requisites); pens; teaching materials (except apparatus).
17	T99/04403D Registered	18	 VALENTINO	Umbrellas, parasols and walking sticks.
18	T99/04404B Registered	35		Retail services relating to perfumery and cosmetics, eyewear products, jewellery and costume jewellery, paper and




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SN	TM No.	Class	Mark	Specification
				cardboard articles and stationery, fashion orientated books and magazines, leather products, umbrellas, bags, travelling bags, furniture, household and kitchen utensils, cookery, porcelain, glassware, bathroom fixtures, gift items, textiles and textile goods, rugs, bed and table covers, clothing, footwear and headgear, sporting articles, smoker's articles, and watches.
19	T99/04405J Registered	42		Fashion and design professional consultancy services; provision of fashion information; cosmetic research; design of interior decor; dress designing, dress rental; packaging and graphic arts designing.
20	T00/21725Z Registered	09		Spectacles, glasses, sunglasses, eyeglasses, spectacle frames, chains and cases for the above identified goods.
21	T00/21726H Registered	18		Umbrellas.
22	T92/06750J Abandoned	18		Leather and imitations of leather, and goods made of these materials, handbags, handbags (ladies'), small leather goods, trunks and travelling bags; attache cases, briefcases, card case, pocket wallets, purses (not of precious metals); umbrellas and walking sticks; whips, harness and saddlery.
23	T92/06751I Abandoned	25		Clothing, namely bathing suits, beachwear, coats, dresses, dressing gowns, hosiery, jackets, knitwear, overcoats, pants, pyjamas, scarves and shoes (ladies'), belts (ladies'), shirts, blouses, suits, sweaters, trousers, skirts, underwear, headgear, footwear including shoes, sandals and slippers.
24	T92/04508F Registered	09		Spectacles, sun-glasses, spectacles frames, spectacles lenses, parts and fittings therefor, all included in Class 9.
25	T89/07702I Registered	18		Goods made of leather and imitation leather and not comprised in other classes , namely bags , briefcases , handbags , pocket wallets ; trunks and travelling bags;

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SN	TM No.	Class	Mark	Specification
				umbrellas , parasols and sticks.
26	T89/07704E Registered	25		Clothing, namely bathing suits, beachwear, coats, dresses, dressing gowns, hosiery, jackets, knitwear, overcoats, pants, pyjamas, scarves, shirts, blouses, suits, sweaters, trousers, skirts, underwear, headgear.
27	T89/00746B Registered	25		Women's wear, coats, dresses, jackets, skirts, trousers, shirts, knitwear, blousons and co-ordinates comprising shirts and skirts.
28	T97/05675B Registered	03	VERY VALENTINO	Perfume, body sprays, body lotions and deodorant sprays.
29	T96/12412F Abandoned	03		Perfumes, cologne, eau de cologne, cosmetics; all included in class 3.
30	T96/12413D Abandoned	09		Spectacle frames and sunglasses; all included in class 9.
31	T96/12414B Abandoned	14		Jewelry, watches and clocks; all included in class 14.
32	T96/12415J Abandoned	18		Suitcases, travelling bags, handbags, shoulder bags, purses, brief cases, attache cases, wallets, key cases, credit card holders, spectacle cases sold empty, umbrellas; all included in class 18.
33	T97/08625B Abandoned	18		Suitcases, travelling bags, handbags, shoulder bags, purses, brief cases, attache cases, wallets, key cases, credit card holders, spectacle cases sold empty, umbrellas; all included in class 18.
34	T96/12416I Abandoned	25		Men's, women's and children's clothing, namely shirts, t-shirts, blouses, sweaters, shorts, suspenders, neckties, skirts, dresses, underwear, shoes and sandals, bathing suits; all included in class 25.
35	T97/08626J Abandoned	25		Men's, women's and children's clothing, namely shirts, t-shirts, blouses, sweaters, shorts, suspenders, neckties, skirts, dresses, underwear, shoes and sandals, bathing suits; all included in class 25.
36	T95/03361E Removed	03		Bleaching preparations and other substances for laundry use; cleaning,

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SN	TM No.	Class	Mark	Specification
				polishing, scouring and abrasive preparations; soaps; perfumery, essential oils, cosmetics, hair lotions; dentifrices.
37	T95/03362C Removed	18		Leather and imitations of leather, and goods made of these materials and not included in other classes; animal skins, hides; handbags, briefcases, attache cases; small leather goods; trunks and travelling bags; umbrellas, parasols and walking sticks; whips, harness and saddlery.
38	T95/03363A Withdrawn	25		Clothing, footwear, headgear.
39	T96/08712C Registered	18	華倫天奴 (transliteration is Hua lun tian nu)	Leather and imitations of leather, and goods made of these materials and not included in other classes; animal skins, hides; trunks and travelling bags; umbrellas, parasols and walking sticks, whips, harness and saddlery.
40	T96/08713A Registered	25	華倫天奴	Clothing, knitwear, footwear, headgear, hosiery, swimwear, belts, ties, sportswear, top coats, sports shoes, gloves, scarves, costumes.