

Intellectual Property Office of Singapore Case Summary: Lisbeth Enterprises Limited v Procter & Gamble International Operations SA [2015] SGIPOS 6

Source: <https://www.ipos.gov.sg/resources/hearing-mediation>

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This revocation action relates to Trade Mark No. T8102365E ("the Subject Mark"):

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which was registered on 1 June 1981 in Class 3 in respect of "Eau de Cologne, perfumes, essential oils, non-medicated toilet preparations, cosmetics, anti-perspirants, soaps, dentifrices and preparations for the hair". The date of completion of registration is 25 May 1984.

The Applicants for Revocation claim that the Subject Mark should be revoked on the grounds of non-use for a continuous period of 5 years, whether from the completion of registration or in the 5 years preceding the application for revocation. On the other hand, the Proprietors claim to have used the Subject Mark on a fragrance line endorsed by American celebrity singer, Christina Aguilera:



The fragrance "Christina Aguilera INSPIRE" was claimed to have been launched in global distributor markets from September 2008. However, as the Proprietors have not established, on the evidence, that the fragrance was launched in Singapore, the application for revocation was granted.

The written decision also examines other elements of the grounds of revocation for non-use, such as whether sale on third party websites such as www.perfumehypermart.com and www.ebay.com.sg in this instance was with or without the consent of the Proprietors. On the evidence, the Proprietors have not shown that this was done with their consent. Hence, such sale, even if accepted as "use *in Singapore*" (which was the case in relation to www.perfumehypermart.com), would not have been sufficient to defend the revocation. There were other issues of interest discussed, such as whether, in relation to the Subject Mark itself, the use of "Christina Aguilera INSPIRE"

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would suffice as genuine use of

In conclusion, the Subject Mark was revoked from 26 May 1989, which is the first day after the 5-year period following completion of registration.

This case illustrates the importance, to trade mark proprietors, of keeping records which demonstrate use (i) in Singapore; (ii) in the relevant time period(s); (iii) in relation to the goods/services claimed in the specification; (iv) by the trade mark proprietor or with his consent; with (v) such use being genuine use of the registered trade mark (including use differing in elements which do not alter the distinctive character of the registered trade mark).

Disclaimer: The above is provided to assist in the understanding of the Registrar's grounds of decision. It is not intended to be a substitute for the reasons of the Registrar. The full grounds of decision can be found at <https://www.ipos.gov.sg/resources/hearing-mediation>.