

# Intellectual Property Office of Singapore Case Summary: FMTM DISTRIBUTION LIMITED v VAN CLEEF & ARPELS S.A. [2017] SGIPOS 6

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

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The Applicants are FMTM Distribution Limited and they own amongst others, the “Franck Muller” trade mark for watches<sup>1</sup>.

The Proprietors are a supplier of fine jewellery and luxury watches sold under the Van Cleefs & Arpels (VCA) trade mark. Established in France in 1896, VCA and their predecessors in title have been trading for over 100 years. The Proprietors’ evidence deposed that Richmont Luxury (S) Pte Ltd is the exclusive retailer and distributor of luxury goods manufactured by Richmont Group which owns several of the world’s leading brands in the field of luxury goods including jewellery, luxury watches and writing instruments. The Richmont Group’s brands includes IWC, Van Cleef & Arpels, Piaget, Jaeger-LeCoultre, Alfred Dunhill and MontBlanc, to name a few.

The mark in issue is:

Registered Mark	Goods
<b>MYSTERY SET</b>	“jewellery, watches”
T0801770E	

The Applicants claimed that the mark has not been put to genuine use in the course of trade in Singapore by the proprietor, in relation to the goods or services for which it is registered, within the period of 5 years following the date of completion of the registration procedure under Section 22(1)(a) of the Act.

One of the Applicants’ main lines of attack is that **MYSTERY SET** has been used by third parties and the Proprietors themselves, to describe a particular jewellery setting technique where gem stones are set in such a way that no prongs are visible.

However, in light of the evidence tendered, the Registrar is of the view that **MYSTERY SET** is not directly descriptive of the technique. Rather it alludes to the mysterious aura which is exuded by gemstones in such a setting and thus can be considered to be allusive of jewellery. The technical name of the specific technique described above is *invisible setting* while **MYSTERY SET** has been conceived by the Proprietors to describe a variant of the technique which has been patented by them.

Therefore, the revocation failed in relation to jewellery (although the revocation partially succeeded in relation to watches as there was no evidence tendered in relation to this item).

*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>.*

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<sup>1</sup> See T9409224C.