

**JOINT EXAMINATION BOARD
PAPER T6
ADVANCED COMMUNITY TRADE MARK AND INTERNATIONAL TRADE
MARK LAW & PRACTICE PAPER**

**Thursday 11th November 2004
10.00 a.m. – 2.00 p.m.**

*Please read the following instructions carefully. **Time Allowed – FOUR HOURS***

1. You should attempt **FOUR** questions. All questions carry **25 marks**. If more questions than necessary are attempted, they will be marked in the order presented and questions over the required number will be ignored.
2. Where a question permits of reasons being given for the conclusions reached, such reasons should be given.
3. Please note the following:
 - Start each question (but not necessarily each part of each question) on a fresh sheet of paper.
 - Enter the Paper Number, the question number and your Examination number in the appropriate boxes at the top of each sheet of paper.
 - Write on one side of the paper only, within the printed margins using a **BLACK** pen.
 - **DO NOT** use coloured pens or highlighters within the answers – they will not photocopy.
 - **DO NOT** staple or join pages together in any way.
 - **DO NOT** state your name anywhere in the answers.
4. Unless specifically requested answers are **NOT** required in letter form.
5. **NO** printed matter or other written material of any kind may be taken into the examination room.
6. **ALL** mobile phones and electronic aids **must be** switched off and stored away.
7. Answers **MUST** be legible. If the examiners cannot read a candidate's answers no marks will be awarded.
8. **NO WRITING OF ANY KIND WILL BE PERMITTED AFTER THE TIME ALLOTTED TO THIS PAPER HAS EXPIRED. At the end of the examination assemble your answer sheets in question number order, place your answer in the WHITE envelope provided.**

The paper consists of 16 pages including this page.

Question 1

Your client, Crispin Ltd., is an English snack food manufacturer. It is the proprietor of a Community Trade Mark registration for CRISPIN for “potato-based snacks” in Class 29, filed on 17 June 1999 and registered on 10 December 2002.

Crispin regularly sells large consignments of individual, snack-sized packets of crisps under the CRISPIN brand name throughout the European Union and elsewhere. In eastern Europe, its packaging bears only eastern European languages. In contrast, in line with United Kingdom food packaging regulations, English appears on all packaging intended for retail in the UK. Crispin’s crisps command lower wholesale and retail prices in eastern European countries than in the United Kingdom.

Last June, Crispin sold a large consignment of individual, snack-sized packets of crisps to a Slovenian company, Slovenian Snacks. The sale was made subject to an express agreement that the goods would be shipped for sale only in Africa. A few weeks ago, your client learned that packs had found their way onto the U.K. market and were being sold in market stalls and budget shops. The packs were not being sold individually, however, but were offered for sale in “multi-pack” boxes, to which the CRISPIN trade mark had been affixed and English-language ingredients were listed. Your client has learned that Slovenian Snacks did not sell the goods in Africa as agreed, but instead sold them to a French parallel importer, D’Artagnan SA, who re-boxed them into the “multi-packs” and applied the trade mark and English language text to the boxes. D’Artagnan is a known parallel importer of snacks.

The imported CRISPIN crisps are no different to those sold in the U.K., but your client fears the threat to its profits arising from uncontrolled distribution of cheap parallel imports. Crispin’s managing director tells you that although she would like to stop the imports entirely, she might settle for forcing D’Artagnan to over-sticker English text onto individual foreign packs for sale instead, as this might make the packs less attractive to customers and therefore to wholesale buyers. Crispin would like to make an example out of D’Artagnan and seeks your urgent advice.

Advise Crispin on the following:

- a) What, if any, legal basis it has for claiming infringement of its CTM;
- b) Your preliminary view of the chances of success; and
- c) Where action might be brought.

Ignore issues relating to breach of contract

(25 marks)

Question 2

Carlsbad Parts Inc., a Delaware company, has a thriving business in spare parts for motor vehicles in the United States. Its leading spark plug brand is ZETA, which it has protected as a registered trade mark in the United States, Canada and Mexico since the early 1980s.

Carlsbad exports its products to many foreign countries. Its ZETA spark plugs were sold in Germany for a few years, and in 1995 Carlsbad obtained a German trade mark registration for ZETA covering "spark plugs" in Class 12. Sales there are no longer made, although there are some sales on a very small scale in other E.U. countries. The level of sales has been almost insignificant so far, although Carlsbad has plans to launch a full-scale European roll-out of its ZETA spark plugs in about a year.

The insubstantial European sales to date have included a regular trickle of sales of ZETA spark plugs to an English company, Dimbleby Spares Ltd. The sales began about 3 years ago when sales representatives of Carlsbad and Dimbleby met at a trade show and Dimbleby expressed an interest in selling the ZETA spark plugs in the U.K. Carlsbad filled four orders from Dimbleby and supplied promotional materials for use in supporting the sales of ZETA spark plugs in the U.K. A few months ago, Dimbleby cancelled its fifth order without explanation.

Carlsbad has now learned that Dimbleby is still selling ZETA-branded spark plugs, but that they are not produced by or with Carlsbad's consent. Instead, it appears that Dimbleby is sourcing them direct from the Far East. Carlsbad has also learned that Dimbleby applied to register ZETA as a Community Trade Mark for "vehicle parts; spark plugs" in Class 12 just two months after placing its first order from Carlsbad. The CTM was registered without opposition in June 2004.

Carlsbad is deeply concerned and wishes to stop the unauthorised sales. It is further concerned about the effect of Dimbleby's CTM on its own continued sales and launch plans.

Advise Carlsbad on the following:

1. What legal basis, if any, it has to stop the continued use of ZETA by Dimbleby.
2. What legal basis it has to challenge Dimbleby's CTM?
3. How can your client prove a case based on the prior relationship of the parties?
4. What action do you recommend?

(25 marks)

Question 3

You act for a large Dutch consumer products company, DutchRight BV, whose activities in the field of household products, food and drink extend across the European Union.

DutchRight has recently developed a new shape of fruit juice packaging, which it launched only a few weeks ago. The new packs are foil pouches that are designed to stand up on their own and to be pierced with a straw. Other foil stand-up pouches are available on the market, but DutchRight tells you that this one has several unique design features which are readily apparent.

The new foil packs, like all product packaging produced by DutchRight, bears the DutchRight corporate livery. The lower part of each package is a red band topped by a band of sky blue. The relative width of the bands presented is generally always the same, but due to the different sizes and shapes of their packaging, the colour combination also appears in differing shapes and sizes across the different product ranges.

DutchRight is concerned that its innovative new drinks packs will be copied imminently by certain competitors, who watch closely and quickly imitate the market leader. DutchRight is also concerned that its corporate livery may be copied by competitors, particularly supermarkets, who wish to flag that their products are the same as, or as good as, the market leader.

Advise DutchRight on the following points:

- (1) Can the drinks packaging shape be protected as a CTM? If so, how?
- (2) Can its corporate colours be protected as a CTM? If so, how?
- (3) What, if any, objections might be raised to an application to register the shape?
- (4) What, if any, objections might be made to an application to register the colours?
- (5) How, if at all, can the objections be overcome?

Do not consider copyright and design issues, and assume that no objections under Article 7 (2) apply.

(25 marks)

Question 4

You represent Skin Deep Ltd who have applied to register the mark EVA & ALFRED as a CTM in class 3 for perfumes; cosmetics; non-medicated toilet preparations; soaps; essential oils; creams and lotions.

The application was filed on 7th April 2003 and advertised for opposition purposes on 18th December 2003. At the time of filing the application, your clients had made no use of the mark EVA & ALFRED, nor do they have any other rights of any kind in EVA & ALFRED in the EU beyond this application.

Your clients' application has been opposed by the Spanish company, Eva S.A. and a copy of the Notice of Opposition is attached (Document 1). The Notice of Opposition was served by OHIM on 29th March 2004. The Notice of Opposition has been deemed admissible by OHIM with no technical deficiencies. There was one extension to the cooling-off period, but settlement discussions failed.

On behalf of your clients, you filed a formal request with OHIM that the opponents furnish proof of use of their Spanish mark (Article 43(3)). The opponents duly filed Documents 3 and 4.

Your clients have now been invited to submit Observations in Reply to the opposition.

- a) First prepare notes on the proof of use requirement in opposition proceedings under the CTM Regulation and the comments you would make on the proof submitted by the opponents in this instance.
- b) Now assume that the proof of use submitted by Eva S.A. has been held by OHIM to be sufficient to enable the opposition to rely on their Spanish registration, draft Observations in Reply, including references to decided cases where appropriate.

Documents enclosed:

Document 1- Opposition form (relevant pages only – 4 pages attached) with separate Explanation of Grounds

Document 2 – Relevant part of translated certificate of Spanish Registration No. 2333333 (assume admissible)

Document 3 – Statement from L Miguel

Document 4 – Sample Invoice

(25 marks)

Notice of Opposition

This area is reserved for OHIM		For OHIM	Date of receipt	Number of pages	Opponent's /Representative's reference number
<p>Language</p> <p>1 Check one of these boxes</p> <p>Language of opposition</p> <p>ES DE <input checked="" type="checkbox"/> FR IT</p>					
<p>Opposed application</p> <p>2 Mandatory</p> <p>Application number</p> <p>3444444</p>					
<p>3 Mandatory</p> <p>Applicant</p> <p>4 Skin Deep Limited</p>					
<p>4 Optional</p> <p>Date of publication</p> <p>18th December 2003</p>					
<p>Opponent</p> <p>5 Indicate ID number if available; if not, complete page 2</p> <p>ID number of opponent</p> <p>6 given</p>					
<p>6 Mandatory</p> <p>Name of opponent</p> <p>7 Eva S.A.</p>					
<p>7 Mandatory; check the appropriate box</p> <p>Entitlement</p> <p>Evidence of entitlement</p> <p>8 <input type="checkbox"/> proprietor <input type="checkbox"/> authorised licensee <input type="checkbox"/> person authorised under national law</p> <p>9 <input type="checkbox"/> attached <input type="checkbox"/> to follow</p>					
<p>Professional representative</p> <p>9 Check the box if a professional representative is appointed</p> <p>Professional representative</p> <p>10 <input checked="" type="checkbox"/> appointed</p>					
<p>10 Indicate ID number if available; if not, complete page 3</p> <p>ID number of professional representative</p> <p>11 given</p> <p>P11111</p>					
<p>11 Mandatory</p> <p>Name</p> <p>12 Jesus y Jesus</p>					
<p>Authorisation</p> <p>12 Check this box if OHIM is already in possession of authorisation and</p> <p>Authorisation on file</p> <p>13 <input checked="" type="checkbox"/> already on file</p>					
<p>13 indicate ID number of authorisation if available</p> <p>ID number of authorisation</p> <p>14 <input checked="" type="checkbox"/> given</p> <p>P22222</p>					
<p>14 Check one of these boxes if authorisation is not on file</p> <p>Authorisation not on file</p> <p>15 <input type="checkbox"/> attached <input type="checkbox"/> to follow</p>					
<p>Fees</p> <p>15 For fees see current table of fees</p> <p>Opposition fee</p> <p>16 350 ECU</p>					
<p>16 Payment will automatically be deducted from current account unless one of the following boxes is checked or a specific instruction to the contrary is provided</p> <p>Payment</p> <p>Current account</p> <p>17 <input checked="" type="checkbox"/> current account No. 000033</p>					
<p>17 If payment is remitted indicate OHIM account number</p> <p>Remittance to account of OHIM</p> <p>18 <input type="checkbox"/> OHIM account No.</p>					
<p>18 indicate date of remittance of payment</p> <p>Date of remittance</p> <p>19 <input type="checkbox"/> attached</p>					
<p>Signature</p> <p>20 Optional</p> <p>Date of signing</p> <p>21 3rd February 2004</p>					
<p>21 Mandatory</p> <p>Signature</p> <p>22 </p>					
<p>22 Indicate name of person signing</p> <p>Name</p> <p>23 Jesus y Jesus</p>					
<p>23 Check as appropriate if signature is by employee representative or professional representative</p> <p><input type="checkbox"/> employee <input type="checkbox"/> legal practitioner <input checked="" type="checkbox"/> professional representative</p>					
<p>Number of sheets</p> <p>24 Total number of sheets, including attachments</p> <p>Number of sheets</p> <p>24 9</p>					

Notice of Opposition

Basis of opposition

⁵³ Check the appropriate boxes and provide the required information hereafter; if opposition is based on more than one earlier mark or sign, additional sheets (copies of this page and page 5) must be completed, if necessary, for each earlier mark or sign

Opposition is based on

- ⁵³ ☒ earlier mark (registration or application)
⁵⁴ ☐ earlier registered mark with reputation
⁵⁵ ☐ earlier well-known mark
⁵⁶ ☐ earlier non-registered mark
⁵⁷ ☐ earlier other sign used in the course of trade
⁵⁸ ☐ mark filed by an agent

Earlier mark (registration or application)

⁵⁹ Check one of these boxes

Type of mark

- ⁵⁹ ☐ Community mark ☒ national mark ☐ international registration with effect in a Member State

⁶⁰ If national mark or international registration, check the appropriate box

Member State/s

- ⁶⁰ ☐ DK ☐ DE ☐ GR ☒ ES ☐ FR ☐ IE ☐ IT ☐ AT ☐ PT ☐ FI ☐ SE ☐ GB ☐ BENELUX

⁶¹ Indicate word mark; if other type of mark, provide a representation on attachment

Representation of the mark

⁶¹ EVA

⁶²⁻⁶⁵ Complete as appropriate; if priority is invoked, provide details on attachment

Filing date

3rd August 1994

Filing No.

⁶² 2333333

Registration date

⁶³ 7th September 1995

Registration No.

⁶⁴ 2333333

⁶⁶ Copy required only when earlier mark is a national mark or international registration

Copy of registration/application

- ⁶⁶ ☒ attached ☐ to follow

⁶⁷⁻⁶⁸ Check and complete as appropriate; indicate goods/services on which opposition is based; if the space provided is not sufficient, use attachment instead

Opposition is based on

- ⁶⁷ ☒ all the goods/services for which earlier mark is registered/applied for
⁶⁸ ☐ less than all the goods/services, namely:

Earlier registered mark with reputation

⁶⁹ If opposition is based on earlier registered mark with reputation, complete lines ⁶⁹⁻⁷² and box ⁷⁰ and check as appropriate one of the following boxes

Reputation

- ⁶⁹ ☐ in the Community ☐ in a Member State (including Benelux)

⁷⁰ Check the appropriate box

Member State

- ⁷⁰ ☐ DK ☐ DE ☐ GR ☐ ES ☐ FR ☐ IE ☐ IT ☐ AT ☐ PT ☐ FI ☐ SE ☐ GB ☐ BENELUX

⁷¹⁻⁷² Check one of the boxes and complete as appropriate; indicate only goods/services for which reputation is claimed; if the space provided is not sufficient, use attachment instead

Opposition is based on

- ⁷¹ ☐ all the goods/services for which earlier mark is registered
⁷² ☐ less than all the goods/services, namely:

Evidence of reputation

- ⁷³ ☐ attached ☐ to follow

Notice of Opposition

Earlier well-known mark

⁷⁴ Indicate word mark; if other type of mark, provide representation on attachment Representation of the mark ⁷⁴

⁷⁵ Indicate Member State/s where mark is well-known Member State/s ⁷⁵

BE DK DE GR ES FR IE IT LU NL AT PT FI SE GB

⁷⁶ If the space provided is not sufficient, use attachment instead Opposition is based on the following goods/services ⁷⁶

Evidence of mark being well-known

⁷⁷ ☐ attached

☐ to follow

Earlier non-registered mark

⁷⁸ Indicate word mark; if other type of mark, provide representation on attachment Representation of the mark ⁷⁸

⁷⁹ Indicate Member State where earlier non-registered mark is protected Member State ⁷⁹

BE DK DE GR ES FR IE IT LU NL AT PT FI SE GB

⁸⁰ If the space provided is not sufficient, use attachment instead Opposition is based on the following goods/services ⁸⁰

Evidence of protection

⁸¹ ☐ attached

☐ to follow

Earlier sign used in the course of trade

⁸² Indicate sign; if the sign is not consisting of a word, provide representation on attachment Representation of the sign ⁸²

⁸³ Indicate nature of rights claimed Nature of rights ⁸³

⁸⁴ Indicate Member State where earlier sign is protected Member State ⁸⁴

BE DK DE GR ES FR IE IT LU NL AT PT FI SE GB

⁸⁵ Indicate goods/services, object of economic activity; if the space provided is not sufficient, use attachment instead Opposition is based on the following goods/services ⁸⁵

Evidence of protection

⁸⁶ ☐ attached

☐ to follow

Mark filed by agent

⁸⁷ Indicate word mark; if other type of mark, provide representation on attachment Representation of the mark ⁸⁷

⁸⁸ Indicate country/ies where opponent is proprietor of mark Country/ies ⁸⁸

Evidence of ownership of mark

⁸⁹ ☐ attached

☐ to follow

Notice of Opposition

Extent of opposition

⁹⁰⁻⁹¹ Check one of these boxes

Opposition is directed

⁹⁰ ☒ against all goods/services in the application

⁹¹ ☐ against part of goods/services in the application, namely:

⁹¹ Specify goods / services against which opposition is directed; if the space provided is not sufficient, use attachment instead

⁹² _____

Grounds of opposition

⁹³⁻⁹⁴ Check the appropriate box when opposition is based on earlier mark (registered or application) or earlier well-known mark

Opposition is based on earlier mark and

⁹³ ☒ identity of marks and goods/services

⁹⁴ ☐ likelihood of confusion

⁹⁵ Check the box when opposition is based on earlier registered mark with reputation

Opposition is based on earlier registered mark and

⁹⁵ ☐ unfair advantage/detriment to distinctiveness or repute

⁹⁶ Check the box when opposition is based on earlier non-registered mark

Opposition is based on earlier non-registered mark and

⁹⁶ ☐ right to prohibit use of later mark under national law

⁹⁷ Check the box when opposition is based on an earlier sign used in the course of trade

Opposition is based on earlier sign and

⁹⁷ ☐ right to prohibit use of later mark under national law

⁹⁸ Check the box when opposition is based on mark filed by an agent

Opposition is based on mark filed by an agent and

⁹⁸ ☐ mark was filed without authorisation of proprietor

⁹⁹ If the space provided is not sufficient, use attachment instead

Explanations of grounds

⁹⁹ Please see attached sheet

Check that form has been signed on page 1



COUNCIL REGULATION (EC) NO. 40/94

IN THE MATTER OF Community Trade
Mark Application No. 3444444 EVA &
ALFRED in Class 3 in the name of Skin
Deep Limited and Opposition thereto by Eva
S.A.

EXPLANATION OF GROUNDS

The mark applied for under no. 3444444 EVA & ALFRED is identical with the opponents' earlier Spanish trade mark registration no. 2333333 EVA in that the whole of the opponents' mark is reproduced together with elements which do not affect the identity of the mark. The goods for which registration is applied for are identical with those for which the earlier mark is protected. As such registration of EVA & ALFRED as applied for under no. 3444444 should be refused in accordance with the provisions of Article 8(1)(a) of the CTMR.

JESUS y JESUS

3 February 2004

Document 2

Certified Translation of Spanish Trade Mark Registration No. 2333333

1. Registration date and number: 7th September 1995, 2333333
2. Application date and number: 3rd August 1994, 2333333
3. Applicant: Eva S.A.
Madrid Avenue
Madrid 44301
Spain
4. Agent: Jesus y Jesus
5. Representation of the Mark: EVA
6. Goods: Class 3 – Perfumes; cosmetics; soaps; lotions and creams; all non-medicated.

Document 3

Statement of Luis Miguel

I am Luis Miguel, Managing Director of Eva S.A. My company was incorporated in October 1993 and has traded under the name EVA since that date. My company manufactures and sells a wide range of cosmetics, perfumes and toiletries all under the trade mark EVA and has done so since October 1993. Our client base consists of boutiques throughout mainland Spain and the Balearics. I am sure that both our direct and our ultimate customers are familiar with our name. Attached to my statement is a sample invoice demonstrating our activities in Spain.

L. Miguel 1st October 2004

Document 4

EVA S.A

Invoice/ Factura

Consignor/Consignador:

Seville Salons S.A
Seville Place
Seville 1234
Spain

Invoice No. 3456

13th November 1998

To: 40 packages EVA cosmetics (various)
Amount due: **1000.00 Pes**

Question 5

Your clients, Eurowash Ltd, are a business incorporated in the UK. They primarily provide detergents and other preparations for laundry use, as well as clothing repair services.

On 5th July 2004, you filed on their behalf a Community Trade Mark application in the following terms:

Mark	Applicant	Specification of goods
ECOSENSITIVE	Eurowash Ltd	Shampoos and soaps; washing and bleaching preparations and other substances for laundry use; cleaning, deodorising, freshening and stain removing preparations, all for use on clothing, fabrics and textiles [class 3] Maintenance and repair of clothing [class 37]

OHIM has just issued the enclosed official letter objecting to the application under Article 7(1)(b) and (c) (Absolute grounds for refusal). Write a letter of advice to your clients explaining the objections and expressing your view on their strengths, identifying any arguments you would make and explaining any relevant case law.

[Note Assume that your clients are not able to rely on evidence of acquired distinctiveness]

(25 marks)

OFFICE FOR HARMONIZATION IN THE INTERNAL MARKET
(TRADE MARKS AND DESIGNS)

Examination Division

**Notice of grounds for refusal of application for a Community trade mark
Issued under Article 7 of the Regulation and Rule 11(1) of the Implementing
Regulation**

Alicante, 03/11/2004

Name and address of applicant or representative
Trade Mark Attorney
UNITED KINGDOM

Application No: 002333333
Your reference: EW/04
Trade Mark: ECOSENSITIVE
Applicant: Eurowash Ltd
Blackley Industrial Park
Dorking
Surrey RH11 0MJ
UNITED KINGDOM

On examination of your application it has been found that the trade mark is not eligible for registration because it not does not comply with Article 7(1)(b) and (c) to the extent that:

The Trade Mark consists exclusively of the term ECOSENSITIVE which conveys solely that the class 3 products and class 37 services applied for are ecological and sensitive. The sign is thus exclusively descriptive and does not have any distinctive character.

The term ECO is a known abbreviation for ECOLOGICAL, a term frequently used to indicate products and services which are, or claim to be, environmentally friendly. The term SENSITIVE is commonly used in the detergent industry. Therefore the mark applied for merely conveys the characteristics of the products and services concerned, that is, that the products are "ecological" and "sensitive". Therefore, the composite mark is exclusively descriptive and devoid of distinctive character.

If you have any observations they should be submitted within two months of this communication failing which the application will be rejected.

Mercedes Delgado

Question 6

Your client, Amber Cosmetics S.A., a Belgian company, is the manufacturer of a range of highly successful cosmetic products and expensive watches. It has used the trade mark AMBER on such goods in Belgium for many years. It now intends to launch into France, Germany, Italy and Spain, but no precise date or plans to expand have yet been finalised.

Your client is the proprietor of the following trade marks:

1. Benelux registration No. 721035 AMBER in classes 3 for, amongst other things, cosmetics and 14 for, amongst other things, horological instruments filed on 4 December 2003.
2. International (WIPO) Registration No. 804713 AMBER in classes 3 and 14 filed on 17th April 2004 (see attached)

Your client contacts you because it has just received a letter from a UK company called Amber Box Ltd demanding that the client stops use of the AMBER name immediately. The letter states that they are the proprietors of a UK registration No. 1539093 and International Registration (IR) No. 804359 for AMBER. They also state that they have used extensively the AMBER trade mark in the UK in relation to all the goods and services covered by their above registrations, and are planning an imminent launch into Europe.

Your client is worried about this letter and whether it will affect its future plans, especially since Amber Box's IR proceeded to registration before your client's IR. Your client also mentions that it has heard of something called 'central attack' and wonders if this is something that could be used against Amber Box Ltd.

Advise your client in a letter on the trade mark position, including any action your client should consider, the likely merits, and any other steps you recommend.

Documents enclosed:

1. Copy of IR Registration No. 804713
2. Copy of IR Registration No. 804359

UK Registration No. 1539093 covers the same good and services as IR Registration No. 804359

(Ignore the link between the Madrid System and the CTM)

(25 Marks)

WORLD INTELLECTUAL PROPERTY
ORGANIZATION

34, Chemin des Colombanes, P O Box 18, CH-1211 Geneva 20
(Switzerland) Tel. (41-22) 338 9111 – Facsimile (International Registry of
Marks): (41-22) 740 1129 E-mail: intreg.mail@wipo.int – Internet
<http://www.wipo.int>



MADRID AGREEMENT AND PRO

CERTIFICATE OF REGISTRATION

The International Bureau of the World Intellectual Property Organization (WIPO) certifies that the indications appearing in the present certificate conform to the recordal made in the International Register of Marks maintained under the Madrid Agreement and Protocol.

A handwritten signature in black ink, appearing to read 'N. Kopp'.

N. Kopp
Head

International Trademark Registration Section
International Registrations Operations Division
Trademarks, Industrial Designs and Geographical
Indications Department

Geneva, July 17, 2004

804713

Registration date: April 17, 2004
Date next payment due: April 17, 2014
Amber Cosmetics S.A.
21 Waterloo Building
Richelle B-1000
Waterloo
(Belgium)

*Legal nature of the holder (legal entity) and place
of organization:* S.A., Belgium

AMBER

Indication relating to the nature or kind of mark:
standard characters

List of goods and services – NCL(8):

- 3 Bleaching preparations and other substances
for laundry use; cleaning, polishing, scouring and
abrasive preparations; soaps; perfumery, essential
oils, cosmetics, hair lotions; dentifrices.
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.

Basic application: Benelux, 04.12.2003, 1023128

Basic registration: Benelux, 04.12.2003, 721035

Data relating to priority under the Paris

Convention: Benelux, 04.12.2003, 721035

Designations under the Madrid Agreement:

Armenia, Austria, Azerbaijan, Belarus, Bosnia
and Herzegovina, Bulgaria, China, Croatia, Czech
Republic, Egypt, Hungary, Kazakhstan, Kenya,
Kyrgyzstan, Latvia, Mongolia, Morocco, Poland,
Portugal, Republic of Moldova, Romania, Russian
Federation, Serbia and Montenegro, Slovakia,
Slovenia, Switzerland, The former Yugoslav
Republic of Macedonia, Ukraine, Uzbekistan,
Vietnam. *Designations under the Madrid
Protocol:* Denmark, Estonia, Finland, Georgia,
Greece, Ireland, Lithuania, Norway, Singapore,
Sweden, Turkey.

Declaration of intention to use the mark: Ireland,

Singapore. *Dale of notification:* 17.07.2004

Language of the international application:
English

**As of the 4th February 2003, the name of Serbia
and Montenegro is to be used instead of the
federal Republic of Yugoslavia*

WORLD INTELLECTUAL PROPERTY
ORGANIZATION

34, Chemin des Colombanes, P O Box 18, CH-1211 Geneva 20
(Switzerland) Tel. (41-22) 338 9111 – Facsimile (International Registry of
Marks): (41-22) 740 1129 E-mail: intreg.mail@wipo.int – Internet
<http://www.wipo.int>



MADRID AGREEMENT AND PRO

StudentBounty.com

CERTIFICATE OF REGISTRATION

The International Bureau of the World Intellectual Property Organization (WIPO) certifies that the indications appearing in the present certificate conform to the recordal made in the International Register of Marks maintained under the Madrid Agreement and Protocol.

N. Kopp
Head

International Trademark Registration Section
International Registrations Operations Division
Trademarks, Industrial Designs and Geographical
Indications Department

Geneva, July 10, 2004

804359

Registration date: February 26, 2004

Date next payment due: February 26, 2014

Amber Box Ltd
281 Owlsmoor Road
Camberly
Surrey
GU15 4GU
(United Kingdom)

Legal nature of the holder (legal entity) and place of organization: Limited Liability Company

Name and address of the representative: Eric Potter Clarkson, Park View House, 58 The Ropewalk, Nottingham NG1 5DD (United Kingdom)

AMBER

Indication relating to the nature or kind of mark: standard characters

List of goods and services – NCL(8):

3 Bleaching preparations for laundry use; cleaning, polishing, scouring and abrasive preparations; soaps; perfumery, essential oils, cosmetics, cosmetic preparations, hair lotions, hair preparations, shampoos; dentifrices; non-medicated toilet preparations; fragrant preparations; perfumes; eau do parfum; eau de toilette; eau de Cologne; aftershave; pre-shave and aftershave preparations; creams, milks, lotions, balms and gels for the skin and for the

body; bath and shower gel; bath and shower preparations; bath pearls; moisturizing preparations; face cream; hand and nail cream; deodorants; anti-perspirants; talcum powder and body powder; sun tanning preparations; sun screening preparations; suntan accelerator products and preparations.

5 Medicated bath and shower preparations; therapeutic preparations for the bath and shower; deodorants; medicated toilet preparations; medicated preparations for the care of the skin and the body; medicated sun tanning preparations.

18 Articles made of leather and of imitation leather; travelling bags; toiletry bags and holders; cosmetic bags and holders; make-up bags, holders and cases; carrying cases; shopping bags, carrier bags; umbrellas; wallets and card cases; but not including purses or handbags for women and girls.

44 Medical, hygienic, beauty care and skin care services; provision of beauty treatments and skin care treatments; provision of consultancy information and advisory services in relation to perfumery, beauty care and skin care.

Basic registration: United Kingdom, 03.05.1982, 1539093

Designations under the Madrid Protocol: Benelux, Bulgaria, Czech republic, Estonia, Hungary, Latvia, Lithuania, Norway, Poland, Romania, Russian Federation, Slovakia, Slovenia, Switzerland, The former Yugoslav republic of Macedonia, Turkey, Ukraine.

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