

THE JOINT EXAMINATION BOARD
PAPER T4 ADVANCED TRADE MARK SEARCH

Friday 9th November 2012

10.00 a.m. – 2.00 p.m.

*Please read the following instructions carefully. **Time Allowed – 4 HOURS***

1. This paper consists of a single question for which you are marked out of **100%**.
2. Please note the following:
 - a. Start each question (but not necessarily each part of each question) on a fresh sheet of paper;
 - b. Enter the Paper Number (T4), the question number and your Examination number in the appropriate boxes at the top of each sheet of paper;
 - c. The scripts are photocopied for marking purposes. Please write with a **dark inked pen** on one side of the paper only and within the printed margins, and do not use highlighters in your answer;
 - d. Do not state your name anywhere in the answers;
 - e. Write clearly, examiners cannot award marks to scripts that cannot be read;
 - f. Reasoning should always be given where appropriate;
 - g. You must number all the pages of your answer script. Once the exam finishes, an additional 5 minutes will be allowed for you to do this.
3. Under the Examination Regulations you may be disqualified from the examination and have other disciplinary measures taken against you if:
 - a. you are found with unauthorised printed matter or other unauthorised material in the examination room;
 - b. your mobile phone is found to be switched on;
 - c. you copy the work of another candidate, use an electronic aid, or communicate with another candidate or with anyone outside the examination;
 - d. you continue to write after being told to stop writing by the invigilator(s). **NO WRITING OF ANY KIND IS PERMITTED AFTER THE TIME ALLOTTED TO THIS PAPER HAS EXPIRED.**
4. **At the end of the examination assemble your answer sheets in question number order and put them in the WHITE envelope provided.** Do not staple or join your answer sheets together in any way. Any answer script taken out of the examination room will not be marked.

This paper consists of 13 pages including this page.

T4 2012 – QUESTION

You act on behalf of Roman Bathrooms Limited of Bromsgrove, Worcestershire. The company was incorporated in England in 1992 when it commenced using the trade mark ROMAN BATHROOMS for a range of bathroom fittings (bath tubs, bathroom sinks, bidets, shower cubicles, showers, toilets, toilet cisterns, bathroom suites, bathroom heaters; bathroom taps, plugs, towel rails, hooks; bathroom mirrors, cabinets, shelves; bathroom tiles); bathroom installation and construction; bathroom plumbing; tiling and plastering; and bathroom design services. Since 1992 these goods and services have been provided from its three stores in Bromsgrove and the nearby cities of Wolverhampton and Worcester, England.

From 1992 the above goods and services were provided only within a 50 mile radius of the three stores but since March 2002 the above goods and services of the client's business have been provided throughout England and Wales.

In February 2008 your client commenced using the trade mark ROMAN BATHROOMS for bathroom mats, bathroom rugs, bathroom carpet tiles.

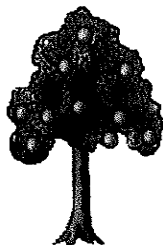
Your client informs you that an Alexander Rowan was a director of Roman Bathrooms Limited until 2006.

Your client had previously registered the trade mark ROMAN BATHROOMS in various classes in the UK but all registrations lapsed by mistake more than two years ago as a result of renewal fees not being paid.

At the beginning of 2010 your client decided to update its image and a design agency came up with the following three trade marks which the client commenced using in September 2010 and wishes to register.



MODERNA



In accordance with the information provided by your client you have carried out Trade Mark Register searches for the goods and services listed below. The new Roman Bathrooms logo and the Orange tree logo are being used in relation to all the client's goods and services listed below. The trade mark MODERNA is being used only in relation to the goods listed in Classes 11 and 20.

Class 6 – Metal bathtub rails, towel hooks of metal.

Class 11 – Taps, sinks, washbasins, bidets, bath taps, bath plumbing fixtures, bath tubs, bath installations, shower cubicles, showers, toilets, toilet bowls, toilet seats, toilet cisterns, bathroom suites, heaters, plugs of metal for baths, electric towel warmers.

Class 19 – Non-metallic bathroom tiles.

Class 20 – Mirrors, bathroom cabinets, shelves, plugs for baths not of metal, non-metallic hooks for towels.

Class 21 – Rails and rings for towels, hand towel dispensers.

Class 27 – Bathroom mats, bathroom rugs, bathroom carpet tiles.

Class 37 – Bathroom installation and construction, bathroom plumbing, tiling and plastering.

Class 42 – Bathroom design services.

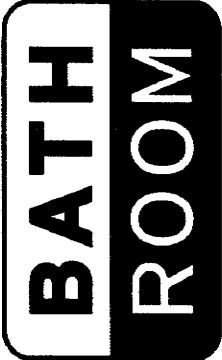
The search reports are attached below.

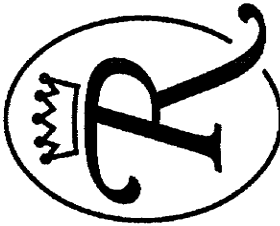
Write a letter to your client on the freedom to use and register the three trade marks in the United Kingdom, indicating any further information you require and the steps which may be taken to overcome potential difficulties.

1. Roman Bathrooms

Trade mark No./ Dates	Trade mark	Informa- tion	Goods/services	Owner
UK 2232661 App: 16 May 2000 Reg: 20 Oct 2000	ROMAN		Class 11: Apparatus for water supply and sanitary purposes; shower cubicles; showers; bath fittings; bath installations; bath plumbing fixtures; bath taps; cubicles; sanitary apparatus and installations; taps; shower enclosures; shower trays; shower screens; bath screens; shower doors; shower panels.	Roman Limited Whitworth Avenue, Aycliffe Industrial Estate, County Durham, DL5 6YN
UK 2289565 App: 9 Jan 2002 Reg: 2 Aug 2002	ROMAN CLEO		Class 11: Apparatus and installations for cooking, refrigerating, freezing or drying; cookers; fans; parts and fittings for all the aforesaid goods. Class 21: Catering, office, household or kitchen utensils and containers; parts and fittings for the aforesaid goods.	Elia International Limited Units 30-31 Sheraton Business Centre, Wadsworth Road, Perivale, Middlesex, UB6 7JB
CTM 2879193 App: 10 Sep 2002 Reg: 18 Jan 2005 Expiry Date: 10 Sep 2012 Seniority: 1411992, 10 Jan 1990, UK, accepted Classes 11, 20 and 21	ROMAN KITCHENS		Class 11: Apparatus for lighting, heating, steam generating, cooking, refrigerating, drying, ventilating, water supply and sanitary purposes. Class 20: Furniture; kitchens, namely fitted kitchens, kitchen elements, kitchen corpora, built-in cupboards, wall cupboards, kitchen tables, glass cupboards, glass doors, fitted glass cupboards and parts and accessories for kitchen furniture. Class 21: Kitchen implements. Class 37: Installation and repair of kitchens.	Jacob van Rees B.V. Ettenseweg 64, 4684 PB, Netherlands

CTM 3610821 App: 15 Jan 2004 Reg: 28 Apr 2005	ROMANZA		Class 7: Motors and pumps for hydromassage. Class 11: Sanitary installations, hydromassage installations, bath tubs and shower trays, shower cubicles.	Techniques et Systemes Elabores TSE (Société anonyme de droit français) 8, rue d'Aboukir, F-75002 Paris, France
UK 2377897 App: 12 Nov 2004 Reg: 17 Jun 2005	ROMAN RANGE 	Series of 2 marks	Class 6: metallic drainage products for use in building and road construction. Class 19: non-metallic drainage products for use in building and road construction.	Grafton Merchants GB Limited Gemini One, 5520 Oxford Business Park South, Cowley, Oxford, OX4 2LL
M 879569 Reg: 12 Aug 2005 Protected as CTM: 12 Aug 2005 Priority: 305 15 059.6/11, 14 Mar 2005, Germany Office of origin: Germany, No. 305 15 059.6/11, 12 Jul 2005	DIETSCH 	Colours – Gold, black	Class 11: Toilet seats, bathtubs, washbasins, bidets, shower bases, complete shower cabins, water taps, water tanks for toilet flushes, toilet bowls, sprinkler heads, washbasins, bidets, bathtubs and showers; lamps. Class 20: Bathroom articles entirely or mostly of plastic material and/or metal and/or wood, namely trays for storage, mirrors, linen chests; bathtub handles not of metal; boxes for cotton wool made of plastic material. Class 21: Bathroom articles entirely or mostly of plastic material and/or metal and/or earthenware, namely towel holders, toilet paper holders, towel rings, hooks, mouthwash cups with or without holding device, soap dishes, soap boxes, soap holders, trays for combing sets, tissue dispensers, cotton wool dispensers, toilet paper holders, mouthwash cups of glass, combs, clothes racks for drying, towel racks, clothes drying holders, dustbins.	Roman Dietsche GmbH Talstrasse 13, 79674 Todtnau-Aftersteg, Germany

UK 2441976 App: 21 Dec 2006 Reg: 10 Aug 2007	VENETIAN BATHROOM VENETIAN BATHROOMS	Series of 2 marks	Class 20: Bathroom furniture; parts and fittings for all the aforesaid goods, but not including blinds and mirrors.	The Symphony Group plc Pen Hill Estate Park, Spring Road, Barnsley, South Yorkshire, S72 7EZ
M 984194 Reg: 10 Aug 2007 Extended to CTM: 21 Jan 2012 Advertised OHIM: 25 Mar 2012 Protected in UK: 10 Aug 2007 Office of origin: Australia, No. 353692, 25 Jun 2007	Rowan Bathrooms		Class 6: Basin and bath plugs of metal; metal grab bars and metal swing arm supports for use by the physically handicapped. Class 11: Baths and bath panels; shower cubicles and shower units; shower heads and showers for sale in kit form; shower trays and wash hand basins; water closets and cisterns; sanitary ware, bowls, pans, sinks and urinals; water supply installations and valves for use with water supply installations; taps; vanity units; bidets; radiators and heated towel rails; parts and fittings for all the aforesaid goods. Class 20: Bathroom furniture. Class 21: Towel rails and rings; wash basins (receptacles). Class 27: Floor coverings.	Alexander Rowan Seagrove House, Manley, NSW Australia
CTM 7221419 App: 9 Sep 2008 Reg: 9 Jun 2009			Class 21: Household utensils or containers; combs and sponges; brushes; brush-making materials; articles for cleaning purposes; metal scouring pads; unworked or semi-worked glass (except glass used in buildings); glassware, porcelain and ceramics (not included in other classes), baby baths, ceramic goods, toilet utensils, toilet brushes, bathroom waste bins. Class 24: Textiles and textile goods, not included in other classes; bed and table covers, towels, washing mitts, shower curtains of textile or plastic. Class 27: Carpets, rugs, mats and matting, linoleum and other materials for covering existing floors; wall hangings, not of textile, bath mats.	JYSK A/S Sødalsparken 18, Brabrand, Denmark, 8220

UK 2510958 App: 12 Mar 2009 Reg: 10 Aug 2009	ROMAN AT HOME		Class 24: Textile and textile goods; bed and table covers; towels; bath towels; hand towels; face towels; kitchen towels; pillow covers; mattress covers; mattress protectors; cushion covers; seat covers; curtains; shower curtains. Class 27: Carpets, rugs, mats and matting, linoleum and other materials for covering existing floors; wall hangings (non-textile).	Roman Limited Whitworth Avenue, Aycliffe Industrial Estate, County Durham, DL5 6YN
CTM 9435091 App: 9 Oct 2010 Reg: 11 Mar 2011		The trademark consists of the letter "R" written in upper-case italics, surmounted by a crown. The letter "R" and the crown are contained in an ellipse. The leg of the letter "R" extends until it exits the line of the ellipse.	Class 9: Electric wiring harnesses; power panels; switch cabinets; automatic vending machines. Class 11: Electric pizza ovens. Class 39: Distribution and storage of electric equipment of all kinds.	RealCable S.R.L. Via Orefici Michelin, 7, Pordenone, Italy, 33170

2. MODERNA

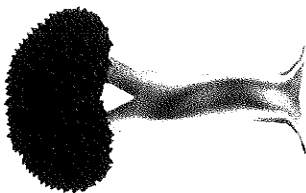
Trade Mark No/ Dates	Trade Mark	Information	Goods/services	Owner
CTM 1789775 App: 2 Aug 2000 Reg: 17 Oct 2001	MODERNA		Class 11: Lamps; apparatus for lighting, heating, steam generating, cooking, refrigerating, drying, ventilating, water supply and sanitary purposes; taps (faucets) and control fittings for water supply and gas apparatus, and for water and gas pipelines; solar collectors and accumulators; electric lamps; lamp hanging supports (hangings); lamp shades.	BHK Holz-und Kunststoff KG H. Kottmann Heidfeld 5, 33142 Buren, Germany
UK 2011674 App: 21 Dec 2000 Reg: 25 May 2002	MODERNO		Class 11: Lamps, sanitary installations, kitchen ranges. Class 20: Furniture, beds, divans, tables, chairs, cupboards, kitchens (furniture), armchairs, bathroom and garden furniture. Class 21: Pots, plates and crockery of ceramic material, glass, porcelain, earthenware, metal and wood.	Pianca S.P.A. Via Dei Cappellari 20 31018 Gaiarine (TV) Italy
CTM 2711877 App: 20 May 2002 Reg: 5 Dec 2003	HYDRA MODERNA		Class 11: Bathroom sanitary goods; shower bases; shower cubicles and enclosures; baths; bath and shower screens; bath and shower doors; washbasins; bidets; toilet and accessories; parts and fittings for the aforesaid goods; all the above-mentioned goods excluding the following goods: pipes and tubes (none being boiler tubes or parts of machines)	Kohler Daryl Limited Whaddon Works, Cromwell Road, Cheltenham, United Kingdom, GL52 5EP

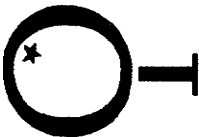
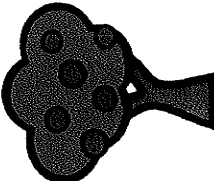
				and hoses; deformable bellows and expansion joints, fitting for use with pipes, tubes and hoses, suspension devices. Class 21: Household or kitchen utensils and containers; combs and sponges; brushes (except paint brushes); brush-making materials; articles for cleaning purposes; unworked or semi-worked glass (except glass used in building); glassware, porcelain and earthenware not included in other classes.	
CTM 4679668 App: 6 Oct 2005 Reg: 28 Sept 2012	SKANSKA ModernaHus			Class 11: Apparatus for lighting, heating, steam generating, cooking, refrigerating, drying, ventilating, water supply and sanitary purposes.	Skanska Sverige AB Drottningtorget 14 205 33, Malmö, Sweden
CTM 5527411 App: 6 Dec 2006 Reg: 23 Jul 2008	 CARROZZERIA MODERNA			Class 6: Chests and containers of metal, in particular for containing waste.	Omb International S.R.L. Piazza S. Padre Pio Da Pietralcina, 1 25123, Brescia, Italy
CTM 8842791 App: 28 Jan 2010 Advertised: 10 Aug 2012	MODERNUM			Class 11: Material and apparatus for heating and ventilating.	Modernum AB Box 19094, Södertälje, Sweden, 15226



3.

Trade Mark No/ Dates	Trade Mark	Information	Goods/services	Owner
CTM 1679832 App: 16 Nov 1999 Reg: 9 Jun 2001		Colours: Orange, green, brown	Class 11: Apparatus for lighting, heating, steam generating, cooking, refrigerating, drying, ventilating, water supply and sanitary purposes; sanitary ware; bathroom suites; bathroom fixtures and fittings; basin, bath, bidet, sink, toilet and shower installations; shower systems; bath panels and screens; shower cubicles, enclosures, cabinets, stalls, doors, screens, panels, trays and cases; Class 20: Furniture, mirrors, picture frames; furniture for bathrooms; bath seats; non-metallic wall plugs; mirrored tiles; bathroom mirrors; non-metallic towel hooks and rails; shower curtain rails; shelves and racks; pillows and cushions; parts and fittings for the aforesaid goods. Class 21: Household or bathroom utensils and containers; bathroom fittings; combs and sponges; brushes (except paint brushes); articles for cleaning purposes; soap boxes, soap dishes, soap dispensers, sponge holders, toothbrush holders; toilet utensils, toilet roll holders; towel rails; towel rings; robe hooks; parts and fittings for the aforesaid goods. Class 37: Building construction; repair, maintenance and installation services.	Sequoien Bathrooms 91 Bere Lane, Glastonbury, Somerset, BA6 8BE

UK 2149373 App: 1 Mar 1999 Reg: 10 Jun 2000		Colours: Green, yellow	Class 11: Interior and exterior lighting; spot lights, security lamps, lanterns, torches, fans; air conditioning equipment; central heating apparatus air conditioning systems; water softeners; radiators; cookers; fridges; washing machines; drying equipment; freezers; taps; shower heads; bath tubs; shower trays; basins; vanity units; bidets.	Revitalised Limited PO Box 10, Fenstanton, Huntingdon PE28 9WX
M 1011843 Reg: 1 Apr 2008 Protected in UK: 11 Oct 2008 Office of origin: Spain, No. 2365022 13 Jan 2008 Priority 2365022, 13 Jan 2008, Spain		Colours: Orange, green	Class 11: Apparatus for lighting, heating, steam generating, cooking, refrigerating, drying, ventilating, air-conditioning, water supply and sanitary purposes; combined heat and power generating apparatus, installations, machines and plants; solar collectors, solar panels; solar heating apparatus and installations; heat exchangers, heat generators, heat recovery apparatus, heat pumps, heat stores, heat transfer apparatus; thermal storage apparatus and installations; parts and fittings for all the aforesaid goods. Class 37: Construction, dismantling, erection, installation, repair, refurbishment, servicing and maintenance services in the field of power and energy conservation, distribution, generation, supply and transmission.	Francisco Cardama, S.A. Avda. de Orillamar, nº 12, Vigo, Spain, 36208

CTM 1410999 App: 10 Dec 2009 Reg: 14 Jan 2011	 the Orange tree		Class 20: Mirrors, picture frames; goods (not included in other classes) of plastics; furniture for bathrooms, non-metallic wall plugs; mirrored tiles; non-metallic towel hooks and rails; shower curtain rails; parts and fittings for the aforesaid goods. Class 21: Household or bathroom utensils and containers; combs and sponges; brushes (except paint brushes); bathroom fittings; soap boxes, soap dishes, soap dispensers, sponge holders, toothbrush holders; toilet utensils, toilet roll holders; towel rails; parts and fittings for the aforesaid goods.	Holmen Aktiebolag PO Box 5407, Strandvägen 1, Stockholm, Sweden, 114 84
UK 2608669 App: 27 Jan 2012 Reg: 11 May 2012	 Woodyatt	Colours: Red, brown, green, black	Class 06: Blinds, screens, shades, shutters, canopies, sun louvres and awnings, all made of metal or predominantly of metal; window frames and screens; metal parts, supports and fittings, accessories. Class 19: Blinds, screens, shades, shutters, canopies, sun louvres and awnings, not of metal or textile, for outdoor use; door and window insect screens. Class 20: Blinds and shades for indoor use; plastic parts, supports and fittings, accessories. Class 24: Curtains, net curtains, blinds, screens, shades of textile material.	Woodyatt Curtains Limited 8 Hopper Way, Diss Business Park, Diss, Norfolk IP22 4GT

CTM 10734572 App: 10 Aug 2012 Advertised: 11 Sept 2012	 Sharing the best in Gardening		Class 20: Furniture Class 21: Kitchen utensils; household utensils and containers (not of precious metal or coated therewith); brushes (except paint brushes). Class 22: Sacks and bags (not included in other classes). Class 24: Household linen; table covers. Class 31: Agricultural, horticultural and forestry products; fresh fruit and vegetables; seeds, natural plants and flowers; all included in Class 31.	The Royal Horticultural Society 80 Vincent Square, London SW1P 2PE
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