

**THE JOINT EXAMINATION BOARD  
PAPER T4**

**ADVANCED UNITED KINGDOM TRADE MARK PRACTICE**

**Wednesday, 18th November 1998  
10.00 a.m. - 2.00 p.m.**

Please read the following instructions carefully. This is a **FOUR HOUR** paper.

1. Check the contents of this envelope. You have, including this sheet, 19 sheets in total.
2. You should attempt question 1 (40 marks) and no more than three of the remaining four questions (20 marks each).
3. The number of marks allotted to each question is shown in brackets at the end of the question.
4. Where a question permits of reasons being given for the conclusions reached, such reasons should be given.
5. Start each question (but not necessarily each part of each question) on a fresh sheet of paper. In the appropriate boxes at the top of each sheet please enter the designation of the paper (T4), the question number and your examination number. You should write only on one side of the paper using **BLACK** ink. Please do **NOT** staple pages together. You should **NOT** write your name anywhere in the answers.
6. Unless specifically requested, answers are **NOT** required in letter form.
7. **NO** printed matter or other written material may be taken into the examination room.
8. Answers **MUST be legible**. If the examiners cannot read a candidate's answer then no marks will be awarded.

**THIS PAPER CONTAINS TWENTY (20) PAGES INCLUDING THIS SHEET**

...0000000...

**Question 1.**

Your new client Atlantic Foods & Beverages Limited of Belfast, Northern Ireland has recently written to you as follows:

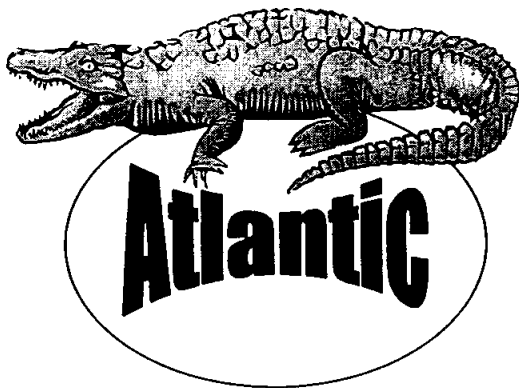
“We refer to our recent telephone conversation in which we advised that we wish to register the marks ATLANTIC for biscuits and beer, CAJUN ALLIGATOR for biscuits and also the picture and shape of our “alligator” for biscuits. Copies of our trade marks are enclosed.

You should be aware that our company was acquired in August last year by a large US food and drinks corporation and that prior to this time our company was incorporated under the name of Atlantic Beverages (Northern Ireland) Limited. We first started selling our ATLANTIC beer in 1990 but prior to August 1995 we sold our beer only in Northern Ireland, to the Republic of Ireland and USA. Since this date sales have been made throughout the United Kingdom and for almost a year to Belgium, Germany, Italy, Netherlands and Spain.

As a result of the acquisition we started making our parent company’s CAJUN ALLIGATOR biscuits for sale throughout the United Kingdom in February this year. These biscuits are sold in packets of twelve with each biscuit being in the shape of and the packaging containing a representation of an alligator similar to that enclosed. We make the biscuits in our Belfast factory and they also bear our trade mark ATLANTIC. Sales of these biscuits have been significant in the USA and Far East for over thirty years and we believe that the biscuits would be familiar to anyone travelling to these countries. Because of the high cost of transport relative to the value of the product only occasional sales took place in the United Kingdom prior to February, the most recent having been to two major London department stores for Easter and Christmas last year.

In our conversation you recommended carrying out searches for these trade marks and we would ask that you proceed with these.

We should be grateful if you would prepare us a memorandum to be discussed at a meeting with principal officers of our US parent company setting out the following:



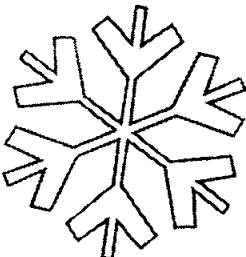
1. Whether we are free to use and register in the UK our trade marks ATLANTIC, CAJUN ALLIGATOR and the picture and shape of our “alligator” for our above goods.
2. The registrability of our above trade marks for the United Kingdom”.
3. The limitations of the searches which you have undertaken for us.

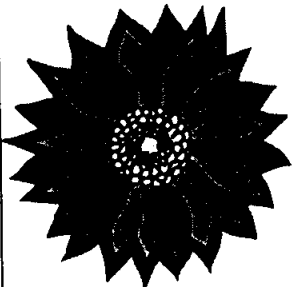
You have conducted the relevant searches and the results are attached. Prepare the memorandum requested by your client. (40 marks)


[Note: E denotes a Community Trade Mark and M denotes an International mark in the search reports]

Enclosure to letter

Trade Mark: ATLANTIC





| <u>MARK</u>  | <u>NUMBER</u> | <u>PROPRIETOR</u>                    | <u>GOODS/SERVICES</u>   | <u>STATUS</u>  | <u>DATE</u> |
|--|---------------|--------------------------------------|---|--|-------------|
| BANTIC   | 1075401       | Beecham Group plc                    | Pharmaceutical, veterinary and sanitary preparations and substances. (Class 5)  | Registered   | 9.3.77      |
| ATLANTIS   | 748751        | Armour Foods (UK) Limited            | Canned and preserved fish. (Class 29)   | Registered   | 6.12.55     |
| ATLANTIC KING  | 1132239       | Clouston Foods Europe Limited        | Frozen sea fish, fresh sea fish and sea shellfish. (Class 29)   | Registered<br>(Registration of this mark shall give no right to the exclusive use, separately, of the words "Atlantic" and "King") | 18.4.80     |
| ATLANTIC QUEEN   | 1219656       | Atlantic Queen Seafoods Ltd (Canada) | Crabmeat for food for human consumption, derived from crabs from the Atlantic. (Class 29)   | Registered (Advertised before acceptance. Section 18(1) (proviso). Use claimed from the year 1974 Section 12(2))                   | 25.5.84     |
| ATLANTIC HARVEST   | B1377633      | Atlantic Harvest Ltd                 | Fish, seafood, crustaceans and shell-fish products; cheese, milk and milk products; all included in Class 29.   | Registered (Registration of this mark shall give no right to the exclusive use separately of the words "Atlantic" and "Harvest")   | 21.3.89     |
| <br>ATLANTIC ICE | 1557042       | Arctic Foods International plc       | Chilled or frozen meat, poultry, fish, and seafoods; frozen prepared meals made from meat, poultry, fish, seafoods, and vegetables; all included in Class 29. | Registered (Registration of this mark shall give no right to the exclusive use separately of the words "Atlantic" and "Ice")       | 18.12.93    |

| <u>MARK</u>   | <u>NUMBER</u> | <u>PROPRIETOR</u>                | <u>GOODS/SERVICES</u>  | <u>STATUS</u>   | <u>DATE</u> |
|---|---------------|----------------------------------|--|---|-------------|
| <br><b>TROPICAL ATLANTIC</b> | 2067605       | Southern Atlantic Fisheries S.A. | Class 29: Fish; shellfish; crustaceans; products made from the aforesaid goods; preserved fish; fish jellies; prepared meals, salads and snackfoods, all containing fish, shellfish or crustaceans.<br>Class 31: Fish; shellfish; crustaceans; fish spawn. | Registered (The mark is limited to the colours black, blue, red, yellow and white as shown in the representation on the form of application. Registration of this mark shall give no right to the exclusive use of the words "Tropical Atlantic") | 3.4.96      |
| <b>MOST ROMANTIC MAN</b>  | 1470312       | Cadbury Limited                  | Chocolate, chocolates, non-medicated confectionery, biscuits, cakes, pastry, snackfood; all included in Class 30.  | Registered  | 10.7.91     |
| <b>ATLANTIC</b>   | 1474183       | Lopez Molto, S.A.                | Cocoa; chocolate; beverages with cocoa or chocolate base; non-medicated chocolate confectionery. (Class 30)  | Unpaid Renewal  | 20.8.91     |
| <b>ATLANTIS</b>   | 1515902       | British Sugar plc                | Flour; cereals; cereal preparations; farinaceous preparations; sugar; preparations made predominantly of sugar; preparations made from sugar beet for use as food ingredients; all included in Class 30.   | Registered  | 12.10.92    |
| <b>ATLANTIS</b>   | 1138519       | Mars U.K. Limited                | Foodstuffs for fish; cuttle bone for birds; litter for animals; and fresh fruit and fresh vegetables. (Class 31)   | Registered  | 8.8.80      |
| <b>ATLANTIC GIANT</b>   | 2022092       | Howard Dill                      | Seeds and grain (Class 31)   | Registered  | 26.5.95     |
| <b>ATLANTIC BRIDGE</b>  | 1486488       | Cecil John Roberts               | Non-alcoholic beverages and preparations for making the aforesaid goods; fruit drinks and fruit juices; water; mineral waters; aerated waters; all containing cola and and/or cola flavourings; all included in Class 32.                                  | Registered  | 6.9.92      |

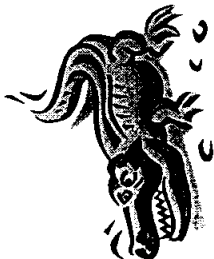
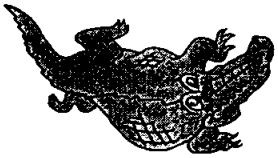
| <u>MARK</u>  | <u>NUMBER</u> | <u>PROPRIETOR</u>  | <u>GOODS/SERVICES</u>   | <u>STATUS</u>     | <u>DATE</u> |
|--|---------------|--|---|-------------------|-------------|
| ATLANTIS   | 1560389       | "Slovenjavinno"<br>Podjetje Za<br>Prizvodnjo In<br>Trgovino Z<br>Alkoholnimi<br>Pijacami, P.O. | All goods included in Class 32.   | Registered        | 28.1.94     |
| ATLANTIC COLA  | 1575648       | The Monarch<br>Company, Inc.   | Non-alcoholic beverages and preparations<br>for making such beverages all containing<br>cola extract; all included in Class 32.           | Registered        | 17.6.94     |
| ATLANTIC QUEEN   | E270124       | Atlantic Queen<br>Seafoods Ltd   | Fish and seafood; crab, crabmeat products<br>and crab flavoured food products. (Class<br>29)  | Advertised 2.9.98 | 8.5.96      |
| ATLANTIK   | E295139       | Primalco Ltd<br>(Finland)  | Wines, spirits, liqueurs, vodka, gin,<br>whisky, ready mixed alcoholic drinks,<br>preparations for making alcoholic drinks.<br>(Class 33) | Pending           | 25.6.96     |
|  | E580464       | Wright Brothers<br>Vinhos, Lda   | Wine. (Class 33)  | Pending           | 25.7.97     |
| ATLANTIC<br>VINES  |               |  |   |                   |             |
| ATLANTIC BAR AND GRILL   | E295683       | Gruppo Ltd   | Restaurant, bar, grill, cafeteria, bistro, inn<br>and catering services. (Class 42)   | Advertised 9.9.98 | 21.6.96     |

| <u>Trade Mark: CAJUN ALLIGATOR</u>            |                    |  |  |  |                        |
|---|--------------------|--|--|--|------------------------|
| <u>MARK</u>                                   | <u>NUMBER</u>      | <u>PROPRIETOR</u>                                    | <u>GOODS/SERVICES</u>  | <u>STATUS</u>  | <u>DATE</u>            |
| Caj P   | 1150204            | Osterberg & Lofquist<br>AB                           | Edible oils for use in cooking. (Class 29)   | Registered   | 10.3.81                |
| CAJUN KING                                    | B1377634           | Bruce Foods<br>Corporation                           | Canned beans, soups, stews; prepared meals and preparations for making such meals; all included in Class 29 and all being prepared in the Cajun style. (Class 29)  | Registered (Registration of this mark shall give no right to the exclusive use, separately, of the words "Cajun" and "King") | 21.3.89                |
| McCAIN CAJUN<br>MONTEREY JACK<br>RAGIN' CAJUN | 2134580<br>2148899 | McCain Foods (GB)<br>Ltd<br>Anthony Andrew<br>Davies | Prepared foods, snack foods. (Class 29)<br><br>Class 29: Vegetables, being preserved, dried or cooked; vegetable food products; sauces; prepared meals and constituents for meals; instant meals; prepared frozen meals; foodstuffs being preserved, dried, cooked, processed or frozen.<br>Class 30: Prepared meals and constituents of meals; mustard; sauces (condiments); spices; relishes; snack foods containing dips or sauces. | Registered<br><br>Registered   | 3.6.97<br><br>24.10.97 |
| CROCODILE                                     | 1028592            | Roger Jones  | Chocolate, chocolates, and non-medicated confectionery, but not including any such goods being in the shape of or embossed with any representation of a crocodile. (Class 30)  | Registered   | 26.4.74                |
| CAJUN KING                                    | B1377952           | Bruce Foods<br>Corporation                           | Fillings; snack foods; prepared meals and constituents for meals; condiments; spices; sauces; seasoning mixes; all included in Class 30 and all being prepared in the Cajun style.   | Registered (Registration of this mark shall give no right to the exclusive use, separately, of the words "Cajun" and "King") | 29.3.89                |

| <u>MARK</u>           | <u>NUMBER</u> | <u>PROPRIETOR</u>                   | <u>GOODS/SERVICES</u>   | <u>STATUS</u>      | <u>DATE</u> |
|-----------------------|---------------|-------------------------------------|---|--------------------|-------------|
| CAJUN COUNTY          | 2028519       | Allied Kunick<br>Entertainments Ltd | Class 9: Apparatus for games; computer software for games; electronic games.<br>Class 16: Printed matter, playing cards.<br>Class 28: Toys, games, playthings.<br>Class 41: Amusement arcade services, discotheque centres, gaming services, laser shows, nightclub entertainment, organising competitions.<br>Class 42: Public house services, restaurant, hotel, motel and snack bar services; catering services; room hire services. | Registered         | 27.7.95     |
| MISSISSIPPI ALLIGATOR | 2153357       | Baton Rouge<br>Restaurants, Inc.    | Class 30: Coffee, tea, cocoa, sugar, rice, tapioca, sago, coffee substitutes; biscuits, cakes, confectionery, ices; honey; treacle;; salt, mustard; pepper, vinegar, sauces; spices; ice; prepared meals.<br>Class 42: Restaurant and bar services; catering services.  | Advertised 23.9.98 | 11.12.97    |
| CAJUN                 | E344994       | Novartis Seeds B. V.                | Agricultural and horticultural products (not included in other classes), seeds, plants, young plants and other plant material which is suitable for multiplication. (Class 31)  | Advertised 22.7.98 | 9.8.96      |

| <u>Trade Mark: Alligator Device</u>   |               |                                |  |               |             |  |
|---|---------------|--------------------------------|--|---------------|-------------|--|
| <u>MARK</u>   | <u>NUMBER</u> | <u>PROPRIETOR</u>              | <u>GOODS/SERVICES</u>  | <u>STATUS</u> | <u>DATE</u> |  |
|    | 1459466       | Brandt A. Muller GmbH & Co. KG | Confectionery and sweets; chewing gum; all being medicated; all included in Class 5.   | Registered    | 25.3.91     |  |
|    | 507881        | Hobbs and Company Ltd          | Class 3: Essential oils for use in manufacture.<br>Class 29: Essences for use in manufacture.  | Registered    | 16.11.29    |  |
|    | 1404502       | Reptile Foods,, Inc.           | Meat, fish, poultry, game; preserved, dried and cooked fruits and vegetables; vegetable preserves; fruit preserves; pickles; snack products; prepared meals; potato chips; potato crisps; potato products; all included in Class 29. | Registered    | 17.11.89    |  |
|  | 1447576       | Wholesome Foods Limited        | Cereal preparations for food for human consumption; all included in Class 30; but not including confectionery.   | Registered    | 16.11.90    |  |



| <u>MARK</u>   | <u>NUMBER</u> | <u>PROPRIETOR</u>                  | <u>GOODS/SERVICES</u>  | <u>STATUS</u>     | <u>DATE</u> |
|---|---------------|------------------------------------|--|-------------------|-------------|
|  | E178079       | The Hungry Alligator Company, Inc. | Meat and fish products, extracts of meat, pastes, pies, casseroles and jellies; tuna fish, lobstermewburg, lobster tails; fish meal for food for human use; canned, frozen and processed food products. (Class 29) | Advertised 2.9.98 | 1.4.96      |
|  | E820342       | Wholesome Foods Limited            | Cereal preparations; flour; wafers; crackers; rusks; confectionery; chocolate; chocolates; snack foods. (Class 30)   | Pending           | 29.4.98     |

Question 2.

**THE CANDIDATE IS ADVISED TO COMPLETE QUESTION 1 BEFORE  
ATTEMPTING THIS QUESTION.**

Candidates' client is Atlantic Foods and Beverages Limited, and relevant trade mark details of their business are given in Question 1.

Your clients have received a cease and desist letter from solicitors acting for Cecil John Roberts, claiming that your clients are infringing his registered trade mark no 1486488. You have conducted an investigation which revealed only that Mr. Robert's company, Roberts and Co Ltd, has used the mark ATLANTIC RIDGE for fruit concentrates since the autumn of 1992. Some of the employees spoken to had been with the company for over ten years, and from them we learnt that the mark was originally intended to be ATLANTIC BRIDGE but was misprinted on the first packaging produced. It was never subsequently changed and no attempt has been made to register the mark ATLANTIC RIDGE.

There is no registered user or licensee recorded on the Trade Marks Register against No 1486488. Application No 1486488 was entered on the Register on 8<sup>th</sup> July 1993

Advise your clients of their position. Draft the Statement of Grounds, to accompany an application for revocation, identifying the Action needed to have the registration of Mark No 1486488 struck off the Register. In note form outline the procedures for such an Action, including what will happen to the Action if Mr Roberts issues proceedings against your clients for trade mark infringement.

**Question 3.**

Your client Mr. Sharp is a sole trader who trades as Business Remember-O-bilia UK. In fact his business is the sale of "Business to Business" gifts such as pens, key rings, mugs and T-shirts which are emblazoned with his customers logo. Invariably his customers freely give these gifts away for corporate publicity. Mr. Sharp does not actually manufacture any of these gifts but rather imports the finished products. He has been doing this for three years but this year created a catalogue which he gives to his regular customers. The catalogue is titled Business Remember-O-bilia UK. Mr. Sharp has received a letter before action which he has sent to you for you to reply to. Draft a reply to the Letter before action and make brief notes which you will use as an aide memoir when you discuss the matter with Mr. Sharp this afternoon.

Charge & Slaughter Attorneys at law  
1 Mulberry House, London.  
[yesterdays date]

For the attention of the proprietor  
Business Remember-O-bilia UK  
Swan Cottage  
Swindon

Dear Sirs

We are solicitors acting for Channel 7 of London. You may remember their popular 1980's series Rememberabilia. Our clients created this word which is also their registered trade mark under numbers 1,222,222 /3/4 for videos in Class 9, printed publications & books in Class 16 & entertainment services in Class 41.

Your use of Rember-O-bilia on catalogues is an infringement of our clients rights. Therefore we enclose a set of undertakings for signature by you. Unless these undertakings are signed by you and returned within 10 days from the date of this letter we are instructed to commence proceedings against you to restrain you from infringement of our clients trade mark and for damages (or an account of profits) and costs. We suggest that you contact your legal advisers immediately.

Yours faithfully  
Charge & Slaughter

**UNDERTAKINGS**

from BUSINESS REMEMBER-O-BILIA UK  
to CHANNEL 7

IN CONSIDERATION of your refraining from applying to the High Court of Justice for an injunction to restrain us from infringement of UK trade marks 1,222,222/3/4, WE UNDERTAKE whether acting by our employees, agents, directors or otherwise howsoever as follows :-

1. We shall forthwith cease all sales, offers for sale, promotion, import, export or other dealings in catalogues featuring the word REMEMBER-O-BILIA (hereinafter the infringing article) and shall not hereafter infringe UK TM no's 1,222,222/3/4.
2. Within 7 days of the date hereof we shall deliver up to Messrs Charge & Slaughter all stocks of the infringing article in our possession, custody or control.
3. Disclose to you details of all dealings in the infringing article prior to the date hereof.
4. Confirm on oath that all stocks of the infringing product have been delivered up to your solicitors.
5. We shall pay you a sum to be agreed in respect of the damages you have suffered ( or at your option an account of our profits) and the costs you have incurred in connection with our dealings in the infringing products.

Signed

for and on behalf of Business Remember-O-bilia UK.

**Question 4.**

Zeus Plc are UK based manufacturers of camera film, which is sold world-wide through all types of stores including specialist retailers. In order to help with stock control & anti counterfeiting they have developed a system whereby the outer circle of their corporate logo, which is a registered trade mark in the UK, is coloured in a different colour according to the market intended. EEA products have the logo with a green outer circle whilst a brown outer circle is used for all African markets. This colouring is put onto the packs at their UK factories where world-wide production is centred.

Zeus Plc have contacted you because they have found an importer/exporter in Scotland (Ram Raiders of Glasgow Ltd.) supplying a leading UK retailer Super Cheap Plc (HQ in Cornwall) with product featuring a brown outer circle. However, in some examples the frame has been coloured over with indelible ink, or even scratched off the pack to hide the region where it came from. Zeus Plc have all the necessary receipts and invoices to prove their case.

Advise Zeus plc on what actions they may take against Ram Raiders of Glasgow Ltd and Super Cheap Plc.

**Question 5**

On behalf of your clients you filed an application in the UK in Class 11 to register the following marks as a series of two marks:

**ECOVENT**



The application was allocated No 2987653 and given a filing date of 6 June 1998.

The application specified "Apparatus for lighting, heating, steam generating, cooling, refrigerating, drying, ventilating, water supply and sanitary purposes; and all other goods in Class 11".

No search was conducted prior to filing.

Your clients are a company registered in the Isle of Man, and they have used the two marks in the Isle of Man only, in respect of central heating and air conditioning equipment which is environmentally friendly, for about ten years.

They have begun test marketing in England and Wales recently.

You have received the Examination Report for the application. Advise your clients on this in a letter.

2

## TRADE MARKS EXAMINATION REPORT

**Application No: 2987653 In Class 11**

**SERIES (Section 41(2))** The marks do not form a series, because they do not resemble each other as to their material particulars.

The objection may be overcome if one mark is deleted, or divided off to make a separate application.

Each request to divide must be made on Form TM12, accompanied by the divisional fee, and additional application fee.

**ABSOLUTE GROUNDS FOR REFUSAL (Section 3)** The application is not acceptable: there is an objection under Section 3(1)(b) and (c) of the Act because the mark is devoid of distinctive character for e.g. goods which are ecologically or environmentally friendly and have a venting effect.

There is an objection under Section 3(5) in relation to the second mark in the series only because it contains the sign of The Council of Europe (the twelve stars) which is a symbol protected by Article 6ter of the Paris Convention.

There is an objection under Section 3(3)(b) in that the mark is of such a nature as to deceive the public if it were to be used in respect of goods which were not ecologically friendly, did not have a venting effect and, in relation to the second mark in the series only, had no European source or influence.

### RELATIVE GROUNDS FOR REFUSAL (Section 5) and SPECIFICATION

There is an objection under Section 5(1) because of the identical earlier right  
263495 (OHIM)

There is an objection under Section 5(2) because there is a likelihood of confusion with the following earlier mark(s)

986451

1005693

2005381

Full details can be found on the enclosed print out.

There is an objection under Section 3(6) because the specification is so wide that there is some doubt about the accuracy of the statement on the application form that the applicant is using, or intends to use, the mark on all the goods applied for. The goods should therefore be listed by name and/or restricted, or documents or other information supplied to show that the specification accurately describes the range of goods for which the mark is used, or proposed to be used.

Please confirm your agreement to the amended specification shown below, or advise us of whatever other specification you require,

“ and all other goods in Class 11” should be deleted:

this will overcome the Section 3(6) objection.

END OF EXAMINATION REPORT



OHIM 263495 filed 6 May 1998

ECOVENT Status examined

Class 11

Goods: Apparatus for lighting, heating, steam generating, cooling, refrigerating, drying, ventilating, water supply and sanitary purposes.

Proprietor: Ventco GmbH, Strausstrasse 11, Duisberg, Germany

Service: A N Agent & Co, London

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986451 filed 8 September 1965

ECOVENT Status: Registered

Class 11

Goods: Domestic ovens for cooking proposes

Proprietor: Cooks Limited, 6 Main Street, Coventry

Renewed: 6 September 1986

Service: ABC Trade Marks, Sheffield

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1005693 filed 3 January 1973

EUROVECT Status: Registered

Class 11

Goods: Central heating and air conditioning apparatus and instruments; parts and fittings therefor; all included in Class 11.

Proprietor: Hot Stuff UK Limited.

52 Channel Avenue,  
Birmingham

Renewed: 14 December 1994

Service: Father and Co, Birmingham.

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2005381 filed 6 August 1995

IKAVENT Status: Registered

Class 37

Services: Installation, maintenance and repair of central heating and air conditioning systems.

Proprietor: Hot & Cold plc,

61 Sea View,  
Brighton

Service: Agent & Son, London.

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**Question 6.**

Britco Limited (Britco) of Britco House, 16 High Street, Newton, Bedfordshire, are your clients. They claim to own UK Registered Trade Mark No 1234567 for the mark SNOX in Class 25 for clothing, footwear and headgear. They have become aware of a third party using the identical mark without authorisation in respect of socks. Britco acquired the mark from Scotco Limited (Scotco), shortly after Scotco moved in 1997. They went into voluntary liquidation and ceased trading earlier this year. You have acquired an OPTICS print out for mark no 1234567, and a copy of the assignment document, both of which are attached.

- (i) Identify the inconsistencies in the documents and the information obtained from your client, and any further problems which have come to light. Explain their consequences if not put right. Outline the options available to do this, recommend one of the options and give your reasons for choosing this.
- (ii) A letter before action has been sent and the other party will not stop use or negotiate a settlement. Explain the options available to Britco who wish to prevent the continued infringement of the registration - ***BY IDENTIFYING THE ACTION ONLY***. Outline briefly, in note form, the advantages and disadvantages of each option to your clients.

**NB THE CANDIDATE IS NOT REQUIRED TO EXPLAIN THE PROCESSES OR PROCEDURES OF THE ACTIONS IDENTIFIED.**

**OPTICS - TRADE MARKS**  
**CASE DETAILS FOR TRADE MARK NO 1234567 Page 1**

Customer Ref:

----- CURRENT DETAILS HELD FOR THIS TRADE MARK -----

|                           |            |                    |                  |
|---------------------------|------------|--------------------|------------------|
| Status:                   | RGSTRD     | Schedule of Goods: | 4                |
| Mark Type:                |            | Word only          |                  |
| Class:                    |            | 25                 |                  |
| Mark Text:                |            | SNOX               |                  |
| Date Filed:               | 27.10.1978 | Next Renewal Date: | 27.10.1999       |
| Date Progress Stopped:    |            | Registration Date: |                  |
| (Earliest) Priority Date: |            | Archive Date:      |                  |
| Priority Country Code:    |            | Licensee:          |                  |
| If Series, No in Series:  | 01         |                    |                  |
| Journal Section:          |            | Journal No:        | Publication Date |
| First Advert              |            | 5357 page 1105     |                  |
| Registration              |            |                    |                  |
| Renewal                   |            |                    |                  |
| Expiry                    |            |                    |                  |
| Assignment                |            |                    |                  |
| Division                  |            |                    |                  |
| Merger                    |            |                    |                  |
| Removal                   |            |                    |                  |
| Restoration               |            |                    |                  |

Specification of goods / services

Class 25  
Clothing, footwear and headgear; all included in Class 25.

Residence Country Code: GB

Effective date of Assignment:

Proprietor: Scotco Limited,  
84 Elm Road  
Earley,  
Buckinghamshire

ADP Number  
0669573101

Service: Test Co  
119 The Hedgerow  
Leeds  
West Yorkshire

ADP Number  
0649407008

**This Assignment** is made the 6th day of June 1997

**Between** Scotco Limited of Scotco House, Unit 3/4 Ocean Street, Copse Road. Roundwood Lancashire (hereinafter called "the Assignor") of the one part and Britco Limited of Britco House, 16 High Street, Newton, Bedfordshire (hereinafter called "the Assignee") of the other part

**Whereas**

(A) The Assignor is the registered proprietor in the United Kingdom of the Trade Mark short particulars of which are set forth in the Schedule hereto (hereinafter called "the Registered Trade mark)

(B) It was agreed between the parties hereto that the Registered Trade Mark should be assigned by the Assignor to the Assignee for the consideration hereinafter mentioned

**Now this Assignment WITNESSETH:**

(1) in pursuance of the said agreement and in consideration of the sum of £50 now paid by the Assignee to the Assignor, the Assignor with full title guarantee hereby assigns unto the Assignee ALL the property, right, title and interest in the Registered Trade Marks including all common law rights connected therewith TOGETHER with the whole of the goodwill of the business in which the Registered Trade Mark was used by the Assignor. TO HOLD unto the Assignee absolutely

(2) It is hereby certified that the transaction hereby effected does not form part of a larger transaction or of a series of transactions in respect of which the amount or value or the aggregate amount or value of the consideration exceeds £60,000 (SIXTY THOUSAND POUNDS STERLING).

SCHEDULE ABOVE REFERRED TO

| Mark | Number  | Status     | Class of Goods |
|------|---------|------------|----------------|
| SNOX | 1243567 | Registered | 25             |

**In Witness** whereof the parties have executed this Assignment the day and year first above written.

Executed for and on behalf of the said SCOTCO LIMITED:

In the presence of:

(the document is signed and witnessed in the usual way)

Executed for and on behalf of the said BRITCO LIMITED:

In the presence of: