

THE JOINT EXAMINATION BOARD

PAPER T4

ADVANCED UNITED KINGDOM
TRADE MARK SEARCHING

Wednesday, 20th November, 2002

10.00 a.m. – 12.30 p.m.

Please read the following instructions carefully. Time Allowed - TWO and a HALF HOURS

1. This paper consists of a single question for which there are **100** marks.
2. Where an issue permits of reasons being given for the conclusions reached, such reasons should be given.
4. 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
5. **NO** printed matter or other written material may be taken into the examination room. **ALL** mobile phones and electronic aids **must be** switched off and stored away.
6. Answers **MUST** be legible. If the examiners cannot read a candidate's answer no marks will be awarded.
7. **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 and place in the WHITE envelope provided.**

This paper consists of **nine** pages including this page.

THE JOINT EXAMINATION BOARD**PAPER T4****ADVANCED UNITED KINGDOM TRADE MARK SEARCHING****20th November, 2002****10.00a.m. - 12.30p.m.**

Your client Greenfields Builders Merchant Limited was incorporated in England in June 1986. It commenced business from a single outlet named GREENFIELDS in Plymouth, Devon during November 1986 and using the trade marks GREENFIELDS and GREENFIELDS and device shown below upon and/or in relation to the goods and services provided by the outlet. The business expanded slowly at first but by 1990 Greenfields Builders Merchants Limited owned six stores in different towns of Devon. As a result of the quality products and services provided under the trade marks by the early 1990s the business was extremely well known by the public in Devon and in the building trade much further afield.

As a result of its success Greenfields Builders Merchant Limited expanded to have 15 stores in Devon, Cornwall and Somerset by 1998. During this year the business of a competitor, Wrights Builders & Timber Suppliers Limited, was acquired by your client. Wrights Builders & Timber Suppliers Limited owned 25 stores throughout south-west England and continued to trade under its own trade marks. Your client has now decided that the trade marks GREENFIELDS and GREENFIELDS and device should be used at these 25 stores.

Your client has also informed you that the following goods and services are sold or provided under their trade marks GREENFIELDS and GREENFIELDS and device:

"Kitchens, bathrooms, flooring, doors, windows, tools, roofing, walls, wall coverings, adhesives, paints, coatings, masonry, timber, plumbing tools and materials, lighting, heating, ironmongery, CD-ROMs, installation and repair of home fittings".

**GREENFIELDS**

The relevant searches have been conducted and are attached. Write a letter to your client analysing the search and advising as to whether the trade marks i) GREENFIELDS (word), and ii) GREENFIELDS and device are available for use and registration.

(100 marks)

GREENFIELDS

Application Number: CTM 1,715,564
 Class: 1,3,5
 Status: Registered 5 May 2001
 Application date: 20 June 2000
 Trade mark:



Class 1: Adhesives; adhesives for industrial use; adhesives for carpets, laminates, flooring and wallcoverings; wood adhesives; solvents for adhesives and varnishes.
Class 3: Cleaning preparations, personal care products, deodorants for personal use; stain removers, solvents for cleaning and stain removal, carpet cleaning preparations, carpet care products; preparations for cleaning floors; preparations for cleaning wooden floors, wax and polishing preparations, polishes, waxes.
Class 5: Veterinary and sanitary preparations.
Proprietor: Tony Timmer
 Gloucestershire
 United Kingdom

Application Number: UK 2,232,292
 Class: 6,7,11,17,19,21,35
 Status: Registered 16 February 2001
 Application date: 12 May 2000

Trade mark:



Conditions: *The applicant claims the colours pantone 354, pantone 389 and white as an element of the mark.*

Class 6: Greenhouses and parts and fittings therefor; metallic structures and supports for garden use; baskets for holding plants, fencing, gates, metallic supports, brackets and fixings, wire netting, metallic hose reels.
Class 7: Garden machinery; lawn mowers, grass trimmers, hedge trimmers, saws and shredders for garden waste; water pumps.
Class 11: Irrigation apparatus, lighting apparatus for garden and pond use, fountains, barbecues, kettles, oil lamps and heaters.
Class 17: Water hoses and fittings therefor; fabrics and films for frost protection and weed control, plastic sheeting for horticultural use, lawn edging strips, car boot liners, liners for plant pots and hanging flower baskets.
Class 19: Greenhouses and parts and fittings therefor; fencing, trellises, gates, arbours, gazebos, arches and pergolas; pond linings; tree houses.
Class 21: Flower pots, flower pot holders, window boxes, sprinklers, watering cans, hose nozzles, hose fittings; gardening gloves; tableware.
Class 35: Sales promotion, marketing and provision of advertising space on websites.
Proprietor: Greenfingers Ltd
 London
 United Kingdom

Application Number: Madrid 772,360
 Class: 6,7,9,37
 Status: Advertised 9 October 2002
 Application date: 7 January 2002

Trade mark: greenfields.com

Previous acceptance: *Originating Office: Switzerland (CH)*

Class 6: Metal pipes; metal piping systems; metal junctions for pipes; metal containers for compressed gas or liquid air; metal tanks.
 Class 7: Compressors (machine parts); valves (parts of machines); filters (machine or engine parts); control mechanisms for machines, engines or motors.
 Class 9: Fuel dispensing pumps for service stations for refuelling vehicles with petrol and gaseous fuels; measuring apparatus; temperature indicators; pressure measuring instruments; indicators.
 Class 37: Construction, installation, maintenance, upkeep and repair of service stations for refuelling vehicles, particularly service stations with dispensers for refuelling vehicles with gas.

Proprietor: GreenField AG
 Basel
 CH Switzerland

Application Number: CTM 1,637,941
 Class: 6,7,8,9,11,16,17,19,20,35,42
 Status: Advertised 22 October 2001
 Application date: 25 April 2000

Trade mark:



Class 6: Greenhouses and parts and fittings therefor; metallic structures and supports for garden use; baskets for holding plants, fencing, gates, metallic supports, brackets and fixings, wire netting, metallic hose reels.
 Class 7: Garden machinery; lawn mowers, grass trimmers, hedge trimmers, saws and shredders for garden waste.
 Class 8: Cutlery; hand operated gardening tools and implements used in connection with horticulture and the cultivation of plants.
 Class 9: Electrical timers and controllers for irrigation apparatus and water hoses; electrical soil testing apparatus, thermometers, electronic rain gauges and humidity indicators; instructional material relating to horticulture provided on-line from the Internet.
 Class 11: Irrigation apparatus, lighting apparatus for garden and pond use, fountains, water pumps, barbecues, kettles, oil lamps and heaters.
 Class 16: Printed matters and publications, books, pamphlets.
 Class 17: Water hoses and fittings therefor; fabrics and films for frost protection and weed control, plastic sheeting for horticultural use, lawn edging strips, car boot liners, liners for plant pots and hanging flower baskets.
 Class 19: Greenhouses and parts and fittings therefor; fencing, trellises, gates, arbours, gazebos, arches and pergolas; pond linings; tree houses.
 Class 20: Horticultural and gardening accessories, furniture, including garden furniture and other similar goods of wood, cork, reed, cane and wicker and horticultural paving, blocks, gravels, statues.
 Class 35: Sales promotion, marketing and provision of advertising space on websites.
 Class 42: The provision of information and advice relating to flowers, plants, seeds, gardening and horticulture provided via interactive databases, on-line from a computer database or the Internet or other on-line computer services.

Proprietor: Greenfingers Ltd
 London
 United Kingdom

Application Number: UK B1,487,637
Class: 7
Status: Registered 28 October 1994
Application date: 14 January 1992
Trade mark: GREEN LAND
Class 7: Agricultural machines; all included in Class 7.
Proprietor: P.J. Zweegers en Zonen Landbouwmachinefabriek B.V.
 Geldrop
 The Netherlands

Application Number: CTM 348,235
Class: 7-9
Status: Registered 18 November 1998
Application date: 6 September 1996
Trade mark: GREENFIRE
Class 7: Sparkplugs, ignition systems for engines; parts and fittings for all the aforesaid goods.
Class 8: Hand tools for use with ignition systems for engines; sparkplug extractors; feeler gauges; parts and fittings for all the aforesaid goods.
Class 9: Electrical test apparatus for ignition systems for engines; apparatus for electronic management of ignition systems for engines; parts and fittings for all the aforesaid goods.
Proprietor: Greenfire Technology PTY Ltd
 Rozelle,
 Australia

Application Number: UK 1,277,867
Class: 16
Status: Registered 26 November 1993
Application date: 5 September 1986
Trade mark: THE FIELD
Section 12: *Use claimed from the year 1853. Section 12(2).*
Class 16: Printed publications; all included in Class 16.
Proprietor: IPC Media Ltd
 London
 United Kingdom
Registered Users: Registered Users.

Application Number: UK 2,105,648
Class: 16
Status: Registered 5 December 1997
Application date: 19 July 1996
Trade mark: GREENFIELD/GREENFIELDS (series of 2 marks)
Class 16: Paper, corrugated paper, carboard, articles of paper and cardboard, all being wrapping and packaging materials, but none being stationery; packaging materials; packaging containers.
Proprietor: Rigid Containers Ltd
 Northamptonshire
 United Kingdom

Application Number: UK 1,556,846
 Class: 19
 Status: Registered 21 October 1994
 Application date: 16 December 1993

Trade mark: GREENLAND PANABLOK

Disclaimer: *Registration of this mark shall give no right to the exclusive use of the word "Greenland".*

Class 19: Walls; wall panels; parts and fittings for all the aforesaid goods; all included in Class 19.

Proprietor: Beech Group plc
 Deeside
 United Kingdom

Application Number: UK 1,589,411
 Class: 19
 Status: Registered 8 September 1995
 Application date: 28 October 1994
 Journal reference: 6075,3285

Trade mark: WATERFIELD

Class 19: Building materials; panels, ceilings, doors, frames, flooring, tiles, partitions; wall claddings and wall linings; none being of metal; all included in Class 19.

Proprietor: Interclad (Trade Marks) Ltd
 Banstead
 United Kingdom

Application Number: CTM 2,204,162
 Class: 19
 Status: Registered 19 June 2002
 Application date: 24 April 2001

Trade mark:



Class 19: Building materials (not of metal), rigid pipes not of metal for building; asphalt, pitch and bitumen; non metallic transportable buildings, monuments, not of metal.

Proprietor: Maderas Iglesias, S.A.
 Vigo (Pontevedra)
 Spain

Application Number: UK 2,247,561
 Class: 35
 Status: Registered 11 May 2001
 Application date: 5 October 2000

Trade mark: GREENFINGERS

Class 35: The bringing together, for the benefit of others, a variety of goods, through a television shopping channel, enabling customers to conveniently view and purchase those goods by means of

telecommunications; the bringing together, for the benefit of others, of a variety of goods, enabling customers to conveniently view and purchase those goods from an Internet web site specialising in the marketing of horticultural goods.

Proprietor: Greenfingers Ltd
London
United Kingdom

DEVICE

Application Number: UK 2,302,542
Class: 6, 9, 11, 35, 45
Status: Pending
Application date: 11 June 2002

Trade mark:



- Class 6:** Intruder screening, security shutters, security grilles, security bars, security doors, door frames, door and window locking devices, window frames, security gates, locks, barrel bolts, ironmongery, small items of metal hardware.
- Class 9:** Security alarms, intruder alarms, smoke detection alarms, panic button alarms, access control apparatus, electrical security products, surveillance equipment, remote detection units, security cameras, closed-circuit television.
- Class 11:** Security lighting, infrared detectors, heat activated sensors or movement sensors.
- Class 35:** Advertising and promotional services, retail services for security apparatus, locks, doors, windows, ironmongery, metal hardware and lighting.
- Class 45:** Closed-circuit surveillance, computerised security services for business and domestic establishments, security consultancy, crime prevention advisory services, control of access for security purposes, rental of alarms and security equipment, house monitoring services.

Proprietor: Greenfields Security Limited
Leicester
United Kingdom

Application Number: UK 1,384,072
Class: 17
Status: Registered 1 March 1991
Application date: 24 May 1989

Trade mark:



Class 17: Sealants included in Class 17

Proprietor: Dow Corning Corporation
Midland
Michigan
United States of America

Application Number: UK B1,292,014
Class: 19
Status: Registered 26 July 1991
Application date: 18 Nov 1986

Trade mark:



Class 19: Non-metallic building materials; fillers; all included in Class 19.

Proprietor: Dow Corning Corporation
Midland
Michigan
United States of America

Application Number: UK 1,523,639
Class: 19
Status: Registered 19 August 1994
Application date: 13 Jan 1993

Trade mark:



Class 19: Timber included in Class 19.

Proprietor: Anglo-Norden Ltd
Ipswich
United Kingdom

Application Number: UK 2,291,667
Class: 37,42
Status: Advertised 5 April 2002
Application date: 1 Feb 2002

Trade mark:



Class 37: Building services; construction, maintenance, repair, restoration, renovation and refurbishment of buildings and houses; construction, maintenance and repair of house extensions; installation, construction, maintenance and repair of lofts; installation, construction, maintenance and repair of staircases; interior refurbishment of buildings and houses; plumbing services; installation of plumbing; plumbing maintenance and repair services; installation, replacement, maintenance and repair services for windows; electrical installation, maintenance, repair and wiring services; installation, maintenance and repair of electrical supply equipment and apparatus; painting and decorating services; information, advisory and consultancy services relating to all of the aforesaid.

Class 42: Building design services; design of building and home interiors; design services relating to interior decorating for buildings and homes; information, advisory and consultancy services relating to all of the aforesaid.

Proprietor: ASP Partnerships Ltd
London
United Kingdom

END OF REPORTS