

THE JOINT EXAMINATION BOARD

PAPER T4

ADVANCED UNITED KINGDOM TRADE MARK SEARCH

11th November, 2003

10.00 a.m. – 1.00 p.m.

*Please read the following instructions carefully. Time Allowed – **THREE 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.
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.
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 8 pages including this page.

Your client is Pure Clubs (UK) Limited. In 1990, the company set up a number of sports clubs throughout the UK under the trade mark PURE. The sports clubs have been very successful and can boast a number of famous members.

In 2000, your client launched printed and electronic versions of a magazine entitled PURE: THE CLUB.NET which continues to be sent to members every month. They have also secured the domain name registration---theclub.net

Although Pure Clubs (UK) Limited has produced some one off promotional items of merchandise in the past, the company is now interested in launching a range of goods including CDs, videos, DVDs and clothing. The company intends to release these goods under the trade mark PURE, in conjunction with the strap-line THECLUB.NET.

Your client has no existing trade mark registrations and is now seeking your advice. In particular, it has asked you to conduct UK searches for the following marks:


PURE – for sports club services, printed and electronic publications, CDs, DVDs and videos, and clothing.



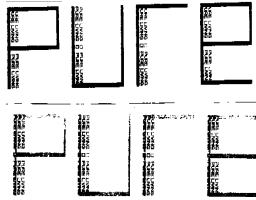
THECLUB.NET – for printed and electronic publications, CDs, DVDs, videos and clothing.

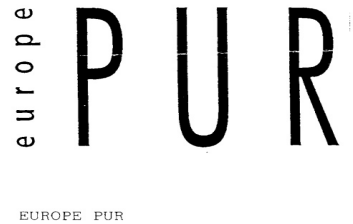

Searches have been conducted and are attached. Report these to your client in the form of a letter and advise on whether the marks are available for use and registration.

(100 marks)

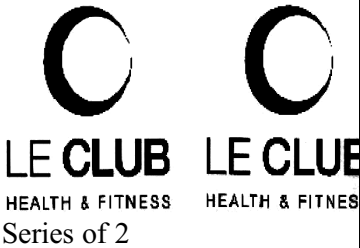
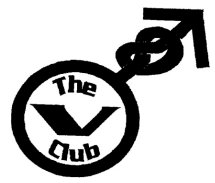
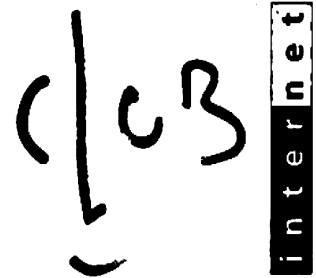
PURE


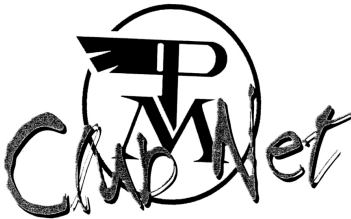
Mark	Proprietors	Number	Application Date (Registration Date)	Specification
PUR	I&E Limited	2069961A (UK)	26 April 1996 (3 July 1998)	<p>Class 9: Computer programs, computer software.</p> <p>Class 16: Paper, printed matter, printed publications, magazines, books, periodicals, newspapers, reports and information papers; stationery, writing and drawing implements.</p> <p>Class 41: Organisation, presentation and implementation of fashion shows, exhibitions and demonstrations; organisation, presentation and implementation of shows, sports demonstrations; exhibitions, demonstrations and events; organisation and presentation of live fashion shows; organisation, presentation and implementation of live entertainment events and fashion shows; exhibition of sports clothing.</p>
 Series of 3	Arrogance Accessories	2285958 (UK)	17 November 2001 (Pending)	<p>Class 18: Luggage; trunks and suitcases; cases, bags and travelling bags; holdalls, rucksacks, backpacks, shoulder bags, handbags, sports bags, bumbags; toilet bags and vanity cases; briefcases, attache cases; satchels, portfolio cases, carry bags; purses, wallets and coin cases; card and credit card cases.</p> <p>Class 25: Clothing; headgear; caps; baseball caps.</p>

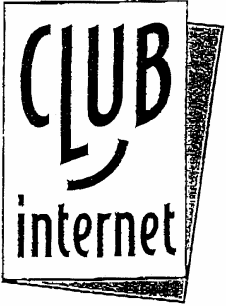
  <p>The mark reads: PURE TECHNICAL OUTERWEAR</p> <p>Series of 2</p>	<p>G.U.S. Home Shopping Limited</p>	<p>2193585 (UK)</p>	<p>6 April 1999 (29 October 1999)</p>	<p>Class 25: Articles of clothing, footwear, headgear.</p>
 <p>Series of 2</p>	<p>Pure Living R-retail Limited</p>	<p>2244666 (UK)</p>	<p>6 September 2000 (19 October 2001)</p>	<p>Class 25: Articles of clothing, footwear and headgear.</p>
<p>PURE ENERGY</p>	<p>The Music Factory Entertainm ent Group Limited</p>	<p>2303290 (UK)</p>	<p>20 June 2002 (Pending)</p>	<p>Class 9: Apparatus for recording, transmission or reproduction of sound and images; magnetic data carriers, recording discs.</p>
<p>100% PURE</p>	<p>New Zealand Tourism Board</p>	<p>2173322 (UK)</p>	<p>19 July 1997 (29 September 1998)</p>	<p>Class 41: Services in providing education, training, entertainment, information, sporting and cultural activities, all being services in this class and provided in connection with the tourism industry or the promotion of New Zealand. Class 42: The provision and reservation of hotel and accommodation services; café and restaurant services, catering, catering for the provision of food and drink.</p>

PURE	Warner Music UK Limited	2287924 (UK)	11 December 2001 (Advertised 25 October 2003) <i>Honest, concurrent use claimed.</i>	Class 9: Sounds and/or video recordings, records, tapes, cassettes, discs, CD-ROM's; multi-media recordings and publications; DVD's; apparatus for recording, transmission or reproduction of sound and/or images; electronic publications; digital music; digital music provided from MP3 Internet websites; MP3 players; computer software.
	Ipuri International B.V.	2043293 (UK)	2 November 1995 (17 January 1997)	Class 16: Printed matter. Class 36: Insurance services; insurance underwriting and broking, all included in class 36.
PURE	Macmillan USA, Inc	1847698 (CTM)	11 September 2000 (20 November 2001)	Class 16: Series of computer reference books.
	Boston Lederwaren Vertriebs GmbH	2556975 (CTM)	30 January 2002 (Pending)	Class 25: Clothing, headgear, all goods in particular made from fibrous plant materials or materials made from mixtures of plant fibres.
PRE	Savio Industries Inc	2020085 A (UK)	4 April 1995 (11 November 1996)	Class 16: Printed matter; printed publications; books, magazines, journals, periodicals. Class 18: Goods made of leather or imitation leather and not included in other classes; luggage; trunks and suitcases. Class 25: Leisurewear; t-shirts and shirts; jumpers, pullovers and cardigans; trousers and shorts; sportswear; swimwear; caps; underwear; ties and cravats; footwear.

THECLUB.NET

Mark	Proprietors	Number	Application Date (Registration Date)	Specification
CLUBNET	Classroom Connect	2207574 (UK)	3 September 1999 (17 November 2000)	Class 9: CD-ROMs in the field of education. Class 16: Printed educational materials.
 <p>Series of 2</p>	Millennium & Cophorne International Ltd	2296784 (UK)	2 April 2002 (30 August 2002)	Class 41: Health and fitness clubs.
	Geoffrey John and Julie Joyce Standen	2069069 (UK)	18 April 1996 (15 November 1996)	Class 16: Paper, cardboard and goods made from cardboard, not included in other classes; printed matter, book binding material; photographs; stationery; adhesives for stationery or household purposes; office requisites; playing cards; greetings cards, certificates, books, boxes. Class 25: Clothing, footwear, headgear, including T-shirts, sweatshirts, ties, underwear, socks, caps.
	Grolier Interactive Europe/Online Groupe	2067612 (UK)	3 April 1996 (7 November 1997)	Class 9: Magnetic, optical and magneto-optical devices and supports for recording computer programs and data in blank or pre-recorded form; databases. Class 16: Printed goods, printed matter, newspapers, periodicals, books; equipment for education, teaching (excluding devices); documentation, education, use and maintenance manuals; printed matter for use in relation with multi-media. Class 41: Educational services; teaching and distance teaching services; publication of books and magazines; distribution of newspapers; lending of books; radio, TV and/or teletext

	<p>Blackheath Football Club (Rugby Union)</p>	<p>2020974 (UK)</p>	<p>19 May 1995 (14 June 1996)</p>	<p>entertainment. Class 25: Sports and leisure clothing.</p>
	<p>PostalMarket S.p.A.</p>	<p>2181303 (CTM)</p>	<p>17 April 2001 (Advertised 1 August 2003)</p>	<p>Class 9: Scientific, nautical, surveying, electric, photographic, cinematographic, optical, weighing, measuring, signalling, checking (supervision); apparatus for recording, transmission and reproduction of sound or images; magnetic data carriers, recording discs; Class 16: Paper, cardboard and goods made from these materials, not included in other classes; printed matter; instructional and teaching material (except apparatus) Class 25: Textiles and textile goods not included in other classes; bed and table covers. Class 41: Education; training; entertainment; sporting and cultural activities.</p>

	<p>T-ONLINE France</p>	<p>1939032 (CTM)</p>	<p>3 November 2000 (7 May 2002)</p>	<p>Class 9: Magnetic, optical, and magneto-optical data carriers and apparatus for recording computer programs and data, pre-recorded; computer software on all kinds of media; electro-optical compact discs, recorded.</p> <p>Class 16: Printed matter, newspapers, periodicals, books, advertising pamphlets, prospectuses, instructional and teaching material (except apparatus), documentation, instruction, operating and maintenance manuals, printed works to be used in conjunction with multimedia.</p> <p>Class 41: Education, teaching and tele-teaching; publication of books and magazines; book lending; amusements; shows; television entertainment, entertainment via a world-wide computer network; organisation of competitions (education or entertainment), organisation of games by means of audiovisual media; publication of editorial content of sites accessible via a world-wide computer network.</p>
<p><i>NetClub</i></p>	<p>NETCLUB</p>	<p>776339 (Int'l)</p>	<p>4 October 2001 (Pending)</p>	<p>Class 42: Rental of audiovisual communication services, namely multimedia transmission services; leasing of software for computer data processing and transmission, by any method; design and hosting of Internet sites and multimedia database servers; rental access time to a database for consultations of miscellaneous advertisements (leisure, activities, persona contacts, buying, selling, exchange, services, employment).</p>