

In reply please quote our reference

Our reference : 2019/5228715502X
Date : 26 February 2019
Writer's direct line : +65 63316578

WORLD INTELLECTUAL PROPERTY ORGANIZATION
INTERNATIONAL REGISTRATIONS DEPARTMENT
34, CHEMIN DES COLOMBETTES, 1211 GENEVA 20
SWITZERLAND

cc:

FERRARI SPA
c/o **DREW & NAPIER LLC**
10 COLLYER QUAY
#10-01 OCEAN FINANCIAL CENTRE
SINGAPORE 049315
(Your ref.: TY/JAXW/ym/446564)

Dear Sir/Madam

INTERNATIONAL REGISTRATION NO. 1406563
TRADE MARK NO. 40201811676U
CASE NUMBER(S): C010140201811676U
CASE TYPE: Trademark Opposition
BETWEEN FERRARI SPA
AND LANDTOURER AUTOMOBILE CO., LTD

**NOTIFICATION OF REFUSAL OF PROTECTION BASED ON OPPOSITION MADE PURSUANT TO
RULE 17(1) TO (3) OF THE COMMON REGULATIONS UNDER THE MADRID AGREEMENT
CONCERNING THE INTERNATIONAL REGISTRATION OF MARKS AND THE PROTOCOL
RELATING TO THAT AGREEMENT**

1. Office making the notification:

Intellectual Property Office of Singapore

2. International Registration Number:

1406563

**3. Singapore Trade Mark Number(s) issued by the Intellectual Property Office of
Singapore for this international registration:**

Singapore Trade Mark Number: 40201811676U
Class Number(s): 12

4. Name of holder of the international registration:

LANDTOURER AUTOMOBILE CO., LTD

5. Grounds of the opposition:

Pursuant to the institution of opposition proceedings against the trade mark in the above international registration, we issue this refusal letter. The grounds of the opposition are set out in the attached Statement(s) of Grounds filed together with Notice(s) of Opposition (Form(s)

Ideas Today. Assets Tomorrow.

TM 11).

6. **Goods and/or services affected by the refusal:**

This refusal covers all the goods and/or services of the international registration.

7. **Information relating to subsequent procedure and deadline to observe:**

If the holder wishes to reply to the opposition, he must file a counter-statement and Singapore address for service in Form HC6 and the requisite fee for every class of goods or services in respect of which protection is opposed at the Intellectual Property Office of Singapore **within 4 months** from the date of this letter, i.e. by **26 June 2019**. At the same time, he must serve a copy of the counter-statement (Form HC6) on the opponent.

If the holder wishes to request for an extension of time to file his counter-statement (Form HC6), he must file Form HC3. At the same time, he must serve a copy of the Form HC3 on the opponent and every person likely to be affected by the extension.

The extended deadline which the Registrar may grant to file the counter-statement (Form HC6) shall not exceed 6 months from the date of this letter.

Form HC6, Form HC3 and the requisite fees payable are available at the e-services portal of the Intellectual Property Office of Singapore at <http://www.ip2.sg>

8. We also attach:

- (a) Details of the conflicting marks upon which the opposition is based; and
- (b) The relevant provisions of the Singapore Trade Marks Act.

9. Pursuant to Rule 16 of the Common Regulations under the Madrid Agreement concerning the International Registration of Marks and Protocol relating to that Agreement regarding opposition dates where there is an extension of opposition period, we wish to inform you that the opponent had on 6 December 2018 requested for an extension of time to file the Notice of Opposition. The request was granted and as such the full opposition period began on 12 October 2018 and ended on 12 February 2019.

Ms Yong Yoke Ching (Celine)
Assistant Registrar
Hearings & Mediation Department

Encl:Grounds of Opposition - TM11 - C010140201811676U
Encl:Grounds of Opposition - Grounds of Opposition - C010140201811676U
Encl:Others - Details of conflicting marks
Encl:Others - Provisions of Singapore Law
Encl:Cover Letter - Cover letter to IPOS - C010140201811676U


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Intellectual Property Office of Singapore
51 Bras Basah Road
#01-01 Manulife Centre
Singapore 189554

T +65 6339 8616
F +65 6339 0252
W www.ipos.gov.sg

SINGAPORE TRADE MARKS ACT (CHAPTER 332)
TRADE MARKS RULES

FORM TM11  *5301*	Notice of Opposition
<p><u>Pre-requisites:</u></p> <p>a. Please have a copy of the statement of grounds on which the notice of opposition is made ready.</p> <p><u>Estimated Time:</u> This form may take approximately 4 - 8 minutes to complete.</p> <p><u>General</u></p> <p>a. * denotes mandatory field.</p> <p>b. If this Form TM11 relates to an International Registration Designating Singapore, the international registration number must be given, in addition to the Application No., the Case No. and the Class No. For real-time status updates and changes to the international registration which may affect this notice, please refer to WIPO's Madrid Monitor at http://www.wipo.int/madrid/monitor/en/index.jsp.</p> <p>c. The fee is payable on a per class basis.</p> <p>d. If the declaration "A copy has been served on the other party at the same time" is not selected, the document will not be taken as filed.</p>	
PART 1 Reference	
Applicant/Agent Reference	TY/JAXW/ym/446564
IPOS Reference (if applicable)	2018/4942932443X
PART 2 Application No.*	
Application No.*	40201811676U
International Registration No.	1406563
Case No.	C010140201811676U
Class No. this Opposition relates to*	12
Total No. of Classes this Opposition relates to	1
PART 3 Name of Applicant*	
<p><i>Note: If there is insufficient space, please use the continuation sheet in CS 1.</i></p>	
1	UEN/ Company Code M00022793U Name LANDTOURER AUTOMOBILE CO., LTD Sole Proprietor or Partner Name
PART 4 Details of Opponent*	
<p><i>Note: If there is insufficient space, please use the continuation sheet in CS 1.</i></p>	
1	UEN/ Company Code E00412214A Name FERRARI S.P.A Block Level

Unit	
BuildingName	
StreetName	
PostalCode	
ForeignAddressLine1	Via Emilia Est, 1163, 41100 MODENA, Italy.
ForeignAddressLine2	
ForeignAddressLine3	
NationalityorCountryInc orporation	Italy
StateIncorporation	
Residency	
SoleProprietor	
POBoxNbr	
PostOfficeName	
PART 5 Request Type*	
This opposition relates to <i>(Cross one box only)</i>	<input checked="checked" type="checkbox"/> a pending trade mark application <input type="checkbox"/> an amendment of a pending trade mark application after publication <input type="checkbox"/> an alternation of a registered trade mark <input type="checkbox"/> an amendment of regulations governing the use of a collective mark or certification mark
PART 6 Grounds of Opposition*	
Grounds of Opposition <i>(Please Select)</i>	1) Based on Absolute Grounds for Refusal of Registration <input type="checkbox"/> S7(1)(a) – mark does not satisfy the definition of a trade mark <input type="checkbox"/> S7(1)(b) – mark is not distinctive <input type="checkbox"/> S7(1)(c) – mark denotes the characteristics of goods or services such as quality, purpose, value, origin etc <input type="checkbox"/> S7(1)(d) – mark has become customary in the current language or in the bona fide and established practices of trade <input type="checkbox"/> S7(3)(a) – mark consists of a shape which results from nature of goods <input type="checkbox"/> S7(3)(b) – mark consists of a shape which is necessary to obtain a technical result <input type="checkbox"/> S7(3)(c) – mark consists of a shape which gives substantial value to goods <input type="checkbox"/> S7(4)(a) – mark is contrary to public policy or morality <input type="checkbox"/> S7(4)(b) – mark is deceptive

- ☐ S7(5) – use of the mark is prohibited by written law or rule of law
- ☒ S7(6) – application of the mark is made in bad faith
- ☐ S7(7) – mark contains or consists of a GI in respect of a wine or spirit
- ☐ S7(11) – mark contains or consists of a flag or emblem etc. of a Convention country/territory or an international organisation of which one or more Convention countries are members, protected under the Paris Convention or the TRIPS Agreement and contravenes Section 56 and/or Section 57
- ☐ S7(13) – mark contains or consists of the Singapore Crest, Presidential Coat of Arms, Royal Arms, etc and contravenes Rule 12 and/or mark consists of a name, initials etc of body corporate etc and contravenes Rule 13
- ☐ Others *(to input)*

2) Based on Relative Grounds for Refusal of Registration

- ☐ S8(1) – mark is identical to an earlier mark and is for identical goods or services
- ☐ S8(2)(a) – mark is identical to an earlier mark and is for similar goods or services
- ☒ S8(2)(b) – mark is similar to an earlier mark and is for identical or similar goods or services
- ☐ S8(3) – mark, applied on or before 1 July 2004, is identical with or similar to an earlier mark that is well known in Singapore and is for dissimilar goods or services
- ☒ S8(4)(b)(i) – mark, applied on or after 1 July 2004, is identical or similar to an earlier mark that is well known in Singapore
- ☒ S8(4)(b)(ii) – mark, applied on or after 1 July 2004, is identical or similar to an earlier mark that is well known to the public at large in Singapore
- ☒ S8(7)(a) – mark is prevented from use by virtue of any rule of law protecting an unregistered trade mark, in particular, the laws of passing off
- ☐ S8(7)(b) – mark is prevented from use by virtue of an earlier right, in particular, by virtue of the laws of copyright or law protecting designs
- ☐ Others *(to input)*

PART 7 Contact Details*

Note:

- a. This part need not be filled up if the person's address in Part 3 is to be used as an address for service in Singapore.
- b. The email address and telephone number provided are for contact purposes in case of query.
- c. For the purpose of this proceeding, the official correspondence will be sent electronically via IP2SG.

Agent UEN/ Company Code	200102509E
Agent Name	DREW & NAPIER LLC
Representative or C/O Name	
	Address for Service in Singapore Block/ House No. 10 Street Name COLLYER QUAY Level - Unit 10-01 Building Name OCEAN FINANCIAL CENTRE Postal Code 049315
Contact Person	Yasmine Alias
Direct Telephone No.	65312282
Email Address	yasmine.alias@drewnapier.com
PART 8 Attachments	
Please attach a statement of grounds on which the notice of opposition is made.	
PART 9 Declaration*	
Declaration	<p><u>By Person Filing the Form</u></p> <p>I do hereby declare that the information furnished above is true to the best of my knowledge.</p> <p><u>By Agent</u></p> <p>I do hereby declare that :</p> <p>i. I have been duly authorised to act as an agent on behalf of the person(s) filing this form.</p> <p>ii. The information furnished above on behalf of the person(s) filing this form is true to the best of the person(s)' knowledge.</p>
	<input type="checkbox"/> A copy has been served on the other party at same time. <i>(applicable for National applications only)</i>
Name	DREW & NAPIER LLC

GST Information

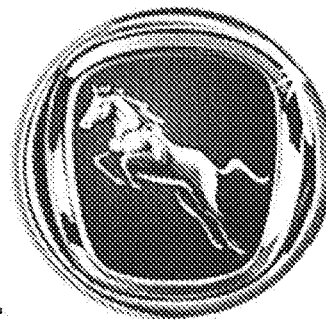
The tax invoice will be issued to:

Name: FERRARI S.P.A

TRADE MARKS ACT
(CAP. 332, 2005 REV. ED.)

NOTICE OF OPPOSITION TO
APPLICATION FOR REGISTRATION OF A TRADE MARK

IN THE MATTER OF Singapore
Trade Mark Application No.
40201811676U



" " in Class
12 in the name of LANDTOURER
AUTOMOBILE CO., LTD ("the
Applicant")

AND

IN THE MATTER OF an Opposition
thereto by FERRARI S.P.A.

GROUND OF OPPOSITION



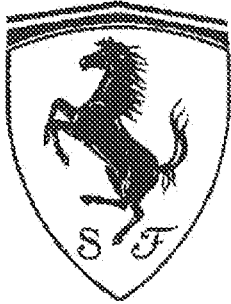
We, **FERRARI S.P.A.**, a company incorporated in Italy, having an address of Via
Emilia Est 1163, 41100 Modena, Italy (hereinafter, "**the Opponent**"), hereby give
notice of our intention to oppose the registration of Trade Mark Application No.
40201811676U (International Registration No. 1406563)



" in Class 12 ("**the Application Mark**") for the goods
"Electric vehicles; automobile chassis; hub caps; vehicle running boards; ski carriers for cars; automobiles; automobile bodies; bumpers for automobiles; spare wheel covers; hubs for vehicle wheels" in the name of LANDTOURER AUTOMOBILE CO., LTD ("**the Applicant**"). The Application Mark was advertised in the Singapore Trade Marks Journal on 12 October 2018.

The grounds of opposition are as follows:

1. Founded in 1947, the Opponent is a luxury sports car manufacturer based in Italy.
2. The Opponent is the registered proprietor and common law owner of the following marks and/or get up in Singapore (hereinafter referred to as "**the Ferrari Rearing Horse Marks**");

S/N	Mark	Class / Goods	Registration No.	Application Date
1.		12, Vehicles, apparatus for locomotion by land; namely cars, spare parts and accessories for cars; all included in class 12.	T9707935C	3 July 1997
2.		12, Automobiles; automobile bodies; engines for land vehicles; motor cars; sports cars; motorboats and bicycles.	T8305263F	6 October 1983
3.		12, Sports cars; racing cars; spare parts and accessories for the aforesaid; all included in Class 12.	T9707931J	3 July 1997

3. The Opponent is also the registered proprietor and common law owner of



marks containing the distinctive rearing horse device in Singapore.

A list of these marks can be found in Annex A.

4. The Ferrari Rearing Horse Marks have been used on goods in Class 12 in Singapore since at least 1983. The Opponent has extensively promoted, marketed and sold its goods in Class 12, both in Singapore and internationally. As a result of the long and continuous use of the Ferrari Rearing Horse Marks and the Opponent's significant sales, efforts and investment in the promotion and marketing of its goods and Ferrari Rearing Horse Marks, the Opponent enjoys substantial and valuable reputation and goodwill in their business under the Ferrari Rearing Horse Marks and/or similar marks, both in Singapore and internationally.

5. The relevant public and the public at large in Singapore associates and/or will associate the Ferrari Rearing Horse Marks and/or similar marks exclusively with the Opponent. The Ferrari Rearing Horse Marks and/or similar marks are distinctive of the Opponents as traders in the automobile industry.

The Opponent's Well Known Marks

6. The Opponent's Ferrari Rearing Horse Marks are well known the relevant public and the public at large in Singapore.

7. The Opponent extensively markets and sells its goods and services under the Ferrari Rearing Horse Marks in, *inter alia*, the following countries:

Argentina, Australia, Austria, Belgium, Bahrain, Brazil, Brunei, Canada, Chile, China, Costa Rica, Czech Republic, Denmark, the Dominican Republic, Egypt, Finland, France, Germany, Greece, Guatemala, Hong Kong, Hungary, India, Indonesia, Italy, Japan, Kuwait, Lebanon, Luxembourg, Macau, Malaysia, Mexico, the Netherlands, New Caledonia, New Zealand, Oman, Panama, the Philippines, Portugal, Puerto Rico, Qatar, Romania, Russia, San Marino, Saudi Arabia, Singapore, Slovenia, South Africa, South Korea, Spain, Sweden, Switzerland, Taiwan, Thailand, Turkey, the United Arab Emirates, the United Kingdom, the United States of America, and Venezuela.

8. The Ferrari Rearing Horse Marks were first used in Italy from at least as early as 1947.

9. The Opponent's brand, consisting of goods under the Ferrari Rearing Horse Marks, has been recognized as one of the top 100 brands in the world by various publications. The Opponent was recognized as the World's Most Powerful Brand in 2014 by London-based experts, Brand Finance.

10. The Opponent is the registered proprietor of the Ferrari Rearing Horse Marks in, *inter alia*, the following countries:

Argentina, Albania, Armenia, Austria, Australia, Bulgaria, Benelux, Bahrain, Bolivia, Brazil, Canada, Chile, China, the European Union, Egypt, Hong Kong, Indonesia, Italy, India, Japan, Malaysia, Mexico, New Zealand, Pakistan, Panama, Paraguay, South Africa, South Korea, Spain, Switzerland, Taiwan, Thailand, Turkey, the United Arab Emirates, the United States of America, Uruguay, Vietnam .

11. The Ferrari Rearing Horse Marks have been recognised as well known by the Intellectual Property Office and/or Courts of, *inter alia*, the following countries:

Bolivia, Brazil, Chile, China, the European Union, Paraguay, the Philippines, Portugal, Saudi Arabia, South Korea, Spain, Turkey, the United Arab Emirates, and Vietnam.

12. The Opponent has successfully opposed the Applicant's corresponding trade mark application for the Application Mark in Peru. The outcome of the opposition in Peru by the Opponent is now final and incontestable.

13. The Applicant's mark designating the United States of America has received a Provisional Refusal based on the Opponent's prior rights in relation to the Ferrari Rearing Horse Marks.

14. More evidence on the well known status of the Opponent's Ferrari Rearing Horse Marks will be provided at later stages of this opposition.

15. By virtue of the extensive use and promotion of the Ferrari Rearing Horse Marks in Singapore and around the world, the Ferrari Rearing Horse Marks are considered well known to the relevant sector and/or well known to the public at large prior to the date of application of the subject mark.

The Applicant's Mark

16. The Applicant has sought to register, in Singapore, the Application Mark under Trade Mark Application No. 40201811676U in relation to "*Electric vehicles; automobile chassis; hub caps; vehicle running boards; ski carriers for cars; automobiles; automobile bodies; bumpers for automobiles; spare wheel covers; hubs for vehicle wheels.*" in Class 12 ("**the Applicant's Goods**").

17. In comparing the Application Mark and the Opponent's Ferrari Rearing Horse Marks, the Application Mark is visually, aurally and/or conceptually similar to the registered Ferrari Rearing Horse Marks. The dominant and distinct component of all the Opponent's registered Ferrari Rearing Horse Marks is the



rearing horse device, . The dominant and distinct component of the



Application Mark is the highly similar rearing horse device,

18. In comparing the goods, the Applicant's Goods are identical and/or similar to the Opponents' goods in Class 12.

19. The rearing horse device the Application Mark is depicted in a frame



. The frame used in the Application Mark is identical to the frame used on the trade mark of another famous car manufacturer, FIAT Automobiles (FIAT Group Marketing & Corporate Communication S.p.A). The logo of FIAT Automobiles is as follows:



20. It is clear that the Applicant had blatantly copied elements from famous trade marks of two different automobile companies.

21. By virtue of the similarities between the Application Mark and the Opponent's registered Ferrari Rearing Horse Marks, and the similarity between the Applicant's Goods and the Opponent's Goods, the registration and use of the Application Mark would lead to a likelihood of confusion on the part of the public. As such, registration of the Application Mark would be contrary to Section 8(2)(b) of the Trade Marks Act (Cap. 332) ("**the Act**").

22. By virtue of the similarities of the Application Mark and the Ferrari Rearing Horse Marks, and the similarities of the Applicant's Goods and the Opponent's goods, registration of the Application Mark, if allowed, is likely to mislead the public into thinking that the Applicant's Goods are that of the Opponent, and / or that the Applicant is associated with the Opponent, when they are not. By reason of such misrepresentation, the Opponent is likely to suffer damage. As such,

registration and use of the Application Mark, if allowed, would lead to passing off of the Opponent, and would thus be contrary to Section 8(7)(a) of the Act.

23. By virtue of the similarities of the Application Mark and the Opponent's well known Ferrari Rearing Horse Marks, the Applicant is seeking to register a trade mark, the essential part of which is similar to the Opponent's marks which are well known in Singapore. The use and application of the Application Mark in relation to the goods would indicate a connection between the Applicant's goods and the Opponent, and is likely to damage the Opponent's interests. The registration and use of the Application Mark would thus be contrary to Section 8(4)(b)(i) of the Act.

24. By virtue of the similarities of the Application Mark and the Opponent's well known Ferrari Rearing Horse Marks, the Applicant is seeking to register a trade mark that would cause dilution in an unfair manner and / or would take unfair advantage of the distinctive character of the Opponent's earlier well known marks. The registration and use of the Application Mark would thus be contrary to Section 8(4)(b)(ii)(A) and (B) of the Act.

25. Further and / or in the alternative, the Application Mark has been filed in bad faith. The relevant public in Singapore associates and/or will associate the Ferrari Rearing Horse Marks exclusively with the Opponent. The Applicant is aware of the Opponent's well known Ferrari Rearing Horse Marks and goods bearing the Marks. The Applicant has sought to register the Application Mark, which consists of a similar rearing horse device and in a frame that is identical to the frame used in the trade mark of FIAT Automobiles, on goods that are

identical and / or similar to that of the Opponent. In light of the aforesaid, the Applicant's adoption of the Application Mark was clearly done in bad faith to ride on the reputation of the Opponent's Ferrari Rearing Horse Marks and the trade mark owned by FIAT Automobiles. Therefore, the filing of the Application Mark is an act of bad faith. Registration of the Application Mark, if allowed, would be contrary to Section 7(6) of the Act.

26. By reason of the matters set forth above and by virtue of the law and in the exercise of the learned Registrar's discretion, the Opponent requests that the Application Mark be refused registration with costs awarded to the Opponent.

Address for service in these proceedings:

Drew & Napier LLC
10 Collyer Quay #10-00
Ocean Financial Centre
Singapore 049315
(Ref: TY/JAXW/446564)

Dated this 11th day of February 2019



Solicitors for the Opponents
DREW & NAPIER LLC



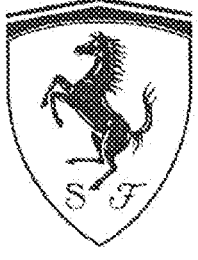

To:


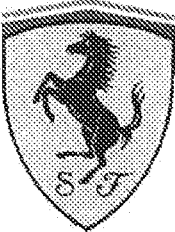
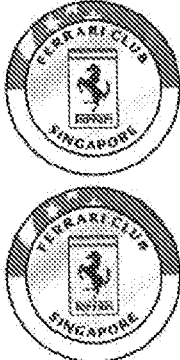
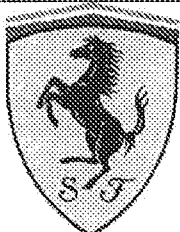
(1) The Registrar of Trade Marks
Intellectual Property Office of Singapore

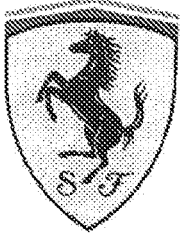




(2) The Applicant






No. 1 Yuanquan Road,
Shangrao Economic & Technological
Development Zone Jiangxi Province
China







Annex A







S/N	Mark	Class	Registration No.	Application Date
1.		3	40201620339Q (IR No. 1320496)	29 Jan 2016
2.		3, 14,	40201815414Q (IR No. 1394907)	25 June 2018 (Pending Application)
3.		9	T0408563C (IR No. 824175)	19 Sept 2004 (Priority Date: 26 June 2003)
4.		9	T0408564A (IR No. 824176)	17 Sept 2003 (Priority Date: 26 June 2003)







S/N	Mark	Class	Registration No.	Application Date
5.		9	T0408973F (IR No. 824634)	17 Sept 2003 (Priority Date: 26 June 2003)
6.		8	T0413653Z (IR No 829779)	31 Mar 2004 (Priority Date: 23 Dec 2003)
7.		41	T0523005Z	15 Nov 2005
8.		21	T0524131J (IR No. 867643)	20 May 2005 (Priority Date: 18 April 2005)







S/N	Mark	Class	Registration No.	Application Date
9.		22	T0524132I (IR No. 867643)	20 May 2005 (Priority Date: 18 April 2005)
10.		3	T1011627H (IR No. 1047361)	13 Oct 2009
11.	 FERRARI	8	T8305265B	6 Oct 1983
12.	 FERRARI	14	T8305267I	6 Oct 1983
13.	 FERRARI	18	T8305269E	6 Oct 1983






S/N	Mark	Class	Registration No.	Application Date
14.		20	T8305270I	6 Oct 1983
15.		21	T8305271G	6 Oct 1983
16.		25	T8305272E	6 Oct 1983
17.		34	T8305273C	6 Oct 1983
18.		3	T9300735H	2 Feb 1993

S/N	Mark	Class	Registration No.	Application Date
19.		16	T9707913B	3 July 1997
20.		18	T9707914J	3 July 1997
21.		25	T9707915I	3 July 1997
22.		37	T9707916G	3 July 1997
23.		18	T9707923Z	3 July 1997
24.		28	T9707924H	3 July 1997

S/N	Mark	Class	Registration No.	Application Date
25.		37	T9707925F	3 July 1997
26.		9	T9707926D	3 July 1997
27.		6	T9707927B	3 July 1997
28.		28	T9707928J	3 July 1997
29.		6	T9707929I	3 July 1997
30.		9	T9707930B	3 July 1997

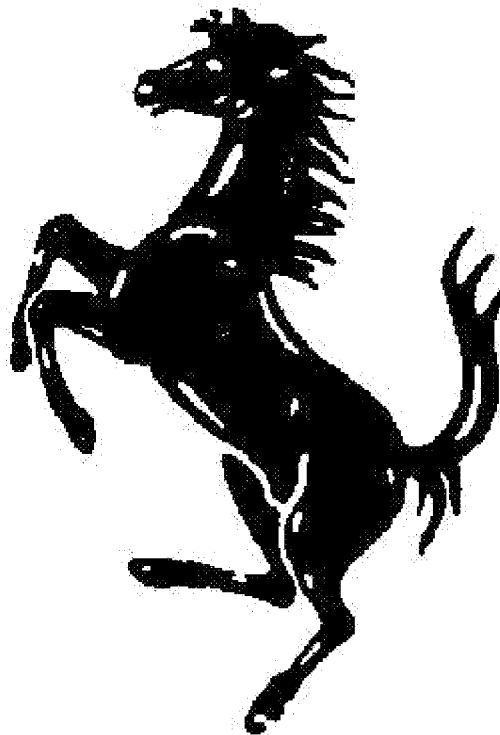
S/N	Mark	Class	Registration No.	Application Date
31.		14	T9707932I	3 July 1997
32.		16	T9707933G	3 July 1997
33.		14	T9707934E	3 July 1997
34.		37	T9707955H	3 July 1997
35.		28	T9707956F	3 July 1997
36.		25	T9707957D	3 July 1997

S/N	Mark	Class	Registration No.	Application Date
37.		18	T9707958B	3 July 1997
38.		6	T9707959J	3 July 1997
39.		9	T9707960D	3 July 1997
40.		16	T9707961B	3 July 1997
41.		25	T9707962J	3 July 1997
42.		35	T9908141Z	2 Aug 1999

S/N	Mark	Class	Registration No.	Application Date
43.		42	T9908142H	2 Aug 1999
44.		35	T9908143F	2 Aug 1999
45.		42	T9908144D	2 Aug 1999
46.		35	T9908145B	2 Aug 1999
47.		42	T9908146J	2 Aug 1999

▼

Details of Mark

Trade Mark No.
T9707935C

☒ National

Application Type Trade Mark

Trade Mark Type Conventional Mark

Description of Particular
Feature(s) of Mark

Converted Application No

Application Date 03/07/1997

Mark Status (unless
otherwise indicated
below) Registered

Mark Status Date 03/07/1997

Status Update Date

**Date of Completion of
Registration Procedure** 16/06/1999

**Expiry Date (unless
otherwise indicated
below)** 03/07/2027

Publication Date 16/10/1998

**Transformation
Application under
Madrid Protocol**

**Replacement
Application under
Madrid Protocol**

Basic Mark on which IA is based

**International
Application No.**

**International
Registration No.**

Mark Index

Device Description horse

Specification of Goods or Services

1) Class No. Class 12

Goods / Services Vehicles, apparatus for locomotion by land; namely cars, spare parts and accessories for cars; all included in class 12.

Class Status Registered

Class Expiry Date 03/07/2027

Current Applicant or Proprietor Details

1) Name FERRARI S.P.A.

UEN / Company Code E00412214A

**Country/Territory of
Incorporation** Italy

Address Via Emilia Est 1163, 41100 Modena, Italy.

Mark Clauses

1) To be associated with Trade Mark Nos. 7926/97, 7927/97 and 7928/97.

Agent/Correspondence Details

1) Agent Name DREW & NAPIER LLC

UEN / Company Code AG0112H

Representative Name

Address For Service 10 COLLYER QUAY
#10-01 OCEAN FINANCIAL CENTRE
Singapore 049315

Action Representing For all matters relating to the application, registration/grant, except those matters expressly excluded

2) Agent Name DREW & NAPIER LLC

UEN / Company Code 200102509E

Representative Name

Address For Service 10 COLLYER QUAY
#10-01 OCEAN FINANCIAL CENTRE
Singapore 049315

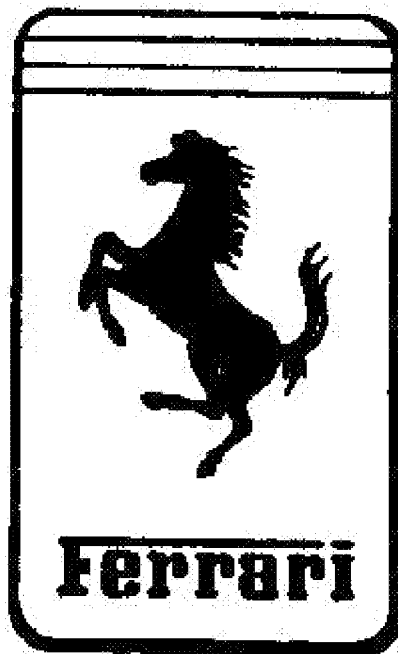
Action Representing Renewal

Other Entries

S/No.	Event	Event Date
1	Request to Change Name, Address and /or Singapore Address for Service for Agent, Applicant/Proprietor and/or other interested Parties [Show More]	13/01/2016
2	Request to Change Name, Address and /or Singapore Address for Service for Agent, Applicant/Proprietor and/or other interested Parties [Show More]	13/01/2016

▼

Details of Mark

Trade Mark No.
T8305263F

☰ National

Application Type Trade Mark**Trade Mark Type** Conventional Mark**Description of Particular
Feature(s) of Mark****Converted Application** No**Application Date** 06/10/1983**Mark Status (unless
otherwise indicated
below)** Registered**Mark Status Date** 06/10/1983**Status Update Date** 25/08/2004

Date of Completion of Registration Procedure	15/08/1990
Expiry Date (unless otherwise indicated below)	06/10/2024
Publication Date	05/05/1989
Transformation Application under Madrid Protocol	
Replacement Application under Madrid Protocol	

Basic Mark on which IA is based

International Application No.	
International Registration No.	

Mark Index

Words In Mark	FERRARI
Device Description	HORSE

Specification of Goods or Services

1) Class No.	Class 12
Goods / Services	Automobiles; automobile bodies; engines for land vehicles; motor cars; sports cars; motorboats and bicycles.
Class Status	Registered
Class Expiry Date	06/10/2024

Current Applicant or Proprietor Details

1) Name	FERRARI S.P.A.
UEN / Company Code	E00412214A
Country/Territory of Incorporation	Italy
Address	Via Emilia Est 1163, 41100 Modena, Italy.

Mark Clauses

1) To be associated with Trade Mark No. 5264/83 and others.

☰ Agent/Correspondence Details

1) Agent Name DREW & NAPIER LLC

UEN / Company Code 200102509E

Representative Name

Address For Service 10 COLLYER QUAY
#10-01 OCEAN FINANCIAL CENTRE
Singapore 049315

Action Representing For all matters relating to the application, registration/grant, except those matters expressly excluded

2) Agent Name DREW & NAPIER LLC

UEN / Company Code 200102509E

Representative Name

Address For Service 10 COLLYER QUAY
#10-01 OCEAN FINANCIAL CENTRE
Singapore 049315

Action Representing Renewal

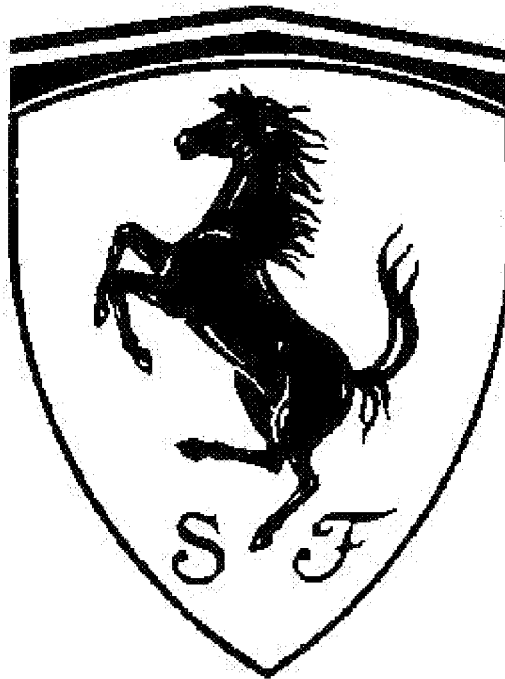
Within IPOS Website ▼

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Details of Mark

Print

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Trade Mark No.
T9707931J

National

Application Type Trade Mark

Trade Mark Type Conventional Mark

Description of Particular
Feature(s) of Mark

Converted Application No

Application Date 03/07/1997

Mark Status (unless
otherwise indicated
below) Registered

Mark Status Date 03/07/1997

Status Update Date

**Date of Completion of
Registration Procedure** 28/09/1999

**Expiry Date (unless
otherwise indicated
below)** 03/07/2027

Publication Date 22/01/1999

**Transformation
Application under
Madrid Protocol**

**Replacement
Application under
Madrid Protocol**

☒ **Basic Mark on which IA is based**

**International
Application No.**

**International
Registration No.**

☒ **Mark Index**

Words In Mark sf

Device Description shield horse

☒ **Specification of Goods or Services**

1) Class No. Class 12

Goods / Services Sports cars; racing cars; spare parts and accessories for the aforesaid; all included in Class 12.

Class Status Registered

Class Expiry Date 03/07/2027

☒ **Current Applicant or Proprietor Details**

1) Name FERRARI S.P.A.

UEN / Company Code E00412214A

**Country/Territory of
Incorporation** Italy

Address Via Emilia Est 1163, 41100 Modena, Italy.

☒ **Mark Clauses**

- 1) Registration of this Trade Mark shall give no right to the exclusive use of the letters "S" and "F".
- 2) To be associated with Trade Mark Nos. 5263/83 and 7935/97.

Agent/Correspondence Details

1) Agent Name DREW & NAPIER LLC

UEN / Company Code AG0112H

Representative Name

Address For Service 10 COLLYER QUAY
#10-01 OCEAN FINANCIAL CENTRE
Singapore 049315

Action Representing For all matters relating to the application, registration/grant, except those matters expressly excluded

2) Agent Name DREW & NAPIER LLC

UEN / Company Code 200102509E

Representative Name

Address For Service 10 COLLYER QUAY
#10-01 OCEAN FINANCIAL CENTRE
Singapore 049315

Action Representing Renewal

Other Entries

S/No.	Event	Event Date
1	Request to Change Name, Address and /or Singapore Address for Service for Agent, Applicant/Proprietor and/or other interested Parties [Show More]	13/01/2016
2	Request to Change Name, Address and /or Singapore Address for Service for Agent, Applicant/Proprietor and/or other interested Parties [Show More]	13/01/2016

PROVISIONS OF SINGAPORE LAW

TRADE MARKS ACT (CHAPTER 332)

Section 2(1) Interpretation

"trade mark" means any sign capable of being represented graphically and which is capable of distinguishing goods or services dealt with or provided in the course of trade by a person from goods or services so dealt with or provided by any other person.

"earlier trade mark" means —

(a) a registered trade mark or an international trade mark (Singapore), the application for registration of which was made earlier than the trade mark in question, taking account (where appropriate) of the priorities claimed in respect of the trade marks; or

(b) a trade mark which, at the date of application for registration of the trade mark in question or (where appropriate) of the priority claimed in respect of the application, was a well known trade mark,

and includes a trade mark in respect of which an application for registration has been made and which, if registered, would be an earlier trade mark by virtue of paragraph (a) subject to its being so registered.

Section 7 Absolute grounds for refusal of registration

(6) A trade mark shall not be registered if or to the extent that the application is made in bad faith.

Section 8 Relative grounds for refusal of registration

(2) A trade mark shall not be registered if because —

(b) it is similar to an earlier trade mark and is to be registered for goods or services identical with or similar to those for which the earlier trade mark is protected, there exists a likelihood of confusion on the part of the public.

(4) Subject to subsection (5), where an application for registration of a trade mark is made on or after 1st July 2004, if the whole or an essential part of the trade mark is identical with or similar to an earlier trade mark, the later trade mark shall not be registered if —

(a) the earlier trade mark is well known in Singapore; and

(b) use of the later trade mark in relation to the goods or services for which the later trade mark is sought to be registered —

(i) would indicate a connection between those goods or services and the proprietor of the earlier trade mark, and is likely to damage the interests of the proprietor of the earlier trade mark; or

(5) A trade mark shall not be refused registration by virtue of subsection (4) if the application for the registration of the trade mark was filed before the earlier trade mark became well known in Singapore, unless it is shown that the application was made in bad faith.

(7) A trade mark shall not be registered if, or to the extent that, its use in Singapore is liable to be prevented —

(a) by virtue of any rule of law (in particular, the law of passing off) protecting an unregistered trade mark or other sign used in the course of trade

11 February 2019

VIA IP2.SG ONLY

No. of pages : 1

51 Bras Basah Road
#01-01 Manulife Centre
Singapore 189554

**Hearings & Mediation Group
Intellectual Property Office of Singapore**

Dear Sirs,

International Registration No. 1406563
Singapore Trade Mark Application No. 40201811676U



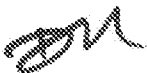
in Class 12

In the name of LANDTOURER AUTOMOBILE CO., LTD

Potential Opposition thereto by FERRARI S.P.A.

1. We act for FERRARI S.P.A.
2. Our client would like to oppose the subject mark.
3. We hereby enclose the following:
 - a. Form TM11 (Notice of Opposition); and
 - b. A copy of the Statement of Grounds of the Opposition.

Yours faithfully



DREW & NAPIER LLC

cc client

Enc:

- Form TM11
- Statement of Grounds