

In reply please quote our reference

Your reference : N.A.  
Our reference : 2019/5616339490X  
Date : 19 June 2019  
Writer's direct number : +65 6331 6582

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

Dear Sir/Madam

**NOTIFICATION OF PROVISIONAL REFUSAL OF PROTECTION TO THE INTERNATIONAL BUREAU OF THE WORLD INTELLECTUAL PROPERTY ORGANIZATION ACCORDING TO ARTICLE 5 OF THE PROTOCOL RELATING TO THE MADRID AGREEMENT CONCERNING THE INTERNATIONAL REGISTRATION OF MARKS**

**1. Office making the notification:**

Intellectual Property Office of Singapore (IPOS)

**2. International Registration Number:**

1460656

**3. Trade Mark Number(s) issued by the IPOS for this International Registration:**

Trade Mark Number : 40201907887R

Class Number(s) : 20 AND 25

**4. Name of holder of the International Registration:**

GUANGDONG CAMEL APPAREL CO., LTD

**5. Ground(s) of the Provisional Refusal:**


**Provisions of Singapore Law:** The relevant provisions of Singapore law are attached.

**5.1 Section 8(2)(b)**

The mark is objectionable under section 8(2)(b) of the Trade Marks Act (Cap. 332, 2005 Rev. Ed.) which states that a trade mark shall not be registered if because 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.

The mark is in conflict with the following trade mark(s) in respect of the indicated class(es):

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S.No	Cited Trade Mark No	International Reg No	Mark Status	Trade Mark	Subject Class No Objected To
1	T8701598J		Registered	 The logo features the word "CAMEL" in a bold, sans-serif font, arched over a silhouette of a camel facing right.	25

We are of the view that the subject mark is confusingly similar to the cited mark. In the present case, the sole element of a camel device depicted in the subject mark closely resembles that featured in the cited mark, and would be referred to by consumers as the "camel" mark, rendering it conceptually similar to the cited mark.

In terms of the goods similarity, we find overlaps between the Applicant's goods claimed in Class 25 and those of the cited proprietor, noting also the Applicant's broad claim of "clothing".

In light of the aforesaid similarities, we believe that average consumers are likely to be confused into believing that the goods originate from the same economic source, when they do not.

## 5.2 **How to overcome our objection(s) under section 8(2)(b)**

You may consider the following options:

- (a) Remove the conflicting goods and/or services (if applicable); or
- (b) Obtain a letter of consent from the cited proprietor; or
- (c) File evidence to show honest concurrent use in Singapore.

In other words, you may file evidence to show that before the date of this application, your mark has been put to use for the goods and/or services applied for at the same time as the cited mark(s) according to honest practices in commercial and industrial standards. This evidence may show that the public is used to distinguishing between your mark and the cited mark(s) and there is no likelihood of confusion in the public.

The evidence should show concurrent use of your mark and the cited mark(s) for a period of at least 5 years before the date of this application. The evidence should be presented by way of a statutory declaration.

For guidance as to how the letter of consent or evidence of honest concurrent use should be presented, please refer to the Registry's web site at <http://goo.gl/a1CjVx>.

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

This refusal applies to all the goods in Class(es) 25 of the international registration.

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**7. Request for review:**

The holder of the international registration may file a request for a review of this refusal with IPOS.

The request for review must comply with the following:

- (a) quote the International Registration number, relevant trade mark number(s), corresponding class number(s) and Singapore reference number(s).
- (b) furnish an address for service in Singapore. The holder may appoint an agent by filing Form CM1.

Please note that any form(s) filed with the International Bureau of the World Intellectual Property Organization in response to this refusal, will not be treated as a request for a review of this refusal unless the above has been complied with.

**8. Extension of time:**

The holder may seek an extension of time to request for a review of this refusal by filing Form CM5.

**9. Deadline to observe:**

If the holder does not file a request for review or apply for an extension of time to do so by **19 October 2019**, the application for the refused goods and/or services indicated in paragraph 6 of this refusal will be treated as withdrawn (reinstatable). Please refer to paragraph 10 on reinstatement of an application that is treated as withdrawn (reinstatable).

**10. Reinstatement of an application that is treated as withdrawn (reinstatable):**

If the application for the refused goods and/or services indicated in paragraph 6 of this refusal becomes treated as withdrawn (reinstatable), the holder may request to reinstate the application by filing Form CM13 together with the request for review within six months from the deadline in paragraph 9.

Please note that reinstatement is not automatic. Reinstatement will be allowed only after we have conducted a new conflicting mark search and are satisfied that the mark to be reinstated does not conflict with any trade mark applications filed with IPOS prior to the filing of the required documents.

If the holder also does not request to reinstate the application in time, the application for goods and/or services that are not refused will proceed to publication.

**11. Forms and fees:**

The forms referred to in this provisional refusal and the relevant fees may be found at <https://www.ip2.sg/>.

**12. Further refusal of protection:**

Please note that a further refusal of protection may result from an opposition, which may be filed after the expiry of 18 months from the date on which the Intellectual Property Office of

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Singapore was notified of the international registration. This applies to all goods and/or services claimed in the international registration.

This refusal is issued by:

Ms Jackie Tan Meng Joek  
Trade Mark Examiner  
for Registrar of Trade Marks  
Singapore

(IPOS will be relocating to Paya Lebar Quarter in July 2019. For the latest updates, please refer to our website at <https://www.ipos.gov.sg>, or subscribe to our mailing list by sending an email to [news@ipos.gov.sg](mailto:news@ipos.gov.sg).)

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W [www.ipos.gov.sg](http://www.ipos.gov.sg)

## PROVISIONS OF SINGAPORE LAW

### TRADE MARKS ACT

#### (CHAPTER 332)

##### Section 2(1) Interpretation

"earlier trade mark" means –

(a) a registered trade mark or 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.

"sign" includes any letter, word, name, signature, numeral, device, brand, heading, label, ticket, shape, colour, aspect of packaging or any combination thereof.

"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.

##### Section 8 Relative grounds for refusal of registration

(1) A trade mark shall not be registered if it is identical with an earlier trade mark and the goods or services for which the trade mark is sought to be registered are identical with the goods or services for which the earlier trade mark is registered.

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

(a) it is identical with an earlier trade mark and is to be registered for goods or services similar to those for which the earlier trade mark is protected; or

(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.


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# CITED MARK DETAILS

Trade Mark No. T8701598J	
<b>National</b>	
<p>Application Type Trade Mark  Trade Mark Type Conventional Mark  Description of Particular Feature(s) of Mark  Converted Application No  Application Date 7 April 1987  Mark Status (unless otherwise indicated below) Registered  Mark Status Date 7 April 1987  Status Update Date 17 March 2004  Date of Completion of Registration Procedure 30 August 1997  Expiry Date (unless otherwise indicated below) 7 April 2024  Publication Date 21 February 1997  Transformation Application under Madrid Protocol  Replacement Application under Madrid Protocol</p>	
<b>Basic Mark on which IA is based</b>	
International Application No. International Registration No.	
<b>Specification of Goods or Services</b>	
<p>1) Class Number Class 25  Goods/Services Suits; coats; vests; sweaters; shirts; trousers; shorts; belts (Clothing); hats; caps (headwear); boots; and shoes; all included in Class 25.  Class Status Registered  Class Expiry Date 7 April 2024</p>	
<b>Current Applicant or Proprietor Details</b>	
<p>1) Name JAPAN TOBACCO INC.  UEN/Company Code E00116768A  Country/Territory of Japan  Incorporation  State of Incorporation  Address 2-2-1 Toranomom, Minato-ku, Tokyo, Japan</p>	

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<b>Mark Clauses</b>
1) To be associated with Trade Mark nos. 36989, 78907, 2680/85 and 1599/87.
<b>Agent/Correspondence Details</b>
<b>1) Agent Name</b> DONALDSON & BURKINSHAW LLP <b>Agent UEN/Company Code</b> T14LL0024B <b>Representative or C/O Name</b> <b>Address for Service</b> P.O. BOX 3667 ROBINSON ROAD POST OFFICE Singapore 905667 <b>Action Representing</b> For all matters relating to the application, registration/grant, except those matters expressly excluded
<b>2) Agent Name</b> DONALDSON & BURKINSHAW LLP <b>Agent UEN/Company Code</b> T14LL0024B <b>Representative or C/O Name</b> <b>Address for Service</b> P.O. BOX 3667 ROBINSON ROAD POST OFFICE Singapore 905667 <b>Action Representing</b> Renewal
<b>3) Agent Name</b> DONALDSON & BURKINSHAW LLP <b>Agent UEN/Company Code</b> T14LL0024B <b>Representative or C/O Name</b> <b>Address for Service</b> P.O. BOX 3667 ROBINSON ROAD POST OFFICE Singapore 905667 <b>Action Representing</b> Transfer of ownership

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