



World Intellectual Property  
Organisation (WIPO)  
International Bureau  
34, Chemin des Colombettes  
1211 Geneva 20  
Switzerland

**Your Reference:**  
**International Registration No:**  
WO0000001376706  
**Examiner:** Annmarie Canniff  
**Direct Telephone:** +44(0)1633811036  
**Date:** 23 June 2020

**Intl Reg No:** WO0000001376706  
**Mark:** GRAND PALAIS (Figurative)  
**Holder:** WRIGHT TEA  
**Class(es):** 30

**Notification Of A Provisional Total Refusal Of Protection Based On An  
Opposition By The United Kingdom Intellectual Property Office In  
Accordance With Article 5 Of The Madrid Protocol**

I am writing to inform you that following receipt of an opposition to the above trade mark, it is necessary to issue this formal provisional refusal letter. This provisional refusal covers all of the goods of the International Registration.

Please find attached a copy of the TM7 'Notice of Opposition', which includes details of any marks referred to in the statement of case, which was received by the United Kingdom Trade Mark Registry. Copies of these documents have been sent to the holder informing them of this provisional refusal.

If the holder of the International Registration wishes to file a counterstatement, they must complete the form TM8 'Notice of defence and counterstatement', which is available at [ipo.gov.uk/tmforms](http://ipo.gov.uk/tmforms) and **return it to this office** within **two months** of the date of this letter, that is on or before **24 August 2020**. This period cannot be extended, except in the circumstances described below. The holder should note that failure to file a TM8 will result in the provisional refusal being upheld.

If both parties to this dispute wish to negotiate and want to enter a 'cooling off period' then the time for filing the TM8 can be extended for a further seven months by the filing the form TM9c 'Request for a cooling off period, which is available at [ipo.gov.uk/tmforms](http://ipo.gov.uk/tmforms)

The TM8 should be received on or before the date requested above unless a cooling off period is entered into by the parties.

The holder of the International Registration must provide us with an address for correspondence in the United Kingdom, another EEA state or the Channel Islands on a form TM33 'Appointment or change of agent or contact address', which is available at [ipo.gov.uk/tmforms](http://ipo.gov.uk/tmforms) within this two month period.

If one is not provided within this time the refusal will be made final.

Yours faithfully,

*Annmarie Canniff*

**Trade Marks Registry**



# Intellectual Property Office

D02246 £200 J869487  
FD - 19MAY2020  
OP000420331

## Form FS2

Fee sheet for: UK Designs, Patents, Trade Marks, Patent  
Co-operation Treaty (PCT) and Company Names Tribunal Forms.

Please read the guidance notes on the next page about filling in this form.

Your IPO Account  
Number (if you have one) : 2246

### Details of the person we should contact in case of query.

Name: Alban Radivojevic

Your name and full address  
(including postcode) : D Young & Co LLP  
120 Holborn  
London, EC1N 2DY

Daytime phone number: 0207 269 8570

Fax Number: 0207 269 8555

Your customer reference  
(Optional) : TPH/AZR/O052606

E-mail address: [tmfilings@dyoung.com](mailto:tmfilings@dyoung.com)

If you fax us your forms, say how many  
sheets (including this one) you are sending

### List of forms included

Date: 19 May 2020

	Form Type & Number	Name, Number or Other Identifier	Fee (£)
1	TM7	TPH/AZR/O052606	£200
2			
3			
4			
5			
6			
Total:			£200

### How do you wish to pay?

Tick payment method

#### 1. Online by credit or debit card

- Go to [fees.ipo.gov.uk/pay](https://fees.ipo.gov.uk/pay) to make your payment
- We will send you a payment reference once payment is made. Enter this into the box below

#### Payment reference



**We will not be able to process your form(s) without the payment reference.  
This may affect your filing date.**

- Deduction from IPO Deposit Account quoted above
- Cheque, made payable to 'Intellectual Property Office'
- Bank transfer

### **Help with completing this form**

If you provide a customer reference, this will be printed on the fee acknowledgement that we send, so that you can link the transactions with your own records.

Arrange the forms that you send in the same order that you list them on this form.

### **How to pay**

NOTE: We cannot accept card payments for PCT fees, but we can accept card payments for entry to the National Phase.

#### **Payment by card**

Use the online payment service, visit [fees.ipo.gov.uk/pay](https://fees.ipo.gov.uk/pay). Once your payment is accepted you will be given a 'payment reference number' which you must enter in the box provided on the first page.

#### **Payment by cheque**

Cheques should be made payable to the 'Intellectual Property Office' and sent to the address below.

#### **Payment by bank transfer**

Use the following bank account details:

Bank sort code:	20-18-23
Bank name:	Barclays Bank PLC 3rd Floor Windsor Court 3 Windsor Place Cardiff CF10 3ZL
Account number:	80531766
Account name:	Intellectual Property Office
Reference:	Quote your IPO account number (as shown on the front of this form) or some other identifier.
SWIFT code:	BARCGB22
IBAN number:	GB92 BARC 2018 2380 5317 66

### **Where to send**

By post to:	Intellectual Property Office Concept House Cardiff Road Newport South Wales NP10 8QQ
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Or by fax to:	+44 (0)1633 817777
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## Form TM7

### Notice of opposition and statement of grounds

Fee ☐ £100 Opposition based on Section 5(1) and/or 5(2) ONLY



£200

Opposition based on, or including, any other grounds

*Note: If you wish to oppose under Section 5(1) and/or 5(2) and one or more other grounds, the fee will be £200*

Use this form to notify of an opposition to a trade mark application or international registration and to set out the grounds on which you are basing this opposition.

Do not use this form if you wish to file a Fast Track opposition under Section 5(1) and/or 5(2): use Form TM7F.

#### 1. Trade mark number

Number of the trade mark you are opposing. If the opposition concerns an International Registration, help us identify the correct trade mark by adding "IR"

WO0000001376706

#### 2. Full name of applicant/holder

Whose trade mark you are opposing

WRIGHT TEA

#### 3. Full name of opponent

LE PALAIS DES THÉS, Société anonyme

##### Address

If the address is not within the United Kingdom, European Economic Area (EEA – which includes the European Union) or the Channel Islands you must have a representative in one of these regions and complete section 4 below

**NOTE:** It will no longer be possible for two (or more) parties to jointly oppose a trade mark based on earlier marks/rights that they each own, unless the parties jointly own the relevant earlier marks/rights. Separate oppositions will now be required. See section 38(2A) of the Act.

64, Rue Vieille du Temple

Paris

France

Postcode F-75003

##### Email address

Complete if you have no representative and would like us to correspond with you by email

#### 4. Representative name

If you have no representative, go to section 5.

D Young & Co LLP

##### Address

The address provided in this section must be in the UK, European Economic Area (EEA) or the Channel Islands.

**NOTE:** We will communicate with the representative if this section has been completed.

120 Holborn

London

Postcode EC1N 2DY

##### Email address

Complete if you would like us to correspond with you by email

tmfilings@dyoung.com

<b>5. Related proceedings</b> If applicable, select location of any related proceedings and enter the case number allocated to the proceedings.	<input type="checkbox"/>	IPO Registry	<input type="checkbox"/>	UK Courts	<input type="checkbox"/>	EUIPO
Number						

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**6. Opposition notification date**  
 If you have informed the applicant/holder of an intention to oppose the trade mark application, designation – enter the date you notified them.  
 [\*\*See Note]

10 March 2020

**\*\*Note:** An opposition launched without giving the applicant or holder a reasonable opportunity to withdraw the application, international designation or amendment may result in the opponent being ineligible for an award of costs.

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**7. Declaration**  
  
**Signature**  
  
**Name**  
 (BLOCK CAPITALS)  
  
**Date**

I believe that the facts stated in this form and the attached statement of grounds are true.  
  

ALBAN RADIVOJEVIC OF D YOUNG & CO LLP

19 May 2020

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**8. Your reference**  
 Complete if you would like us to quote this in communications with you, otherwise leave blank.  
  
**Contact details**  
 Name, daytime telephone number of the person to contact in case of query.

TPH/AZR/O052606

Alban Radivojevic  
 T: 0207 269 8570  
 E: azr@dyoung.com

Number of sheets attached to this form

22

### Checklist

Please make sure you have remembered to:

Sign and date the form

Complete fee sheet (Form FS2)

Enclose the fee and fee sheet. Make cheques payable to Intellectual Property Office

### Where to send

Intellectual Property Office  
 Trade Marks Registry  
 Concept House  
 Cardiff Road  
 Newport  
 South Wales  
 NP10 8QQ

Please tick on what grounds you are opposing the trade mark and continue to the relevant section(s)



Opposition is based on Sections 5(1) or 5(2): The trade mark is either identical or similar to an earlier trade mark and is to be registered for identical and/or similar goods and services.

**Note:** Opposition on these grounds must be made by the 'proprietor' (owner) of the earlier trade mark.

**> COMPLETE SECTION A**



Opposition is based on Section 5(3): The trade mark is either identical or similar to an earlier trade mark which has a reputation. Using the later mark would take unfair advantage of, or be detrimental to, the distinctive character or reputation of the earlier mark.

**Note:** Opposition on these grounds must be made by the 'proprietor' (owner) of the earlier trade mark. Ticking this box means that the total fee for this form is £200.

**> COMPLETE SECTION B**



Opposition is based on Section 5(4)(a): Where the use of the applicant's trade mark would be contrary to law, in particular, the law of passing off.

**Note:** Opposition on these grounds must be made by the 'proprietor' (owner) of the earlier right. Ticking this box means that the total fee for this form is £200.

**> COMPLETE SECTION C**



Opposition is based on Section 3: The trade mark is excluded from registration because it describes the goods/services, or is not distinctive, or consists of signs that are customary within the trade, or the application was made in bad faith.

**Note:** Ticking this box means that the total fee for this form is £200.

**> COMPLETE SECTION D**



Opposition is based on other grounds.

**Note:** Ticking this box means that the total fee for this form is £200.

**> COMPLETE SECTION E**

**SECTION A: Opposition is based on sections 5(1) or 5(2) of the Trade Marks Act on the basis of an earlier registered or pending mark.**

**Please tick the relevant section(s) that apply.**

<input type="checkbox"/>	5(1) It is <b>identical</b> with an earlier mark and for <b>identical goods or services</b> as the earlier mark
<input type="checkbox"/>	5(2)(a) It is <b>identical</b> with an earlier mark and for <b>similar goods or services</b> as the earlier mark.
<input checked="" type="checkbox"/>	5(2)(b) It is <b>similar</b> to an earlier mark and for <b>identical or similar goods or services</b> as the earlier mark.

*You must use a separate sheet for each earlier mark, so copy this sheet as many times as you need.*

**ABOUT THE EARLIER TRADE MARK**

**Trade mark number**

Your trade mark

WO0000000593351

**Type of mark**

Please tick

UK

EUTM



International

**Representation of your trade mark**

Enter your trade mark in the space provided - use a continuation sheet if necessary.

LE PALAIS DES THÉS



**Q1. Which goods or services covered by the earlier trade mark are relied upon for the opposition?**

	All goods and services
✓	Some goods and services <i>(please specify below, use a continuation sheet if necessary)</i>
Class 30: Tea	

**Q2. STATEMENT OF USE - Was the registration or protection process for the earlier trade mark completed 5 years or more before the application date (or priority date, if applicable) of the application or international registration you wish to oppose?**

☒

Yes

No > GO TO Q4

**Q3. Has the trade mark been used in the 5-year period ending on the date of application (or priority date, if applicable) of the opposed mark?**

☒

Yes

No > GO TO Q3b

**Q3a. For which of the goods and services listed at Q1 is trade mark use being claimed?**

✓	All goods and services
	Some goods and services <i>(please specify below, use a continuation sheet if necessary)</i>

> GO TO Q4.

**Q3b. Please state any proper reasons for non-use.**

**DETAILS OF THE TRADE MARK YOU ARE OPPOSING**

**Q4. Which goods or services in the application that you are opposing do you claim are identical or similar to those covered by the earlier mark which you have listed at Q1?**

<input checked="" type="checkbox"/>	All goods and services
<input type="checkbox"/>	Some goods and services <i>(please specify below, use a continuation sheet if necessary)</i>

**Q5. Use this space to supply any further information about why you consider there is a likelihood of confusion and e.g. why you consider the respective marks or goods and/or services to be similar.**

Please refer to paragraphs 8 to 13 of the Statement of Grounds.

**SECTION B: Opposition is based on section 5(3) of the Trade Marks Act on the basis of an earlier registered or pending trade mark, that is identical with or similar to an earlier mark which has a reputation.**

*You must use a separate sheet for each earlier mark, so copy this sheet as many times as you need.*

**ABOUT THE EARLIER TRADE MARK**

<b>Trade mark number</b> Your trade mark	WO00000000593351
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<b>Type of mark</b> Please tick	<input type="checkbox"/> UK	<input type="checkbox"/> EUTM	<input checked="" type="checkbox"/> International
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**Representation of your trade mark**

Enter your trade mark in the space provided - use a continuation sheet if necessary.

LE PALAIS DES THÉS



**Q1. For which goods or services covered by your earlier trade mark does it have a reputation?**

	All goods and services
✓	Some goods and services <i>(please specify below, use a continuation sheet if necessary)</i>
Class 30: Tea	

**Q2.** For which goods or services in the application (you are opposing) would use of the applicant's mark take unfair advantage of, or be detrimental to, the distinctive character or reputation of the earlier trade mark?

✓	All goods and services
	Some goods and services <i>(please specify below, use a continuation sheet if necessary)</i>

**Q3. Is it claimed that the similarity between the reputed earlier trade mark and the later trade mark is such that the relevant public will believe that they are used by the same undertaking or think that there is an economic connection between the users of the trade marks?**

☒

Yes

11

No

Use this space to supply any further information

Please refer to paragraph 14 of the Statement of Grounds.

**QUESTIONS 4 TO 6 SHOULD BE ANSWERED IF THERE IS ANY OTHER BASIS FOR YOUR CLAIM OTHER THAN FOR YOUR ANSWER TO Q.3**

**Q4. Is there any other basis for your claim of unfair advantage? If so, please explain what the advantage would be to the holder of the later mark, and why it is unfair.**

Please refer to paragraphs 15 and 16 of the Statement of Grounds.

**Q5. Is there any other basis for your claim of detriment to the reputation of the earlier mark? If so, please explain what the detriment would be and how it would occur.**

Please refer to paragraph 17 of the Statement of Grounds.

**Q6. Is there any other basis for your claim of detriment to the distinctive character of the earlier mark? If so, please explain what the detriment would be and how it would affect the economic behaviour of the relevant public.**

Please refer to paragraphs 18 and 19 of the Statement of Grounds.

**Q7. STATEMENT OF USE - Was the registration or protection process for the earlier trade mark completed 5 years or more before the application date (or priority date, if applicable) of the application or international registration you wish to oppose?**



Yes



No > GO TO Q10

**Q8. Has the trade mark been used in the 5-year period ending on the date of application (or priority date, if applicable) of the opposed mark?**



Yes



No > GO TO Q9b

**Q9a. For which of the goods and services listed at Q1 is trade mark use being claimed?**

<input checked="" type="checkbox"/>	All goods and services
<input type="checkbox"/>	Some goods and services ( <i>please specify below, use a continuation sheet if necessary</i> )

> GO TO Q10

**Q9b. Please state any proper reasons for non-use.**

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**Q10. Use this space to give any further information to explain why you are opposing the application on this ground.**

Please refer to paragraph 20 of the Statement of Grounds.
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## TRADE MARKS ACT 1994

### IN THE MATTER OF

International Registration (designating the UK) No. 1376706 “GRAND PALAIS” in Class 30 in the name of Wright Tea

### AND IN THE MATTER OF

An opposition thereto by Le Palais Des Thés, Société Anonyme

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## STATEMENT OF GROUNDS

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### I. THE APPLICATION

1. Wright Tea (the “**Applicant**”) is the proprietor of International Registration (designating the UK) No. 1376706 “GRAND PALAIS” (the “**Application**”). The Application designated the UK on 9 August 2019 and was published for opposition purposes on 10 January 2020 for the following goods in Class 30 (the “**Contested Goods**”):

#### **Class 30**

*Tea; packaged tea in the form of granules and filaments; green tea with plant mixture; plant-based herbal teas; aromatic teas; fruit tea; tea enriched with spices; iced tea and tea infusions in the form of ready-to-drink beverages.*

2. A Notice of Threatened Opposition was filed on 10 March 2020, thus extending the opposition period to 10 April 2020.
3. The Opponent notes that, pursuant to the formal notices (‘*Coronavirus important update on IPO services*’ and ‘*Alterations to services - trade marks and designs*’) issued by the UKIPO in light of the Covid-19 pandemic, the 24 March 2020, and subsequent days until further notice, have been declared as ‘interrupted days’. As a result, deadlines falling due on an ‘interrupted day’ have been extended until further notice, including opposition deadlines.

## II. BASIS OF OPPOSITION

4. Le Palais Des Thés, Société Anonyme (the “**Opponent**”) is the registered proprietor of International Registration (designating the UK) No. 593351 covering Classes 21, 29 and 30 for the mark depicted below (the “**Earlier Mark**”):

LE PALAIS DES THÉS



5. The Earlier Mark designated the UK on 17 October 2006 and received protection in the UK on 21 October 2007 for various goods under Classes 21, 29 and 30. The goods relied upon in relation to this opposition are as follows:

**Class 30**

*Tea*

Details of the Earlier Mark, retrieved from the WIPO and UKIPO database, are enclosed at **Annex 1**.

6. The consequence of the above designation date is that the Earlier Mark is an earlier trade mark within the meaning of section 6(1) of the Trade Marks Act 1994 (the “**Act**”).
7. The opposition is directed towards all the goods covered by the Application (i.e. the Contested Goods) and is based on sections 5(2)(b) and 5(3) of the Act.

## III. Section A – section 5(2)(b)

**Q5. Use this space to supply any further information about why you consider there is a likelihood of confusion and e.g. why you consider the respective marks or goods and/or services to be similar.**

8. The Contested Goods are identical to the goods relied upon by the Opponent for the purpose of this opposition and covered by the Earlier Mark (i.e. ‘tea’). Therefore, the average consumer for the goods under comparison, being the general public, is also identical.

9. The Application is a composite mark comprised of the words 'GRAND PALAIS', written in a plain and non-stylised font. The Earlier Mark is comprised of the words 'LE PALAIS DES THÉS', written above a circular graphic element.
10. The respective marks are conceptually identical.
  - a. As noted above, the Application is comprised of the words 'GRAND PALAIS', which the average consumer will understand to be written in French. The word 'GRAND' will be understood as meaning 'big', which is its meaning both in English and French, whilst the word 'PALAIS' will be understood as meaning 'palace' or a 'palatial' building in French. The Application will therefore be understood by the average consumer as meaning a 'big palace' which, when used in relation to the Contested Goods, will be understood as meaning a big palace or palatial building where tea drinks may be consumed and/or purchased.
  - b. The Earlier Mark contains the words 'LE PALAIS DES THÉS', which the average consumer will also understand to be written in French. The words appear in capital letters at the top of the composite mark and will therefore be paid greater attention by the average consumer than the graphic element beneath. The average consumer will understand the meaning of the word 'PALAIS' in exactly the same way as in the Application. They will also understand that the word 'THÉS' is the French word for 'tea', which is entirely descriptive of the goods in question. Consequently, the most prominent and distinctive element of the Earlier Mark is the word PALAIS which, when used in relation to tea, evokes the same concept as that of the Application, i.e. a palace or palatial building where tea may be consumed and/or purchased.
11. The word element of the Earlier Mark and the Application are also visually and phonetically identical to the extent that they each comprise the common word 'PALAIS'.
12. The Earlier Mark also enjoys a degree of inherent and acquired distinctiveness as a result of the Opponent's use of the Earlier Mark within the UK market.
13. Accordingly, considering the matter globally, including in particular, the similarity between the marks at issue, the identity of the goods, the degree of inherent and acquired

distinctness enjoyed by the Earlier Mark and the identity of the relevant public, there is a real risk that consumers upon seeing the Application used in connection with the Contested Goods, will be confused into assuming that there is some trade connection or economic link existing between the Opponent and the Applicant, which is not the case.

#### **IV. Section B – section 5(3)**

**Q3. Is it claimed that the similarity between the reputed earlier trade mark and the later trade mark is such that the relevant public will believe that they are used by the same undertaking or think that there is an economic connection between the users of the trade marks?**

14. Yes. As stated above, the Application is similar to the Earlier Mark and covers identical goods for which the relevant public is therefore also identical. This, combined with the Opponent's reputation in the Earlier Mark, will inevitably lead the relevant public to make a mental link with the Earlier Mark upon seeing the Application used in relation to the Contested Goods. Accordingly, the relevant public are liable to believe that the marks are used by the same undertaking or that there is an economic connection with the Opponent.

**Q4. Is there any other basis for your claim of unfair advantage? If so, please explain what the advantage would be to the holder of the later mark, and why it is unfair.**

15. Yes. The Opponent submits that, as a result of the Opponent's use of the Earlier Mark in the marketplace, the Earlier Mark has acquired a reputation in the UK in relation to 'tea'. As a result, including the aforementioned similarity between the respective marks, the Application would immediately call to mind the Earlier Mark in the mind of the average consumer.

16. The Opponent therefore submits that the Application, if registered, would take unfair advantage by, *inter alia*, (i) free-riding on the coat-tails of the Earlier Mark in an attempt to trade upon the Earlier Mark's reputation and power of attraction and (ii) exploiting, without paying any financial compensation, the marketing (and other) efforts made by the Opponent in order to create and maintain the reputation and image of the Earlier Mark.

**Q.5 Is there any other basis for your claim of detriment to the reputation of the earlier mark?  
If so, please explain what the detriment would be and how it would occur.**

17. The exclusivity of the Earlier Mark will be damaged if others are allowed to use the same or highly similar marks for identical goods which do not originate from the Opponent, as the ability of the Earlier Mark to immediately recall the Opponent's goods and their aura of quality will be irretrievably damaged. The Opponent will have no control over the activities of the Applicant, and will therefore have no control over the quality of the goods being produced and sold under the Application. This is of particular concern where the Applicant proposes to use the Application on identical goods to those of the Opponent.

**Q6. Is there any other basis for your claim of detriment to the distinctive character of the earlier mark? If so, please explain what the detriment would be and how it would affect the economic behaviour of the relevant public.**

18. As stated above, the Application is similar to the Earlier Mark which enjoys a degree of inherent and acquired distinctiveness. Moreover, the Application would immediately call the Earlier Mark to mind for the average consumer.

19. As a result, at present, the Earlier Mark is liable to give rise to an immediate and exclusive association with the Opponent in the mind of the relevant public. If the Application were allowed to proceed to registration in relation to the Contested Goods then the ability of the Earlier Mark to identify goods as emanating from the Opponent will undoubtedly be weakened.

**Q10. Use this space to give any further information to explain why you are opposing the application on this ground.**

20. The Opponent summarises its position on section 5(3) of the Act as follows:

- a. As a result of the Opponent's exclusive use, the Earlier Mark has acquired a reputation in the UK in relation to 'tea'. The Earlier Mark is therefore known to a significant part of the public concerned so that when confronted by a similar mark,

such as the Application, the public is bound to make a mental link between the respective marks.

- b. The Opponent submits that the relevant section of the public will make a mental connection and establish a link between the marks by virtue of the following: (i) the degree of similarity between the marks (ii) the strength of the reputation of the Opponent's marks and (iii) the degree of distinctiveness of the Earlier Mark (both inherent and acquired).
- c. The Applicant's use of the Application is without due cause, in that there is no compulsion, necessity or right to use the mark applied for, and the circumstances are not such that it cannot honestly be asked to refrain from doing so regardless of the damage caused to the Earlier Mark.
- d. Assessed globally, taking into account all factors relevant to the circumstances of the case, the use of the Application would take unfair advantage of the Earlier Mark: (i) given the degree of similarity between the marks at issue, and (ii) in consideration of the reputation of the Earlier Mark, use of the Application will inevitably ride on the coat-tails of the Earlier Mark by taking the benefit of the Opponent's promotional (and other) expenditure and, thereby, saving the Applicant its own investment in promotion and marketing. By bringing the Earlier Mark to mind, the Applicant will misappropriate the reputation attached to the Earlier Mark.
- e. Furthermore, assessed globally, taking into account all factors relevant to the circumstances of the case, the use of the Application would cause detriment to the distinctive character of the Earlier Mark: (i) given the degree of similarity between the marks at issue, and (ii) since use of the Application would erode the distinctive character and reputation of the Earlier Mark and the Earlier Mark would lose its hold upon the public mind. Whilst the Earlier Mark, at present, gives rise to an immediate association with the Opponent's goods, the Earlier Mark will no longer be capable of doing so if the Application proceeds to registration.

- f. Finally, given that the Opponent has no control over the quality of the goods of the Applicant, there is a risk of tarnishment of the Earlier Mark resulting from the aforementioned association, if the Applicant's goods should be of inferior quality.

21. The Opponent requests that the Application be rejected for the Contested Goods, that is to say in its entirety, and that an award of costs is made in the Opponent's favour.

**Dated 19 May 2020**

**D YOUNG & CO LLP  
LEGAL REPRESENTATIVES  
FOR THE OPPONENT  
120 HOLBORN  
LONDON, EC1N 2DY  
UNITED KINGDOM**

**TEL: 0207 269 8550**

**FAX: 0207 269 8555**

**REF: TPH/AZR/O052606**

## **ANNEX 1**

	Madrid Monitor	International Trademark
593351- LE PALAIS DES THÉS		Printed: 2020-05-19 08:53

## 593351- LE PALAIS DES THÉS

Full details / English

### Current Status

- 180** Expected expiration date of the registration/renewal  
13.11.2022
- 151** Date of the registration  
13.11.1992
- 270** Language of the application  
French
- 732** Name and address of the holder of the registration  
LE PALAIS DES THÉS, Société anonyme  
64, rue Vieille du Temple  
F-75003 PARIS (FR)
- 811** Contracting State of which the holder is a national  
FR
- 740** Name and address of the representative  
De Gaulle Fleurance & Associés  
9 rue Boissy d'Anglas  
F-75008 PARIS (FR)
- 540** Mark

LE PALAIS DES THÉS



- 531** International Classification of the Figurative Elements of Marks (Vienna Classification)  
05.03.20 ; 05.05.19 ; 05.05.20 ; 26.01.01 ; 26.01.03 ; 26.01.15
- 511** International Classification of Goods and Services for the Purposes of the Registration of Marks (Nice Classification) - NCL(6)
- 21** Household or kitchen utensils and containers (not of precious metal or coated therewith); combs and sponges; brushes (except paintbrushes); material for brush-making; articles for cleaning purposes; steel wool; unworked or semi-worked glass (except glass used in building); glassware, porcelain and earthenware not included in other classes, namely table plates (not of precious metal), butter dishes, tea caddies (not of precious metal), tea-filters (not of precious metal), teapots (not of precious metal), tea services (not of precious metal), tea-strainers (not of precious metal), tea infusers (not of precious metal), glass boxes, bowls, demijohns, sweet boxes (not of precious metal), bottles, decanters, crystal (glassware), jugs.
- 29** Meat, fish, poultry and game; meat extracts; preserved, dried and cooked fruits and vegetables; jellies, crystallized fruits, marmalades, jams, compotes, eggs, milk and milk products; edible oils and fats; all these goods containing tea or flavoured with tea.
- 30** Coffee, tea, cocoa, sugar, rice, tapioca, sago, artificial coffee; flours and cereal preparations, bread, pastries, cookies and biscuits, gingerbread, sugar confectionery, sweets, caramel, marzipan, fruit jellies, edible ices, ice-creams; honey, treacle syrup; yeast, baking-powder; salt, mustard; vinegar, sauces (condiments), aromatic preparations for food, flavouring extracts; spices; ices for refreshment; all these goods containing tea wholly or

	Madrid Monitor	International Trademark
593351 - LE PALAIS DES THÉS		Printed: 2020-05-19 08:53

in part or flavoured with tea.

- 822 Basic registration  
FR, 05.06.1992, 92 421 705
- 300 Data relating to priority under the Paris Convention and other data relating to registration of the mark in the country of origin  
FR, 05.06.1992, 92 421 705
- 832 Designation(s) under the Madrid Protocol  
DK - EE - FI - GB - GR - IE - LT - NO - SE - SG
- 834 Designation(s) under the Madrid Protocol by virtue of Article 9sexies  
AT - BX - CH - CN - CY - CZ - DE - ES - HR - HU - IT - LV - MA - MC - ME - PL - PT - RS - RU - SI - SK
- 527 Indications regarding use requirements  
GB - IE - SG

## Transaction History

expand none

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**O/Ref:** M593351/Trade Marks IU  
**Your Ref:**  
**Date:** 7 November 2007

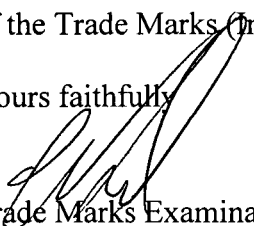
Dear Sir

**GRANT OF PROTECTION - RULE 17(6)(a)(i)**

<b>International Registration Number</b>	:593351
<b>For the Mark</b>	: LE PALAIS DES THÉS
<b>Holder of International Registration</b>	: LE PALAIS DES THÉS, Société anonyme

I have completed all actions on this case. The international registration is protected in the United Kingdom and has rights equivalent to those of a registered trade mark under Article 17 of the Trade Marks (International Registration) Order 1996.

Yours faithfully



Trade Marks Examination (International)

[Skip to main content](#)

# **Intellectual Property Office**

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**Trade mark number**

WO0000000593351

**Status**

Protected

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## **Overview**

**Trade mark**

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LE PALAIS DES THÉS



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## **Dates**

**Date of protection of the international registration in UK**

21 October 2007

**Renewal date**

13 November 2022

**International registration date**

13 November 1992

**Designation date**

17 October 2006

**Office of origin**

France

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## **Goods and services**

## Classes and terms

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### Class 21

Household or kitchen utensils and containers (not of precious metal or coated therewith); combs and sponges; brushes (except paintbrushes); material for brush-making; articles for cleaning purposes; steel wool; unworked or semi-worked glass (except glass used in building); glassware, porcelain and earthenware not included in other classes, namely table plates (not of precious metal), butter dishes, tea caddies (not of precious metal), tea-filters (not of precious metal), teapots (not of precious metal), tea services (not of precious metal), tea-strainers (not of precious metal), tea infusers (not of precious metal), glass boxes, bowls, demijohns, sweet boxes (not of precious metal), bottles, decanters, crystal (glassware), jugs.

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### Class 29

Meat, fish, poultry and game; meat extracts; preserved, dried and cooked fruits and vegetables; jellies, crystallized fruits, marmalades, jams, compotes, eggs, milk and milk products; edible oils and fats; all these goods containing tea or flavoured with tea.

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### Class 30

Coffee, tea, cocoa, sugar, rice, tapioca, sago, artificial coffee; flours and cereal preparations, bread, pastries, cookies and biscuits, gingerbread, sugar confectionery, sweets, caramel, marzipan, fruit jellies, edible ices, ice-creams; honey, treacle syrup; yeast, baking-powder; salt, mustard; vinegar, sauces (condiments), aromatic preparations for food, flavouring extracts; spices; ices for refreshment; all these goods containing tea wholly or in part or flavoured with tea.

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## Names and addresses

### Holder's name

**LE PALAIS DES THÉS, Société anonyme**  
64, rue Vieille du Temple F-75003 PARIS, France

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### WIPO representative name

**De Gaulle Fleurance & Associés**  
9 rue Boissy d'Anglas F-75008 PARIS, France

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## Publications

### First advert

**Journal**  
6693

**Date of publication**  
20 July 2007

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The information displayed is our version of the details supplied by WIPO. For the official register of the case please refer to the [WIPO website](#).

Intellectual Property Office is an operating name of the Patent Office