

O-024-08

TRADE MARKS ACT 1994

**IN THE MATTER OF APPLICATION NO 2402450
BY PUCCI PETWEAR LTD
TO REGISTER THE TRADE MARK:**



IN CLASSES 6, 20 AND 21

AND

**THE OPPOSITION THERETO
UNDER NO 94664
BY
EMILIO PUCCI SRL**

Trade Marks Act 1994

**In the matter of application no 2402450
by Pucci Petwear Ltd
to register the trade mark:**



**in classes 6, 20 and 21
and the opposition thereto
under no 94664
by Emilio Pucci SRL**

1) On 26 September 2005 Pucci Petwear Ltd, which I will refer to as PPL, applied to register the above trade mark for feeding bowls for dogs and cats, pet carriers, beds for dogs and cats and identification tags (of metal) for animals. The application was published for opposition purposes on 23 June 2006. On 25 September 2006 Emilio Pucci SRL, which I will refer to as EPS, filed a notice of opposition. EPS's opposition is based on sections 5(3) and 5(4)(a) of the Trade Marks Act 1994 (the Act). The objection under section 5(3) of the Act is based upon the trade mark registration of EMILIO PUCCI, no 898920. This trade mark is registered in the name of Emilio Pucci International BV. The trade mark is registered for articles of outerclothing for women, being for sale in England and Scotland. EPS states that the trade mark has a reputation for clothing and fashion items. EPS claims that owing to the reputation of EMILIO PUCCI as a fashion brand and taking into account that United Kingdom customers recognise that fashion houses produce a wide range of related accessories, including items for pets, use of the trade mark the subject of the application would take unfair advantage of and/or be detrimental to the distinctive character/repute of the EMILIO PUCCI brand. Under section 5(4)(a) of the Act, EPS claims that it has a reputation in relation to the sign PUCCI for clothing and fashion items. EPS also claims that PUCCI is a well-known trade mark as per section 56 of the Act in relation to clothing and fashion items.

2) PPL accepts that EPS has used the trade mark EMILIO PUCCI on articles of outerclothing for women. In relation to section 5(3) of the Act PPL denies that its trade mark and EMILIO PUCCI are similar and that use of the trade mark would take unfair advantage of, or be detrimental to, any distinctive character or repute that might be associated with registration no 898920. PPL claims that the goods of the application are completely different to those of the earlier registration and are sold through different outlets. Where PPL sells goods through department stores these are in different areas to those where clothing for women is sold. PPL states that it is not aware of a single incident of confusion between its products and those sold under the trade mark EMILIO PUCCI. PPL notes that EPS claims it has a reputation in the United Kingdom as an

Italian fashion house. PPL draws attention to its trade mark including a Union Jack device, thereby further removing any reason for supposing that its trade mark would be associated with an Italian fashion house. PPL comments upon on its own reputation and the sales that it has made. However, it has furnished no evidence in these proceedings to substantiate these claims. PPL states that EPS has claimed that the presence of the word designer in the former's trade mark reinforces the link with designer fashion houses. PPL denies this and states that the word designer is used in all areas of industry and commerce and is not the sole preserve of one area of commerce.

3) In relation to section 5(4)(a) of the Act PPL denies that use of its trade mark would lead to misrepresentation and would damage EPS. PPL denies that the trade mark PUCCI is, and was at the date of application, well known in the United Kingdom as being the trade mark of an Italian fashion house. PPL notes that despite the exposure that its goods have enjoyed EPS has never instituted proceedings for passing-off. It states that it has never been contacted by EPS and it has never been suggested that there has been any misrepresentation.

4) PPL denies that PUCCI is a well-known trade mark in the United Kingdom and claims that it does not enjoy sufficient reputation to be considered a famous trade mark. PPL states that although people interested in high fashion may be aware of EMILIO PUCCI products, it is by no means a household name and, indeed, PPL's trade mark representative was entirely unaware of EMILIO PUCCI before the commencement of the present proceedings. PPL notes that in an opposition brought by EPS against trade mark application no 2372279 the applicant, Caroline Kavanagh, also stated that she was unaware of the existence of the fashion house of EMILIO PUCCI prior to filing the application.

5) Only EPS filed evidence in this case.

6) The sides were advised that they had a right to a hearing and that if neither side requested a hearing a decision would be made from the papers and any written submissions that were received. Neither side requested a hearing; EPS filed written submissions.

7) EPS has given evidence by way of three witness statements; from Sabine Frey, Angela Thornton-Jackson and Wendy Waller. Ms Frey is the head of the trade marks and designs department of LVMH Fashion Group SA, which I will refer to as LVMH. Ms Thornton-Jackson and Ms Waller both work for EPS's trade mark attorneys in the United Kingdom.

8) LVMH is part of the LVMH Moët Hennessy – Louis Vuitton group of companies, in 2000 this group of companies acquired a controlling interest in Emilio Pucci Srl. The EMILIO PUCCI fashion brand was founded by the eponymous Italian in the late 1940s. Clothes designed by Mr Pucci and bearing the trade marks EMILIO PUCCI or PUCCI have been worn by the likes of Jacqueline Kennedy Onassis, Gina Lollobrigida and Marilyn Monroe. A copy of a book entitled *PUCCIA Renaissance in Fashion* by Shirley

Kennedy is exhibited. The book shows that Emilio Pucci designed clothes included underwear for women and men's wear as well as outer clothing for women. The brand was also used, inter alia, in relation to perfume, headgear and jewellery. There is little in the book that indicates a presence in the United Kingdom, a good deal of the book deals with the EMILIO PUCCI presence in the United States of America. The customers of EMILIO PUCCI and PUCCI goods appear from the book to be the very well heeled. The book was published in 1991 and so has the disadvantage of being distanced in time as well as not, not unsurprisingly, dealing with the position in the United Kingdom.

9) Figures are given for wholesale sales of goods sold under the names PUCCI/EMILIO PUCCI. These figures are input after buyers place orders and therefore differ slightly from actual sales as they do not reflect cancellations of orders. The last two collections listed span, or possibly fall, outside of the date of application.

Collection	Euros	Approx sterling value*
Pre Spring/Summer 2002	195,603	131,054.
Spring/Summer 2002	107,863	72,268
Fall/Winter 2002 – 2003	68,569	45,941
Pre Spring/Summer 2003	169,135	113,320
Spring/Summer 2003	155,353	104,086
Fall/Winter 2003 – 2004	284,524	190,631
Pre Spring/Summer 2004	517,061	346,430
Spring/Summer 2004	353,072	236,558
Fall/Winter 2004 – 2005	636,042	426,148
Pre Spring/Summer 2005	661,922	443,487
Spring/Summer 2005	438,712	293,937
Pre- Fall/Winter 2005 – 2006	424,426	284,365
Fall/Winter 2005 - 2006	275,942	184,881

*The interbank rate for 30 June of the years 2002, 2003, 2004 and 2005 for the euro against the pound was 0.64730, 0.69329, 0.66890 and 0.66890 respectively (as per Oanda.com's FX converter.) This gives an average exchange rate of 0.67.

10) In addition to the above, there have been sales in the United Kingdom through the EMILIO PUCCI store in London, which opened in September 2003. In 2003 and 2004 the value of sales were £489,000 and £1,419,000 respectively. EMILIO PUCCI/PUCCI products have been available in the United Kingdom since the late 1970s/early 1980s. Products are available through department stores such as Harvey Nichols, Selfridges, fashion retailers such as Browns as well as through independent boutiques. In recent years the products have been available through Internet sources such as net-a-porter.com. A copy of an article of 7 January 2005 from fashioncapital.co.uk states PUCCI products can be purchased in: PUCCI's shop in London, Selfridges in London, Harvey Nichols in London, Manchester, Leeds, Birmingham and Edinburgh.

11) Copies of pages from various publications are exhibited showing use of EMILIO PUCCI/PUCCI:

I-D UK 1 February 2004 circulation 66,500 – shoes, skirt, top.
Marie Claire 1 February 2004 circulation 138,563 – bag.
In Style 1 February 2004 circulation 179,174 –coats, beachwear, skirts.
New Woman 1 February 2004 circulation 275,648 – shoes.
Harpers & Queen 1 February 2004 circulation 88,623 – dress.
The Face 1 March 2004 circulation 44,000 – skirts.
Financial Times – How to spend it Fashion Edition 1 March 2004 no circulation figure – skirt.
Tatler 1 March 2004 circulation 84,280 – raincoat, swimsuit.
Vogue 1 March 2004 circulation 202,259 – reference to Emilio Pucci shoes.
Glamour 1 March 2004 circulation 576,832 – dress.
Harpers & Queen 1 April 2004 circulation 88,623 – reference to vintage Pucci clothes.
In Style 1 April 2004 circulation 179,174 – purse.
Elle 1 June 2004 no circulation figure – bag.
Wallpaper 1 July 2004 circulation 110,920 – cosmetic bags.
Vanity Fair 1 June 2004 no circulation figure – bikini
Glamour 1 July 2004 circulation 576,832 – headscarf.
Vogue and *Harpers & Queen* for 1 July 2004 show a bag and a foulard which are the products of EMILIO PUCCI but there is no reference to EMILIO PUCCI or PUCCI in the extracts.
Tatler 1 July 2004 circulation 84,280 – dress.
Vogue 1 August 2004 circulation 202,259 – dress/suit.
Elle Decoration 1 August 2004 no circulation figure – reference to Laudomia Pucci’s palace rather than actual goods.
In Style 1 August 2004 circulation 179,174 – Pucci prints. Shows an actress wearing a PUCCI dress but no reference to PUCCI.
Red 1 August 2004 circulation 1 August 2004 – cosmetic bags.
In Style 1 September 2004 circulation 179,174 – article on Pucci showing Nicole Kidman wearing a PUCCI dress.
ES Fashion 1 September 2004 no circulation figure – reference to Pucci hiring Jonathan Saunders as a consultant.

12) Copies of pages from the website vogue.co.uk from 11 April 2002, 20 May 2002, 31 March 2004, 6 May 2004 have references to PUCCI. References also appear in *The Observer* of 27 January 2002, lifestyle.scotsman.com of 7 January 2005, fashioncapital.co.uk of 7 January 2005, timesonline.co.uk of 27 December 2003, telegraph.co.uk of 17 May 2005, *Now* of 18 May 2005, *Woman’s Hour* on Radio 4 on 11 October 2002.

13) Material downloaded from the website of Cricket, a clothes retailer in Liverpool, on 1 July 2005 shows the availability of EMILIO PUCCI/PUCCI shoes, skirts, dresses, tunics, handbags, blazers. Material downloaded from net-a-porter.com on 1 July 2005 shows the availability of EMILIO PUCCI dresses, kurtas, kaftans, tops, skirts, shorts, swimwear, bags, shoes, hats and scarves. Material downloaded from the website of Browns, a fashion retailer in London, on 30 June 2005 shows the availability of PUCCI pareos, swimwear, dresses, pants (trousers), tops, bags, hats, jackets and shorts. Material

downloaded from the website of Harvey Nichols on 30 June 2005 shows the availability of EMILIO PUCCI jewellery, swimwear, women's accessories, shoes and women's wear.

14) The EMILIO PUCCI/PUCCI range of goods includes women's clothing, swimwear, accessories, footwear, bags, purses, wash bags, make-up bags, scarves, sunglasses, ties and shirts for men and home furnishings. At the date of the filing of the application the following goods were available in the United Kingdom: women's ready to wear clothing and accessories, sunglasses, ties, men's shirts, swimwear, home furnishings such as pillows, blankets and chairs.

15) An EMILIO PUCCI dress and a tie are exhibited in the Victoria & Albert Museum and a cocktail dress in the Manchester Gallery of Costume.

16) Evidence has been furnished to show that various fashion designers are referred to by just their surnames as well as their full names: Giorgio Armani, Gianni Versace, Christian Dior, Christian Lacroix (the current designer for EMILIO PUCCI) and Emilio Pucci.

17) Ms Waller states that from her previous experience she is aware of brand stretching. Exhibited at WLW3 is material relating to brand stretching. She gives examples of what she considers brand stretching in her evidence. In fact certain of the examples eg Bertolli and Fairy appear to represent brand extension rather than brand stretching; indeed her own evidence refers to Fairy being an example of brand extension rather than brand stretching. (Brand extension refers to a successful brand being extended into the same broad market whilst brand stretching relates to the brand being extended into an unrelated market eg Yamaha from motorbikes to pianos.)

18) Ms Waller states that there is evidence of fashion houses producing items for pets. Exhibited material refers to Ben De Lisi, Vivienne Westwood, Von Dutch, Louis Vuitton, Burberry, Aquascutum, Hunter and Fox and Hound, Swarovski, Gucci, Nigel Harris, Philip Treacy, Playboy and Givenchy. Ms Waller's use of the term fashion house seems quite broad in including Playboy and certain of the references are not explained in the articles. In her evidence, Ms Thornton-Jackson exhibits material on a similar theme. Pages from gucci.com/uk are exhibited showing Gucci producing a variety of items for pets. A page from a Burberry website is not necessarily instructive as it is designed for consumers in the United States of America. An article from telegraph.co.uk of 24 July 2001 includes the following:

“After work it's time to walk the dog, who's been playing with Gucci rubber bones all day in his furry Nigel Harris basket. Don't forget his Burberry coat or his Louis Vuitton collar and leash.”

An article from petplanet.co.uk deals with the availability of Burberry lines for dogs. Pages from parkvets.com show the availability of products for pets from Louis Vuitton, Gucci, Parda (sic) and Burberry. The article identifies the trend as being kicked off by Gucci in 1997.

19) Material is exhibited from millieandgeorge.net, this describes its products as pet couture and includes leads, collars, sweaters, dresses, hats, boots, coats, tanks and tees, ballet dresses, carrying bags, skin repair lotion for cats and sheabutter and aloe treatment balm.

20) Ms Waller conducted a review of PPL's website and states that in the disclaimer section the following appears "We are not anyway part of Emilio Pucci". Ms Waller considers that this indicates that PPL is "more than aware of the notoriety of the EMILIO PUCCI fashion house and brand". However, Ms Waller does not indicate that she used a search tool that goes back in time to show the website at the date of application or before. From the statement it would appear that she interrogated the website after proceedings had been launched. Consequently, the disclaimer could well represent an act of good faith to distinguish PPL from EPS. I do not consider that the presence of the disclaimer on the website tells me anything about either the state of knowledge of PPL at the date of application or about its intentions. Ms Waller also refers to conducting Internet searches for the terms: pucci, pucci fashion, pucci designer, pucci clothing and emilio pucci clothing, pucci women's clothing and emilio pucci petwear. She comments that the search terms gave rise to websites referring to both sides; taking into account how Boolean operators work and the search terms that she used the results were inevitable. Ms Waller also states that her search shows that PPL had paid for sponsored links for the limiting terms emilio pucci clothing, pucci women's clothing and emilio pucci petwear. She considers that this a calculated attempt to deceive the general consumer. All that Ms Waller's research shows is that the presence of the term pucci brings up a sponsored link. There is no evidence to suggest, or even hint at, that PPL has paid for sponsored links that are activated by the term emilio pucci or pucci women's clothing. This is a conclusion that Ms Waller draws without the evidence to support it. All that Ms Waller's research has shown is that PUCCI or terms including PUCCI will bring up references to both parties, as one would expect from the Boolean operators used and if PPL had paid for a sponsored link it might have been activated by the term pucci. I note that there is no indication that suspect metatags have been used by PPL. All in all, Ms Waller's research on the Internet re PPL tells me nothing to its detriment.

Sections 5(3) and 56 of the Act

21) In order for the ground under section 5(3) of the Act to be considered EPS must establish that the trade mark EMILIO PUCCI at the date of the application for registration was known by "a significant part of the public concerned by the products or services coveredⁱ" for articles of outerclothing for women. EPS might wish the public concerned to be restricted to those who are particularly au fait with the expensive end of women's fashion but I consider that this would represent an artificial and ill defined public; it is outerclothing for women that has to be considered, not some ill defined subset of these goods. To adopt another approach would also go against the purposes and effects of section 5(3) which caters for those trade marks which transcend the normal parameters of knowledge and effect of a trade mark. (Nothing turns upon this, but EPS's case is not helped by the use of PUCCI as well as EMILIO PUCCI, I have to consider the

use and knowledge of the trade mark as registered.) Outerclotting for women covers a very large swathe of the public. I have no doubt from the evidence that those with a good deal of knowledge of women's fashion will be aware of EMILIO PUCCI. However, from the nature and number of the references, the turnover figures and the distribution network I do not consider that EPS has established the requisite reputation to be able to succeed in a claim under section 5(3) of the Act. (I would note, in passing, that when the term pucci women's clothing was searched for on Google by Ms Waller she was asked if she meant gucci women's clothing.)

22) EPS also claims that PUCCI is a well-known trade mark. In order to be judged to be a well-known trade mark EPS has to establish that PUCCI is well-known throughout the United Kingdom or in a substantial part of itⁱⁱ. EPS has signally failed to establish that.

23) The claims under sections 5(3) and 56 of the Act are dismissed.

Section 5(4)(a) of the Act

24) Section 5(4)(a) of the Act states:

“4) A trade mark shall not be registered if, or to the extent that, its use in the United Kingdom 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,”

25) The principles of the law of passing-off were summarised by Lord Oliver in *Reckitt & Colman Products Ltd v. Borden Inc* [1990] RPC 341 at page 406:

“The law of passing off can be summarised in one short general proposition--no man may pass off his goods as those of another. More specifically, it may be expressed in terms of the elements which the plaintiff in such an action has to prove in order to succeed. These are three in number. First he must establish a goodwill or reputation attached to the goods or services which he supplies in the mind of the purchasing public by association with the identifying 'get-up' (whether it consists simply of a brand name or trade description, or the individual features of labelling or packaging) under which his particular goods or services are offered to the public, such that the get-up is recognised by the public as distinctive specifically of the plaintiff's goods or services. Secondly, he must demonstrate a misrepresentation by the defendant to the public (whether or not intentional) leading or likely to lead the public to believe that goods or services offered by him are the goods or services of the plaintiff. ... Thirdly he must demonstrate that he suffers, or in a *quia timet* action that he is likely to suffer, damage by reason of the erroneous belief engendered by the defendant's misrepresentation that the source of the defendant's goods or services is the same as the source of those offered by the plaintiff.”

26) It is necessary to decide what the material date in relation to the claim of passing-off is. It is well established that this date is the date of the behaviour complained of^{fiii}. Section 5(4)(a) is derived from article 4(4)(b) of First Council Directive 89/104 of December 21, 1998 which states:

“rights to a non-registered trade mark or to another sign used in the course of trade were acquired prior to the date of application for registration of the subsequent trade mark.”

Consequently, the material date cannot be after the date of application. In its counterstatement PPL claims that its products have been appearing on television since 2003. The Google searches of Ms Waller, conducted on 16 January 2007 show that PPL has been trading by reference to PUCCI. Included in the evidence of Ms Waller, from femalefirst.co.uk, is an article that appears to emanate from 28 October 2004 which states, *inter alia*:

“The UK website, Pucci Petwear (no relation to the Italian brand) is providing pet lovers with a wide range of diamante dog collars, hair clips and backpacks.”

In the absence of evidence from PPL, I do not consider on the basis of the above reference, which is from a third party, that I can decide that the behaviour complained of commenced earlier than the date of application. The behaviour complained of must be treated as being the application and so the material date is the date of application, 26 September 2005. (In the absence of evidence from PPL, even if I had decided that the material date could be the date of the above article, nothing would have turned upon the matter; if PPL had furnished evidence to support its claim this might have established a concurrent goodwill from which it might have benefited.)

27) EPS has to establish a goodwill in a business which is associated with the sign PUCCI. How goodwill is to be established has been dealt with in several judgments^{iv}. *Phones 4u Ltd v Phone4u.co.uk. Internet Ltd* establishes that one cannot just follow a formula or demand certain predetermined requirements to be met. It is a matter of what the evidence establishes or fails to establish. PUCCI and EMILIO PUCCI are used in various articles almost interchangeably. I consider that the evidence establishes that at the material date there was a goodwill associated with the sign PUCCI in relation to clothing, swimwear, footwear and bags, all for women. It is a goodwill which is very much associated with the high priced end of the market for such products, the Gucci, Louis Vuitton end of the market.

28) The PUCCI element of PPL’s trade mark is prominent and, obviously, identical to the sign upon which EPS relies. In its counterstatement PPL refers to the presence of the Union Jack device as a feature that distinguishes the trade mark from the business of EPS; that business being firmly associated with Italy. I do not consider that the device has such a significant effect, especially as in my experience the Union Jack is commonly used as decoration on various items of clothing. I consider that the sign and the trade

mark are very similar. However, this similarity does not necessarily give rise to a misrepresentation; the nature of the respective goods has to be considered.

29) At first blush there appears to be an enormous gulf between the respective goods. In *Harrods v Harrodian School* [1996] RPC 697 Millett LJ stated:

“The absence of a common field of activity, therefore, is not fatal; but it is not irrelevant either. In deciding whether there is a likelihood of confusion, it is an important and highly relevant consideration.”

My first reaction in looking at the basis of the opposition was to consider that its basis was at the best very optimistic; I could see no link between haute couture and products for pets. However, the evidence has shown that there is a definite and clear trend of haute couture or designer clothing brands to brand stretch into products for pets. PUCCI, in my view, is very much part of la plus haute couture. Taking into account the existence of this brand stretching I consider that the apparent distance between the fields of activity is bridged; even if PUCCI has not been brand stretched to include goods for pets.

30) It is certainly not decisive in reaching my conclusion but I consider that it is of note that the article from femalefirst.co.uk, referred to above, considers it necessary to distinguish the goods of PPL from those of “the Italian brand”. From the evidence before me I doubt that the vast majority of the population will know of the PUCCI brand. A good part of the population will have been educated by the fame of GUCCI to pronounce the double c as a ch and so will probably see the trade mark as trying to combine the ideas of a pet (a pooch) with Italian design. However, this still leaves those who do know of the PUCCI brand; there is a goodwill that is certainly far more than trivial and so under the law of passing-off can be protected. In my view, the person who knows of PUCCI as haute couture will consider that goods for pets sold under the trade mark the subject of the application emanate from the provider of the haute couture or are made under licence from the provider.

31) Misrepresentation does not have to be intentional, the fact of misrepresentation is what counts. For those who do know the PUCCI brand I consider that there will be a misrepresentation in relation to the use of the trade mark of the application.

32) In *Stringfellow v McCain Foods (GB) Ltd* [1984] RPC 501 Slade LJ considered the difficulty of establishing damage where the parties are in different lines of business:

“even if it considers that there is a limited risk of confusion of this nature, the court should not, in my opinion, readily infer the likelihood of resulting damage to the plaintiffs as against an innocent defendant in a completely different line of business. In such a case the onus falling on plaintiffs to show that damage to their business reputation is in truth likely to ensue and to cause them more than a minimal loss is in my opinion a heavy one.”

In *Erven Warnink BV v J Townend & Sons (Hull) Ltd* [1980] RPC 31 Lord Fraser commented upon what the plaintiff must establish:

“That he has suffered, or is really likely to suffer, substantial damage to his property in the goodwill by reason of the defendants selling goods which are falsely described by the trade name to which the goodwill is attached.”

Taking into account the trend for brand stretching in relation to the goods in question, taking into account that the specification will include “designer” goods for pets (this also appears to be the intended nature of use), I am of the view that the LMVH Moet Hennessy – Louis Vuitton group of companies, the ultimate owner of the goodwill, is likely to really suffer substantial damage to the property in its goodwill. The damage will arise in the following ways:

- Potentially injuring the trade reputation of the LMVH Moet Hennessy – Louis Vuitton group of companies if there are any failings in the goods of PPL.
- By the injury which is inherently likely to be suffered by any business when on frequent occasions it is confused by customers or potential customers with a business owned by another proprietor or is wrongly regarded as being connected with that business^v.

33) In its counterstatement PPL states that EPS has not taken action against it. Undertakings choose the battles which they wish to fight and choose when they want to fight them. It is not for me to second guess the strategies or intentions of EPS. EPS has chosen to bring this action and I must make my decision upon the basis of the evidence before me, not on the basis of an absence of other proceedings.

34) Part of Ms Wallace’s evidence attempts to show that there was an intention to trade off the reputation in relation to PUCCI. As I have indicated above I do not consider that this is established. If it had been established I would have taken into account the words of Lindley LJ in *Slazenger & Sons v Feltham & Co* [1889] 6 RPC 531:

“Why should we be so astute to say that he cannot succeed in doing that which he is straining every nerve to do?”

COSTS

35) EPS has been successful and is entitled to a contribution towards its costs. I award EPS costs on the following basis:

Opposition fee	£200
Notice of opposition	£300
Considering the counterstatement	£200
Evidence	£1,000
Written submissions	£100
TOTAL	£1,800

36) I order Pucci Petwear Ltd to pay Emilio Pucci SRL the sum of £1,800. This sum is to be paid within seven days of the expiry of the appeal period or within seven days of the final determination of this case if any appeal against this decision is unsuccessful.

Dated this 30th day of January 2008

David Landau
For the Registrar
the Comptroller-General

ⁱ *General Motors Corporation v Yplon SA* Case C-375/97 [2000] RPC 572.

ⁱⁱ *Alfredo Nieto Nuño c Leonci Monlleó Franquet* C-328/06.

ⁱⁱⁱ *Cadbury Schweppes Pty Ltd v Pub Squash Co Pty Ltd* [1981] RPC 429 and *Inter Lotto (UK) Ltd v Camelot Group PLC* [2004] RPC 8 and 9.

^{iv} *South Cone Inc v Jack Bessant, Dominic Greensmith, Kenwyn House and Gary Stringer (a partnership)* [2002] RPC 19, *Loaded* BL O/191/02 and *Phones 4u Ltd v Phone4u.co.uk. Internet Ltd* [2007] RPC 5.

^v see *Habib Bank Limited v Habib Bank AG Zurich* [1982] RPC 1.