

O-202-09

TRADE MARKS ACT 1994

**IN THE MATTER OF APPLICATION NO 2447966
BY SUTTON VENTURE GROUP LIMITED TO REGISTER
A TRADE MARK IN CLASSES 7, 8, 9 AND 11**

AND

**IN THE MATTER OF OPPOSITION NO 96694 BY
LE CORDON BLEU INTERNATIONAL B.V.**

TRADE MARKS ACT 1994

**IN THE MATTER OF Application No 2447966
By Sutton Venture Group Limited to register
a trade mark in Classes 7, 8, 9 and 11**

and

**IN THE MATTER OF Opposition No 96694
By Le Cordon Bleu International B.V**

BACKGROUND

1. On 22 February 2007, Sutton Venture Group Limited ("SVG") applied to register the following trade mark:



SIGNATURE

for the following goods and services¹:

Class 07:

Electric blenders for household use; electric can openers; electric tin openers; dishwashers; electric food processors; electric fruit presses for household purposes; electric grinders/crushers for household purposes; ironing machines; kitchen machines; knitting machines; electric knives; electric knife blades; meat choppers (machines); meat mincers (machines); mixing machines; pepper mills (other than hand operated); electric scissors; sewing machines; electric shears; spin driers; washing machines; waste disposals; electric whisks for household purposes; blending machines; steam presses; electric food processors.

Class 08:

Beard clippers; non-electric cheese slicers; choppers (knives); crimping irons; eyelash curlers; curling tongs; cuticle nippers; cuticle tweezers; cutters; non-electric pizza cutters; razors and depilation appliances; razor cases and razor blades; shaving cases; pen knives, scissors, screwdrivers and scrapers; nail files, nail clippers and fingernail

¹ Class 21 was originally applied for but was removed on 8 April 2008.

polishers; manicure sets; non-electric can openers; nut crackers; pedicure sets; non-electric eggs slicers; fireplace bellows; non-electric flat irons; hand-operated garden tools; hand implements for hair curling (non-electric); hair-removing tweezers; electric nail files; pliers; pruning scissors and shears; razor cases.

Class 11:

Apparatus for heating, steam generating, cooking, refrigerating, drying, ventilating and water supply; air conditioning apparatus; air cooling apparatus; air purifying apparatus and machines; bath fittings and installations; beverage cooling apparatus; toasters; central heating radiators; electric coffee filters; electric coffee machines; electric coffee percolators; coffee roasters; cookers; cooking apparatus and installations; electric cooking utensils; electric deep fryers; electric coffee filters; griddles; grills; hair driers; electric heaters for feeding bottles; electric kettles; electric laundry driers; microwave ovens; plate warmers; refrigerators; rotisseries; toilet seats; steam facial apparatus; sterilisers; taps; torches; electric waffle irons; water sterilisers; sandwich makers; electric fans; ovens; hand mixers; smoothie makers; hot plates; deep fryers.

2. On 25 March 2008, Le Cordon Bleu International B.V. (“LCB”) filed a notice of opposition to certain goods within SVG’s application (I will detail this later). Its opposition is based on a single ground under Section 5(2)(b) of the Trade Marks Act 1994 (“The Act”). In relation to this ground, LCB relies upon its earlier CTM² (No 2973311). The details of this mark and the goods class relied upon for the basis of this opposition are as follows:

The image shows a stylized, cursive logo for the word "Signatures". The letters are written in a fluid, handwritten style with varying line thicknesses and elegant flourishes, particularly on the 'S' and 'f'.

Class 21:

Household or kitchen utensils, instruments and appliances; non-electric cooking utensils; pans, frying pans, saucepans, pots; containers (not of precious metal or coated therewith); glasses, glassware; porcelain and earthenware, crockery; dishes; coasters; dinner services; tableware; bowls, basins, jugs; bread baskets and bins; bread boards; butter dishes; cake moulds; candelabra; candle sticks, candle rings, candles extinguishers; hand operated cleaning instruments; pastry bags; cooking pots, cooking pot sets; corkscrews; cloths for cleaning; ice buckets; ice cube moulds; mops; napkin rings and holders; fitted picnic baskets; powder compacts; spice sets; tankards; toilet cases; toothbrushes; non-electric beaters; non-electric blenders; non-electric coffee percolators; non-electric kitchen mixers; non-electric mixing machines; non-electric

² Community Trade Mark

pressure cookers; non-electric waffle irons; non-electric whisks; spatulas; sieves; trays; pot lids; porcelain ware; trivets; coffee services, menu card holders; soap dispensers.

3. SVG filed a counterstatement denying the ground of opposition.

4. Only LCB filed evidence in these proceedings. Neither side requested a hearing, nor filed written submissions in lieu of a hearing. However, SVG wrote to the Registrar on 24 February and 27 April 2009, indicating that it “consented” to the opposition from LCB in relation to the goods being opposed. On 30 June 2009, the Registrar wrote to SVG, inviting it to file a Form TM21 in relation to these goods. SVG did not file a Form TM21. Rather, in a letter dated 1 July 2009, it stated which goods should be removed/retained as the outcome of the opposition. These correspond with those being opposed by LCB.

5. In the circumstances, I do not intend to summarise the evidence filed by LCB, nor the applicable case law. It is, therefore, sufficient to state that the opposition succeeds in relation to the following goods³:

Class 07:

Electric blenders for household use; electric can openers; electric tin openers; electric food processors; electric fruit presses for household purposes; electric grinders/crushers for household purposes; kitchen machines; electric knives; electric knife blades; meat choppers (machines); meat mincers (machines); mixing machines; pepper mills (other than hand operated); electric scissors; electric whisks for household purposes; blending machines; electric food processors.

Class 08:

non-electric cheese slicers; choppers (knives); cutters; non-electric pizza cutters; pen knives, scissors, non-electric can openers; nut crackers; non-electric eggs slicers;

Class 11:

Apparatus for steam generating, cooking and refrigerating; beverage cooling apparatus; toasters; electric coffee filters; electric coffee machines; electric coffee percolators; coffee roasters; cookers; cooking apparatus and installations; electric cooking utensils; electric deep fryers; electric coffee filters; griddles; grills; electric heaters for feeding bottles; electric kettles; microwave ovens; plate warmers; refrigerators; rotisseries; sterilisers; electric waffle irons; water sterilisers; sandwich makers; ovens; hand mixers; smoothie makers; hot plates; deep fryers.

³ The opposition was initially directed at further goods, but these were removed on 8 April 2008.

6. For the avoidance of any doubt, the application will proceed (subject to any other opposition) in respect of:

Class 07:

Dishwashers; ironing machines; knitting machines; sewing machines; electric shears; spin driers; washing machines; waste disposals; steam presses.

Class 08:

Beard clippers; crimping irons; eyelash curlers; curling tongs; cuticle nippers; cuticle tweezers; razors and depilation appliances; razor cases and razor blades; shaving cases; screwdrivers and scrapers; nail files, nail clippers and fingernail polishes; manicure sets; pedicure sets; fireplace bellows; non-electric flat irons; hand-operated garden tools; hand implements for hair curling (non-electric); hair removing tweezers; electric nail files; pliers; pruning scissors and shears; razor cases.

Class 11:

Apparatus for heating, drying, ventilating and water supply; air conditioning apparatus; air cooling apparatus; air purifying apparatus and machines; bath fittings and installations; central heating radiators; hair driers; electric laundry driers; toilet seats; steam facial apparatus; taps; torches; electric fans.

COSTS

7. As the opposition has been successful, LCB is entitled to a contribution towards its costs. Accordingly, I order Sutton Venture Group Limited to pay Le Cordon Bleu International B.V. the sum of £1,200. This amount is calculated as follows:

Filing notice of opposition - £200
Preparing statement of case - £300
Preparing and filing evidence - £700

TOTAL: £1,200

8. 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 15th day of July 2009

**L White
For the Registrar
The Comptroller-General**