

TRADE MARKS ACT 1994

IN THE MATTER OF TRADE MARK APPLICATION **m** 2042063  
BY HALEWOOD INTERNATIONAL LIMITED  
TO REGISTER THE TRADE MARKS

**PLAYERS**  
**PLAYER**

AND

IN THE MATTER OF OPPOSITION BY  
IMPERIAL TOBACCO LIMITED  
THERE TO UNDER OPPOSITION **m** 45386

## DECISION

Halewood International Limited, The Sovereign Winery, Roberttown Lane, Roberttown, Liversedge, West Yorkshire, WF15 7LL applied on 20 October 1995 to register the marks above for: 'Alcoholic beverages in Class 33'.

5 The application is opposed by Imperial Tobacco Limited, based on the following sections of the Trade Marks Act 1994:

! s 5(2)(b) in that the Applicants mark is similar to an earlier mark of the Opponents' (JPS No. 1165961A) and is to be registered for identical or similar goods;

10 ! s 5(3) because the mark applied for is identical or similar to marks belonging to the Opponents, the goods are not similar and the Opponents have a reputation in the UK for these marks;

! s 5(4)(a) because use of the Applicants' mark is liable to be prevented by virtue of any rule of law protecting an unregistered trade mark.

15 ! s 3(3) because of the Opponents' established reputation in the UK, the nature of the mark applied for would deceive the public.

The Opponents also ask for an exercise of the Registrar's discretion in refusal of the application. However, there is no such thing under the 1994 Act. They are the owners of a large number of registrations listed in Exhibit RCH1; the marks shown in the Annex they specifically highlight.

20 A counterstatement is provided by the Applicants denying the grounds of opposition. Both Opponents and Applicants ask for their costs. The matter was heard on 9 July 1999 with Mr Richard Hacon, instructed by Urquhart-Dykes and Lord, appearing for the Applicants and Ms Denise McFarland, instructed by Stevens, Hewlett and Perkins, for the Opponents.

### The Evidence

25 The first declaration comes from Richard Charles Hannaford for the Opponents. Mr Hannaford is the secretary of Imperial Tobacco Limited and states that his company and its predecessors have been engaged in the manufacturer of all types of tobacco products for over 100 years. He says that his company is proprietor of the UK Trade Mark Registration Mark PLAYER (No. 73771), first registered on 12 March 1888, and a large number of other trade  
30 mark registrations in the United Kingdom incorporating the word PLAYER or PLAYERS. Annexed to his declaration is Exhibit RCH1 which gives a complete schedule of these registrations, and in Exhibit RCH2 are printouts showing the marks and other details of the registrations.

He says that his company has used the marks on cigarettes since 1900 and also enclosed in evidence are sample packs of these products. Details of UK sales, since 1989, are provided:

(Cigarette Brands)

5	YEAR	CIGARETTES SOLD (millions)	TURNOVER (millions)
	1989	4,179	331
	1990	4,004	339
	1991	3,602	350
	1992	2,765	299
10	1993	2,272	268
	1994	1,846	232
	1995	1,580	203
	1996	1,530	209

(Tobacco Brands)

15	YEAR	VOLUME (Kgs)	TURNOVER (£)
	1989/90	21,056	944,142
	1990/91	18,614	891,114
	1991/92	15,742	829,693
20	1992/93	13,611	765,134
	1993/94	11,819	722,017
	1994/95	10,487	684,512
	1995/96	9,572	662,201

25 He says that his company spends substantial sums of money promoting their products through national and regional papers and magazines, advertising hoardings, on buses and trains, sponsored events and point of sale material. And adds that, despite being unable to advertise on television and radio, his company has spent the following sums on tobacco advertising since 1988.

30	FINANCIAL YEAR	ADVERTISING EXPENDITURE (£, 000's)
	1987/88	74,033
	1988/89	62,997
	1989/90	53,695
	1990/91	73,392
35	1991/92	80,369
	1992/93	80,528
	1993/94	85,439
	1994/95	94,000

Mr Hannaford also encloses in evidence a selection of promotional material relating to the Opponents' marks from the turn of the century to the present day. He also mentions that his company exports a substantial amount of goods bearing the marks and gives details on this (which I have not reproduced here).

5 He says that his company licenses a number of companies who market non-tobacco products under the PLAYER'S name and mentions particularly Straub for cosmetics, Langside Distillery for whisky and Chrono AG for watches. From Exhibit RCH5 this only appears to apply to the JPS mark, and the only evidence that shows sales in this country is for this mark for whisky (see Exhibit RCH6). The sales under the mark on Chrono products are described  
10 as 'substantial', but do not appear to apply to the UK.

Mr Hannaford says that his company's products are sold through various outlets in the United Kingdom including supermarkets, off licence, public houses, hotels and restaurants, and he says that in his opinion it is likely that they could be sold alongside the products specified in the application.

15 Finally, he says: 'by virtue of the nature and extent of the use of PLAYERS as a trade mark by my Company and my Company's licensees, I believe that it has become distinctive of them and that use by any other company would be likely to cause confusion'.

The Applicants enclosed one statutory declaration from Robert V Rishworth, who is the Director of Halewood International Limited. Mr Rishworth says that he commissioned a  
20 search for trade marks on the UK register which included the word PLAYER in Classes 3, 16, 25 and 28 to 34 (Exhibit RVR1). He says that this search does not reveal any registrations owned by the Opponents for goods in Class 33, other than registration No 1165961, which includes other words and device elements. He also notes that the right to the exclusive use of the words 'John Player Special' is disclaimed. He adds that the search also identifies  
25 registrations of marks which include the word PLAYER owned by parties unconnected with Opponents and apparently co-existing on the register with registrations owned by them for identical goods.

Mr Rishworth says he has been active in the beverage industry for 19 years and, in his view, it is clearly different from the tobacco industry; the products of the two are distinct in their  
30 nature, their purpose and the channels for which they pass in their respective trades. He says:

'I am supported in this view by what I understand of the practice of the Trade Marks Registry as set out in the Cross Searching Guide. A copy of an extract from that Guide is annexed to this declaration in exhibit RV3. The extract shows that in relation to tobacco products in class 34 the Registry practice involves searching in respect of lighters in class 9,  
35 and smokers articles of precious metal in class 14. The practice does not extend to beverage products in class 33. The extract also shows that the practice in relation to beverage products in class 33 does not involve any searching in relation to any tobacco related products'.

Finally, Mr Rishworth says that the word PLAYER also has a well established dictionary  
40 meaning and encloses a definition in exhibit RVR4 in evidence. He also says that he is aware

that the word PLAYER also has significance as a surname in the form used in the Opponents John Player Special mark, and adds that the marks identified in the search report include the word PLAYER in both the surnames sense, and consistent with one or more of the well established other meanings defined in Webster's Dictionary.

5 A further Statutory Declaration from the Opponents is included by Ian Robert Smith who is a member of the Institute of Trade Mark Agents and a partner in the firm of Stevens, Hewlett and Perkins who are acting on behalf of the Opponents. Mr Smith has a number of criticisms of Mr Rishworth's Declaration.

10 He refers to Mr Rishworth's comments about disclaiming the right to exclusive use of the words 'John Player Special' and says that the presence of this disclaimer is irrelevant to these proceedings since it is well established that disclaimers do not *per se* affect the question of whether or not confusion by the public is likely. Mr Smith then refers to two authorities. The first is from Lord Jacob J and comes from the Ford-Werke's Application<sup>1</sup> and states:

15 '...a disclaimer, while affecting the scope of a monopoly conferred by the registration, could not affect the significance which the mark conveyed to others when used in the course of trade'.

Next he refers to the GRANADA Trade Mark Application<sup>2</sup>:

20 'Disclaimers do not go into the marketplace and the public generally has no notice of them. In my opinion matter which is disclaimed is not necessarily disregarded when questions of possible confusion or deception of the public, as distinct from the extent of the proprietor's exclusive rights, are to be determined'.

Mr Smith also refers to the registrations referred to by Mr Rishworth and says that none of the goods in class 33 are for sale in the United Kingdom. He also says that none of the registrations referred to by Mr Rishworth consist of the words PLAYER or PLAYER'S alone.  
25 In all except three of these registrations the word PLAYER is used combined with another word to convey the meaning of 'person who plays' as in the registrations for STAR PLAYER, CITY PLAYER, PRO PLAYER and the COMEDY STORE PLAYERS. Mr Smith says the exceptions are three registrations for GARY PLAYER and the device in the name of the well-known golfer Gary Player. He adds that these registrations are registered in classes 3,  
30 16, 25 and 28 and says that the registrations co-exist with the Opponents' registrations because the mark is taken as a whole and not confusingly similar. In his view, because of the Opponents' reputation in the trade marks PLAYER and PLAYER'S, and the strong association with their JPS monogram with these trade marks, the goods of the application would be confused with the Opponent's registration No 1165961 as used in the marketplace.  
35 Finally he says, the similarity of the goods at issue is irrelevant to the opponents case under Section 5(3) of the Trade Marks Act.

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<sup>1</sup>FORD-WERKE'S APPLICATION [1955] 72 RPC 191, at 195 lines 31 to 33.

<sup>2</sup>GRANADA TRADE MARK APPLICATION [1979] RPC 303, at 308.

## The Decision

Turning to the first ground of opposition, section 5(2)(b) of the Act reads:

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

(a) .. ,

5 (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, which includes the likelihood of association with the earlier trade mark.’

The Opponents’ registrations include alcoholic beverages for the following mark (see Annex):



while the Applicants wish to register PLAYERS and PLAYER. The Opponents’ other registrations are for tobacco and smoking related products. The Opponents contended in evidence, and at the Hearing, that their products are the same or similar to those specified by the Applicants. Mr Hannaford for the Opponents states that his:

15 ‘..Company’s products are sold through various outlets in the United Kingdom, including supermarkets, off licences, public houses, hotels and restaurants and in my opinion it is likely that my Company’s products could be sold alongside the goods of the application..’

and, at the Hearing, Ms McFarland said there was an overlap of trading outlets for the products at issue and in:

20 ‘..pubs, off licences, supermarkets....one has the sale of cigarettes virtually along side whisky, beverages, alcohol...and also in terms of advertising focus and media: magazines, in-flight advertising, hoardings, the sort of places where you would expect to see cigarettes and allied products advertised - beer mats in pubs and hotels and so on - are the same places you would expect to see alcoholic and other beverages advertised..’

25 and said the products were in the same class in terms of usage. However, the above comments could equally apply to sweets, snacks and food, none of which are considered similar to alcoholic beverages. I do not regard cigarettes and tobacco products are similar to alcoholic beverages; in my view they are clearly distinct products, s 5(2)(b) does not apply, and my considerations under this ground are thus confined to the above ‘JPS’ mark, as  
30 registered in Class 33. I note that this was also the Opponents’ original position, based on their pleadings.

In the BALMORAL<sup>3</sup> Decision Mr Geoffrey Hobbs, acting as the Appointed Person, constructed the following query:

5           ‘..objection to registration under Section 5(2) of the Act should be taken to raise a single composite question: are there similarities (in terms of marks and goods or services) which would combine to create a likelihood of confusion if the ‘earlier trade mark’ and the sign subsequently presented for registration were used concurrently in relation to the goods or services for which they are respectively registered and proposed to be registered?’

In the current case this test can be recast as (ignoring the goods part of the query, as they are identical):

10           ‘Are there similarities between the JPS plus device mark and the PLAYER and PLAYERS marks which would combine to create a likelihood of confusion in the mind of the average consumer if they were used simultaneously on the market?’

15           I do not consider the marks to be sufficiently similar to give rise to a likelihood of confusion. Their only similarity is the word PLAYER and this is so subordinate to the other features of the mark - which is essentially a JPS mark - as to be insignificant. Applying the above test, I can come to no other conclusion that there is no likelihood of confusion and the of opposition under this ground therefore fails.

20           In reaching this decision I have not ignored the conclusions of recent case law - for example SABEL v PUMA<sup>4</sup> - where greater protection may be provided by s 5(2)(b) for marks which have a significant reputation. This is not the case here, as the Opponents have no such reputation for alcoholic beverages. The evidence of sales for such products is trivial.

The next ground the Opponents plead is under s 5(3). This states:

(3) A trade mark which -

(a) is identical or similar to an earlier trade mark, and

25           (b) is to be registered for goods or services which are not similar, to those for which the earlier trade mark is protected,

shall not be registered if, or to the extent that, the earlier trade mark has a reputation in the United Kingdom .. and the use of the later mark without due cause would take unfair advantage of, or be detrimental to, the distinctive character or the repute of the earlier trade mark.

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<sup>3</sup>Trade Marks Act 1994: In the matter of Application no. 2003949 to register a trade mark in class 33 in the name of *ROSEMOUNT ESTATES PTY LIMITED*; Decision of the Appointed Person, 18 August 1998 (unpublished).

<sup>4</sup>European Court of Justice in Case C-251/95 *SABEL BV v PUMA AG* [1998] RPC 199.

As similarity of goods is not a requirement under this section, I can consider the Opponents' other marks and the reputation they enjoy in these. Mr Hacon, for the Applicants, was happy to proceed on this basis. Here the marks at issue are identical, and I accept that the Opponents have very significant reputation in their marks for cigarettes - at the Hearing Ms  
5 McFarland said that their mark was ‘..in the league of a famous mark..’ and I have little doubt that this is the case, based on the evidence submitted. However, certain conditions must apply before s 5(3) would bar registration of the Applicants’ marks. In RBS Advanta<sup>5</sup> Laddie J. considered the meaning of the proviso to Section 10(6) of the Act, which deals with comparative advertising, but contains wording identical with the wording in Section 5(3) of  
10 the Act. Laddie J expressed the following view on the meaning of the above words in that context:

‘At the most these words emphasise that the use of the mark must take advantage of it or be detrimental to it. In other words the use must either give some advantage to the defendant or inflict some harm on the character or repute of the registered mark which is  
15 above the level of de minimis.’

Taking the first point, as to whether the Applicants would gain some advantage following from the distinctiveness of the Opponents prior registrations or the reputation they have in them, Mr Hacon had this to say:

‘..is there any evidence that there is some aspect of Imperial Tobacco’s reputation in  
20 tobacco that would benefit PLAYER on a bottle of brandy? How would, I ask rhetorically, a trader in PLAYERS brandy benefit from Imperial Tobacco’s reputation in cigarettes? There is something about cigarettes that boosts sales? That is completely fanciful and improbable. Anyway, the burden is, after all, on the opponent. There is not a sniff of evidence...’

25 In response to this, Ms McFarland stated:

‘..by subsuming ..[PLAYERS].. in the Applicants’ mark, there is an obvious taking advantage of it. The taking advantage is taking as a whole and assuming that any registered mark has an advantage associated with it because it is an asset..’

30 Later, she quoted the Appointed Person from part of the following passage from the CORGI<sup>6</sup> case:

‘It seems to me in the light of these observations that section 5(3) provides “extensive protection to those trade marks which have a reputation” (see the ninth recital to Council Directive 89/104/EEC) by specifying particular circumstances in which the protection enjoyed by an “earlier trade mark” may be taken to extend to cases involving the use of the  
35 same or similar mark in relation to goods or services which are not similar, those circumstances exist when: (i) the “earlier trade mark” can be shown to possess a distinctive

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<sup>5</sup>RBS ADVANTA V BARCLAYS BANK PLC 1996 RPC, page 307.

<sup>6</sup>CORGI TRADE MARK [1999] R.P.C. 15, 549 at 558.

character enhanced by a reputation acquired through use in relation to goods or services of the kind for which it is registered; and (ii) it can be shown that use of the later mark in relation to goods or services of the kind for which it is registered (or sought to be registered) would without due cause capture the distinctive character or repute of the “earlier trade mark” and exploit it positively (by taking unfair advantage of it) or negatively (by subjecting it to the effects of detrimental use).’

She then stated:

‘The “capturing” point there, is what I have been using the word “subsumption” for. Taking PLAYER or PLAYERS in its entirety into the mark applied for.....is capturing it in the very sense that is...described..’

I am not sure what is being argued here. If Ms McFarland is saying that simply seeking to register a mark that is the same, or nearly the same, as an earlier mark, takes advantage of the later because it represents an asset of the proprietors and this captures ‘..the distinctive character or repute of the “earlier trade mark” and..’ exploits it positively, then this obviously cannot be right. The registration of any mark which is identical or the same as an earlier mark with a reputation would be precluded, whatever the circumstances.

Alternatively, if Ms McFarland is arguing that the Applicants marks have captured the distinctive character or repute of the Opponents’ marks and exploited it, then that is a matter for evidence. The recent Opinion of the Advocate General, in the CHEVY<sup>7</sup> case, is very clear on this point, when referring to Article 5(2) in the Directive, implemented in the Act as s 5(3); he said:

‘It is to be noted in particular that Article 5(2), in contrast to Article 5(1)(b), does not refer to a mere risk or likelihood of its conditions being fulfilled. The wording is more positive: “takes unfair advantage of, or is detrimental to” (emphasis added). Moreover, the taking of unfair advantage or the suffering of detriment must be properly substantiated, that is to say, properly established to the satisfaction of the national court: the national court must be satisfied by evidence of actual detriment, or of unfair advantage. The precise method of adducing such proof should in my view be a matter for national rules of evidence and procedure, as in the case of establishing likelihood of confusion..’

Mr Hacon says that such evidence is lacking. I tend to agree with him. There is no evidence before me that shows how the Applicants’ marks might take advantage of the Opponents’ marks. The onus under s 5(3) is for the Opponents to make out this case, and this they have failed to do.

It is possible that the likelihood of confusion between the marks at issue is being referred to by Ms McFarland, although both she and Mr Hacon pointed out that this is not a requirement

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<sup>7</sup>*GENERAL MOTORS CORPORATION V YPION SA* Opinion of Advocate General Jacobs delivered on 26 November 1997 Case C-375/97.

under s 5(3). Though it is correct that confusion is not a requirement under this section, the presence of confusion as to the origin of the products in question could provide the basis for a claim that the later marks are taking an unfair advantage of the repute of the earlier marks. For example, if the public purchased the Applicants' beverages expecting products of a certain quality because they were familiar with the Opponents products, this is a form of confusion which profits from the Opponents reputation.

It was argued by the Opponents that their marks are so well known that association with them was inevitable. At the Hearing, however, Mr Hacon pointed out that the words PLAYER and PLAYERS have dictionary meanings that suggest someone who plays a game, a sportsman and, more generally, someone who is 'involved in the action' as opposed to a bystander. (This meaning is enhanced, to a degree, by omission of the apostrophe, in the latter mark). Mr Hacon also said:

'..we are not talking about the mark MARLBORO...which is obviously a distinctive name...We are talking about the dictionary word "player". Why would anybody make that connection? If they saw PLAYER on the bottom of alcohol, they would recognise it as a word, a dictionary word, like any other and carries this attractive sports connotation'.

Ms McFarland stated that the Opponents had millions of pounds worth of turnover and global advertising and a hundred years of repute in the mark in the UK and said:

'We would say that whatever may be a definition of the word PLAYERS as a word subsisting in the English language and subsisting in the English dictionary, in the context of trade marks, in the context of the use of that word taken out of the dictionary and put on a product, you must look at the facts and what we have done to push that up on to a pedestal of fame so it becomes a technical irrelevance to go back into the dictionary definition..'

However, I am unable to accept that the reputation the Opponents have established in their mark is such, that in actual use, for alcoholic beverages, this will overwhelm any other likely meaning, including the dictionary definition indicated above. There is simply no evidence before me that shows that this is the case. I acknowledge their reputation focused in cigarettes is very significant, but they do not establish that the meaning of the Applicants marks would be submerged by it.

The claim for confusion would have been enhanced if the Opponents had an established reputation for diversification as rests, for example, in the VIRGIN mark. This is not the case, as the only evidence the Opponents have for diversification rests in the JPS mark, which appears to be confined in the UK to rather trivial sales of alcohol.

Also under this section, I need to consider whether registration of the Opponents' marks would harm the character or repute of the registered mark which is above the level of de minimis.

At the Hearing, HACK'S APPLICATION<sup>8</sup> was considered. Here, the proprietors of a well known mark (BLACK MAGIC) registered for chocolate and chocolates succeeded in opposing an application to register the same mark for 'laxatives other than laxatives made with chocolate.' The potential for damage to the reputation of the earlier trade mark in this case, with consequential damage to its ability to add value to the goods it has been used for, is obvious. It is not obvious in this case and I am unable to see how damage to the Opponents' repute could occur in this manner.

Ms McFarland referred to dilution of the mark saying 'accountancy or asset' value of the mark is reduced by the existence of the later mark. As the EVEREADY<sup>9</sup> decision states, dilution is a matter of the extent to which it occurs, as any use of the same or a similar mark for dissimilar goods or services is liable, to some extent, to dilute the distinctiveness of the earlier mark. On this point, Mr Hacon stated:

'The three marks in question are one product marks. They are all for tobacco. There is no evidence that they are used for anything else other than cigarettes and tobacco.... the question is: would fair use of PLAYER or PLAYERS lead to somehow people finding JOHN PLAYER or PLAYERS less distinctive for cigarettes? Instinctively one would say that is not likely. I would go further and say it is rather improbable. The real question is have you got any evidence to suggest that. Not a sniff, nothing.'

Finally, there is a further similarity to the EVEREADY decision. The Hearings Officer's following statement could equally apply to the Opponents' registrations in this case, reading 'cigarettes' for 'batteries' and 'alcohol' for 'contraceptives'.

'It is substantially a 'one product' mark...The respective goods are wholly unrelated. There is some evidence that the respective goods are sometimes sold through the same outlets....I cannot think of any circumstances where a customer could place an order for the opponents' goods and have to provide further information simply to make it clear that he or she meant to order batteries and not contraceptives. I conclude that registration and use of the applicants' mark will not have a detrimental effect on the distinctive character of the opponents' mark for the goods in respect of which it enjoys a reputation. In my view it will remain just as distinctive for batteries as it ever was.'

In view of the above detailed considerations I must conclude that the Applicants' trade mark has not been shown to take unfair advantage of the distinctive character or repute of the Opponents' or cause damage to that character or repute. This ground also fails.

Turning to the next ground this is cited as s 5(4)(a) in the Statement of Grounds. This section states:

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<sup>8</sup>HACK'S APPLICATION [1941] RPC 91.

<sup>9</sup>OASIS STORES LIMITED'S TRADE MARK APPLICATION [1998] RPC 631.

‘(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 a unregistered trade mark or other sign used in the course of trade..’

5 To succeed in a passing off action, it is necessary for the Opponents to establish that at the relevant date (20 October 1995): (i) they had acquired goodwill under their mark, (ii) that use of the mark would amount to a misrepresentation likely to lead to confusion as to the origin of their goods; and (iii) that such confusion is likely to cause real damage to their goodwill.<sup>10</sup>

10 I think it is clear from the above findings that the Opponents are the possessors of a substantial goodwill in their marks for cigarettes and tobacco products, and a trivial one for alcohol under the JPS mark. However, following my considerations under s 5(2) and s 5(3), where I have concluded that confusion between the marks at issue is unlikely, operative misrepresentation as to their origin cannot occur and this ground also fails.

15 Finally s 3(3) was also pleaded by the Opponents, because of their established reputation in the UK and the nature of the mark applied, which would deceive the public in the UK. This ground was not discussed at the Hearing and no evidence has been provided to support it. In any event, s 3(3) is concerned with some inherent characteristic of a mark, not its relationship to another. This ground also fails.

20 The Applicants having been successful in these proceedings, are entitled to a contribution towards their costs. I therefore order the Opponents to pay to the Applicants the sum of £635.00

**Dated this 22nd day of September 1999**

25 **Dr W J Trott**  
**Principal Hearing Officer**  
**For the Registrar, the Comptroller-General**

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<sup>10</sup>A fuller summary of the position can be found in *WILD CHILD* [1998] RPC 455, page 460ff.

## ANNEX

Mark	Date	Number	Goods
	04.12.1981	1165961A <sup>11</sup>	Wines, spirits (beverages) and liqueurs insofar as they relate to goods for use in the United Kingdom of Great Britain and Northern Ireland and goods for export to and sale in certain listed countries.
	12.03.1975	1043550	Class 34: tobacco, whether manufactured or unmanufactured; substances for smoking, sold separately, or blended with tobacco, none being for medicinal or curative purposes; all being goods for sale in the United Kingdom and for export to certain listed countries; and matches.
PLAYER'S	06.02.1987	1300259	All goods included in Class 34; all for sale in the United Kingdom and for export to certain countries.
JOHN PLAYER	27.05.1988	1345653	Matches and lighters; all included in Class 34 and all for sale in the United Kingdom and for export to certain listed countries.

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<sup>11</sup>The Statement of Grounds referred to ' B165961a', which I have taken as an error).