Application No. 300004878	IN THE MATTER of the Trade Marks Ordinance (Cap. 559)
	AND
	IN THE MATTER of an application by Nantong Chitsuru Foods Co. Ltd. to register the mark

in Class 29 of the Register

AND

IN THE MATTER of an opposition thereto by the Kiu Fung Hong Limited trading as Edo Trading Company

DECISION
OF

Ms Ada Leung acting for the Registrar of Trade Marks after a hearing on 8 December 2005.

Appearing: Mr Tim Wong instructed by Messrs King & Co for the Opponent
No appearance recorded by the Applicant

Application for Registration

On 11 April 2003, Nantong Chitsuru Foods Co., Ltd. ("the Applicant") filed an application for trade mark registration pursuant to the Trade Marks Ordinance, Cap. 559 ("the Ordinance") in Class 29 in respect of "edible seaweed; agar (seaweed)); dried shrimp; nuts, prepared; vegetables, dried; sauerkraut; vegetables, preserved; preparations made wholly or principally of bean curd". A representation of the applied for trade mark ("the suit mark") appears below -

2. The Registrar of Trade Marks ("the Registrar") accepted the suit mark for registration. The trade mark application was published in the Hong Kong Intellectual Property Journal on 6 June 2003.

Notice of Opposition

3. On 5 September 2003, Kiu Fung Hong Ltd., trading under the business name of Edo Trading Company (江户貿易公司), ("the Opponent") filed a notice of opposition to this application. The Opponent is the owner of the registered trade mark "EDO PACK" ("the Opponent's mark) in classes 29, 30 and 32, the details of which are as follows -

> Registration No. 07333 of 1998 in Class 29 in respect of "meat, fish, poultry and game; meat extracts; preserved, dried and cooked fruits and vegetables; jellies, jams, fruit sauces; eggs, milk and milk products; edible oils and fats; potato chips, potato crisps, prawn crisps, fruit chips, fruit crisps"
>
> Registration No. 07334 of 1998 in Class 30 in respect of "coffee, tea, cocoa, sugar, rice, tapioca, sago, artificial coffee; flour and preparations made from cereals, bread, biscuits, pastry and confectionery, ices; honey, treacle; yeast, baking-powder; salt, mustard; vinegar, sauces (condiments); spices; ice"
>
> Registration No. 07332 of 1998 in Class 32 in respect of "beers; mineral and

aerated waters and other non-alcoholic drinks; fruit drinks and fruit juices; syrups and other preparations for making beverages"

In each of these registrations, the word "PACK" is subject to a disclaimer, meaning that the registrations shall give no right to the exclusive use of the word. All of these registrations took effect from 20 June 1997, being the date on which the relevant applications for registration were filed.

4. In the notice of opposition, the Opponent claims that by virtue of the above registrations and its extensive use of the "EDO PACK" mark in Hong Kong, it has built up substantial goodwill and reputation in the mark. Furthermore, the Opponent says that it has registered the "EDO PACK" mark in Australia, China, Germany, Indonesia, Japan, Korea , Macau, Malaysia, Singapore and Thailand, and also registered the "EDO" mark and "江户 & Device" mark in China. The Opponent alleges that the word "EDOZEN" and its transliteration "江户前" in the suit mark are visually, phonetically and conceptually identical or deceptively similar to its "EDO PACK" mark and the goods sought to be covered by the Applicant's registration and those covered by the Opponent's registrations are of the same or similar description. The Opponent claims that the use or registration of the suit mark by the Applicant is contrary to sections 11(4), 11(5), 12(3), 12(4) of the Ordinance. It also claims that the subject application should be refused under section 12. The Opponent further says that the suit mark is not distinctive of the Applicant's goods for the purpose of section 11(1) of the Ordinance. The Opponent requests that the application for registration of the suit mark be refused with costs to the Opponent.

The Counter-Statement

5. In its counter-statement filed on 13 December 2003, the Applicant denies all allegations and claims pleaded in the notice of opposition and puts the Opponent to strict proof of the same. The Applicant further avers that -

(a) the Opponent's trade mark "EDO PACK" and the suit mark are visually, phonetically and conceptually different;

(b) the goods covered by the Opponent's registrations and those sought to be covered by the Applicant's application are different or of different description;

(c) the word "EDO" is not an invented word but a transliteration of the

Japanese word "江户" which is a geographical area;

(d) by reason of (c) above, the Opponent's registered trade mark "EDO PACK" should be invalidated on the ground that:

(i) it is devoid of any distinctive character;

(ii) it consists exclusively of signs which may serve in trade or business to designate geographical origin or other characteristics of goods or services; and/or

(iii) it consists exclusively of signs which have become customary in the current language or in the honest and established practices of the trade;

(e) because of the lack of distinctiveness in the word "EDO", use and registration of the suit mark by the Applicant will unlikely mislead purchasers into believing that they are goods of or are associated with the Opponent;

(f) it has been using the suit mark in respect of the applied for goods worldwide at least since 1999 and there has been no complaint of confusion or deception;

(g) the suit mark consisting of the Chinese words, the English words and a device, each and all of which are distinctive for registration.

6. The Applicant requests that the Registrar permits its application to proceed to registration and that the opposition be dismissed with costs against the Opponent.

Evidence

7. The Opponent's evidence comprises of an affirmation dated 24 May 2004 of Mr Fung Kin Shing Victor, the Business Development Manager of the Opponent. The Applicant did not file any evidence. I will refer to Mr Fung's evidence in my decision below, where it is relevant.

Decision

8. At the hearing, Mr Wong, counsel for the Opponent, focused his submissions on the ground based on section 12(3) of the Ordinance. He submitted that the Opponent's case, taken to its highest, would be sufficient to prove the ground under section 11(4)(b). He further submitted that in the event the Registrar found that the goods covered by the subject application, and those covered by the Opponent's earlier registration were neither identical nor similar, he would rely on the section 12(4) ground. He said Mr Fung's affirmation, in particular paragraph 26 thereof, provided evidence that the Opponent's mark is a well-known trade mark. He submitted that given the likelihood of confusion, use of the suit mark would take unfair advantage of the distinctive character or repute of the earlier trade mark. Mr Wong confirmed that the Opponent did not intend to pursue other grounds pleaded in the notice of opposition.

Section 12(3)

9. Section 12(3) of the Ordinance provides that –

"A trade mark shall not be registered if –

(a) the trade mark is similar to an earlier trade mark;

(b) the goods or services for which the application for registration is made are identical or similar to those for which the earlier mark is protected; and

(c) the use of the trade mark in relation to those goods or services is likely to cause confusion on the part of the public."

10. Section 12(3) is similar in effect to section 5(2) of the UK Trade Marks Act 1994[1], which implements Article 4(1)(b) of the European Trade Marks Directive[2]**.** Although

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[1] Section 5(2) of the UK Trade Marks Act 1994 provides as follows -
"(2) A trade mark shall not be registered if because -
(a) it is identical with an earlier trade mark and is to be registered for goods or services similar to those for which the earlier trade mark is protected, or
(b) it is similar to an earlier trade mark and is to be registered for goods or services identical with or similar to those for which the earlier trade mark is protected,
there exists a likelihood of confusion on the part of the public, which includes the likelihood of association with the earlier trade mark."

[2] Article 4(1)(b) of the European Trade Marks Directive 89/104/EEC of 21 December 1988 provides -
"(1) A trade mark shall not be registered or, if registered, shall be liable to be declared invalid:

the wording and structure of section 12(3) is slightly different from that under the provisions of the UK 1994 Act and the European Directive, I consider that the principles laid down by the European Court of Justice, followed by the UK courts and the UK Trade Mark Registry in this respect are applicable in deciding whether the three elements set out in paragraphs (a) to (c) of section 12(3) are established. In particular, the "global appreciation test" formulated by the ECJ[3] provides useful guidance in interpreting the provisions under section 12(3). I will refer to the relevant principles under the test in the following.

Earlier Trade Mark

11. Section 5(1)(a) of the Ordinance defines "earlier trade mark', in relation to another trade mark, to mean –

> "a registered trade mark which has a date of the application for registration earlier than that of the other trade mark, taking into account the priorities claimed in respect of each trade mark, if any"

12. As the Opponent's "EDO PACK" registrations have a date of application earlier than that of the suit mark, they are earlier trade marks in relation to the suit mark.

Similarity between the Marks

13. In considering the issue of similarity between the marks concerned, I am guided by the following principles established by the ECJ –

(i) in order to assess the degree of similarity between the marks concerned, the court or tribunal must determine the degree of visual, aural or conceptual similarity between them and, where appropriate, evaluate the importance to be attached to those different elements taking account of the category of goods or services in question and the circumstances in which they are marketed (*Lloyd Schuhfabrik Meyer* [1999] E.TM.R. 690

....

(b) if because of its identity with, or similarity to, the earlier trade mark and the identity or similarity of the goods or services covered by the trade marks, there exists a likelihood of confusion on the part of the public, which includes the likelihood of association with the earlier trade mark."

[3] The line of authority established by the ECJ in the following cases is relevant -
Sabel BV v Puma AG [1998] R.P.C. 199, *Canon Kabushiki Kaisha v Metro-Goldwyn-Mayer Inc* [1999] R.P.C.117, *Lloyd Schuhfabrik Meyer & Co GmbH v Klijsen Handel B.V.* [1999] E.T.M.R. 690 and *Marca Mode CV v Adidas AG* [2000] E.T.M.R.723

at para. 27);

(ii) the global appreciation of the visual, aural and conceptual similarity of the marks in question, must be based on the overall impression given by the marks, bearing in mind, in particular, their distinctive and dominant components. The average consumer normally perceives a mark as a whole and does not proceed to analyse its various details (*Sabel v Puma [1998] R.P.C. at para. 23);*

(iii) account is to be taken of the fact that the average consumer only rarely has the chance to make a direct comparison between the different marks but must place his trust in the imperfect recollection of them he has kept in his mind. It should also be borne in mind that the average consumer's level of attention is likely to vary according to the category of goods or service in question (*Lloyd Schuhfabrik Meyer, supra, para. 26)*

14. Mr Wong submitted that "EDO" was the most important and distinctive component of the Opponent's trade mark. Consumers might merely remember "EDO" when they wanted to refer to the goods of the Opponent. He pointed out that the word "EDOZEN" in the suit mark contained the same prefix "EDO". He argued that the prefix or frontal part of a trade mark often carried greater weight regarding both pronunciation and appearance. He further submitted that the meaning of the word "ZEN" in Japanese (meaning before, previous) was not known for most people in Hong Kong. In any event, he argued that "ZEN" was merely descriptive and the dominant component of the suit mark was "EDO". In essence, Mr Wong's submission was that the Applicant's mark and the Opponent's mark shared the same distinctive and prominent component "EDO".

15. On phonetic resemblance, Mr Wong submitted that the pronunciation of the Applicant's trade mark and the Opponent's trade mark was similar. He relied on the argument that the initial letters of a mark should be given greater weight in this regard. He also pointed out the tendency of persons using the English language to slur the terminations of words. Noting that the Opponent's mark would likely be referred to as "EDO" by consumers, and that the word "EDOZEN" in the suit mark contained the same component as its prefix, he submitted that the phonetic resemblance between the two marks would likely cause confusion when the relevant goods were ordered orally, such as in various stores.

16. In this relation, the Applicant says in its counter-claim that the word "EDO" is not an invented word but a transliteration of the Japanese word "江户" which is a

geographical area. Because of the lack of distinctiveness in the word "EDO", use and registration of the suit mark by the Applicant will unlikely mislead purchasers into believing that they are goods of or are associated with the Opponent. The Applicant also says that the Opponent's trade mark "EDO PACK" and the suit mark are visually, phonetically and conceptually different.

17. While I note that both the words “Edo” and “Zen” have a meaning in Japanese, I find that neither of the meanings is generally known from the point of view of the relevant public in Hong Kong. The words are likely considered meaningless as far as substantially all the target market is concerned. They will likely regard both “EDO” and “EDOZEN” as invented words which are presented as, and serve as, an indication of trade origin.

18. As far as the Opponent’s mark is concerned, it consists of the words “EDO PACK”. The word “PACK” is disclaimed. It is a descriptor for the goods in question, suggesting that the Opponent's goods are sold in packs, and that element will have minimal impact on the public as a trade mark. It is plain that the distinctive feature in the Opponent’s mark is the word “EDO”. For that reason, I find that the Opponent’s trade mark is likely referred to or remembered as “EDO”.

19. As for the suit mark, it is a composite mark consisting of an English word component “EDOZEN” and a Chinese characters component "江户前" superimposed on a circle device. While a mark must be considered in its totality, it is my view that the word components within the suit mark i.e. “EDOZEN” and "江户前" will form the strongest visual and aural point of reference to the average customer, who is familiar with the English and Chinese language, but not Japanese. The words for all practical purposes will form the dominant component and certainly in oral use, “words speaks louder than devices” and goods are likely to be ordered by the customer by reference to the words. As for the device, I accept that it occupies a central position in the mark and its relative size is not insignificant. However, taking into account its nature and characteristics, that it is a simple circle design in a single colour, and that it appears partially in the background of the Chinese characters, it will unlikely create a strong impact in the mind of the purchasing public. For these reasons, I find that "EDOZEN" and "江户前" are the distinctive and dominant components in the overall impression of suit mark.

20. Although I accept that when seen side by side, the Opponent's mark and the suit mark are easily distinguishable, this is not determinative of the issue. The principles for considering similarity between marks are set out in paragraph 13 above. In particular, it is the overall impression given by the marks that counts. The average consumer generally

perceives a mark as a whole without analyzing its various details. He rarely has the chance to make a direct comparison between the marks and has to rely on his imperfect recollection. The goods at issue are among those items commonly bought by the public at large. They are not expensive items. It is unlikely that purchasers will exercise very extensive care in selecting the goods. I accept also, as Mr Wong submitted, that the frontal part of a trade mark often creates the most significant impact, both visually and aurally, in the mind of the consumers. I note the tendency of persons, especially in using the English language, to slur terminations of words. With these principles and factors in mind, I find that, from the perspective of the relevant purchasing public, there is significant and substantial similarity between the Opponent's mark and the suit mark, arising from the inclusion of the whole of the distinctive element of the earlier mark "EDO" as the prefix in the word "EDOZEN", which is a distinctive and dominant component of the suit mark.

The goods

21. Mr Wong submitted at the hearing that the goods sought to be covered by the Applicant's application were identical to those covered by the Opponent's earlier registrations. I cannot entirely agree with this submission. I note that dried vegetables and preserved vegetables are covered both in the specification of the Applicant's application for registration and in the specification of the Opponent's class 29 registration. As for "edible seaweed, agar (seaweed)" and "sauerkraut" which appear in the Applicant's specification, I consider that these are respectively covered by "dried and cooked vegetables" and "preserved vegetables" in the Opponent's class 29 specification. Also, I consider that "dried and cooked fruits" is wide enough to cover "prepared nuts", noting that by way of definition, "nut" is a type of fruit consisting of a hard shell enclosing a kernel that can be eaten. Other items covered in the Applicant's specification are "dried shrimps, preparations made wholly or principally of bean curd". I will consider in the following whether they are goods similar to those covered by the Opponent's registrations.

22. In *British Sugar v James Robertson [1996] R.P.C. 281 at 296-297,* the court held that the following factors should be relevant in considering whether there is or is not similarity in goods -

(i) the uses of the respective goods;
(ii) the users of the respective goods;
(iii) the physical nature of the goods;
(iv) the trade channels through which the goods reach the market;
(v) in the case of self-serve consumer items, where in practice they are

respectively found or likely to be found in supermarkets and in particular whether they are, or are likely to be, found on the same or different shelves;

(vi) the extent to which the respective goods are in competition with each other.

23. Taking into account the above factors, I am of the view that "dried shrimps" in the Applicant's specification and "meat, fish" in the Opponent's Class 29 specification are similar goods. I consider that "meat, fish" are wide enough to include "dried meat, dried fish". Further, the respective uses, users, physical nature as well as trade channels of "dried shrimps" on the one hand, and "dried meat, dried fish" on the other are substantially similar. In supermarkets, "dried shrimps" are likely to be found on the same shelves as "dried meat and dried fish". To some extent, these goods are in competition with each other.

24. Likewise, I think "preparations made wholly or principally of bean curd" which appears in the Applicant's specification may be regarded as similar to "cooked vegetables" which is included in the Opponent's Class 25 specification. I note that bean curd is made from soybean, and soybean is a type of vegetable. Preparations made from bean curd are often used as an ingredient for vegetarian dishes. The uses, users and trade channels of the respective goods are similar. They are likely placed on the same shelves when sold in supermarkets. The goods are in competition with each other.

25. I find therefore that the goods for which the Applicant's application for registration is made are either identical or similar to those covered by the Opponent's earlier registration in class 29.

Likelihood of Confusion

26. The ECJ line of authority establishes a number of fundamental propositions regarding likelihood of confusion, which include a so-called "global appreciation test" -

(i) The likelihood of confusion must be appreciated globally, taking into account all factors relevant to the circumstances of the case (*Sabel v Puma, supra, para. 22*)

(ii) The matter must be considered through the eyes of the average consumer of the goods or services in issue (*Sabel v Puma, supra, para. 23*). For the purposes of the global appreciation, the average consumer of the category

of products concerned is deemed to be reasonably well informed and reasonably observant and circumspect. *(Lloyd Schuhfabrik Meyer, supra, para. 26)*

(iii) The more distinctive the earlier mark, the greater will be the likelihood of confusion. A mark may have a particularly distinctive character either per se, or because of the reputation it enjoys with the public (*Sabel v Puma, supra, para. 24*)

(iv) A global assessment of the likelihood of confusion implies an interdependence between the various factors. So, a lesser degree of similarity between the goods or services may be offset by a greater similarity between the marks, and vice versa (*Sabel v Puma, supra, para22, Canon v MGM, [1999] R.P.C. 117, para. 17).*

(v) The risk that the public might believe that the goods or services in question come from the same undertaking, or from economically linked undertakings, constitutes a likelihood of confusion within the meaning of the relevant article of the EU Directive (*Canon v MGM, supra, para.29).* On the other hand, mere association which the public might make between two marks as a result of their analogous semantic content is not in itself a sufficient ground for concluding there is a likelihood of confusion (*Sabel v Puma, supra, para. 26*).

27. Mr Wong submitted at the hearing that the only product produced and sold by the Applicant was seaweed, and that the Opponent also manufactured and wholesaled the same goods. Although the consumers of edible seaweed might be of different age, Mr Wong's submission was that the average consumer of such goods might be relatively young in age. In determining whether there was likelihood of confusion, Mr Wong emphasized and reiterated that it should be considered through the eyes of the relatively young consumers, whose level of attention was relatively low.

28. Despite Mr Wong's submission, there is no evidence before me that edible seaweed is the only goods of interest to the Applicant. I note the specification in the subject application covers various foodstuffs. Although there is no evidence produced before me, I take note that items such as edible seaweed, prepared nuts, dried and preserved vegetables, dried shrimps, bean curd preparations may be prepared for consumption as snacks as well as for use as cooking ingredients. The potential consumers may therefore include general

members of the public who may be from different background and of different age. I have to consider the issue of likelihood of confusion through the eyes of such consumers.

29. Mr Wong submitted that Opponent's trade mark consisted of a distinctive component, the word "EDO", which enjoyed reputation with the public. Because of the distinctive character of the Opponent's mark, there would be greater likelihood of confusion. Evidence was produced on behalf of the Opponent, in the affirmation of Mr Fung Kin Shing Victor relating to the use and reputation of the Opponent's trade mark. According to Mr Fung, the Opponent had been manufacturing and wholesaling a wide range of goods including processed food, edible seaweed, dried and cooked fruits and vegetables, biscuits, nuts, jellies, candies, sausages, beverages, potato chips, potato crisps, prawn chips, prawn crisps, fruit crisps and associated products and goods in Hong Kong under the "EDO PACK" mark as early as 1991. Mr Fung said that the Opponent's goods were sold in major supermarkets, retail outlets, convenient chain stores as well as department stores. The "EDO PACK" mark was registered in Hong Kong with effect from 20 June 1997 in classes 29, 30, and 32, with specifications as set out in para. 3 above. According to Mr Fung, effort was made by the Opponent to build up brand awareness, goodwill and reputation through advertising campaigns in various newspapers, product promotions in retail outlets and trade fairs, store promotions and participation in promotion events. Furthermore, "EDO" and "EDO PACK" were registered as trade marks in other jurisdictions including in China, Macau, Thailand, Australia, Singapore, Germany, Spain, France, Japan and South Korea.

30. As I have found in para. 17 in the above, the word "EDO" is likely regarded as an invented word by the relevant consumers in Hong Kong. It is distinctive for the goods in question. While I note Mr Fung's evidence regarding use and reputation of the Opponent's mark, supporting documentary evidence produced only showed that the mark has been used in relation to seaweed products, and that such products were sold through one major convenient store, 7-Eleven, in 1991 and one major chain store, Mannings Retail Ltd, in 1992, 1993, 1996 and 1998. There is no evidence on the total quantity of such products sold whether on a yearly basis or otherwise, and as to whether the use of the mark has been continuous from 1991 up to the relevant date, i.e. the date when the subject application was made. Two sets of correspondence between Mannings Retail Ltd and the Opponent were exhibited to Mr Fung's affirmation, which shows that the Opponent took part in the promotion activities held in Mannings' retail outlets in 1993 and 1996 for its seaweed products. Apart from that, however, there is no other evidence on the Opponent's advertising or promotion efforts. I note also that there is no evidence on the market share held by the Opponent's mark, volume of sales of the goods under the mark, intensiveness of use of the mark, the amount invested by the Opponent in promoting the mark, or the degree

of knowledge or recognition of the mark in the relevant sector of the public. In the circumstances, I find that the evidence produced cannot prove that the Opponent's mark had, at the relevant date, acquired a significantly enhanced level of distinctiveness, if any, as a result of use. I will therefore consider the issue of likelihood of confusion without assuming that the Opponent's mark had an enhanced level of distinctiveness at the relevant date.

31. When considering the issue of likelihood of confusion in the present case, it is significant that the marks are being used in relation to comparatively inexpensive food items. The relevant consumers are likely to be reasonably but not unduly careful in their purchase. This is an area where imperfect recollection is likely to play an important role. Furthermore, the fact that the marks are perceived as meaningless means that imperfect recollection is more likely.

32. I note that the suit mark comprises of a Chinese characters element "江户前" which, as I have found in the above, is a distinctive and dominant component in the mark. However, I do not think the presence of the Chinese element in the suit mark, and the absence of such an element in the Opponent's mark may help to lessen the risk of confusion in the present case. The combination of the English component and the Chinese component will likely be taken by many persons on first impression that the trader of the goods in question is using two separate trade marks, one in English and another in Chinese, in connection with his products. Given there is substantial similarity between "EDOZEN" which is a distinctive and dominant component in the suit mark, and "EDO" which is the distinctive part in the Opponent's mark, consumers will likely think that the trade origin of the products sold under the respective marks is either the same or is economically linked, and that the trader has, for some reasons, chosen to apply its Chinese mark in one line of its products but not the other.

33. Having regard to the identity or close similarity of the relevant goods and the degree of overall similarity between the marks, I come to the conclusion that the use of the suit mark in relation to the goods applied for would be likely to cause confusion. That confusion is real and substantial and is likely to take the form that some members of the public will think that the suit mark and the Opponent's mark are associated in the sense that one is an extension of the other or otherwise derived from the same or economically linked undertakings.

34. I note in the Applicant's counter-statement, it claims that it has been using the suit mark in respect of the applied for goods worldwide at least since 1999 and there has been no complaint of confusion or deception. However, no evidence has been produced to substantiate the claim. In any event, the test under section 12(3) is likelihood of confusion,

rather than actual instances of confusion.

35. It follows from my above findings that the ground of opposition under section 12(3) is made out. The subject application for registration is therefore refused.

36. Since I have found in favour of the Opponent on the section 12(3) ground, it is not necessary for me to consider the other two grounds, namely the section 11(4)(b) and 12(3) grounds.

Invalidation claim

37. The Applicant claims in its counter-statement that the Opponent's registered trade mark "EDO PACK" should be invalidated on the grounds pleaded. However an application for a declaration of invalidity of the registration of a trade mark has to be made in accordance with the provisions under section 53 of the Ordinance and the related rules. I do not think therefore that I should deal with this claim here.

Costs

38. The Opponent has sought costs. There is nothing in the circumstances or conduct of this case which would warrant a departure from the general rule that costs should follow the event. I accordingly order that the Applicant pays the costs of these proceedings.

39. Subject to any representations as to amount of costs or calling for special treatment, which either party makes within one month from the date of this decision, costs will be calculated with reference to the usual scale in Part I of the First Schedule to Order 62 of the Rules of the High Court (Cap. 4) as applied to trade mark matters, unless otherwise agreed between the parties.

(Ada Leung)
p. Registrar of Trade Marks
13 February 2006