

TRADE MARKS ORDINANCE (Cap. 559)

APPLICATION NO. : 301936765

MARK : **BISTRO**

APPLICANT : Pi-Design AG

CLASSES : 7, 8, 11 and 21

STATEMENT OF REASONS FOR DECISION

Background

1. On 3 June 2011, Pi-Design AG (“the applicant”) filed an application for registration (“the subject application”) of the mark shown below (“the subject mark”) under the Trade Marks Ordinance (Cap.559) (“the Ordinance”).

BISTRO

2. Registration of the subject mark was originally sought in respect of a wide variety of goods under Classes 7, 8, 11 and 21.
3. At the examination stage, objections were raised against the application under section 11(1)(b) and section 11(1)(c) of the Ordinance on the grounds that the subject mark consists exclusively of a sign which designates the characteristics of the goods applied for and that it is devoid of any distinctive character. Despite submissions made on behalf of the applicant, the objections were maintained by the Registrar.
4. The applicant requested a hearing on the registrability of the subject mark and this was held before me on 9 July 2015. Ms. Siew of Messrs. Robin Bridge & John Liu represented the applicant at the hearing. I reserved my decision at the conclusion of the hearing.

5. By a Form T5A filed by the applicant on 3 July 2015, the application was amended by restricting the specification to the goods as set out in the Annex hereto. That being the case, I need only to consider the registrability of the subject mark in respect of the goods set out thereto (“the applied-for goods”).
6. In support of the application, the applicant had filed the following statutory declarations with a view to showing that the subject mark had in fact acquired a distinctive character as a result of the use made of them for the purpose of section 11(2) of the Ordinance:-
 - (i) Statutory Declaration of Jorgen Bodum dated 28 October 2014 (“Bodum Declaration”)
 - (ii) Supplementary Statutory Declaration of Jorgen Bodum dated 29 June 2015 (“Bodum Supplementary Declaration”)

(collectively, the “Declarations”)

The Ordinance

7. The absolute grounds for refusal of an application for registration of a trade mark are set out in section 11 of the Ordinance. The relevant provisions of section 11 read as follows:
 - “(1) Subject to subsection (2), the following shall not be registered –
 - (a) ...;
 - (b) trade marks which are devoid of any distinctive character;
 - (c) trade marks which consist exclusively of signs which may serve, in trade or business, to designate the kind, quality, quantity, intended purpose, value, geographical origin, time of production of goods or rendering of services, or other characteristics of goods or services; and
 - (d) ...
 - (2) A trade mark shall not be refused registration by virtue of subsection (1)(b), (c) or (d) if, before the date of application for registration, it has in fact acquired a distinctive character as a result of the use made of it.”

Decision

Inherent registrability

Section 11(1)(c) of the Ordinance

8. Section 11(1)(c) of the Ordinance excludes from registration trade marks which consist exclusively of signs which may serve, in trade or business, to designate the kind, quality, quantity, intended purpose, value, geographical origin, time of production of goods or rendering of services, or other characteristics of goods or services in respect of which registration is sought.
9. Section 11(1)(c) of the Ordinance is broadly similar to Article 7(1)(c) of the Council Regulation (EC) No. 40/94 of 20 December 1993 on the Community Trade Mark (“Regulation No. 40/94”). In *Wm. Wrigley Jr. Company v OHIM* (Case-191/01P) [2004] R.P.C. 18, the European Court of Justice (“ECJ”) discussed the approach to Article 7(1)(c) of Regulation No. 40/94 and stated the relevant principles as follows:

“29. Article 7(1)(c) of Regulation No 40/94 provides that trade marks which ‘consist exclusively of signs or indications which may serve, in trade, to designate the kind, quality, quantity, intended purpose, value, geographic origin, time of production of the goods or of rendering of the service, or other characteristics of the goods or service’ are not to be registered.

30. Accordingly, signs and indications which may serve in trade to designate the characteristics of the goods or service in respect of which registration is sought are, by virtue of Regulation No 40/94, deemed incapable, by their very nature, of fulfilling the indication-of-origin function of the trade mark, without prejudice to the possibility of their acquiring distinctive character through use under Article 7(3) of Regulation No 40/94.¹

31. By prohibiting the registration as Community trade marks of such signs and

¹ Section 11(2) of the Ordinance is, in effect, similar to Article 7(3) of Regulation No 40/94. The latter provides that “paragraph 1(b), (c) and (d) [the equivalent of section 11(1)(b), (c) and (d) of the Ordinance] shall not apply if the trade mark has become distinctive in relation to the goods or services for which registration is requested in consequence of the use which has been made of it.”

indications, Article 7(1)(c) of Regulation No 40/94 pursues an aim which is in the public interest, namely that descriptive signs or indications relating to the characteristics of goods or services in respect of which registration is sought may be freely used by all. That provision accordingly prevents such signs and indications from being reserved to one undertaking alone because they have been registered as trade marks (see, inter alia, in relation to the identical provisions of Article 3(1)(c) of First Council Directive 89/104/EEC of 21 December 1988 to approximate the laws of Member States relating to trade marks (OJ 1989 L 40, p.1), *Windsurfing Chiemsee*, paragraph 25, and Joined Cases C-53/01 to C-55/01 *Linde and Others* [2003] ECR I-3161, paragraph 73).

32. In order for OHIM to refuse to register a trade mark under Article 7(1)(c) of Regulation No 40/94, it is not necessary that the signs and indications composing the mark that are referred to in that article actually be in use at the time of the application for registration in a way that is descriptive of goods or services such as those in relation to which the application is filed, or of characteristics of those goods or services. It is sufficient, as the wording of that provision itself indicates, that such signs and indications could be used for such purposes. A sign must therefore be refused registration under that provision if at least one of its possible meanings designates a characteristic of the goods or services concerned.”
10. In light of the legal principles above, a mark may be precluded from registration under section 11(1)(c) of the Ordinance even if it is not the normal way of describing the applied-for goods. It is sufficient that the mark could be used for such a purpose.
11. The subject mark consists of the word “BISTRO” which is bolded and in capital letters. It has no added element or stylisation.
12. The applied-for goods cover a variety of kitchen utensils and machinery, including but not limited to electric machines for household purposes, coffee grinders and beverage preparation machines in Class 7, different types of cutlery in Class 8, barbecues, electric coffee machines, toasters and grills in Class 11 and coffee makers and different types of jugs, mugs, bowls, plates and glasses in Class 21. For kitchen utensils, they are general products which the public would use daily; they can be relatively inexpensive and it is not uncommon that

consumers would have at home a few sets of utensils and would change to a new set from time to time. For electric machines such as coffee machines, it is increasingly common for average household to have at home a small and handy coffee maker and its price is getting more competitive. I therefore consider that the relevant consumers are ordinary members of the general public as well as businesses in Hong Kong. They are reasonably well-informed, observant and circumspect but they cannot be expected to exercise more than an average level of care and attention in their selection of the applied-for goods.

13. As indicated to the applicant at the examination stage, the word “BISTRO” means “a small or unpretentious restaurant; a small bar or tavern; nightclub” (Merriam-Webster’s Online Dictionary, 11th Edition). When the subject mark is used in respect of the applied-for goods, the direct and obvious meaning that would be conveyed to the relevant consumers is that the various kitchen utensils and machinery are for use or intended for use in bistros. This serves to designate the characteristics of the applied-for goods, and as the subject mark consists exclusively of a sign that gives such designation, it is debarred from registration under section 11(1)(c) of the Ordinance.

Section 11(1)(b) of the Ordinance

14. Section 11(1)(b) of the Ordinance precludes registration of trade marks which are devoid of any distinctive character. The public interest underlying section 11(1)(b) of the Ordinance is indissociable from the essential function of a trade mark, which is to guarantee the identity of the origin of the marked product or service to the consumer or end-user by enabling him, without any possibility of confusion, to distinguish the product or service from others which have another origin (*Deutsche SiSi-Werke GmbH & Co. Betriebs KG v OHIM* (Case C-173/04P) [2006] E.T.M.R. 41 at paragraphs 60-61).
15. In *Host Hotels & Resorts, L.P. v Registrar of Trade Marks* (HCMP 554/2009), the Hon Sakhrani J cited with approval the following cases (paras 17-18):

“17. In *British Sugar Plc v James Robertson & Sons Ltd* [1996] RPC 281 Jacob J (as he then was) said at page 306:

“What does *devoid of distinctive character* mean? I think the phrase requires consideration of the mark on its own, assuming no use. Is it the sort of word (or other sign) which cannot do the job of distinguishing without first educating the public that it is a trade mark?”

18. In *Nestle SA’s Trade Mark Application (Have a Break)* [2004] FSR 2 Sir Andrew Morritt VC (as he then was) said at paragraph 23:

“The distinctiveness to be considered is that which identifies a product as originating from a particular undertaking. Such distinctiveness is to be considered by reference to goods of the class for which registration is sought and consumers of those goods. In relation to the consumers of those goods the court is required to consider the presumed expectations of reasonably well informed, and circumspect consumers. For my part I would particularly emphasise that the relevant distinctiveness is that which identifies a product as originating from a particular undertaking.....”

16. According to the above legal principles, I have to assess a mark’s distinctiveness by reference to the goods applied for, and the perception of the relevant consumers, who are presumed to be reasonably well-informed, circumspect and observant. To determine whether the subject mark has any distinctive character for the purpose of section 11(1)(b) of the Ordinance, the relevant question is whether the subject mark, assuming no use, serves to identify the applicant’s goods as originating from a particular undertaking, and thus distinguishing them from those of other undertakings. In other words, the question is whether the perception and recollection the subject mark would trigger in the mind of the average consumer of the applied-for goods would be origin specific or origin neutral (“*CYCLING IS...*” *Trade Mark Applications* [2002] R.P.C. 37 at paragraphs 66-69).
17. As explained in paragraph 13 above, the word “BISTRO” simply means a small restaurant, a bar or nightclub. The direct and immediate message that is conveyed to the relevant consumers is that the applied-for goods, with the subject mark “BISTRO” thereon, are for use or intended for use in bistros. In other words, the subject mark fails to serve as a badge of trade origin in respect of the applied-for goods, and the message conveyed by the subject mark is origin neutral.

18. In view of the message conveyed by the subject mark in the context of the applied-for goods, it fails to perform the essential function of a trade mark in guaranteeing the identity of the origin of those goods by enabling the relevant consumers to distinguish them from those of other traders. I conclude that the subject mark is devoid of any distinctive character and is thus precluded from registration under section 11(1)(b) of the Ordinance.

Acquired distinctiveness

19. Although I have found that the subject mark lacks inherent distinctive character and is not registrable under section 11(1)(b) and section 11(1)(c) of the Ordinance, in light of section 11(2), if the subject mark has in fact acquired a distinctive character as a result of the use made of it, the application for registration should not be refused. I now proceed to consider whether the subject mark has in fact acquired a distinctive character as a result of the use made of it in respect of the applied-for goods in Hong Kong before the date of application, i.e. 3 June 2011 (“Date of Application”), for the purpose of section 11(2) of the Ordinance, with reference to the evidence of use adduced under the Declarations.

20. In *Windsurfing Chiemsee Produktions-und Vertriebs GmbH v. Boots-und Segelzubehör Walter Huber and Another* (Joined Cases C-108 and 109/97), [2000] Ch. 523, the European Court of Justice laid down its principles of interpretation of Article 3(3) of the First Council Directive 89/104/EEC of 21 December 1988 (now replaced by Directive 2008/95/EC of 22 October 2008), which is broadly similar to section 11(2) of the Ordinance, at paragraphs 51-52 & 54:

“51. In assessing the distinctive character of a mark in respect of which registration has been applied for, the following may also be taken into account: the market share held by the mark; how intensive, geographically widespread and long-standing use of the mark has been; the amount invested by the undertaking in promoting the mark; the proportion of the relevant class of persons who, because of the mark, identify goods as originating from a particular undertaking; and statements from chambers of commerce and industry or other trade and

professional associations.

52. If, on the basis of those factors, the competent authority finds that the relevant class of persons, or at least a significant proportion thereof, identify goods as originating from a particular undertaking because of the trade mark, it must hold that the requirement for registering the mark laid down in Article 3(3) of the Directive is satisfied...

54. ... a trade mark acquires distinctive character following the use which has been made of it where the mark has come to identify the product in respect of which registration is applied for as originating from a particular undertaking and thus to distinguish that product from goods of other undertakings.”

21. According to the principles above, the competent authority must make an overall assessment of the evidence in determining the question. The crucial question to ask is whether the relevant consumers referred to in paragraph 12 above have been educated to recognise the subject mark as a badge of origin of the applied-for goods. If I consider that a significant proportion of the relevant class of consumers identifies those goods as originating from the applicant because of the use made of the subject mark before the Date of Application, the objection raised against the subject mark under section 11(1)(b) and section 11(1)(c) of the Ordinance would be overcome.
22. The declarant, Mr. Jorgen Bodum, is the Chief Executive Officer of the applicant since 1983. According to the Declarations, the applicant, a wholly-owned subsidiary of BODUM (Schweiz) AG in Switzerland (“the Bodum Group”), is a design unit which offers its customers a wide variety of household products ranging from coffee and tea making products to tabletops, kitchen, storage, textile, household and office products. Mr. Bodum took over the Bodum Group in 1974 and launched its first coffee press under the name “BISTRO”. Mr. Bodum indicated that the launch was a huge success and since then the Bodum Group began to expand and opened stores and its products were sold in 55 countries.
23. The Declarations contain 16 exhibits altogether, numbered “JB-1” to “JB-16”:

- Exhibit JB-1 Printouts of the Bodum Group webpage
- Exhibit JB-2 Printouts of the Bodum Group's online exhibition website
- Exhibit JB-3 List of products offered by the Bodum Group and sample packagings
- Exhibit JB-4 Online company search records of Bodum Asia Limited and Bodum Hong Kong Limited
- Exhibit JB-5 Copy extract of a product catalogue published by Yeo Tech Seng (S) PTE LTD ("former distributor") in 1985
- Exhibit JB-6 Printouts of the website of Carsac Limited ("current distributor")
- Exhibit JB-7 Copy product catalogue of the Bodum Group for 2006
- Exhibit JB-8 Copy product catalogue of the Bodum Group for 2007
- Exhibit JB-9 Copy product catalogue of the Bodum Group for 2008
- Exhibit JB-10 Copy product catalogue of the Bodum Group for 2009
- Exhibit JB-11 Copy product catalogue of the Bodum Group for 2010
- Exhibit JB-12 Copy product catalogue of the Bodum Group for 2011
- Exhibit JB-13 Copy internet news reports of awards won by the applied-for goods
- Exhibit JB-14 Copy registration certificates of the subject mark in other jurisdictions
- Exhibit JB-15 Excel tables of the breakdown of quantities of the applied-for goods sold under and by reference to the subject mark in Hong Kong
- Exhibit JB-16 Excerpt from the database of the Bodum Group showing the applied-for goods with reference to their product numbers

24. In assessing whether the subject mark has acquired a distinctive character under section 11(2) of the Ordinance, no fixed rule can be laid down as to the minimum period of use necessary, although the Registrar looks for a reasonable period of use, usually about five years prior to the application date. Extensive use over a shorter period may well be sufficient, although use for less than two years prior to the date of application would very unlikely be regarded as sufficient. In this case, Mr. Bodum declared that its former distributor was responsible for marketing the applied-for goods in Hong Kong, Singapore and Malaysia as early as 1985. The current distributor was engaged at least since 2006 to offer and market the applied-for goods in Hong Kong. However, from the evidence filed, I am not satisfied that the subject mark has in fact acquired a distinctive character

as a result of the use made of it under section 11(2) of the Ordinance. I will now explain why acquired distinctiveness has not been established.

25. Although Mr. Bodum declared that the applied-for goods were marketed in Hong Kong as early as 1985, the only supporting evidence was a copy of an extract of a product catalogue said to be published in 1985 (Exhibit "JB-5"). However, the copy was of such a poor quality that I am unable to obtain from it the relevant information as to the publishing date and whether it was intended for or circulated to the public in Hong Kong. Besides, the company search records of BODUM Asia Limited and BODUM Hong Kong Limited (Exhibit "JB-4"), incorporated in Hong Kong in 1999 and 2003 respectively, only show the incorporation dates of the companies but not the date on which the subject mark was first used. As such, from the evidence provided, I cannot conclude that the subject mark has been used in Hong Kong since 1985. As apparent from the discussions below, the earliest date that one may say the subject mark has been in use in Hong Kong is from 2006 onwards.
26. The declarant has, in the Declarations, provided me with the sales figures of the applied-for goods under and by reference to the subject mark in Hong Kong from 2006 to 2011 (para. 21 of the Bodum Declaration and para. 4 of the Supplementary Bodum Declaration) and submitted that there had been a rapid increase in the sales of the applied-for goods throughout the years. However, the above sales figures were in fact derived from sales of some of the applied-for goods and did not cover all of the applied-for goods. It should be pointed out that many of the applied-for goods were not put on sale until 2010, for instance, knife block, coffee and tea dripper, blender stick, hand mixer, water kettle, water carafe, juicer, oil and vinegar dispenser, saucepot, butter dish and cheese dish. Goods such as bread basket, napkin holder, different types of knives and forks, cutting boards with holder, paper roll holder, silicone strainer, salt and pepper grinder, table grill and gas light were not available for sale until 2011. In view of the brisk period of sale (up to 1 year before the date of application), I could hardly conclude that the subject mark has established acquired distinctiveness in respect of such goods unless substantial sales of such goods can be shown.
27. Looking at the sales figures, I could not agree that there has been a rapid increase in the sales of the applied-for goods. First of all, there was not a single invoice

submitted to substantiate the figures. Second, rather than noticing a consistent increase in sales, I note that sales started at a low point at DKK19,438.81 in 2006; the sharp rise to DKK142,745.70 in 2008 did not sustain and the figures dropped dramatically to EURO26,967.93 in 2011. Third, as the applied-for goods cover goods of 4 classes, it is obvious that the highest sales figures which only amount to 142,745.70 in 2008 were insubstantial and fell short of showing a significant proportion of the relevant consumers has come across or been educated of the trade mark significance of the subject mark. Hence, I am not convinced that the number of the applied-for goods sold, i.e. on average 1,157 items per year, were substantial or extensive to establish a case of acquired distinctiveness.

28. More importantly, apart from the subject mark, I discover that different signs which combine the word “BISTRO” with other words were used by the applicant and the sales figures above were in fact the total sum of the applied-for goods containing these combined word marks. From the evidence filed, it is clear that signs such as “BISTRO NOUVEAU”² and “SHIN BISTRO”³ were used by the applicant on the applied-for goods. At the hearing, Ms. Siew submitted that the word “nouveau” in “BISTRO NOUVEAU”, which originates from French and is imported into English to mean “new”, is a descriptive word and the average consumer would just remember and refer to the sign as “BISTRO”. Similarly, for “SHIN BISTRO”, Ms. Siew submitted that figuratively the sign meant “climbing up to the brand of BISTRO” and the average consumer would consider the sign as a part or a leg of the brand “BISTRO”. She viewed that the signs would all be referred to by the consumers as one of the “BISTRO” brands.
29. I do not concur. For the sign “BISTRO NOUVEAU”, as the word “NOUVEAU” originates from French, I doubt whether the relevant consumers in Hong Kong, who are conversant with English, would know its meaning in English. In fact, they may find the word “NOUVEAU” so unfamiliar and striking that the overall impression they would have on the sign would be “BISTRO NOUVEAU” as a whole. They will therefore remember and refer to the sign as “BISTRO NOUVEAU”, which is different from the subject mark. Similarly, for “SHIN BISTRO”, as the word “SHIN” is commonly known as the

² Pages 80, 81, 114, 255, 270 of Hearing Bundle 1, pages 317, 335, 383, 412, 438, 514, 571 of Hearing Bundle 2 and page 760 of Hearing Bundle 3.

³ Pages 82, 83, 89, 252, 262 of Hearing Bundle 1 and pages 316, 323, 384, 440, 513, 514 of Hearing Bundle 2.

part of the leg from the knee to the ankle, I consider that the combination of the words “SHIN” and “BISTRO” is innovative and the overall impression that would leave on the consumers would be the combination “SHIN BISTRO” as a whole rather than the subject mark. The above signs are therefore different from the subject mark and do not constitute use of the subject mark as a trade mark in respect of the applied-for goods.

30. On that basis, given the sales figures as discussed above also included the applied-for goods sold under and by reference to the subject mark, i.e. “SHIN BISTRO” and “BISTRO NOUVEAU”, I should discount the applied-for goods that are sold under those signs in considering whether the subject mark has acquired distinctiveness through use. Whilst the deponent had very helpfully provided me with a detailed breakdown of the sales figures of the applied-for goods sold under different signs (Exhibit JB-15), I note that the sales figures of 2010 and the quantity and sales figures of 2011 stated thereon were different from those declared in the Declarations (para. 21 of the Bodum Declaration and para. 4 of the Supplementary Bodum Declaration). I put the question to Ms. Siew at the hearing but she indicated she had no instructions from the applicant on the matter and could not explain the inconsistency. In the circumstances, the Declarations are of doubtful evidential weight for the purpose of this application.
31. Further, I discover that the item names which were marked against their respective product numbers as indicated in the three excel tables (Exhibit JB-15) were inconsistent with the item names marked against the same product numbers (Exhibit JB-16). A significant number of the applied-for goods which were said to be sold under the subject mark (Exhibit JB-15), when checked against the corresponding product numbers under Exhibit JB-16, were in fact goods of “SHIN BISTRO”⁴. Whilst I have already commented in paragraph 27 above that the quantity and sale figures of the applied-for goods were not extensive or significant, with the sale figures of goods sold under “SHIN BISTRO” and “BISTRO NOUVEAU” now discounted, there was in fact zero sale for 2006,

⁴ They were goods sold under product numbers 10377-16, 10445-16, 10447-16, 10498-10, 10498-16, 10595-01, 10599-16, 10602-10 to 10608-10, 10614-10, 10669-01B to 10674-01B, 10709-01UK, 10709-04UK, 10709-278UK, 10709-464 EURO/ UK, 10709-565 EURO/UK, 10709-57UK, 10709-906 EURO/UK, 10709-911UK, 10709-913UK, 10741-16B, 10797-10, 10957-01EURO, 10957-565EURO, 7305-03B, 7305-03BRST, 7305-167B, 7305-334B, 7305-382B, 7305-515B, 7305-716B, 7320-167B, 7320-382B, 7320-515B, 7320-716B, 7324-167B, 7324-382B, 7324-515B, 7324-716B, 7365-03B, 7365-334B and 7368-03B.

2008 and 2009. This is again inconsistent with the sales figures given to me by the applicant in the Declarations and as such the Declarations are of doubtful evidential weight for the purpose of this application. Nonetheless, even if I were to assess the evidence against such inconsistencies, my view would still be that the sales of the applied-for goods under the subject mark were far from extensive to support the claim that a significant proportion of the relevant consumers has been educated of the significance of the subject mark through use.

32. On the other hand, whilst I note that the applicant has provided to me the number of hits of its Hong Kong website and the awards it has obtained in relation to some of the applied-for goods, the applicant fails to provide me with the amount spent on promoting and advertising the applied-for goods in Hong Kong for the relevant period. Despite the declarant's claim that the applicant had placed advertisements in local newspapers, posters, organised advertising and promotional events and activities etc., there was not a single piece of evidence in support. As such, in the absence of advertising figures, I cannot ascertain the amount and effort the applicant has put in in promoting and educating the relevant consumers the significance of the subject mark as an origin identifier.
33. Having reviewed the evidence thoroughly, it is clear that the sales figures were far from extensive or substantial to support a case of acquired distinctiveness through use. Advertising figures in respect of the applied-for goods were also lacking. As such, the applicant has failed to demonstrate that the subject mark has acquired a distinctive character as a result of the use made of it. I am not satisfied that the subject mark has come to be identified by the relevant consumers as an indication of trade origin to distinguish the goods of the applicant from those of others for the purpose of section 11(2) of the Ordinance. It follows that the objections raised under section 11(1)(b) and section 11(1)(c) of the Ordinance cannot be overcome pursuant to section 11(2).

Overseas Registrations

34. The applicant submitted that the subject marks was registered in other countries (Exhibit JB-14), but some of the alleged certificates were not translated and I do not know which country it was in fact referring to. In any event, it should be noted that national trade mark rights are territorially limited and granted

independently of each other. The bare fact of registration in other countries is not sufficient to establish that a sign is eligible for registration here (*Automotive Network Exchange Trade Mark* [1998] R.P.C. 885). As valid reasons for refusal have been found, I am not persuaded that the subject mark should be accepted merely by following the decision of another registry, in particular, when I am not aware of the reasons behind the acceptance.

Conclusion

35. In this decision, I have carefully considered all the submissions, both written and oral, made by and on behalf of the applicant. For the reasons stated above, I find that the subject mark is precluded from registration by section 11(1)(b) and 11(1)(c) of the Ordinance. The application is accordingly refused under section 42(4)(b) of the Ordinance.

Karine Lai
for Registrar of Trade Marks
11 September 2015

Annex

Class 7

Electric machines for household purposes, beaters, blenders, coffee grinders (other than hand-operated), crushers and/or grinders, fruit presses, grinding machines, milk frothers, mixers and mixing machines, pepper mills (other than hand-operated), salt and pepper grinders, slicers, spice grinders, electric whisks for household purposes; electromechanical beverage preparation machines.

Class 8

Cutlery; forks, salad forks, meat forks, knives, boning knives, bread knives, steak knives; cases for knives; palette knives; parsley knives; penknives; cheese slicers and cutters; serving spoons, table cutlery (knives, forks and spoons); tableware (knives, forks and spoons); vegetable choppers, vegetable knives, vegetable slicers.

Class 11

Barbecues; electric coffee filtering apparatus; electric coffee machines, espresso makers; electric coffee makers; electric coffee percolators; dish warmers; filters (parts of household installations); non-electric food warmers; friction lighters for igniting gas; gas lighters; griddles (cooking appliances); grills (cooking appliances), electric grills; electric kettles; lighters (not for smokers); plate warmers; toasters, bread toasters; electric pans.

Class 21

Baskets for domestic use, not of precious metal; beer mugs; heat insulated containers for beverages; non-electric blenders for household purposes; bottles; bowls; domestic bread baskets; butter dishes and butter-dish covers; ceramics for household purposes; cheese boards; cheese-dishes and cheese-dish covers; coffee filtering apparatus, non-electric; coffee grinders, hand-operated; coffee makers, non-electric; coffee percolators, non-electric; coffee services, not of precious metal; coffeepots, non-electric, not of precious metal; containers for household or kitchen use (not of precious metal); cookie jars; cress bowls; cruets, not of precious metal; cups (not of precious metal); cutting boards for the kitchen; decanters; dishes and dish covers, not of precious metal; coasters not of paper or textiles, not of paper and other than table linen; non-electric domestic grinders; drinking glasses; glass caps; glass flasks; glass jars; griddles (cooking utensils); grill pans; grill plates; salt and pepper grinders,

grinders for spices, all hand operated; heat-insulated containers; holders for knives, knife blocks; hot pots (not electrically heated); insulating flasks and jugs; jugs (not of precious metal); kitchen containers, not of precious metal; kitchen mixers (non-electric); lids for kitchen utensils and tableware; sets consisting of a vinegar and a oil container or of vinegar, a oil, a salt and a pepper container; mills for domestic purposes, hand-operated; mugs (not of precious metal); napkin holders; oil cruets (not of precious metal); oil dispensers (kitchen utensils), paper roll holders; pastry cutters; pepper mills, hand-operated; plate holders and plates (not of precious metal); platters; porcelain ware; pots; salad bowls, not of precious metal; salt shakers and pots, not of precious metal; saucers, not of precious metal; cake servers, salad servers; services (tableware), not of precious metal; soap bowls, not of precious metal; spice sets; storage jars, strainers for household purposes; sugar dispensers, sugar castors, table plates, not of precious metal; tableware (other than knives, forks and spoons), not of precious metal; tea makers, non-electric; tea services, not of precious metal, tea strainers, not of precious metal; teapots, not of precious metal; thermally insulated containers for food and drink; vacuum bottles; vases, not of precious metal; vegetable dishes; water bottles; water carafes; works of art, of porcelain, terracotta or glass.