

TRADE MARKS ACT 1994

**IN THE MATTER OF APPLICATION NO 8535 by
DANIEL FINZI & CO (SUC) LIMITED FOR REVOCATION
IN RESPECT OF TRADE MARK NO 1225801
STANDING IN THE NAME OF
JOSEPH E SEAGRAM & SONS INC**

TRADE MARKS ACT 1994

5 **IN THE MATTER OF Application No 8535**
by Daniel Finzi & Co (SUC) Limited
for revocation in respect of
Trade Mark No 1225801 standing in the
name of Joseph E Seagram & Sons Inc

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BACKGROUND

15 The trade mark REGGAE, is registered under No 1225801 and stands on the Register in the name of Joseph E Seagram & Sons Inc of New York, United States of America. The registration is in respect of “Wines, spirits (beverages) and liqueurs”.

20 By application dated 14 June 1995, Daniel Finzi & Co (SUC) Limited of Kingston, Jamaica applied for the revocation of this registration under the provisions of Section 46 of the Act on the grounds that there has been no use of the registered trade mark by the proprietor or by any other party with their consent during an uninterrupted period of five years or more prior to the date of the application for revocation, and that there are no proper reasons for non use.

25 The registered proprietors filed a counterstatement denying that the trade mark had not been used in the United Kingdom. They stated that late in 1994 discussions had been held with third parties for the development of two new rum based products, one of which was to be marketed under the brand name REGGAE. Subsequently, in May 1995, the product specification had been finalised and a label drawn up in consultation with distributors and
30 retailers with a view to a launch later that year. In the circumstances, they asked that the application for revocation be refused and ask for an award of costs in their favour.

Both sides filed evidence in these proceedings and the matter came to be heard on
16 December 1998 when the applicants were represented by Ms Denise McFarland of
35 Counsel, instructed by J E Evans-Jackson & Co, their trade marks agents and the registered proprietors were represented by Mr Adrian Speck, of Counsel, instructed by R G C Jenkins & Co, their trade mark agents.

DECISION

40 At the start of the Hearing Mr Speck for the registered proprietors stated that his clients were no longer resisting the application for revocation. Having read the evidence filed by both parties I had reached the preliminary view that the registered proprietors’ evidence was not
45 sufficiently robust to resist the application for registration on the grounds of non-use. In the circumstances I conclude that the application for revocation, based upon Section 46(1)(a) of

the Act is made out in full and I direct, under the provisions of Section 46(6) that registration number 1225801 standing in the name of Joseph E Seagram & Sons Inc be removed from the register with effect from the date of the application for revocation.

5 As the applicants for revocation have been successful I order the registered proprietors to pay to them the sum of £835 as a contribution towards their costs.

Dated this 22 day of December 1998

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M KNIGHT
Principal Hearing Officer
For the Registrar
20 the Comptroller General