

Scenario 1 - MangoJam

You are a children's clothing designer / printer / up-cycler and have called your organisation 'MangoJam'. You have registered your company at Companies House 'Mango Jam Trading Limited'. You are aware of 'MANGO' the clothes designer and manufacturer but know they don't sell children's clothes. You have purchased the www.mango-jam.co.uk domain name and have started selling clothing on-line and in other bricks and mortar stores and craft fairs. You know about trade marks and have applied for a UK trade mark in class 25 (Clothing, footwear, headgear, clothing accessories). You then receive the following letter from the UKIPO and a company called Consolidated Artists B.V. who own the MANGO chain of shops and are represented in the UK by Dehns LLP.

You decide to find out more information from the UKIPO and from the UK Patent Attorney firm by calling them.....



Date: 17 January 2012

Dear Sir or Madam,

Trade Mark No: 2599630 in Class 25

For the Mark: mangoJam

Proprietor: MangoJam Trading Ltd

Following publication of your trade mark application on 25 November 2011, the Intellectual Property Office has received a form TM7a "Notice of threatened opposition" from a third party, a copy of which is attached. The form was submitted within two months of the date on which your mark was published in the Trade Marks Journal, and has therefore been accepted.

The filing of a form TM7a does not mean that your application has been opposed by the filer, nor does it commit the filer to actually opposing your application. It means that the period for the filer of the TM7a to oppose your trade mark has been extended to three months beginning with the date on which the application was published.

As a form TM7a has been filed against your application, it is possible that an opposition will be launched in the near future. It is therefore important that you are aware of the costs which may be incurred in defending your mark. Where an opposition succeeds, the applicant is normally ordered to make a contribution towards the costs of bringing the opposition, including the opposition filing fee. Similarly, where an opposition fails, the opponent is normally ordered to pay a contribution to the applicant's costs of defending its application.

An opponent is expected to give an applicant reasonable notice of its intention to oppose the application in order to provide the applicant with an opportunity of withdrawing it



without incurring any liability for costs. This letter confirms that a third party is threatening to oppose your mark, and therefore provides you with notice.

At this stage, the Intellectual Property Office cannot comment on the likely success or failure of an opposition, nor is it suggesting that you should withdraw your application. You may want to consider obtaining professional advice from your solicitor or trade mark attorney before you make any decisions at this stage. If you do not have a professional advisor in such matters you may want to refer to the list of useful links below.

Further information and guidance notes relating to the opposition procedure can be found on our website at www.ipo.gov.uk/t-object-afterpublish-oppose.htm.

Yours faithfully

Intellectual Property Office

Useful Links:

The Institute of Trade Mark Attorneys

www.itma.org.uk

The Chartered Institute of Patent Attorneys

www.cipa.org.uk

The Law Society

www.lawsociety.org.uk

Form TM7a
Trade Marks Registry

Concept House
Cardiff Road
Newport
South Wales
NP10 8QQ

Notice of threatened opposition

1. Trade mark number	2599630	<i>(Lowest) Class 25</i>
Mark type	UK	
2. Full name of the applicant or registered proprietor	MangoJam Trading Ltd	
3. Name and address (including postcode) of the potential opponent	Consolidated Artists B.V. Lijnbaan 68 NL-3012 EP Rotterdam Netherlands	
4. Name and address (including postcode) of the representative (if any)	Dehns St. Bride's House 10 Salisbury Square London EC4Y 8JD United Kingdom (ADP Number 0000166001)	
5. Declaration	I confirm that I wish to file this notice of threatened opposition and that a copy should be sent to the Trade Mark applicant.	
Your name	Dehns	
Date	17/01/2012	
6. Name, daytime phone number, fax number and email address of the person we should contact in case of query	Clare Mann 020 7632 7200 020 7353 8895 mail@dehns.com	
Your reference	79.M100929	

Dear Sir

United Kingdom Trade Mark Application No. 2599630 - mangoJam in Class 25 in the name of MangoJam Trading Ltd - and - Possible Opposition thereto by Consolidated Artists B.V.

Our client, Consolidated Artists B.V., is the owner of the well-known Mango clothing and accessories chain. Our client has operated a website under the trade mark MANGO since 1995 and opened its first UK clothing store under the mark in 1998. It has established a considerable reputation in the trade mark MANGO in the UK through its sales and through extensive advertising and promotion. Our client is also the registered proprietor of a number of trade mark registrations for marks which consist of or contain the word MANGO. These include Community Trade Mark Registration No. 003360815 which covers, *inter alia*, Class 25. Details of this registration are attached.

Our client has recently become aware of your client's UK Trade Mark Application No. 2599630 and is concerned that confusion could occur. The application covers goods which are identical and/or similar to those covered by our client's above-mentioned registration.

We have applied to extend the opposition period for your client's application. The opposition period now expires on **24 February 2012**. Our client is currently intending to file an opposition but would first like to give your client an opportunity to voluntarily withdraw its application.

We look forward to hearing from you on or before 3 February.

Trade mark 	
Filing date:	18/09/2003
Date of registration:	11/06/2008
Expiry Date:	18/09/2013
Nice Classification:	3, 9, 14, 16, 18, 25, 35 ( Nice classification)
Trade mark:	Individual
Type of mark:	Figurative
Vienna Classification:	27.5.25 ( Vienna Classification)
Acquired distinctiveness:	No
Applicant's reference:	MNG 910 MA 1 (EU)
Status of trade mark:	Registration cancellation pending ( Glossary) ( History of statuses)
Filing language:	French
Second language:	English

Graphic representation 



MANGO

Scenario 1 - MangoJam

You decide to find out more information from the UKIPO and from the UK Patent Attorney firm by calling them.....

- 6-7 minutes to discuss and investigate using the trade mark databases and Google
- A team of 3 people to come up to the front and talk us through what you are going to do and then make 2 phone calls:
 1. UKIPO to find out more information
 2. Dehns to talk to them about their letter and the intended notice of opposition

Scenario 2 – Tech Transfer

You are the CEO of a technology company (BioProcessBV) who owns processing technology (granted patents and know-how) to deliver antiviral drugs in macro food pellets. The pellets mask the taste of antiviral drugs, allow the drugs to be delivered in horse feed at near 100% potency and released in the correct parts of the digestive tract – ultimately immunising the horses against the 'Neigh Virus'. You have been approached by a horse feed manufacturer (NeighHorsea) to incorporate an antiviral into their own horse feed.

At the moment NeighHorsea have to either inject the antiviral (very expensive and horses don't like injections) or they mix the antiviral in to their feed themselves (the antiviral also gets inactivated by 90% and the horses don't eat all of the feed because of the bad taste) following the instructions from the antiviral manufacturer.

They would like BioProcessBV to incorporate the antiviral that they buy from a third party into their horse feed and feed it to their horses in a proof of concept study. You agree to undertake a proof of concept study for \$50k which lasts about 1 year that statistically proves that you can incorporate the antiviral into the horse feed, the horses eat the feed and are then protected against the Neigh virus.

The results of the experiments belong to NeighHorsea and you have signed a confidentiality agreement with them to not disclose the results. The horse feed manufacturer knows you own the processing technology and wants a price per kg of antiviral+feed and also wants to understand if they can transfer your technology from BioProcessBV to NeighHorsea so they can manufacture the antiviral+feed themselves when they get to larger volumes as they want to sell this new product to other companies and organisations.

Any questions?

6-7 minutes to discuss in groups of 3 – I then want two groups of three to role play as NeighHorsea and BioProcessBV. The market is big enough to make this commercially viable for both companies.

What should you do next and what intellectual property should you consider?

What things should you consider if you produce a product for NeighHorsea?

What things should you consider if you licence your process technology to NeighHorsea?

What things do you need to consider if you are NeighHorsea?