

**IN THE HEARINGS AND MEDIATION DEPARTMENT OF THE
INTELLECTUAL PROPERTY OFFICE OF SINGAPORE**

[2026] SGIPOS 11

Trade Mark No. 40202255307U

**IN THE MATTER OF A TRADE MARK APPLICATION BY
KINGDOM QARAH PTE. LTD.**

GROUND OF DECISION

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**In the matter of a trade mark application by KINGDOM
QARAH PTE. LTD.**

[2026] SGIPOS 11

Trade Mark No. 40202255307U
Principal Assistant Registrar Sandy Widjaja
25 June 2026

22 September 2026

Principal Assistant Registrar Sandy Widjaja:

Introduction

1 It is difficult to register a trade mark consisting of a word which refers to a colour. Such a word may be perceived by the average consumer as describing a characteristic of the goods, rather than as identifying trade origin. For instance, “red” used for cars may simply describe red cars.

2 The present case turns on whether “CELADON” (the “Application Mark”) would be perceived in that way. The trade mark examiner assigned to assess the application (“Examiner”) considered that the Application Mark denotes a shade of green and that the mark is therefore descriptive of the colour for the specification in Class 14 which includes watches, horological instruments and jewellery. The applicant, Kingdom Qarah Pte. Ltd. (the “Applicant”), submitted that the Application Mark is more naturally associated with ceramics and glaze traditions and would not be understood by the average consumer in Singapore as a colour descriptor for watches and horological instruments.

3 I agree with the Applicant. I am of the view that the Application Mark should be accepted for publication for opposition purposes in relation to an

amended specification in relation to watches and horological instruments. I set out my reasons below.

Procedural background

4 On 26 September 2022, the Applicant filed an application for the Application Mark in respect of the following goods:

Class 14

“Automatic watches; Cases [fitted] for horological articles; Chronographs [watches]; Chronological instruments; Chronoscopes; Clocks and parts therefor; Clocks and watches; Clockworks; Cloisonne jewellery; Custom jewellery; Dials [clock- and watchmaking]; Dress watches; Electronic timepieces; Faces for chronometric instruments; Horological and chronometric instruments; Jewellery; Jewellery boxes; Jewellery, precious and semi-precious stones; Mechanical watches; Movements for clocks and watches; Ornaments [jewellery]; Pendulums [clock- and watchmaking]; Precious metals and their alloys; Precious metals, unwrought or semi-wrought; Presentation cases for horological articles; Stopwatches; Table clocks; Timepieces; Watch bands; Watch bracelets; Watch clasps; Watch crowns; Watch parts; Watches” (the “Application Goods”).

5 On 11 May 2023, the Examiner refused the Application Mark on the basis that:

- (a) The mark is objectionable under section 7(1)(c) of the Trade Marks Act 1998 (“TMA”) as it consists exclusively of signs or indications which may serve, in trade, to designate the characteristics of the goods in Class 14. Specifically, “[t]he mark consists of the word “CELADON” which may refer to a pale blue green colour *or* a type of greenware” such that “[w]hen the mark is applied on the goods, it may

denote that the goods are of that particular colour *or* contains that material” (emphasis in italics mine);¹

(b) The mark is objectionable under section 7(1)(b) TMA as it is devoid of any distinctive character for the goods applied for in Class 14. This is because “the mark is found to be exclusively descriptive of the goods under section 7(1)(c)”.²

6 On 31 October 2023, the Examiner maintained her objections under sections 7(1)(b) and (c). While the Examiner *accepted* the Applicant’s clarification that “CELADON” does *not* refer to a type of material but is a term used to refer to pottery glazed in a jade green colour or a type of transparent glaze,³ the Examiner *disagreed* with the Applicant’s contention that “it is not clear what colour...the word “CELADON” refer[s] to”.⁴ In particular, the Examiner referred to her findings, amongst others, that “CELADON” is:

- (a) identified by the hex colour code “#ACE1AF”; and
- (b) a “green-based colour”.⁵

7 The Examiner concluded that “CELADON” does indeed make reference to a colour such that “an average consumer would perceive the mark as denoting a characteristic (i.e. the colour) of the goods”⁶ which in turn means that the mark is unlikely to be recognised by the average consumer as “an indicator of trade

¹ Examiner’s letter dated 11 May 2023 at [2].

² Examiner’s letter dated 11 May 2023 at [2].

³ Examiner’s letter dated 31 October 2023 at [3].

⁴ Examiner’s letter dated 31 October 2023 at [4].

⁵ Examiner’s letter dated 31 October 2023 at [4].

⁶ Examiner’s letter dated 31 October 2023 at [5].

origin without expending extensive efforts on educating the public that it is a trade mark”.⁷

8 In relation to the Applicant’s references to “other marks on the Register”, the Examiner explained that they are not persuasive as they are not analogous to the present case since they “contain other words or devices”.⁸

9 On 17 January 2025, the Examiner maintained her objections under section 7(1)(b) and section 7(1)(c), reiterating her view that the term “CELADON” makes reference to a colour and the average consumer would perceive the mark as denoting the colour of the goods.⁹

10 In relation to the Applicant’s proposal to limit the specification to “... all the aforementioned goods being not composed exclusively of a celadon ceramic glaze or colour”, the Examiner explained that it is not acceptable as registration of trade marks with negative restrictions on specific characteristics could “cause confusion about what protection the trade mark actually provides and would lead to legal uncertainty as to the extent of protection afforded by the registration of such marks”.¹⁰

11 With regard to the Applicant’s references to the fact that the International Registration for the Application Mark (IR No. 1728954) designating the United Kingdom, Switzerland and Australia has been registered

⁷ Examiner’s letter dated 31 October 2023 at [5].

⁸ Examiner’s letter dated 31 October 2023 at [6].

⁹ Examiner’s letter dated 17 January 2025 at [3].

¹⁰ Examiner’s letter dated 17 January 2025 at [4].

and granted protection, the Examiner explained that the decisions of foreign IP offices are not binding.¹¹

12 In all of the Examiner's three (3) reports, she invited the Applicant to consider filing evidence showing that the Application Mark has, before the date of application, in fact acquired a distinctive character as a result of the use made of it in Singapore. The Applicant did not file such evidence.

13 On 15 April 2026, the Applicant filed Form HC 4 to request an *ex parte* hearing under rule 24(2)(b) of the Trade Mark Rules 2008. The Registrar's Notice of Hearing dated 22 April 2026 set the matter down for an *ex parte* hearing on 25 June 2026.

Relationship between section 7(1)(b) and section 7(1)(c) TMA

14 Section 7(1)(b) and section 7(1)(c) read:

7(1)(b) The following must not be registered...trade marks which are devoid of any distinctive character.

7(1)(c) The following must not be registered.....trade marks which consist exclusively of signs or indications which may serve, in trade, to designate the kind, quality, quantity, intended purpose, value, geographical origin, the time of production of goods or of rendering of services, or other characteristics of goods or services.

15 As a preliminary point, I agree with the Applicant that as the Examiner's objection under section 7(1)(b) is expressly premised on the finding that the Application Mark is descriptive under section 7(1)(c), this means that if the

¹¹ Examiner's letter dated 17 January 2025 at [5].

Application Mark is not objectionable under section 7(1)(c), the objection under section 7(1)(b) cannot be sustained.¹² Thus, it is clear that the section 7(1)(c) objection is the *decisive* ground.

Registrability of the Application Mark under section 7(1)(c) TMA

16 It is important to recall the purpose of section 7(1)(c). As the Principal Assistant Registrar (PAR) in *In the matter of a Trade Mark Application by Marvelous AQL Inc.* [2017] SGIPOS 3 (*Marvelous*) stated at [15]:

[15] The purpose of Section 7(1)(c) is to prevent the registration of signs which are *descriptive* of the goods or services or some characteristic of them. These descriptive marks are excluded from registration because they consist of signs or indications which honest traders either use or may wish to use without any improper motive.

[Emphasis in italics mine]

17 The PAR in *Marvelous* also helpfully enumerated the principles in relation to the same:

[29]...(1) [Section 7(1)(c)] is in the public interest, to ensure that descriptive terms may be *freely used by all...*

(2) The signs and indications referred to in [Section 7(1)(c)] are those which may serve in *normal usage* from a consumer's point of view to designate, *either directly or by reference to one of their essential characteristics*, goods or services such as those in respect of which registration is sought.

¹² Applicant's Written Submissions ("AWS") at [15].

(3) The situations specifically covered by [Section 7(1)(c)] are those in which the sign is *capable of* designating a “characteristic” of the goods or services referred to in the application. The terms mentioned in [Section 7(1)(c)] must all be regarded as characteristics, but the list is *not* exhaustive.

(4) The provision extends to *any* characteristic whatsoever of goods or services, *irrespective* of how significant the characteristic may be commercially.

(5) The property [or characteristic] in question must be easily *recognisable* by the relevant class of persons.

(6) It is not necessary that such descriptive terms are actually in use, it is sufficient that such signs and indications *could be used* to designate a characteristic of the goods or services.

(7) Accordingly, a sign must be refused under [Section 7(1)(c)] *if at least one* of its possible meanings designates a characteristic of the goods or services concerned.

(8) Likewise, it is *irrelevant* if there are other, more usual signs or indications for designating a particular characteristic of the goods or services. These provisions do *not* require that the sign or indication under examination should be the only way of designating the characteristic in question. It is *irrelevant* if there are synonyms. It follows that [Section 7(1)(c)] does not require the sign at issue to be the usual means of designation....

(10) The existence of a specific defence [Section 28(1)(b)] does *not* limit the scope of [Section 7(1)(c)]. In fact the existence of the defence discloses the need for [Section 7(1)(c)] to be applied to any sign which may designate a characteristic of the goods or services for which registration is sought.

(11) The term “exclusively” requires a *purposive* approach.

[Emphasis in italics mine]

Applicant’s arguments

18 As a preliminary point, I note that the Examiner, in her examination report of 31 October 2023, has accepted the Applicant’s clarification that “CELADON” does *not* refer to a type of material. Therefore, the decision will focus on the issue of whether “CELADON” is a *colour* and whether the average consumer of the relevant goods would perceive the Application Mark as denoting the *colour* of the goods.

The Examiner erred in her finding that “CELADON” serves a descriptive function in relation to watches/horological instruments

19 The Applicant argued that the general principle that section 7(1)(c) TMA “bars registration where a mark consists exclusively of signs or indications which may serve, in trade, to designate characteristics of goods or services...and that an objection may arise even if one possible meaning of the mark is capable of such designation...does not and should not operate in a vacuum”.¹³

20 The Applicant referred to *In the matter of Trade Mark Application by Schweiger, Martin Rainer Gabriel* [2023] SGIPOS 1 (“*Schweiger*”), and submitted that a mark must be assessed in its proper context by reference to two equally important legal principles:^{14 15}

¹³ AWS at [17] – [18].

¹⁴ *Schweiger* at [19].

¹⁵ AWS at [18].

- (a) First, the characteristic must be “easily recognisable” by the average consumer in the relevant market/industry; and
- (b) Second, the focus is not on every conceivable consumer, but is by reference to a “significant proportion” of consumers in the relevant market/industry.

21 The Applicant submitted that the Examiner’s treatment of “CELADON” as a colour descriptor for the Application Goods is not borne out as “CELADON” is first and foremost “a term rooted in ceramics – referring to wares glazed in a jade-green aesthetic and, more broadly, to a type of glaze tradition”¹⁶ and it “does not refer to a particular shade of colour”.¹⁷

22 In particular, the Applicant submitted that the Examiner’s reliance on the hex colour code “#ACE1AF” does not advance the conclusion that the Application Mark is descriptive as “[e]ven if certain colour-reference sources label a particular shade “CELADON”, that label is best understood as a conventional reference name drawn from historical associations with “CELADON” ware and glaze traditions”.¹⁸

23 Importantly, the Applicant submitted that “[t]he test of whether a mark is descriptive must be made through the lens of the relevant customer”,¹⁹ which, the Applicant clarified at the hearing, is the general public.

¹⁶ AWS at [21].

¹⁷ AWS at [21].

¹⁸ AWS at [29].

¹⁹ AWS at [30].

24 The Applicant submitted that even if the hex colour code “#ACE1AF” is labelled “CELADON” on certain colour-reference websites, that does not show that a “significant proportion”²⁰ of the general public in Singapore would understand “CELADON” as a colour descriptor.

25 The Applicant relied on the High Court’s reasoning in *Courts (Singapore) Pte Ltd v Big Box Corporation Pte Ltd* [2018] 5 SLR 312 (“*Big Box*”).²¹ In *Big Box*, the Court did not treat dictionary or foreign-market usage as determinative of what the *Singapore public* would understand the phrase “big box” to mean.²² Absent evidence of broader public understanding, the applicant in *Big Box* failed to prove that “big box” contravened section 7(1)(c) and the invalidation ground did not succeed.²³

26 The Applicant submitted that the Examiner’s key materials show, at most, that some colour references use “CELADON” as a label for a particular shade of green. That does not prove that the relevant consumers in Singapore would, upon seeing the Application Mark on watches, immediately treat it as a colour descriptor rather than a badge of origin.²⁴

27 The Applicant submitted that a “significant proportion” of the relevant consumers will not perceive “CELADON” as designating a colour characteristic of the Application Goods unless “they receive extensive education about colour

²⁰ AWS at [31].

²¹ AWS at [32].

²² AWS at [32].

²³ AWS at [34].

²⁴ AWS at [35].

terminology” and concluded that “[t]he average consumer will instead perceive “CELADON” as a badge of origin”.²⁵

28 Having considered the Applicant’s arguments, the Examiner’s three (3) reports as well as the relevant attachments, I am of the view that while the Examiner’s reference to the fact that the hex colour code “#ACE1AF” is labelled “CELADON” on certain colour-reference websites is understandable, I agree with the Applicant that a significant proportion of the general public in Singapore, which is the relevant average consumer for watches/horological instruments, would *not* understand “CELADON” as a colour descriptor.

29 I come to this conclusion on the basis that:

(a) The documents attached to the Examiner’s report dated 31 October 2023 which form the basis of the Examiner’s finding that the hex colour code “#ACE1AF” is labelled “CELADON” are rather technical in nature. In particular, the attachments include:

- (i) The Ultimate Guide to Hex Colours;
- (ii) Converting Colours; as well as
- (iii) Encycolorpedia, in relation to “Celadon / #ace1af Hex Color Code, RGB and Paints”.

(b) The top internet search results for “CELADON” on the internet mainly pertain to “CELADON” referring to “pottery glazed in jade green colour or a type of transparent glaze” rather than “CELADON” as a specific shade of colour.

²⁵ AWS at [38].

30 In light of the above, I am of the view that unless one is in the design or design-related industry, such as interior design²⁶ or graphic design,²⁷ an individual would *not* be aware of the hex colour code “#ACE1AF” nor understand “CELADON” as a colour descriptor.

The Application Mark is not directly descriptive of the Application Goods

31 The Applicant also argued that in order to sustain a section 7(1)(c) objection, the alleged ‘descriptiveness’ has to relate to a “specific and objective characteristic” of the goods claimed. Even if “CELADON” were to be perceived as describing the colour of the Application Goods, it cannot be said that “having a celadon colour is a specific and objective characteristic of...watches”.²⁸

32 The Applicant argued that a distinction must be made between descriptive references to the colour of the goods and to the “nature, function or other inherent attributes”²⁹ of the goods themselves. In this case, “a specific and objective characteristic” for watches is “timekeeping”.³⁰ Taking the Examiner’s case at its strongest “CELADON” is not descriptive of watches as a *[type of] good* in Class 14”.³¹

²⁶ A webpage entitled “Celadon, the essence of tranquility” on Dulux’s website as attached in Examiner’s report dated 31 October 2023.

²⁷ A webpage entitled “Everything about the colour Celadon” on Canva’s website as attached in Examiner’s report dated 31 October 2023.

²⁸ AWS at [39].

²⁹ AWS at [40].

³⁰ AWS at [41].

³¹ AWS at [45].

33 While I agree that the main purpose of watches is to tell time, it is clear section 7(1)(c) is not confined to the intended purpose of the goods and applies to “other characteristics of goods” as well (above). In fact, I am of the view that “colour” is not only “a characteristic of [watches]” but colour is one of the *considerations* that the average consumer would take into account in making his/her decision on whether to purchase a watch.

Alleged analogous acceptances by IPOS

34 The Applicant also argued that the Application Mark is capable of indicating trade origin in light of “analogous prior marks which have been accepted by the Registrar”.³²

35 However, the examples provided by the Applicant do not assist as the marks contain other words and/or devices,³³ or relate to goods in classes other than Class 14.³⁴ As alluded to above, whether colour is one of the considerations for purchase is very much tied to the specific items at issue.

Negative restrictions are sufficient in overcoming section 7(1)(c) objections

36 The Examiner has explained in her letter of 17 January 2025 that the Applicant’s proposed restriction, namely, by adding “... all the aforementioned goods being not composed exclusively of a celadon ceramic glaze or colour” is not acceptable.

37 In light of my conclusion above, while a negative restriction is not necessary, I note that the Applicant’s arguments relate *mainly* to

³² AWS at [46].

³³ AWS at [46].

³⁴ AWS at [47].

“watches/horological instruments”.³⁵ I also note that the Applicant has submitted that “if the Honourable Registrar considers a restriction necessary and appropriate in the given circumstances, the Applicant is prepared to narrow the specification and adopt the appropriate limitation enumerated in paragraph 55 of the Applicant’s Written Submissions or any other limitation as the Honourable Registrar deems fit and appropriate”.³⁶

38 Thus, it is *directed* that the specification be amended to:³⁷

Class 14 (Amended)

“Automatic watches; Cases [fitted] for horological articles; Chronographs [watches]; Chronological instruments; Chronoscopes; Clocks and parts therefor; Clocks and watches; Clockworks; ~~Cloisonne jewellery; Custom jewellery; Dials [clock- and watchmaking]; Dress watches; Electronic timepieces; Faces for chronometric instruments; Horological and chronometric instruments; Jewellery; Jewellery boxes; Jewellery, precious and semi-precious stones; Mechanical watches; Movements for clocks and watches; Ornaments [jewellery]; Pendulums [clock and watchmaking]; Precious metals and their alloys; Precious metals, unwrought or semi-wrought; Presentation cases for horological articles; Stopwatches; Table clocks; Timepieces; Watch bands; Watch bracelets; Watch clasps; Watch crowns; Watch parts; Watches, ~~all the aforementioned goods being not composed exclusively of a celadon ceramic glaze or colour~~”~~

³⁵ The word “jewellery” only appears in AWS [39] – [46].

³⁶ AWS at [62].

³⁷ The proposed amendment is identical with the Applicant’s proposal at AWS [55] except for the removal of the negative restriction.

Summary and Conclusion

39 In light of the above, the Application Mark is *not* objectionable under section 7(1)(c) of the TMA and I direct that the Application Mark *proceed to be published for opposition* in respect of the following amended specification:

Class 14 (Amended)

“Automatic watches; Cases [fitted] for horological articles; Chronographs [watches]; Chronological instruments; Chronoscopes; Clocks and parts therefor; Clocks and watches; Clockworks; Dials [clock- and watchmaking]; Dress watches; Electronic timepieces; Faces for chronometric instruments; Horological and chronometric instruments; Mechanical watches; Movements for clocks and watches; Presentation cases for horological articles; Stopwatches; Table clocks; Timepieces; Watch bands; Watch bracelets; Watch clasps; Watch crowns; Watch parts; Watches.”

Further, as the objection under section 7(1)(b) was premised on the same finding of descriptiveness, that objection likewise cannot be sustained.

40 In coming to the above conclusion, I am mindful of the reminder by the PAR in *In the matter of a trade mark application by Louis Vuitton Malletier* [2023] SGIPOS 10 (“*Louis Vuitton*”) that:

- (a) the assessment of inherent distinctiveness is conducted from the viewpoint of the “hypothetical average consumer of the category of goods or services in question, who is reasonably well informed and reasonably observant and circumspect”;³⁸

³⁸ *Louis Vuitton* at [46], quoting *Love & Co Pte Ltd v The Carat Club Pte Ltd* [2009] 1 SLR(R) 561 at [33].

(b) In this instance, the relevant goods in Class 14 being *consumer goods* which can be purchased by ordinary members of the public directly from traders, the hearing officer can make the assessment based on his/her *practical experience and knowledge* as a notional average consumer of the goods in question (emphasis in italics mine);³⁹

(c) The requirement to furnish evidence would inevitably increase costs for parties, and is arguably *not* necessary in situations where a hearing officer can make an assessment based on his / her practical experience and knowledge as a notional average consumer of the goods in question (emphasis in italics mine);⁴⁰ and

(d) This rationale applies with greater force at the trade mark *application* stage, where transaction costs for parties (which include many small and medium-sized enterprises, as well as individuals) should be kept *low* (emphasis in italics mine).⁴¹

41 Last but certainly not least, it is important to recall that this decision is made on an *ex parte* basis, and it is open to challenge by third parties in any subsequent opposition or invalidation proceedings. As the PAR in *Louis Vuitton* aptly observed:⁴²

[50] Ultimately, trade mark examiners (and this Tribunal) must strike a balance between safeguarding the integrity of the trade mark register by disallowing registration of unmeritorious applications, and not

³⁹ *Louis Vuitton* at [46], referring to *Fox Racing, Inc. v Fox Street Wear Pte Ltd* [2014] SGIPOS 13 at [85].

⁴⁰ *Louis Vuitton* at [47].

⁴¹ *Louis Vuitton* at [47].

⁴² *Louis Vuitton* at [50].

being overly pedantic in the examination of trade mark applications. In attempting to do so, it is inevitable that some applications will be allowed, which a reasonable person might legitimately feel should have been refused (or *vice versa*). It is in this context that the hearing officer in *Floor Xpert* observed (at [5]) that: “after the mark is accepted for registration, it will next be published in the Trade Marks Journal where, for a period of time, any party may oppose the registration of the mark. *Even after* the window for opposition passes (and the mark proceeds to registration), any party may apply to invalidate a registered trade mark. In the event of any challenge, the person hearing the matter is *not bound* by this present decision and will be able to consider the issue *afresh*.”

[Emphasis in italics mine]

Sandy Widjaja
Principal Assistant Registrar

Mr Michael Yee and Mr Mark Teng (That. Legal LLC) for the
Applicant