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

[2026] SGIPOS 8

Trade Mark No. 40202307137P

IN THE MATTER OF A TRADE MARK APPLICATION

IN THE NAME OF

VMAN ENGINE SINGAPORE PTE. LTD.

…Applicant

AND

AN OPPOSITION BY

MAN MARKEN GMBH

…Opponent

GROUNDS OF DECISION

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v
VMAN Engine Singapore Pte Ltd

[2026] SGIPOS 8

Trade Mark No. 40202307137P
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2 April 2026

23 June 2026

Principal Assistant Registrar Ong Sheng Li, Gabriel:

Introduction

1 This trade mark opposition concerns an application by Vman Engine Singapore Pte. Ltd. (the "Applicant") to register "  " (Trade Mark No. 40202307137P) (the "Application Mark") for the following goods (the "Claimed Goods") in Class 7.

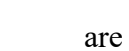
> Diesel engines for air vehicles; Diesel engines for machines; Diesel engines for stationary plant; Diesel engines for water vehicles; Diesel engines not for land vehicles; Diesel engines, other than for land vehicles; Diesel injection devices; Diesel motors for air vehicles; Diesel motors for machines; Diesel motors for ships; Diesel motors for stationary plant; Diesel motors for water vehicles; Diesel turbine engines for air vehicles; Diesel turbine engines for machines; Diesel turbine engines for water vehicles; Gas turbine engines; Gas turbine engines for air vehicles; Gas turbine engines for sea vehicles; Gas turbines not for land vehicles; Gas turbo engines; Marine engines.

2 The Application Mark was applied for on 3 April 2023 (the "Relevant Date"). After it was published, MAN Marken GmbH (the "Opponent") commenced this action to stop the Application Mark from being registered. The Opponent's key earlier trade mark relied on was "MAN" (Trade Mark No. T0708238D), registered in Class 7 for a range of engines and related goods.

3 After due consideration, I have decided to dismiss the opposition. Before setting out my reasons, I make observations along three lines.

(a) First, the Opponent's arguments in relation to the grounds of opposition that require marks-similarity would have been persuasive if the Applicant had been seeking to register the plain word mark "VMAN". But this case is not about "MAN" versus "VMAN". The Application Mark, "  ", is a highly stylised mark which in my view is dissimilar to "MAN" to a significant degree.

(b) Second, the central thrust of the Opponent's case on bad faith is that the Application Mark is an attempt to gain control over "VMAN".[1] I am unable to agree because I think that "  " is clearly distinguishable from "VMAN". They have a different distinctive character. If the Applicant was trying to usurp "VMAN", it would have simply tried to register in block letters. But that is not the mark that it applied to register in Singapore.

(c) Third, if I am correct in my view that "  " and "VMAN" are distinguishable from each other, it follows that the "  " registration will be limited in that it should not—in my opinion—operate as a defence under s 28(3) of the Trade Marks Act 1998 ("TMA") to the Applicant's use of "VMAN" in plain letters. Ultimately, if the Opponent's concern relates to the actual or threatened use of the plain "VMAN" in trade, that is a matter to be pursued outside of this tribunal.

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[1] Here, I note among other things that the Applicant previously attempted to register "VMAN" in Malaysia (where it abandoned the application after the Opponent's parent company filed an opposition) and Taiwan (where the Taiwan Intellectual Property Office allowed an opposition commenced by the holding company of the MAN Group). See footnote 23 below.

Background

The Opponent

4 The Opponent is a German corporation. It was established to manage the protection of intellectual property rights belonging to the MAN Group of companies.[2] Its parent company, MAN Truck & Bus SE, manufactures commercial vehicles and engine products. It also provides transport solutions and services for passenger and freight transport. These products and services are sold worldwide, including in Singapore.[3]

5 The MAN Group's history can be traced to industrial enterprises founded in Augsburg and Nuremberg in the 19th century, which later merged and operated as Maschinenfabrik Augsburg-Nürnberg AG (abbreviated "M.A.N."). From 1915, the MAN Group developed commercial vehicles. It introduced a vehicle diesel engine with direct injection and buses built on a low-frame chassis in 1924. After various commercial successes, it expanded internationally in the 1970s and 1980s. Today, MAN Truck & Bus SE is one of Europe's leading commercial vehicle manufacturers. It is also a part of Traton SE, which is part of the Volkswagen Group.[4]

6 In Singapore, products and services bearing the "MAN" brand name and marks have been offered through the Opponent and its related companies and licensees. For instance, commercial vehicles such as buses, trucks and vans are distributed through ST Engineering in Singapore. There are also "MAN"-branded public buses operated in Singapore. In 1977, a related company, MAN

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2 Opponent's SD at [11].

3 Opponent's SD at [12].

4 Opponent's SD at [13]-[14].

Energy Solutions Singapore Pte. Ltd., was established in Singapore to distribute and sell "MAN" energy solutions and engine products.[5]

7 The Opponent is the proprietor of a sizeable portfolio of "MAN" marks (styled as "MAN", "  ", and "  " including slight variants of the same), registered in Singapore and across the world in a range of classes including 1, 4, 7, 9, 12, 35, 37 and 39.[6] For present purposes, it is not necessary to reproduce a full list of its registrations. During proceedings, the Opponent was invited by the Registrar to select the primary trade mark which it relied on. It chose the earlier mark "MAN" (Trade Mark No. T0708238D, IR No. 914360C) (the "Opponent's Earlier Mark"), registered in Class 7 for the following goods ("the Opponent's Goods"):

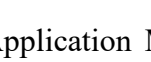
> Engines (except those for land-based vehicles), internal combustion engines, clutches and devices for transmitting power (except those for land-based vehicles) and their parts and spare parts; printing machines, in particular for web-fed offset for newspaper and illustration printing, for sheet-fed offset, for digital printing, and their parts, machines for plastics processing, in particular for varnishing and for print finishing, folding machines, feed and delivery machines for the printing material, transport and storage machines for printed products, plate bending machines; engines for ships, for on-board power generation and for stationary power plants, in particular two-cycle and four-cycle diesel engines, four-cycle diesel-gas and gas Otto engines and their parts, in particular mixed-fuel devices (machines), shafts, gear mechanisms, clutches; ships' machines; power generators; handheld tools (not hand-operated) for the maintenance of engines; exhaust turbochargers and turbines (except those for land-based vehicles) and their parts; transmissions for vehicles (except for land-based vehicles); land-based and floating power plants comprising diesel and diesel-gas engines; compressors and turbines, included in this class, in particular axial compressors, radial compressors, process-gas turbines, radial

5 Opponent's SD at [15]-[18] and corresponding Exhibits 4 to 7.

6 Opponent's SD at [6]-[9].

> expanders; machine sets assembled from the aforementioned turbines and compressors; process-gas screw compressors, included in this class, screw expanders, included in this class, industrial steam turbines, industrial gas turbines, except turbines for land-based vehicles; power production machines, assembled from the aforementioned compressors and turbines; gear mechanisms (except for land-based vehicles), in particular industrial gear mechanisms for cement and petrochemical plants, for the plastics and steel industry, for wind energy; spur and planetary gear mechanisms for turbo machines; ships' gear mechanisms with diesel engine and/or turbine drive; sliding bearings (machine parts), in particular for electric machines, blowers, compressors, pumps, ships; machines for the chemical industry, in particular reactors for catalytic gas-phase reactions; hydrotreaters (machines for pre-treating liquid media), machines for the physical sector, namely exothermic and endothermic processes, in particular gas-phase processes; cranes; tower cranes, in particular with trolley or tilting jibs, bottom-slewing quick-erection cranes; machine tools; conveying machines, in particular for piece goods; gear mechanisms for electronic machines; excavators, bucket-wheel and bucket-chain excavators; drive machines (except those for land-based vehicles); (controllable) clutches for industrial machines and ships; sliding bearings and torque converters for industrial machines; packaging machines for printed products.

The Applicant

8 The Applicant is a Singapore company. Incorporated in 2022, it is the Singapore office of VMAN Engine, a diesel and gas engine manufacturing company headquartered in Shanghai, China.[7] It appears that VMAN Engine has a production facility in Changzhou, China.[8] Apart from using the plain word mark "VMAN" (including as part of its company name), the Applicant and/or its related Chinese company has used the Application Mark "  " in connection with gas or diesel engines sold outside of Singapore.[9] It is not entirely clear whether goods bearing the Application Mark (or the plain

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7 Applicant's SD at [2]-[4].

8 Applicant's SD at Exhibit E.

9 Applicant's SD at Exhibit D4: Trade Show Photos.

"VMAN" for that matter) have been sold in Singapore. (There was a screenshot of a website listing for "Vman C10 Diesel Engines" on senglong.com.sg/Products/Vman-Engines,[10] but nothing beyond that.)

Grounds of Opposition

9 The Opponent relied on four grounds of opposition. They were: (a) s 8(2)(*b*) TMA; (b) s 8(7)(*a*) TMA; (c) s 8(4)(*a*) read with 8(4)(*b*)(i) TMA; and (d) s 7(6) TMA.

Statutory declarations

10 The parties filed evidence by way of statutory declarations ("SD(s)"). The Opponent's evidence was jointly given by representatives Mr Rüdiger Köbbing and Ms Ina Schwerter-Strumpf ("Opponent's SD"[11]). The Applicant's evidence was given by its director, Mr Siew Hong Kai (Shao HongKai) ("Applicant's SD"[12]). The Opponent's evidence in reply was given by representatives Mr Rüdiger Köbbing and Mr Adam Lai-Chieh Wan ("Opponent's Reply SD"). Neither party applied for cross-examination.

Section 8(2)(*b*) TMA

11 Section 8(2)(*b*) TMA provides that:

> 8. (2) A trade mark shall not be registered if because —
>
> (a) [omitted]

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10 Applicant's SD at Exhibit D2: Screenshot of Website.

11 The Opponent's SD was re-executed to comply with certain formalities. For simplicity's sake, reference is made only to the re-executed version.

12 The Applicant's SD was re-executed to comply with certain formalities. For simplicity's sake, reference is made only to the re-executed version.

> (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.

12 In *Staywell Hospitality Group v Starwood Hotels & Resorts Worldwide* [2014] 1 SLR 911 ("*Staywell*"), the Court of Appeal held that s 8(2)(*b*) TMA entails the following test. First, are the competing marks similar? Second, are the goods identical or similar? Third, is there a likelihood of confusion arising from the foregoing? All three steps must be established for the opposition under this ground to succeed.

Whether the marks are similar?

13 The law relating to marks-similarity is not in dispute. I have given due consideration to the relevant decisions of the Court of Appeal including *Staywell* and *Sarika Connoisseur Café Pte Ltd v Ferrero SpA* [2013] 1 SLR 531 ("*Sarika*"). The applicable principles of law have also been restated in numerous decisions of this tribunal, including an earlier decision of mine which was discussed in some detail by the Opponent: *GCIH Trademarks Limited v Hardwood Pte Ltd* [2021] SGIPOS 6 ("*GCIH*").

14 As regards the role of distinctiveness in the marks-similarity comparison, the High Court in *V V Technology Pte Ltd v Twitter, Inc* [2023] 5 SLR 513 ("*Twitter*") has provided the following guidance (see *Twitter* at [119]).

(a) First, distinctiveness should not be treated as a threshold enquiry; rather, it should be integrated within the *Staywell* step-by-step approach.

(b) Second, courts and tribunals should be careful to make consistent use of the right terms when referring to distinctiveness. In particular, we should be careful to delineate whether "distinctiveness" refers to: (i)

inherent technical distinctiveness (which refers to the inherent capacity of a mark to function as a badge of origin without taking use into account); (ii) acquired technical distinctiveness (wherein the capacity of a mark to function as a badge of origin has been acquired as a result of long and extensive usage); or (iii) non-technical distinctiveness (which is assessed by reference to the dominant component(s) of a mark).

(c) Third, acquired technical distinctiveness should not be considered at the marks-similarity inquiry. Instead, it should be considered at the likelihood of confusion stage. This is based on precedent, principle, and policy. It also preserves conceptual clarity.

Visual similarity

15 I begin with visual similarity. While the authorities clearly indicate that the assessment should not be undertaken via a side-by-side comparison, it is useful to do so in a written decision like this for the sake of illustration.

Opponent's Earlier Mark	Application Mark
MAN	

16 To my mind, it is self-evident that the signs should be regarded as being visually dissimilar to a substantial degree. On the one hand: the mark "MAN" in block letters. And on the other: a stylised V (which is not present in the Opponent's Earlier Mark), followed immediately by a series of wavy conjoined "*m*"-like squiggles (which are not at all clearly defined) in an unusual font/typeface. The lines that make up what is supposedly the letter "a" contain a gap. The effect is that it looks a lot more like "u" than "a". It might be that some might read it as "*Vman*", but others could easily perceive it as standing

for "*Vmun*" or "*Vmum*". (These are just the likely options with words that contain vowels. If one assumes no vowels, it could even be "*Vmm*".)

17 This case is different from *GCIH* which the Opponent placed some reliance on. There, the competing marks "OT TANGO" (on the one hand) and "TANGO" and " 

"[13] (on the other) were found to be similar. It should be observed that despite the italics and stylisation, the dominant component of the composite mark in *GCIH* is unambiguous: it reads "TANGO". Here, there is visual uncertainty. The ambiguity is an important differentiator. I doubt that anyone—without being told or educated about the specific context—would confidently read the Application Mark as "VMAN".

18 In its Reply submissions, the Opponent argued (based on the Court of Appeal's decision in *Sarika* at [24]) that protection for registered plain word marks cover the use of the word in any font, design or stylisation. In *Sarika*, one of the allegedly infringing signs was the following: 

(in case it is not clear, it reads "*Nutello*" in italics), and the key earlier mark relied on was "NUTELLA" in block letters. The Court of Appeal found the competing marks to be similar. The relevant paragraph is reproduced below:

> 24 Additionally, we think as the Judge did, that the argument that the cursive font, typeface and design used in the sign render it visually different from the mark is misconceived. The Judge followed the reasoning in Richemont International

[13] The words below the stylized "TANGO" read: "It takes two to eat".

> SA v Da Vinci Collections Pte Ltd [2006] 4 SLR(R) 369 ("Richemont") (at [20]-[24]), which relied on Morny Ld's Trade Marks, in the Matter of (1951) 68 RPC 131 ("Morny"), to hold that for registered word marks, use of the word in any font or stylisation would be infringing. In Morny, the "Morny" mark was registered in plain block capital letters. Jenkins LJ in Morny (at 149-150) observed that the registration of a word in block capitals ought to cover use of that word in any clearly legible form of lettering and must not be confined to its representation in block capital letters. The reason was that if it were otherwise, protection of a word registered in block capitals would be illusory "for anyone could use the same word in some other form or type or lettering in imitation handwriting or some other form of that kind", and it would also be "obviously … impossible for anyone seeking to register a particular word … to cover in his application … every conceivable form of lettering in which it might be represented." The "Nutella" word mark here is registered in bold block capital letters and not in any fancy or stylised form (see [3] above). Following the reasoning in Morny, regardless of the font, typeface or design of the "Nutello" sign used by the Appellant (here, it is presented in stylised form and in sentence case), the mark and the sign are still similar.
>
> (emphasis in underline added)

The Opponent's point was that because its key registration for "MAN" was in block letters, the mere fact that the Application Mark was stylised should not allow it to escape a finding of similarity.

19 With respect, I do not see any inconsistency or conflict between my finding of dissimilarity and the decision of the Court of Appeal in *Sarika*. There is obviously a boundary beyond which protection in block letters does not extend. Things are a matter of fact and degree. In my view, that limit is when the stylisation becomes so significant that it affects how the sign may be read and perceived. What is represented here is not "VMAN" in "any clearly legible form of lettering" (see underlined portion of *Sarika* at [24] in the paragraph above). It is not normal to create a gap in the letter "a" in this way. The Application Mark could be perceived as "*Vman*" but also "*Vmum*" or "*Vnum*". This is why I regard the Application Mark "  " as being of a different

distinctive character as compared to "VMAN".

20 For completeness, I note that the Opponent argued—and I have no difficulty accepting—that "MAN" bears no logical connection or direct relationship with the products or businesses at hand.[14] The public would likely regard it as "man" (a common English word) or an acronym of some kind and therefore technically distinctive (and not descriptive). However, "MAN" is not particularly fanciful or unusual, and I do not think it enjoys a high level of technical distinctiveness. Overall, it plays an ordinary role in the marks-similarity assessment. Even if I am prepared to find visual similarity between "MAN" and "VMAN", that is not the case that I have before me.

21 Before moving on, I will address the Opponent's argument that "V" lacks distinctiveness because it could stand for any number of things such as: "voltage", the Roman numeral "V", velocity, "V-shape", or even "V6, V8 and V12" (as in engines arranged with 6, 8 or 12 cylinders respectively).[15] While the point could be fairly made in other circumstances, it is not compelling on the facts of this case. The stylised "V" in the Application Mark does not appear in a manner which corresponds to descriptive use. The "V" is not separated from the rest of the Application Mark. Moreover, it is presented in uppercase while the rest is in lowercase, which points any reader towards reading them together rather than separately: "  ". I need not say more.

14 Opponent's Written Submissions at [33].

15 Opponent's Written Submissions at [46].

Aural similarity

22 Case law recognises two approaches to the aural similarity assessment (see *Staywell* at [31]-[32]). The first is to consider the dominant and distinctive component of the marks ("Dominant Component Approach") and the second is to undertake a quantitative assessment as to whether the competing marks have more syllables in common than not ("Quantitative Approach"). It is also well established that allowances are rightly made for imperfect recollection and careless pronunciation and speech. First impressions also matter in determining aural similarity between words: see *Sarika* at [31].

23 Central to the Opponent's arguments on aural similarity was the contention that "MAN" is common to both marks. It contended that when pronouncing the Application Mark, one might speak the "V" and "MAN" separately and even drop the "V" entirely.[16] With respect, for substantially the same reasons discussed in the context of visual similarity, I find this line of argument to be exceedingly difficult to accept.

24 In my judgment, no matter how one slices and dices it, the "V" in the Application Mark is a significant differentiating factor. The ambiguity in how the highly stylised letters that come after "*V*" should be pronounced (whether "*Vmum*", "*Vman*", or "*Vnum*" or some variant of the same) makes it even more difficult to find similarity and further accentuates the importance of the "V" as a distinguishing element. All things considered, I find that there is either no dominant component of the Application Mark or alternatively that the "V" is the dominant component. Based on the Dominant Component Approach, the competing marks are more dissimilar than similar. As the Applicant rightly

[16] Opponent's Written Submissions at [51].

argued, the letter "V" is not just a letter but adds an entire extra sound "VEE" that is not in the Opponent's Earlier Mark (or indeed any of its other marks).[17]

25 Given the uncertainty in how the Application Mark should be pronounced, I find the Quantitative Approach to be less helpful to the assessment. I can accept that there is some aural similarity between the marks if one assumes the letters after "V" in the Application Mark will always be read as "MAN". But that assumption may not hold true for many members of the public. And even in such a case, the aural similarity between "VMAN" and "MAN" is not strong because of the presence of the first "VEE" sound.

26 For these reasons, I find that the competing marks are aurally more dissimilar than similar.

Conceptual similarity

27 Moving finally to conceptual similarity, the guidance in the case law is that this seeks to uncover the ideas that lie behind and inform the understanding of the mark as a whole: *Staywell* at [35].

28 Here, as before, the Opponent sought to downplay the significance of "V" in the Application Mark. It also stressed that the "V" element should be regarded as descriptive and argued that the marks are conceptually similar to the extent that both refer to "MAN".[18] In response, the Applicant countered that the Application Mark has a different concept because "Vman" is a unitary whole and consumers would see a single invented term rather than "V" plus "MAN".[19]

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17 Applicant's Written Submissions at p 7.

18 Opponent's Written Submissions at [62]-[63].

19 Applicant's Written Submissions at p 10.

29 I accept that "  " is likely to be perceived as a meaningless invented term, whereas "MAN" would either be seen as an ordinary word in the English language or an abbreviation of some sort. It is hard to see why the public would disregard the "V" and focus on the rest of the Application Mark and perceive it as standing solely for the concept: "MAN". Even if I were to accept that "V" would be understood as a reference to some sort of voltage, roman numeral, or to the type or shape of an engine, it does not assist the Opponent because those concepts (even with "MAN") are far removed from "MAN" alone. The better view is that there is no conceptual similarity at all.

Conclusion on marks-similarity

30 I have found the marks to be visually dissimilar to a substantial degree, aurally more dissimilar than similar, and that there is no conceptual similarity at all. All in all, the marks are dissimilar to a significant degree. I have arrived at this conclusion because of the heavy stylisation in the Application Mark. To reiterate a point made earlier: this is not a case of "MAN" versus "VMAN".

31 Since the first step of the three-step test cannot be established, the opposition under s 8(2)(*b*) TMA must be dismissed.

Whether the goods are similar?

32 While my findings on the first step render the rest of the analysis academic, in case it is of assistance elsewhere, I set out some brief comments about the goods-similarity assessment.

33 I can accept that some of the Claimed Goods and the Opponent's Goods are similar. For example, I would be prepared to agree that "*Diesel engines for water vehicles*" (one of the Claimed Goods under the Application Mark) is

similar to "*engines for ships, for on-board power generation and for stationary power plants, in particular two-cycle and four-cycle diesel engines, four-cycle diesel-gas and gas Otto engines and their parts, in particular mixed-fuel devices (machines), shafts, gear mechanisms, clutches*". I will say no more than this.

Likelihood of confusion

34 It is artificial to discuss the likelihood of confusion element because I have found that the competing marks are dissimilar to a significant degree.

Outcome: s 8(2)(b) TMA

35 I dismiss the opposition under s 8(2)(*b*) TMA.

Section 8(7)(*a*) TMA

36 To succeed under s 8(7)(*a*) TMA, the Opponent must establish a notional case of passing off: see *Rovio Entertainment Ltd v Kimanis Food Industries Sdn Bhd* [2015] 5 SLR 618 at [164]. The classic elements of the tort of passing off are trite. They are: (a) goodwill; (b) misrepresentation; and (c) damage. The key principles in relation to each element have been discussed in various decisions of the Court of Appeal, including *Novelty Pte Ltd v Amanresorts Ltd* [2009] 3 SLR(R) 216 and *Singsung Pte Ltd v LG 26 Electronics Pte Ltd (trading as L S Electrical Trading)* [2016] 4 SLR 86 ("*Singsung*") both of which were cited before me and which I have considered.

37 In the Applicant's written submissions, it did not—wisely, in my opinion—object to the Opponent's claim that it enjoys goodwill in Singapore. I have no doubt that the public in Singapore is well acquainted with, among other

things, the "MAN"-branded public buses that ply the roads here[20]. There was also substantial evidence relating to the business activities of the MAN Group in this jurisdiction (see [6] above). On my part, I have no difficulty accepting that the Opponent enjoys goodwill in connection with its business conducted under and in connection with the various "MAN" trade marks in Singapore.

38 However, I am unable to agree that the second element of the tort—misrepresentation—has been established. I have found the competing marks "MAN" and "  " to be dissimilar to a significant degree. For those same reasons, I am unable to accept that there has been any misrepresentation. If the marks are dissimilar, I cannot see how there can be deception as to trade origin. (For completeness, I regard the Opponent's other "MAN" marks as even more dissimilar.) The opposition on s 8(7)(*a*) should likewise be dismissed.

39 The third element of the tort is damage to goodwill. Since I have found there to be no misrepresentation, the issue of damage does not arise.

Section 8(4)(*b*)(i) TMA

40 The Opponent relied on s 8(4)(*b*)(i) TMA against the Application Mark. In simple terms, the provision prohibits the registration of trade marks which conflict with an earlier well-known trade mark provided certain conditions are met. Here, the Opponent's main earlier trade mark said to be well known is "MAN" (although the other trade marks are relevant as well).

41 I reproduce s 8(4)(*a*) and (*b*)(i) TMA in full. They read as follows.

> (4) Subject to subsection (5), where an application for registration of a trade mark is made on or after 1st July 2004,

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[20] Opponent's SD at Exhibit 4.

> if the whole or an essential part of the trade mark is identical with or similar to an earlier trade mark, the later trade mark shall not be registered if —
>
> > (a) the earlier trade mark is well known in Singapore; and
> >
> > (b) use of the later trade mark in relation to the goods or services for which the later trade mark is sought to be registered –
> >
> > > (i) would indicate a connection between those goods or services and the proprietor of the earlier trade mark, and is likely to damage the interests of the proprietor of the earlier trade mark; […]
> >
> > (emphasis added)

42 Section 2(1) TMA defines a "well known trade mark" as:

> (a) any registered trade mark that is well known in Singapore; or
>
> (b) any unregistered trade mark that is well known in Singapore and that belongs to a person who –
>
> > (i) is a national of a Convention country; or
> >
> > (ii) is domiciled in, or has a real and effective industrial or commercial establishment in, a Convention country,
>
> whether or not that person carries on business, or has any goodwill in Singapore.
>
> (emphasis added)

43 In my view, the use of the Application Mark in relation to the Claimed Goods in Class 7 would not indicate a connection between those goods and the Opponent because—as I have mentioned above in the context of s 8(2)(*b*) TMA— "MAN" and "  " are dissimilar to a significant degree. This finding is sufficient to give rise to a dismissal of this ground of opposition.

44 While the point is academic, I would add that if I had to decide the issue I would have been prepared to find that "MAN" was well known in Singapore – at least for some of the goods and services offered by the Opponent (including

but not limited to engines and commercial vehicles).

Section 7(6) TMA

45 Section 7(6) TMA provides that a trade mark "shall not be registered if or to the extent that the application is made in bad faith".

46 The applicable legal principles are trite and not in dispute. They are set out in the Court of Appeal's decision in *Valentino Globe BV v Pacific Rim Industries Inc* [2010] 2 SLR 1203 ("*Valentino*"), which have been restated in numerous decisions of this tribunal (including my earlier decision in *Chua Beng Hock v FM Skincare Pte Ltd* [2025] SGIPOS 2 at [90]). For convenience, I reproduce the key principles below.

(a) First, an allegation of bad faith is a serious claim to make, and it must be sufficiently supported by the evidence. A finding of bad faith needs to be distinctly proved, and this will rarely be possible by a process of inference (*Valentino* at [30]).

(b) Bad faith embraces not only actual dishonesty but also dealings which would be considered as commercially unacceptable by reasonable and experienced persons in a particular trade, even though such dealings may otherwise involve no breach of any duty, obligation, prohibition or requirement that is legally binding upon the registrant of the trade mark (*Valentino* at [28]).

(c) The test for determining the presence of bad faith is a "combined" one, in that it contains both a subjective element (*viz*, what the particular applicant knew) and an objective element (*viz*, what ordinary persons adopting proper standards would think). Bad faith as a

concept is context-dependent and hinges on the specific factual matrix of each case (*Valentino* at [29]).

(d) The legal burden of proof lies on the party bringing the application (here: the Opponent). Once a *prima facie* case is made out, the burden of disproving any element of bad faith lies on the other party (here: the Applicant). (See *Valentino* at [36].)

(e) Bad faith "is to be determined as at the date of application and matters which occurred after the date of application which may assist in determining the applicant's (here: the Respondent's) state of mind as at the date of application can be taken into consideration": *Festina Lotus SA v Romanson Co Ltd* [2010] 4 SLR 552 ("*Festina*") at [100].

47 The Opponent's case under s 7(6) TMA was advanced along the following lines. First, it contended that by the Relevant Date (which was 3 April 2023), the Applicant knew or ought to have known of the Opponent and its "MAN" marks, which had long been used and registered in Singapore and elsewhere for engine-related goods.[21] Second, the Opponent argued that the Application Mark consists, in substance, of the Opponent's distinctive "MAN" mark with the addition of the letter "V", which is said to be descriptive or non-distinctive in the engine industry.[22] Third, it pointed to prior opposition proceedings in Malaysia and Taiwan where the Applicant or a related company filed to register the mark "VMAN".[23] Fourth, it cited instances where the

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21 Opponent's Written Submissions at [134].

22 Opponent's Written Submissions at [46].

23 Opponent's SD at [32] and corresponding Exhibit 11. In brief, the application in Malaysia was filed on 17 November 2017 by Shanghai VMAN Engine Co., Ltd. The Opponent's parent company, MAN Truck & Bus SE (then known as MAN Truck &

Applicant had appeared to use the plain "VMAN" and "VMAN Engine" rather than the Application Mark as filed.[24] Fifth, it suggested that the Applicant had not provided any explanation or justification as to the choice of "VMAN" and there were various inconsistencies in the Applicant's evidence.[25]

48 In *Festina*, the High Court endorsed the view (at [103]) that instances of (or examples of) bad faith could be placed into three categories: (a) where there is no intention to use the mark; (b) where there is an abuse of a relationship; and (c) where the applicant was aware that a third party had some sort of claim to the goodwill in the mark.

49 Having evaluated the evidence, I do not think that this case falls into the first or second categories. There was some evidence that "  " was used by the Applicant or its related Chinese entity at least outside of Singapore.[26] And the parties were not in a relationship with each other.

50 So, does the alleged bad faith in this case fall into the third category? I am mindful that the evaluation involves both a subjective element as well as an objective element. I can accept that the Applicant subjectively knew (or ought to have known of) the existence of the Opponent's various "MAN" trade marks which had been used for many years. (For instance, there were related trade

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Bus AG) filed an opposition. The opposition was not defended and the application was abandoned. And in Taiwan, a similar application was filed on 7 November 2017. The Taiwan Intellectual Property Office allowed the opposition by MAN SE (under its then old name, MAN AG), the holding company of the MAN Group, and refused registration.

24 See footnote 10 above, as well as Opponent's Reply SD at Exhibit 17.

25 Opponent's Written Submissions at [147] and [158].

26 Applicant's SD at [7], [11] and [12] and the corresponding Exhibits B2, D2, D4 and E.

mark opposition disputes arising out of the Applicant's related Chinese company Shanghai VMAN Engine Co., Ltd.'s attempt to register "VMAN" in Malaysia and Taiwan.[27])

51 However, this case is not about the plain "VMAN" mark. If that were the mark applied for, the Opponent would have a much stronger case. But this case is about "Vman", which in my view possesses a different distinctive character altogether. I prefer the view that ordinary persons in the trade would regard this as an attempt to distinguish rather than usurp "VMAN". After all, if taking control of "MAN" or riding on the goodwill associated with it was the true goal (which is the Opponent's case), why would the Applicant choose a mark that visually downplays that element and emphasises the "V" component?

52 All things considered, I do not think that the Opponent has sufficiently made out a *prima facie* case of bad faith. Admittedly, I have formed this view because it flows from my finding that "MAN" and "Vman" are dissimilar to a significant degree. If the Applicant had sought to register "VMAN" in plain font, my conclusion may well have been different.

53 Before ending, I should observe that it is of little consequence that the Applicant has used "VMAN" in block letters at certain points. As a matter of practical commercial reality, it is not possible to use a stylised mark everywhere. There will inevitably be instances in which a business must employ regular typeface. Whether this is sufficient grounds to pursue enforcement action is not for me to say. Such matters lie beyond the Registrar's remit.

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27 See footnote 23 above.

54 For the reasons above, I would dismiss the opposition under s 7(6) TMA.

Conclusion

55 As the Opponent has not been able to establish any of the grounds of opposition relied on, the Application Mark will be allowed to proceed to registration.

Costs and observations

56 The practice of this Tribunal is to assess costs summarily so that parties do not have to incur additional costs in taxation proceedings. In the Registrar's Notice of Full Hearing issued on 14 January 2026, the parties were directed to make brief submissions on costs in their written submissions, to facilitate the summary assessment of costs. The parties were informed that these submissions are deemed the equivalent of a "bill of costs" for the purposes of issuing a certificate of taxation.

57 The Opponent duly provided its costs submissions with a full breakdown by reference to the Scale of Costs in the Trade Marks Rules, but the Applicant did not. In its written submissions, the Applicant asked for an award of costs in its favour at the higher end of the scale in the "Fifth Schedule" of the Trade Marks Rules without providing any breakdown.[28] I am compelled to observe that there is no "Fifth Schedule" of the Trade Marks Rules. The Scale of Costs is in the Fourth Schedule.

58 During the oral hearing, I asked both sides about their cost submissions. The Opponent's representative confirmed that their position was as set out in

[28] Applicant's Written Submissions at p 22.

their written submissions, whereas the Applicant's representative did not respond substantively—instead, she chose to address me on some other issue which had already been discussed previously.

59 Costs are not an automatic entitlement. The Registrar has the discretion to award costs. Given the circumstances, although I have dismissed the opposition, I make no order as to costs. Each party should bear its own costs.

Ong Sheng Li, Gabriel
Principal Assistant Registrar

Kimberly Chen and Kwok Tat Wai (Marks & Clerk Singapore LLP) for the Opponent;
Quah Su Yee (Accolade IP (SG) Pte Ltd) for the Applicant