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

[2026] SGIPOS 4

Trade Mark No. 40202401123R

IN THE MATTER OF A TRADE MARK APPLICATION
IN THE NAME OF

SUNDAY RED, LLC

… *Applicant*

AND

AN OPPOSITION BY

PUMA SE

… *Opponent*

GROUNDS OF DECISION

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Puma SE
v
Sunday Red, LLC

[2026] SGIPOS 4

Trade Mark No. 40202401123R
Principal Assistant Registrar Tan Mei Lin
16 December 2025

13 March 2026

Principal Assistant Registrar Tan Mei Lin:

Introduction

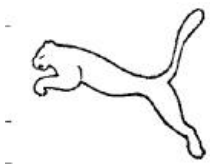
1 Not too long ago, this tribunal and the High Court assessed the similarity between two animal device-only marks (in that case, two birds). Now, in this dispute, I must decide on the similarity between these big cat device marks -  and  or  . As the Principal Assistant Registrar ("PAR") in *Twitter, Inc. v V V Technology Pte Ltd* [2022] SGIPOS 4 ("*Twitter IPOS*") said, care must be exercised such that you do not under-protect the prior device (confine protection only to *a specific depiction* of the animal) or over-protect the prior device (extend protection to *any depiction* of the animal).

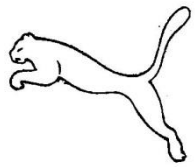
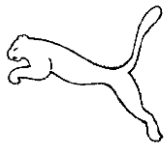
2 Sunday Red, LLC (the "Applicant") applied to register the following trade mark (the "Application Mark") in Singapore.

Trade Mark	

TM No.	40202401123R
Filing Date	18 January 2024
Goods	Class 18: Luggage, purses, wallets, bags for sports, handbags, umbrellas. Class 25: Clothing, namely shirts, shorts, pants, jackets, sweatshirts, sweatpants, joggers, skirts, dresses, hoodies, sports jackets, polos, golf shirts, golf pants, footwear, headwear. Class 28: Sports equipment, namely, golf clubs, golf club grips, golf balls, golf gloves, golf tees, golf club head covers, golf bags, and golf club shafts.

3 The Application Mark was opposed by Puma SE (the "Opponent"). The Opponent is the registered proprietor of, inter alia, the following trade mark registrations which they rely on in these proceedings:

Trade Mark	Trade Mark No.	Goods	Registration Date
	T7667187C	Class 18: Articles made of leather or imitations thereof not included in other classes; trunks and travelling bags; carrying bags and cases (for sports equipment and sportswear).	15 March 1976
	T8405500J	Class 25: Clothing, including boots, shoes and slipper	22 October 1984

	T7667188A	Class 25: Clothing and footwear, all for sports and athletics.	15 March 1976
	T7667189Z	Class 28: Athletic balls other than tennis and golf balls.	15 March 1976

(collectively, the "Puma Marks").

Background of parties

4 The Opponent is a multinational athletic apparel and footwear corporation incorporated in Herzogenaurach, Germany. As of 2024, the Opponent operates across more than 120 countries, with over 21,000 employees and 50 offices globally. The Opponent has been publicly listed on the German Stock Exchange since 1986.

5 The Applicant, a luxury athleisure company focused on golf attire, lifestyle apparel and accessories, is a subsidiary of TaylorMade Golf Company, Inc., a global manufacturer and retailer of golf equipment and apparel. The Applicant has a close association with Tiger Woods, who is the face of the Applicant's "SUN DAY RED" brand. The Applicant's products were first released on 1 May 2024 and are currently available in the United States of America and Canada.

Grounds of opposition

6 The Opponent relies on s 8(2)(b), s 8(4)(b)(i), s 8(4)(b)(ii)(A) and (B) and s 8(7)(a) of the Trade Marks Act 1998 ("the Act") in this opposition.

Opponent's evidence

7 The Opponent's evidence comprises the following:

(a) the statutory declaration of Benjamin Memmert, Head of Trademarks in the Opponent, dated 29 January 2025; and

(b) the statutory declaration in reply of the same Benjamin Memmert dated 3 September 2025.

Applicant's evidence

8 The Applicant's evidence comprises the statutory declaration of Sami Havens, Senior Legal Counsel, Trademark & Brand Protection of Taylor Made Golf Company, Inc., parent company of the Applicant, dated 30 May 2025.

Applicable law and burden of proof

9 The applicable law is the Act. There is no overall onus on the Applicant before the Registrar during examination or in opposition proceedings. The undisputed burden of proof in the present case falls on the Opponent.

Ground of opposition under s 8(2)(b)

10 Section 8(2)(b) of the Act reads:

> (2) A trade mark shall not be registered if because —
>
> …
>
> (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.

11 To succeed in an opposition under this ground, the Opponent must establish that:

(a) the competing marks are similar;

(b) the goods and services of the competing marks are identical or similar; and

(c) there exists a likelihood of confusion arising from the similarities in (a) and (b) above.

12 Each of these conditions must be established, and they are assessed "step-by-step." As stated by the Court of Appeal in the landmark decision of *Staywell Hospitality Group Pty Ltd v Starwood Hotels & Resorts Worldwide, Inc and another and another appeal* [2014] 1 SLR 911 ("*Staywell*") at [15]:

> Under the step-by-step approach, the three requirements of similarity of marks, similarity of goods or services, and likelihood of confusion arising from the two similarities, are assessed systematically. The first two elements are assessed individually before the final element which is assessed in the round.

Step 1: Marks-similarity

13 The key principles relating to the evaluation for marks-similarity have been set out in a number of decisions of the Court of Appeal and the High Court, including *Staywell*, *Hai Tong Co (Pte) Ltd v Ventree Singapore Pte Ltd* [2013] 2 SLR 941 ("*Hai Tong*") and *V V Technology Pte Ltd v Twitter, Inc* [2023] 5 SLR 513 ("*Twitter HC*"). These can be summarised as follows:

(a) The assessment of marks-similarity is "mark-for-mark without consideration of any external matter" (*Staywell* at [20]).

(b) The relevant marks must be viewed and compared as a whole and not dissected into their individual elements.

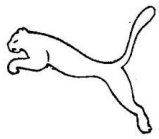
(c) There are three aspects of similarity to be considered, namely, visual, aural and conceptual similarities. There is no requirement that all three aspects need to be made out before the marks or signs being compared may be found to be similar. The relative importance of each aspect of similarity will depend on the circumstances, including the nature of the goods or services and the types of marks involved, and a trade-off can be made between the three aspects of similarity (*Hai Tong* at [40]).

(d) Integrated into the analysis of visual, aural and conceptual similarity is a consideration of whether the earlier mark is distinctive (*Staywell* at [30]). It is "relevant to examine the distinctiveness of the [opponent's] registered mark in order to determine the extent of the latitude that will be allowed to a user of features that appear in that mark" (*Hai Tong* at [27]).

(e) Evidence of acquired technical distinctiveness should not be considered at the marks-similarity inquiry but at the likelihood of confusion stage of the inquiry (*Twitter HC* at [119]) and non-technical distinctiveness can only be inherent (*Twitter HC* at [63]).

(f) When assessing two contesting marks or signs, the court does so with the "imperfect recollection" of the average consumer. The two marks or signs should not be compared side by side or examined in detail because "the person who is confused often makes comparison from memory removed in time and space from the marks" (*Hai Tong* at [40]).

14 To facilitate discussion and for ease of reference, I reproduce the marks to be compared below.

Application Mark	Puma Marks
	
	

Visual similarity

15 I start with considering the distinctiveness (in both its technical and non-technical senses) of the Puma Marks.

16 The Opponent submits that the Puma Marks, comprising of the leaping cat device, possesses at least a moderate to high degree of inherent technical distinctiveness in relation to the Class 18, 25 and 28 goods for which it is registered in.[1] There is no immediate or obvious correlation between the leaping cat device to the Opponent's goods. Neither is a leaping cat device the usual means of describing the kind, quality, quantity, intended purpose, value, geographical origin, the time of production of goods, or other characteristics of the goods.

[1] Opponent's written submissions at [14]. I note that in the Opponent's rebuttal submissions at [9], the Opponent states that the Puma Marks have a high degree of inherent technical distinctiveness.

17 The Applicant, on the other hand, submits that the Puma Marks have a low or at best, normal degree of inherent technical distinctiveness. It contends that the use of animals as decorative motifs is a common practice in the fashion and athleisure industry, appearing as logos, prints, and design patterns. Stemming from this common practice, consumers when faced with a sign comprising only of an animal, may perceive it as decoration rather than an indicator of a product's commercial origin. As a result, such a sign would have a weak distinctive character in relation to those goods.

18 I am of the view that the inherent technical distinctiveness of the Puma Marks is normal. The leaping cat device is arbitrary and meaningless in relation to the goods and services claimed under the mark and in that regard, its inherent technical distinctiveness cannot be said to be low. However, that reason in itself is not sufficient to persuade me that its inherent technical distinctiveness should be high. In *Twitter HC*, the  registered mark was found by the High Court to have considerable inherent technical distinctiveness as it is arbitrary and meaningless in relation to the goods and services claimed under the mark.

19 On the Applicant's point that the use of animals as decorative motifs is a common practice in the fashion and athleisure industry, a similar argument was also made by the applicant in *Twitter HC* and the argument was rejected. The applicant there argued that the average general consumer today is bombarded with simplified, abstract, and monochromatic brand logos or icons, and that such logos or icons will often depict animals (including birds). The upshot of this appears to be that the  registered mark should not enjoy a considerable degree of inherent technical distinctiveness since the general consumer will scrutinise various marks more carefully. However, the court

rejected the argument and said that constituted impermissible evidence about the *effect* of the registered mark (*Twitter HC* at [127]).

20 Moving on to the non-technical distinctiveness of the Puma Marks, my view is that it is normal as well. The leaping cat device, the only component in the Puma Marks, is "*designed in minimalist fashion*" (OSD 1 at [47]). It does not have a component that is more dominant/outstanding. In this regard, I note that in *Twitter HC*, the court disagreed with the respondent that the non-technical distinctiveness of the  mark is at a high level.

21 Accordingly, taken in the round, I find that the Puma Marks have a normal level of distinctiveness from a visual perspective in all aspects of the concept. A similar view was taken in *Twitter HC* where it was held at [129] that, from a visual perspective, the mark  had a normal level of distinctiveness and will correspondingly enjoy only a normal threshold before a competing sign will be considered to be dissimilar to it. As such, I find that distinctiveness, in both its technical and non-technical senses, is at best a neutral factor in the present case.

22 I now compare the marks visually. In assessing the visual similarity of the competing marks, the parties adopted the approach used in *Twitter HC* which focused on "*the general shape, movement, features and composition of the animals depicted in the competing marks*" (*Twitter HC* at [132]). I do the same.

23 The Opponent asserts that the competing marks (*i.e.*  and  or ) are similar as:

(a) The overall impression of the competing marks is dominated by the two-dimensional, side profile of a full sized, outstretched "big cat" of realistic proportions in a leaping motion with front paws outstretched while hind legs are extended backwards from the torso alongside a long, upwards extending tail.

(b) The competing marks are bereft of any generic, naturalistic features having been pared down in favour of simplicity and abstraction. There is no inclusion of finer physical details such as fur, muscle definition, shadow or depth.

(c) The competing marks are likely to be perceived as big cats in a leaping state, or at minimum, in a state of action along an arch-like line of motion.

(d) The competing marks are depicted in a simple and minimalistic style.

24 The Applicant, on the other hand, submits:

(a) The animals represented by the competing marks are different. The Puma Marks feature a puma or a big cat whereas the Application Mark features a tiger. This is due to the internal stripes in the Application Mark and the fact that the tiger is the only big cat with stripes.

(b) The internal stripes in the Application Mark are a significant visual feature, not only because they appear across the entire logo, but also because they render the animal depicted in the Application Mark clearly identifiable as a tiger.

(c) Given that the relevant consumer would readily understand the animal in the Application Mark is a tiger, it would be illogical to say that this person, would instead describe or remember the animal as a "big cat".

(d) The artistic styles and features in the competing marks differ. The Puma Marks are portrayed in minimalist and realistic style whereas the Application Mark is highly stylised and abstract ("fossil-like"). The legs appear as extensions of the striped pattern rather than true limbs.

(e) The Puma Marks depict a leaping puma or a big cat, facing left. In comparison, the Application Mark depicts a tiger walking or perhaps, "crawling". "stalking" or "strutting" in a grounded stance. The Application Mark faces right.

25 Having considered the parties' submissions, I find that the competing marks are visually dissimilar. The competing marks differ in terms of composition, shape, features and movement and these differences affect the consumer's overall impression of the marks.

26 The animal in the Application Mark is composed of thick lines. The animal in the Puma Marks, on the other hand, is depicted as a silhouette or outline. The animals in the competing marks are composed differently.

27 The Opponent contends that the thick lines within the Application Mark have low visual impact. I do not see how that is the case. The Application Mark contains no elements other than the thick lines forming the device of a tiger.[2] The thick lines are prominent and well-spaced. I find that the thick lines will not

[2] The Opponent conceded at the oral hearing that the device in the Application Mark is a tiger.

be overlooked and will feature in the consumer's imperfect recollection of the Application Mark as a whole.

28 The Opponent also argues that thick lines are a common graphic design feature and are low in distinctiveness. I do not disagree that the thick lines may not be technically distinctive on their own. However, the assessment of visual similarity between competing marks involves looking at non-technical distinctiveness as well. In this regard, the thick lines in the Application Mark cannot be said to be a negligible feature.

29 The Opponent contends that the competing marks coincide in their general shapes as they are based on the realistic proportions of big cats in a leaping motion alongside a long, upwards extending tail. To my mind, the shapes of the animals in the competing marks are not similar. The cat in the Puma Marks has a pronounced upward arcing form. On the other hand, the tiger in the Application Mark has a more horizontal form as the head is level with the spine.

30 As for the general features of the competing marks, the animal in the Application Mark has internal stripes whereas the animal in Puma Marks has none. I agree with the Applicant that this is a feature that will not be overlooked as the internal stripes appear across the entire length of the Application Mark and also render the animal in the Application Mark clearly identifiable as a tiger, a different animal from the one in the Puma Marks.

31 With regard to movement, I accept the Opponent's submission that the animals in the competing marks are leaping. This is because the fore- and hind legs of the animals are outstretched and extended from the central part of the body. However, in noticing the animals' leaping movement, one would also

notice that the cat in the Puma Marks is leaping high up in the air whereas the tiger's leap is more horizontal or only slightly off the ground.

32 The competing marks are visually dissimilar.

Aural similarity

33 In *Twitter IPOS* at [84], the PAR held that aural similarity was not relevant to the specific marks in question which were device-only marks. On appeal, the High Court agreed with the PAR's view that aural similarity is to be disregarded when comparing two device marks and this was also agreed to by the parties in the case (*Twitter HC* at [177]).

34 For the same reason, I am of the view that aural similarity is not relevant for the present set of marks. The marks concerned here are pure device marks without any textual elements and an aural comparison cannot be done. As stated in *Polo/Lauren Co LP v United States Polo Association* [2016] SGHC 32 at [22] (cited in obiter in *Twitter HC* at [158]), "[t]o find aural similarity where no aural component exists seems to allow for visual or conceptual similarity to be accounted for within the assessment of aural similarity".

35 This aspect of comparison is thus neutral.

Conceptual Similarity

36 The analysis for conceptual similarity "seeks to uncover the ideas that lie behind and inform the understanding of the mark as a whole… the idea connoted by each component [of a mark] might be very different from the sum of its parts." (*Staywell* at [35]). These ideas must be evident in the look and feel of the mark, and not in something that is known only to the creator of the mark (*Twitter HC* at [160]).

37 For the purposes of conceptual comparison, the Opponent submits that the Puma Marks have at the minimum a normal level of inherent technical distinctiveness.[3] I agree with the Opponent for the reasons set out in [18] above.

38 The Opponent submits that the competing marks are conceptually similar to a high degree as they would simply evoke the image of a singular big cat in a leaping motion.[4] Taking into account the stylisations of the marks, whereby both feature clean, minimalist and abstracted depictions of big cats through bold, opaque forms being silhouettes, they coincide in their "*feel*" as well.

39 The Applicant, on the other hand, submits that the compared marks are conceptually dissimilar as they not only depict different animals but also adopt dissimilar artistic styles. Relying on the following European Union cases, the Applicant contends that the Puma Marks evoke the concept of a puma or a big cat drawn in anatomically correct and realistic form, while the Application Mark evokes the concept of a walking/stalking tiger drawn in abstract form.

(a) In *Stefano Ricci S.P.A. v Xiamen Tuowasen Technology Co., Ltd.* (Opposition No B 3 143 899), in assessing the conceptual similarity of  and  , the Opposition Division held that both marks would be perceived as "an eagle head". The Applicant submits that the fact that the marks were not referred to as "the head of a bird" is strong support for the principle that where the specific animal type being depicted in the mark is clear, the assessment of conceptual similarity

[3] Opponent's rebuttal submissions at [33].

[4] Opponent's written submissions at [31].

would take into account the specific animal type, and not the general species, e.g. a bird.

(b) In *Wehrfritz GmbH v Independent Leaders Limited* (Opposition No B 3 050 193), where the compared marks were  and  , the EUIPO Opposition Division made the following assessment on conceptual similarity:

> Conceptually, both the earlier mark and the contested sign incorporate the concept of a bird. However, a conceptual difference arises from the fact that consumers will clearly identify the bird in the contested sign as a toucan, whereas consumers will not be able to recognise exactly what kind of bird is depicted in the earlier mark, as many birds have a similar large bill. Consequently, as the signs merely share the concept of a creature with features resembling those of a bird in general (the earlier mark) or a toucan in particular (the contested sign), they are conceptually similar only to a low degree.

(c) In *Roccat GmbH v ES North AS* (Opposition No B 2 878 489), where the compared marks were  or  and  , the Opposition Division of the EUIPO opined:

> … the average consumer will clearly know and understand the difference between a wild cat or a panther, on one side, and a male lion characterised visually by the prominent mane, which is the most recognisable and characteristic feature of the male representatives of the species, on the other side.

40 Having considered the parties' arguments, I find that the competing marks are conceptually dissimilar.

41 Firstly, I am of the view that the Application Mark evokes the concept of a tiger whereas the Puma Marks evoke the concept of a big cat or puma. While I acknowledge the Opponent's point that these animals belong to the same general 'big cat' family, I agree with the Applicant that it is unlikely for a person who is presented with an image clearly depicting a tiger to describe or remember it as a generic 'big cat' instead.

42 Secondly, as alluded to at [31], the puma is leaping high up in the air whereas the tiger's leap is more horizontal or only slightly off the ground.

43 Thirdly, the competing marks adopt distinct artistic styles. The tiger in the Application Mark is composed of thick lines and appears more segmented. On the other hand, the Puma Marks depict a cat in a solid unbroken shape.

44 Taken together, the Puma Marks evoke a streamlined big cat or puma leaping high up in the air. On the other hand, the Application Mark evokes a segmented tiger leaping horizontally or slightly off the ground.

45 The marks are conceptually dissimilar.

Conclusion on marks-similarity

46 I have found that the Puma Marks have a normal level of distinctiveness. I have also found that the competing marks are visually and conceptually dissimilar, and aurally neutral. Overall, I find that that the competing marks are dissimilar.

47 Since the similarity of competing marks is a threshold requirement that must be satisfied before the confusion inquiry is undertaken (*Staywell* at [15]), my finding above disposes of the opposition under s 8(2)(b). This ground of opposition therefore fails.

48 There is no necessity to conduct an analysis of the remaining two steps of the three-step *Staywell* test. I will, however, leave a few brief comments below before proceeding to the remaining grounds of opposition.

Step 2: Goods-similarity

49 The Applicant does not dispute that there are overlapping items between the parties' goods in Classes 18 and 25. The Applicant, however, contends that its goods in Class 28 are dissimilar to the Opponent's goods.

50 Given that the Registrar does not have the authority to grant partial oppositions, whether they arise within the context of a single class or in multi-class applications (see *Damiani International BV v Dhamani Jewels DMCC* [2020] SGIPOS 11 at [66], which was cited by the High Court in *Sunrise Plus Pte Ltd v The Sunrider Corp dba Sunrider International* [2025] SGHC 51 at [5]), there is no need to undertake a comparison of the Applicant's Class 28 goods against the Opponent's goods.

51 I move on to the final element of "likelihood of confusion" in Step 3 of the *Staywell* test.

Step 3: Likelihood of confusion

52 In relation to the third step of the *Staywell* test, I make some brief comments in *obiter*, seeing as the Opponent has not established marks-similarity as a threshold requirement.

53 The parties' goods are in the nature of clothing, footwear, headwear, bags and sports apparatus. The parties agree that the visual similarities between the marks will assume greater importance through the purchase process and the degree of attention of prospective purchasers would be at a medium degree, involving a degree of thought and care in the selection and purchase. I have found that the marks are visually dissimilar and considering the degree of attention involved in the purchasing process, I find that consumers are not likely to be confused.

54 The Opponent submits that the Puma Marks have a reputation in Singapore. Even if this is so, the approach is not "reputation-therefore-confusion". In *Staywell* (at [96(a)]), the Court of Appeal noted that a "strong reputation does not necessarily equate to a higher likelihood of confusion and could in fact have the contrary effect". Based on the facts of the present case, I agree with the Applicant that the reputation in the Puma Marks diminishes the likelihood that the average consumer would confuse the Application Mark with the Puma Marks. This is because in Singapore, the use of the Puma Marks is inextricably associated with the word "Puma", whether in a composite form () or situated close by. As such, the visual and conceptual impression of the marks is firmly tied to a puma. This association further accentuates the differences between the marks and reduces any risk of confusion.

Conclusion on opposition under s 8(2)(b)

55 The Opponent has not established that the competing marks are more similar than dissimilar. Even if it had, it would not be able to establish a

likelihood of confusion. The ground of opposition under s 8(2)(b) therefore fails.

Ground of opposition under s 8(4)(b)

56 Section 8(4) of the Act reads:

> (4) Subject to subsection (5), where an application for registration of a trade mark is made on or after 1st July 2004, 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;
>
> (ii) if the earlier trade mark is well known to the public at large in Singapore —
>
> (A) would cause dilution in an unfair manner of the distinctive character of the earlier trade mark; or
>
> (B) would take unfair advantage of the distinctive character of the earlier trade mark.

Application of s 8(4)(b) to the facts

57 Sections 8(2)(b), 8(4)(b)(i) and 8(4)(b)(ii) have in common the need for marks-similarity. *Bytedance Ltd v Dol Technology Pte Ltd* [2024] SGIPOS 5 at [31] summarises as follows:

> (c) However, in all cases, there is a threshold requirement that the Application Mark must be similar to the earlier trade mark relied on by the Opponent (see [28(b)] above): see

> *Sarika Connoisseur Cafe Pte Ltd v Ferrero SpA* [2013] 1 SLR 531 ("*Sarika*") at [70]–[71].

58 The condition relating to marks-similarity in s 8(4) is worded as "the whole or an essential part of the trade mark is identical with or similar to an earlier trade mark".

Conclusion on opposition under s 8(4)(b)

59 The requisite element of marks-similarity is not established. The ground of opposition under s 8(4)(b) therefore fails.

Ground of Opposition under s 8(7)(a)

60 Section 8(7)(a) of the Act reads:

> (7) A trade mark shall not be registered if, or to the extent that, its use in Singapore is liable to be prevented —
>
> (a) by virtue of any rule of law (in particular, the law of passing off) protecting an unregistered trade mark or other sign used in the course of trade;
>
> …

61 The Court of Appeal in *Singsung Pte Ltd v LG 26 Electronics Pte Ltd* [2016] 4 SLR 86 summarised, at [28], that:

> … the main elements of the tort of passing off are encapsulated in the classical trinity of goodwill, misrepresentation and damage (see for example, *Novelty* at [37] and *Nation Fittings (M) Sdn Bhd v Oystertec plc* [2006] 1 SLR(R) 712 ("*Nation Fittings*") at [148]).

62 It is clear from the above that misrepresentation is an essential element of the tort of passing off.

Application of s 8(7)(a) to the facts

63 Under s 8(2)(b), I have found that the competing marks are not similar. Neither would there be a likelihood of confusion among the relevant consumers. Accordingly, because of these findings, the Opponent would also not establish the element of misrepresentation under s 8(7)(a).

Conclusion on opposition under s 8(7)(a)

64 The ground of opposition under s 8(7)(a) necessarily fails.

Overall conclusion

65 Having considered all the pleadings and evidence filed and the submissions made in writing and orally, I find that the opposition fails under all grounds. The Application Mark may proceed to registration.

66 I have considered the parties' submissions on costs and, having regard to all the circumstances, I award the Applicant the sum of S$10,657.25 (inclusive of disbursements).

Tan Mei Lin
Principal Assistant Registrar

Ruby Tham and Nadine Tong (Drew & Napier LLC) for the Applicant;
Millicent Lui Qiao Xin and Teh Ri Xing Ruth (Ghows LLC, instructed by Henry Goh (S) Pte Ltd) for the Opponent.