

THE TRADE MARKS ACT (CAP. 332)

IN THE MATTER OF

Singapore Trade Mark Application
No. 40201400953Z

"HILL RANGER ATV logo"

In Classes 12, 39, and 41 in the
name of Hill Ranger Sdn Bhd (the
"Applicant")

AND

IN THE MATTER OF an Opposition
thereto by Hill Ranger (S) Pte. Ltd.
(the "Opponent")

STATUTORY DECLARATION

I, **MAH KIET SHERE, CHERVÉY** (NRIC No. S8249068Y), care of 8 Church Street, #03-88 Samstar Hub, Singapore 049488, do affirm and say as follows:

1. I am the surveyor and brand expert who was retained by Mr Tang Kap Teng, Helmut, the founder and Chief Executive Officer of the Opponent, to furnish information pertaining to the public perception and recognition of the Opponent's brand, along with information pertaining to the Opponent's overall marketing expenditure and revenue in Singapore in the past decade.

2. I make this Statutory Declaration in support of the Opponent's opposition to the registration of the Applicant's application for the trade mark "**HILL RANGER logo**" in Classes 12, 39 and 41 under Singapore Trade Mark Application No. 40201400953Z (the "**Application Mark**").
3. Based on figures obtained from the Opponent's own Annual Report 2017, the following two tables set out the overall marketing expenditure of the Opponent for its "**HELL RANGER**" brand of electric 'commuter scooters', and the Opponent's total revenue in Singapore in relation to its "**HELL RANGER**" brand of electric 'commuter scooters', over the past decade:

- 3.1 Table setting out the overall marketing expenditure of the Opponent for its "**HELL RANGER**" brand of electric 'commuter scooters' in Singapore in the past decade:

S/N	Year	Marketing Expenditure (SGD)
1	2007	4,500
2	2008	5,700
3	2009	5,800
4	2010	8,400
5	2011	12,500
6	2012	9,700
7	2013	10,600
8	2014	12,900

9	2015	18,300
10	2016	25,500

3.2 Table setting out the total revenue of the Opponent for its "**HELL RANGER**" brand of electric 'commuter scooters' in Singapore in the past decade:

S/N	Year	Total Revenue (SGD)
1	2007	831,500
2	2008	699,900
3	2009	731,200
4	2010	750,800
5	2011	810,300
6	2012	1,030,100
7	2013	1,050,900
8	2014	1,370,200
9	2015	1,560,800
10	2016	1,979,400

4. I was retained to carry out both a street and an online survey of 2,000 random people aged between 18 to 50 years in Singapore to elicit information regarding their perception and recognition of the Opponent's "**HELL RANGER**" brand, and the Opponent's Registered Trade Marks in

Singapore under Trade Mark Registration No. T0369246R for the mark "**HELL RANGER**" and Trade Mark Registration No. T0579135H for the mark "**HELL RANGER logo**", both in Class 12. Half of the respondents did so in person by the filling of survey forms, and the other half participated in the online version of the survey. I confirm that there were no repeated respondents of the survey(s), which is to say that there were 2,000 discrete respondents who took part. The summary of the results of the survey are set out in the table below:

S/N	Item	Survey Result (% of positive responses)
1	Awareness of the Opponent's " HELL RANGER " brand	75
2	Positive perception of the Opponent's " HELL RANGER " brand	60
3	Recognition of Trade Mark Registration No. T0369246R as being the Opponent's trade mark	95
4	Recognition of Trade Mark Registration No. T0579135H as being the Opponent's trade mark	65
5	Overall recognition of the Opponent's brand in the market	70

5. In light of the information furnished in the table set out in paragraph (4) above, it is my professional opinion that the Opponent's "HELL RANGER" brand of electric 'commuter scooters' should certainly qualify as a brand that is known to the majority of people aged between 18 to 50 years in Singapore.

AFFIRMED BY)
the abovenamed)
MAH KIET SHERE, CHERVÉY)
in SINGAPORE)
on this 15th day of December 2017)



Before me,



COMMISSIONER
FOR OATHS

A Commissioner for Oaths