

**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 Hell Ranger (S) Pte. Ltd. (the  
"**Opponent**")

**COUNTER-STATEMENT**

We, **HILL RANGER SDN BHD**, a company incorporated under the laws of Malaysia with registered address at Suite 99, Level 66, The Gardens North Tower, Mid Valley City, Lingkaran Syed Putra, 59966 Kuala Lumpur, Malaysia, hereby give notice that the following are grounds on which we rely upon in resisting the opposition raised by **HELL RANGER (S) PTE. LTD.**, the Opponent, against the registration of Singapore Trade Mark Application No. 40201400953Z for the mark "**HILL RANGER ATV logo**" in Classes 12, 39, and 41 (the "**Application Mark**"). Save as otherwise defined herein, the Applicant adopts the defined terms as used in the Notice of Opposition dated 1 December 2017 (the "**Notice of Opposition**").

1. Paragraph 1 of the Notice of Opposition is admitted.
2. Save that the Opponent manufactures and distributes electric 'commuter scooters' in Singapore, which is admitted, paragraph 2 of the Notice of Opposition is not admitted.
3. Paragraphs 3 and 4 of the Notice of Opposition are admitted.
4. Save that around July 2012 the Opponent learnt that the Applicant launched its ATVs under the "**HILL RANGER**" brand in Malaysia, which is not admitted, paragraph 5 of the Notice of Opposition is admitted.
5. Paragraphs 6 to 9 of the Notice of Opposition are denied. The Applicant avers that no confusion exists within the relevant sector of the public in respect of the applicant's "**HILL RANGER**" ATVs and the Opponent's "**HELL RANGER**" electric 'commuter scooters'.
6. Paragraph 10 of the Notice of Opposition is denied. The Applicant avers that the specification of goods to be registered under the Application Mark are not identical with the specification of goods registered under the Opponent's Logo. The Applicant further avers that the Opponent's Logo is not similar (whether visually, aurally, or conceptually) to the Application Mark, and that no likelihood of confusion exists on the part of the public.

7. Paragraph 11 of the Notice of Opposition is denied. The Applicant avers that the Opponent's Marks are not well known in Singapore, and the use of the Application Mark in relation to the goods or services for which the Application Mark is sought to be registered would not indicate a connection between those goods or services and the Opponent, and will not damage the interests of the Opponent.
8. Paragraph 12 of the Notice of Opposition is denied. The Applicant avers that use of the Application Mark in Singapore is not liable to be prevented by virtue of the law of passing off.
9. Paragraph 13 of the Notice of Opposition is denied. The Applicant repeats paragraph 4 above and avers that the Application Mark was in use since the launch of Applicant's ATV business in 2012, and is not an imitation of the Opponent's Logo. The Applicant further avers that the Opponent's Marks are not well known in Singapore.
10. For all the foregoing reasons, the Applicant humbly prays that the opposition be dismissed in its entirety with costs.

Dated this 8<sup>th</sup> day of December 2017

  
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**SOLICITORS FOR THE APPLICANT**  
**BEN DE NGEE LLP**