

IN THE HIGH COURT OF THE REPUBLIC OF SINGAPORE

[1999] SGHC 249

Suit 2382/1998

Between

Rainforest Cafe, Inc

... Plaintiff

And

Rainforest Coffee Products Pte
Ltd

... Defendant

GROUND OF DECISION

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Rainforest Cafe, Inc v Rainforest Coffee Products Pte Ltd

[1999] SGHC 249

Suit 2382/1998
Lee Siu Kin JC
24 September 1999

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JUDGMENT:

2 21. It is true that the word "Rainforest" has no

distinctiveness as would come under section 10(1)(e). But it falls within section

10(1)(d), i.e. that it is a word having no direct reference to the character of
quality of

the goods or services, because the word, i.e. "Rainforest", has no association

with the services concerned in a caf or restaurant or nightclub, or food or

entertainment services generally. It therefore falls within the description in
paragraph

(d) and is therefore registrable in Part A pursuant to section 10(1).

3 (v) Bona Fide use by Defendants

4 22. The Defendants claim that their use of the word

"Rainforest" is *bona fide* use of their name. The Plaintiffs had claimed

that the registration of the Defendants' name was not *bona fide* and one of their

prayers in this action was for an order that the Defendants remove the word

"Rainforest" from their name. After hearing the evidence, I found that the

Plaintiffs have not proved that the Defendants' choice of name was not *bona fide*

and declined to make the order prayed for by the Plaintiffs. Accordingly I specified in

the injunction granted that it shall not be a breach of the injunction for the Defendants

to use the word "Rainforest" in conjunction with their full name, i.e.

"Rainforest Coffee Products Pte Ltd" or "Rainforest Coffee Products",

which is in accordance with section 28(1)(a)(i) of the Act. As the Plaintiffs have

not

appealed against this part of my judgment, it is not necessary for me to give the ground

for my finding in this respect.

5 LEE SEIU KIN

6 JUDICIAL COMMISSIONER

Lee Seiu Kin JC

Sukumar Karrupiah & Maurice Cheong (Ella Cheong & G Mirandah)
for the plaintiffs
Tan Hee Liang (Tan See Swan & Co) for the defendants
