

Plaintiff: Sandy Lim Mei Ling: 1st Affidavit: 17.05.2018
For SUM hearing

IN THE HIGH COURT OF THE REPUBLIC OF SINGAPORE

HC/ S /2018)

Between

LANGE COMMUNICATIONS PTE LTD
(UEN No. 200415586M)

... Plaintiff

And

ROLAND AMOUSSOU GUENOU
(France Passport No. E17019003P)

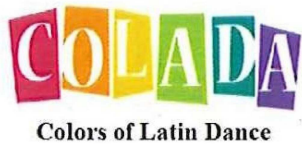
... Defendant

AFFIDAVIT

I, **LIM MEI LING** (NRIC NO. S7310006B), care of 11 Biopolis Way,
Helios #08-01/02, Singapore 138667, do solemnly affirm and say as follows:-

1. I am an employee of the Plaintiff, holding the position of Creative Designer. I have been employed by the Plaintiff since 1 June 2016.
2. The facts deposed herein are from our personal knowledge, documents in our possession, other grounds of belief and/or sources of information as stated. Insofar as the matters deposed to herein are within my personal knowledge, they are true. Insofar as the matters herein are not within our personal knowledge, they are true to the best of our knowledge, information and belief.

3. I make this affidavit in support of the Plaintiff's application against the Defendant for an order that the Defendant be injunct from using the trademark (registered in Singapore vide TM No. 40201716204Y,



), pending the outcome of this Suit.

How “Colada” is Derived

4. I was the one who conceptualized the artwork and incorporated “Colada” into the Plaintiff’s artwork (“Colors of Latin Dance”).
5. The “Colada” artwork was derived by me on 28 November 2016. I made a written confirmation of the same on 4 May 2018, a copy of the same is annexed herewith and marked at page 10 of “**LML-1**”.
6. I was employed as the Creative Designer for the Plaintiff on or about June 2016 for the purposes of assisting the Plaintiff to embark on a salsa dance event. At that time, the theme of the event was decided to be “Colors of Latin Dance”.
7. On or about July 2016, the Plaintiff began work on its brand logo. The purpose of the brand logo is to promote the love for Latin dance and music in this

region, and develop and sell merchandise. At that time, the Plaintiff had planned to organize an international event for Latin dance and music enthusiasts in the region in June 2017 and the Plaintiff called the event “Colors of Latin Dance Congress”.

8. On 13 July 2016, the Plaintiff engaged First Step Communications Pte Ltd, a logo design specialist, to design its brand logo, in order to enable Latin dance and music enthusiasts to relate the brand logo to the Plaintiff and to the event,.
9. Based on the Plaintiff’s proposed theme, parties discussed and by 14 July 2016, the brand logo was prepared and ready for use. The brand logo is in the manner shown below:-



10. The Plaintiff used it in all its promotional materials for “Colors of Latin Dance”, which includes banners, posters, hats, t-shirts, videos, music productions, facebook page, webpage, etc.
11. On 10 July 2016, the Plaintiff registered the URL “www.colorsoflatindance.com”. I was the one who registered the Plaintiff’s URL on the GOdaddy website, a copy of the payment acknowledgment is annexed herewith and marked at pages 13 to 15 of “**LML-1**”. The Plaintiff

also used the brand logo in its website, www.colorsoflatindance.com which it published on 20 July 2016.

12. On 18 July 2016, the Plaintiff registered a dedicated page to promote latin dance under the name of **“Colors of Latin Dance”** on Facebook (www.facebook.com/COLADAlifestyle/).
13. In a further bid to promote the event, the Plaintiff scheduled a roadshow in Bangkok on 10 December 2016. For early birds who signed up for the event, the Plaintiff intended to give away sun-visors to the guests as door gifts for the event.
14. As the brand logo is relatively big and the sun-visor does not have a big enough space to cater for the brand logo, I then incorporated “Colada” into the Plaintiff’s artwork. **“Colada”** means the **Colors of Latin Dance**, which is also the name of our website domain.
15. By 28 November 2016, I created the brand logo **“Colada”** as shown with Adobe Photoshop and I had been retaining the original artwork source file ever since. The brand logo is in the manner shown below:-



Evidence that the mark has been in my possession (on behalf of the Plaintiff) is as shown at pages 7 to 9, 11 to 12 of **“LML-1”** herewith.

16. I verily believe that the Defendant would not be able to show evidence that he is the creator of the Trademark.
17. Since its inception on 28 November 2016, the Plaintiff had consistently used the brand logo for its events, shoes, advertising materials, videos, website, etc.
18. Members of the global Latin Dance community recognize the brand logo to belong to the Plaintiff and refer the brand logo to the Plaintiff. I further state that, to the best of my knowledge and belief, the Defendant has not used the Trademark in carrying out any form of trade for himself.
19. In view of the above, I verily ask that the Honourable Court could kindly consider the Plaintiff's case in its favour.

AFFIRMED by the abovenamed)
LIM MEI LING in Singapore)
 on this 17 day of May 2018)

Before me,

Cheah Saing Chong
COMMISSIONER FOR OATHS

THIS IS THE EXHIBIT MARKED “LML-1”

REFERRED TO IN THE AFFIDAVIT OF

LIM MEI LING

AFFIRM THIS 17th DAY OF MAY 2018

IN SINGAPORE

BEFORE ME

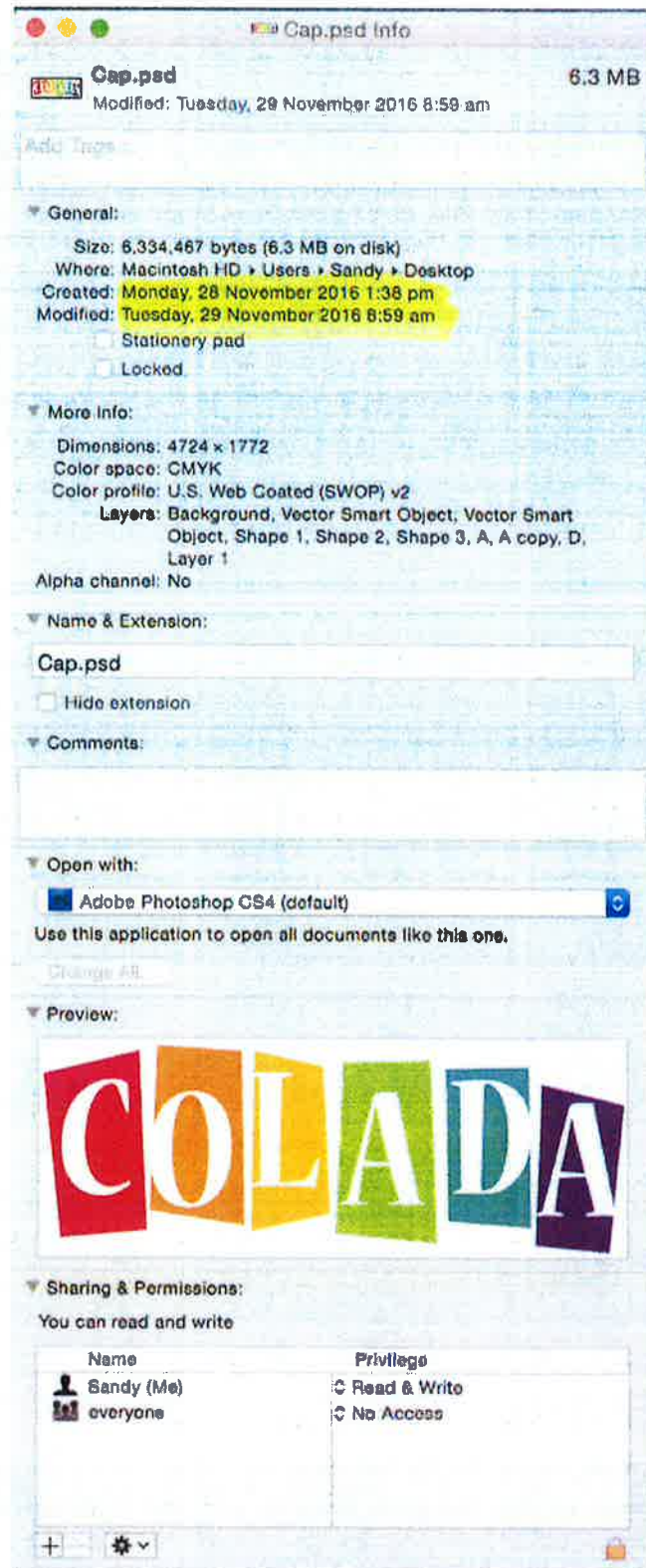
Cheah Saing Chong

A COMMISSIONER FOR OATHS



OPTIMUS CHAMBERS
Advocates & Solicitors

 black CMYK.psd	1 Dec 2016 11:12 am	8.2 MB	Adobe...ument
 black RGB.jpg	1 Dec 2016 11:54 am	7.8 MB	JPEG image
 blackrgb.jpg	1 Dec 2016 10:31 am	1.1 MB	JPEG image
 blackrgb.png	27 Dec 2016 5:28 pm	3.2 MB	PNG image
 Cap blank.psd	29 Nov 2016 11:50 am	1.2 MB	Adobe...ument
 Cap COLADA.eps	29 Nov 2016 11:49 am	4 MB	Encap...tScript
 Cap copy.psd	14 Jun 2017 9:41 am	1 MB	Adobe...ument
 Cap.psd	29 Nov 2016 9:59 am	6.3 MB	Adobe...ument
 Colada Blank Metallic.png	4 Apr 2017 5:38 pm	133 KB	PNG image
 Colada Blank.png	16 Jan 2017 11:09 am	383 KB	PNG image
 Colada Grey.png	1 Feb 2017 3:27 pm	146 KB	PNG image
 Colada Logo PNG.png	19 Dec 2016 9:54 am	356 KB	PNG image
 Colada Logo.jpg	29 Nov 2016 9:00 am	1.9 MB	JPEG image
 Colada White.png	27 Dec 2016 6:24 pm	374 KB	PNG image
 ColadaCon.jpg	10 Jul 2017 2:47 pm	736 KB	JPEG image
 ColadaCon.psd	10 Jul 2017 2:47 pm	3.4 MB	Adobe...ument
 CoLatin.png	11 Jul 2017 10:45 am	1.5 MB	PNG image
 Colors of Latin Dance_4cLogo.png	30 Nov 2016 4:38 pm	93 KB	PNG image
 Colors of Latin Dance_b&w.png	30 Nov 2016 4:38 pm	75 KB	PNG image
 Colors of Latin Dance_Logo.png	27 Dec 2016 5:30 pm	168 KB	PNG image
 Colors of Latin Dance_revWhite without Event.png	30 Nov 2016 4:38 pm	99 KB	PNG image
 Colors of Latin Dance_revWhite.png	30 Nov 2016 4:38 pm	72 KB	PNG image
 Latin Dance Logo.eps	25 Nov 2016 11:10 am	721 KB	Encap...tScript
 Shoe Flyer 201017.psd	20 Oct 2017 1:20 pm	19.5 MB	Adobe...ument
 sticker.psd	24 Apr 2017 1:37 pm	16.6 MB	Adobe...ument





Declaration

4th May 2018

I, Sandy Lim Mei ling of NRIC 7310006B, employee of Lange Communications Pte Ltd, declare that I am the creator of the logo of "COLADA" (Figure A) for Lange Communications Pte Ltd.

The Logo was first created on 28 Nov 2016 with Adobe Photoshop.

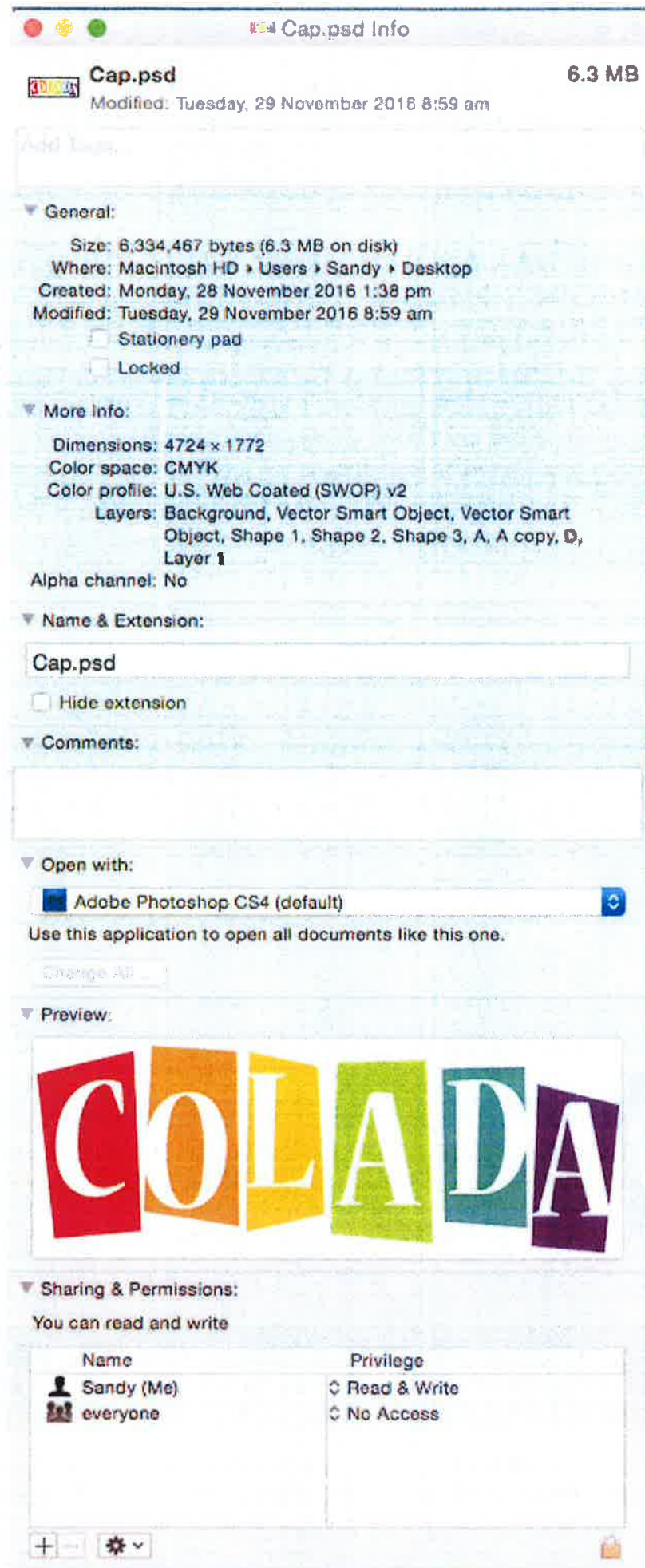
Figure A



Sandy Lim Mei Ling

11 Biopolis Way, #08-01/02

HELIOS, Singapore 138667







GoDaddy.com, LLC
14455 N. Hayden Rd.
Suite 219
Scottsdale, AZ 85260
(480) 505-8877

Invoice / Receipt

Date: Jul 10, 2016 8:38 PM

Invoice / Receipt #: 999069807
Customer #: 30494263

Bill To:

Sandy Lim

Blk 126A, Kim Tian Road
Singapore, Not applicable 161126
Singapore
+65.91852880

Payment Information:

Sandy Lim Mei Ling

MasterCard #####8388

Paid: SG\$79.96

Items

.COM Domain Registration
colorsofkizomba.com

Item Number: 101

Quantity: 1

Term: 1

List Price: SG\$21.72

Purchase Price: SG\$19.72

ICANN Fee: SG\$0.27

Discount: SG\$0.00

Subtotal: SG\$19.99

Tax: SG\$0.00
Total: SG\$19.99

14

.COM Domain Registration
colorsoflatindance.com

Item Number: 101
Quantity: 1
Term: 1

List Price: SG\$21.72
Purchase Price: SG\$19.72
ICANN Fee: SG\$0.27
Discount: SG\$0.00
Subtotal: SG\$19.99
Tax: SG\$0.00
Total: SG\$19.99

.COM Domain Registration
colorsofbachata.com

Item Number: 101
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Term: 1

List Price: SG\$21.72
Purchase Price: SG\$19.72
ICANN Fee: SG\$0.27
Discount: SG\$0.00
Subtotal: SG\$19.99
Tax: SG\$0.00
Total: SG\$19.99

.COM Domain Registration
colorsofsasia.com

Item Number: 101
Quantity: 1
Term: 1

List Price: SG\$21.72
Purchase Price: SG\$19.72
ICANN Fee: SG\$0.27
Discount: SG\$0.00
Subtotal: SG\$19.99
Tax: SG\$0.00
Total: SG\$19.99

15

Subtotal: SG\$78.88

Fees: SG\$1.08

Taxes: SG\$0.00

Total: SG\$79.96 SGD