

IN THE HIGH COURT OF THE REPUBLIC OF SINGAPORE

**HC/Originating Summons No 584 of 2018
(HC/Summons No 2284 of 2018)**

**In the matter of Section 23 of the Trade Marks
Act (Cap. 332)**

And

**In the matter of Section 182 of the Supreme
Court of Judicature Act (Cap. 322)**

And

**In the matter of First Schedule of the Supreme
Court of Judicature Act (Cap. 322)**

And

**In the matter of Trade Mark Number:
40201716204Y**

And

**In the matter of Order 87 Rule 2 of the Rules
of Court (Cap 322, R 5)**

Between

LANGE COMMUNICATIONS PTE LTD

... Applicant(s)

And

ROLAND AMOUSSOU GUENOU

... Respondent(s)

Coram : Andrew Ang SJ

In Chambers

*Chuah Hui Fen, Christine and Wong Chooi Teng, Sarah (Optimus Chambers LLC)
for Applicant(s)
Roland Amoussou Guenou - Respondent - Unrepresented*

NOTES OF ARGUMENTS

18 May 2018 (Friday) at 3:30 pm

Chuah : Written Submissions are in support of prayer 1.

Ct : I am not inclined to make an order in terms of prayer 1.

Your clients should have the courage of their conviction. If they assert that they are the creators of the mark, then they should just carry on using the mark and await the outcome of the O.S. After all Respondent has not sought injunction to restrain your clients.

Neither am I inclined to allow prayer 2.

Please submit on prayer 3 and explain why *ex parte*.

Chuah : *Ex-parte* because matter is urgent as will be seen later. Respondent has been notified but is in Bangkok. Have applied for leave to serve out of jurisdiction.

See Ralf Lange's 1st affidavit at paragraph 75.

About 1 week ago, Respondent wrote to Facebook seeking to remove Applicant's "Colada page" - an event page. Facebook complied.

Respondent then brought the dispute online by making spurious allegations against Ralf Lange. Also sent malicious email to Jesper's employer concerning Jesper, a common acquaintance of the parties who sided with Ralf Lange.

Refer also to Ralf Lange's 2nd affidavit on page 3 under heading "Non Documentary Evidence" which in turn refers to exhibits in pages 6 to 13. These are statements on Facebook post making defamatory statements against the Applicant.

Applicant has organized a Latin dance congress to be held in Bangkok on 6 to 10 June 2018. The defamatory statements will put at risk the success of the event. Tickets have been and are still being sold. Clients are also intending to sell merchandise bearing the disputed Colada mark.

The event is also intended as a springboard for future events in Singapore and Taiwan.

Applicant asserts that although Respondent managed to register the mark in Singapore, the Applicant is the true owner.

How Respondent was able to come into possession of the mark is set out in paragraphs 47 to 57.

Balance of convenience favours our clients.

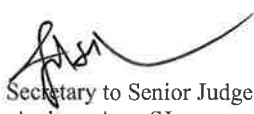
Clients have given undertaking as to damages. See Ralf Lange's 2nd affidavit, paragraph 5.

Ct : OIT prayer 3.
Costs in the cause.

[sgd]

Andrew Ang
Senior Judge

Certified true copy


Private Secretary to Senior Judge
Andrew Ang, SJ
Supreme Court, Singapore.

AA/jn