

Reference: 2011/02977/01SRAP

Hearing:

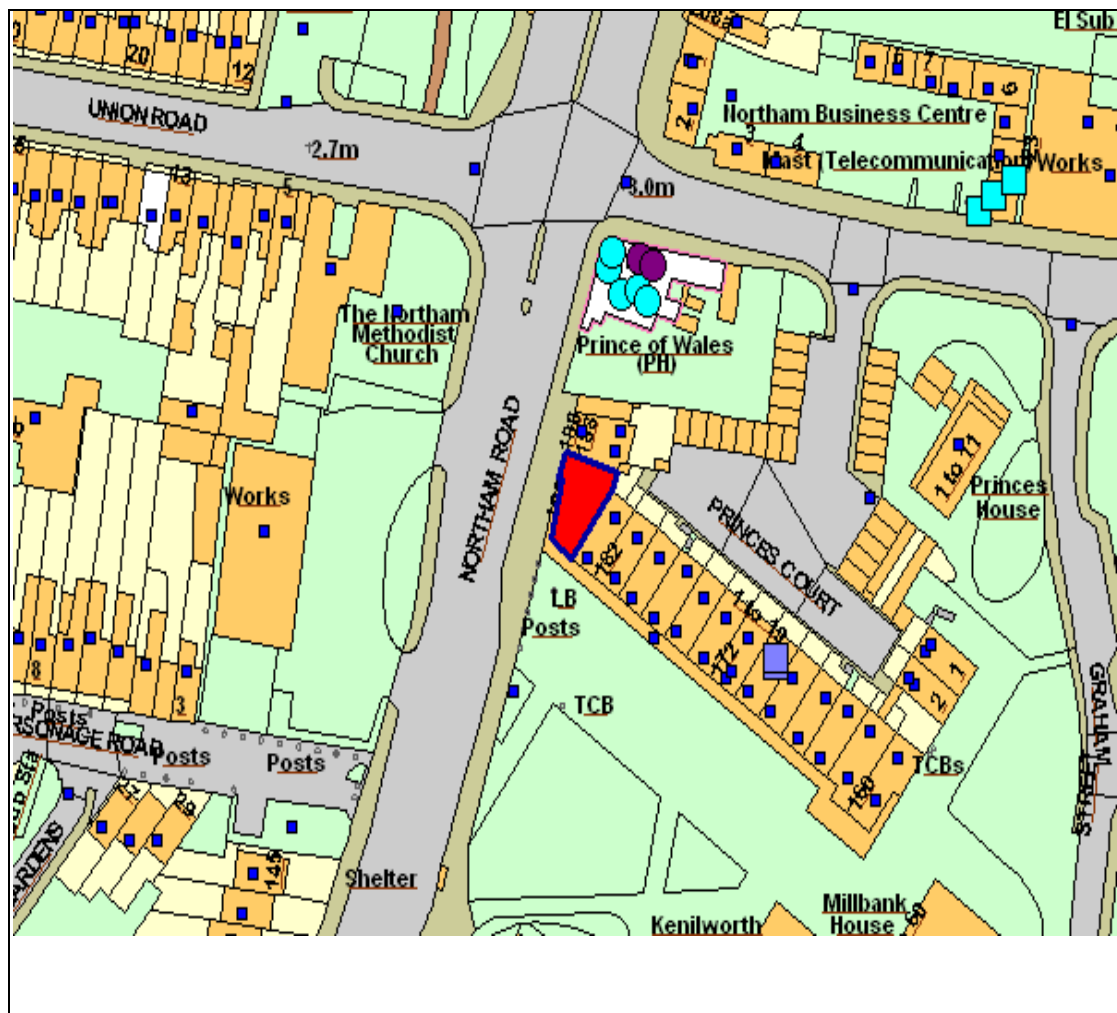
9th February 2012

Application for Review of Premises Licence

Premises Name: Dallas Food Stores
 Premises Address: 186 Northam Road
 Southampton
 SO14 0QF

Application Date: 16th December 2011
 Application Received Date: 16th December 2011

Application Valid Date: 16th December 2011



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Representation From Responsible Authorities

Responsible Authority	Satisfactory?	Comments
Child Protection Services - Licensing	No response received	
Hampshire Fire And Rescue - Licensing	Yes	
Environmental Health - Licensing	Yes	
Planning & Sustainability - Building Control - Licensing	No response received	
Planning & Sustainability - Development Control - Licensing	No response received	
Police - Licensing	No response received	
Trading Standards - Licensing	No	See attached

Other Representations

Name	Address	Contributor Type
Non received		

Legal Implications

1. Part 3 of the Licensing Act 2003 provides that a responsible authority of a resident or business in the vicinity (interested party) may apply for review of a premises licence.
2. The grounds of review applications must relate to one or more of the licensing objectives.
3. In such circumstances, the applicant for the review must serve a copy of the review application on the holder of the premises licences, the City Council and each of the responsible authorities.
4. On receipt of the application for review, the officers will consider its validity, under delegated powers. Reasons for rejection, in whole or in part, include:
 - that the grounds for review are not relevant to one of more of the licensing objectives and;
 - (in the case of an application not made by a responsible authority), that the application is frivolous, vexatious or repetitious.
5. The City Council must, within one day of receiving the application for review, display a prescribed notice of the review application on the outside or adjacent the premises; the notice must remain on display for 28 days and any interested party in the vicinity or the responsible authorities may make representations in that period.
6. Unless the applicant, licence holder, interested parties and responsible authorities agree that a hearing is unnecessary, the City Council is then required to hold a hearing to consider the review.
7. The sub-committee, in considering the application for review, must have regard to the adopted Statement of Licensing Policy and evidence before it at the hearing.
8. The Licensing Act 2003 provides that, in determining an application for review, the sub-committee may take any (or none) of the following steps, as it considers necessary:
 - modify the conditions of the licence;
 - exclude a licensable activity from the scope of the licence;
 - remove the designated premises supervisor;
 - suspend the licence for a period not exceeding three months;
 - revoke the licence.
9. The Licensing Act 2003 makes provision for appeal to the Southampton Magistrates' Court against the sub-committee's decision in relation to an application for review.
10. In considering this application the sub-committee will sit in a quasi-judicial capacity and is thus obliged to consider applications in accordance with both the Licensing Act 2003 (Hearings) Regulations 2005, and amending secondary legislation and the rules of natural justice. The practical effect of this is that the sub-committee must make its decision based on evidence submitted in accordance with the legislation and give adequate reasons for reaching its decision.
11. Copies of the application for review and the Police objection are annexed to this report.

12. The sub-committee must also have regard to:-

13. *Crime and Disorder Act 1998*

Section 17 of the Crime and Disorder Act 1998 places the Council under a duty to exercise its various functions with due regard to the likely effect of the exercise of those functions on, and the need to do all that it reasonably can to prevent, crime and disorder in its area.

14. *Human Rights Act 1998*

The Act requires UK legislation to be interpreted in a manner consistent with the European Convention on Human Rights. It is unlawful for the Council to act in a way that is incompatible (or fail to act in a way that is compatible) with the rights protected by the Act. Any action undertaken by the Council that could have an effect upon another person's Human Rights must be taken having regard to the principle of proportionality - the need to balance the rights of the individual with the rights of the community as a whole. Any action taken by the Council which affect another's rights must be no more onerous than is necessary in a democratic society. The matters set out in this report must be considered in light of the above obligations.

SOUTHAMPTON CITY COUNCIL

Application for the review of a premises licence or club premises certificate under the Licensing Act 2003

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

Before completing this form please read the guidance notes at the end of the form. If you are completing this form by hand please write legibly in block capitals. In all cases ensure that your answers are inside the boxes and written in black ink. Use additional sheets if necessary.

You may wish to keep a copy of the completed form for your records.

I Southampton City Council Trading Standards Service

(Insert name of applicant)

apply for the review of a premises licence under section 51 / apply for the review of a club premises certificate under section 87 of the Licensing Act 2003 for the premises described in Part 1 below (delete as applicable)

Part 1 – Premises or club premises details

Postal address of premises or, if none, ordnance survey map reference or description

Dallas Food Store, 186 Northam Road, Southampton, SO14 0QF

Post town Southampton

Post code (if known) SO14 0QF

Name of premises licence holder or club holding club premises certificate (if known)

Vinay Patel

Number of premises licence or club premises certificate (if known)

2005/00178/01SPRC

Part 2 - Applicant details

I am

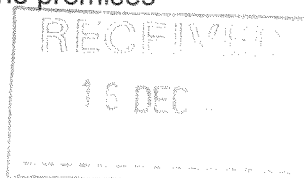
Please tick yes

1) an interested party (please complete (A) or (B) below)

a) a person living in the vicinity of the premises

b) a body representing persons living in the vicinity of the premises

c) a person involved in business in the vicinity of the premises



- d) a body representing persons involved in business in the vicinity of the premises
- 2) a responsible authority (please complete (C) below)
- 3) a member of the club to which this application relates (please complete (A) below)

(A) DETAILS OF INDIVIDUAL APPLICANT (fill in as applicable)

Please tick

Mr Mrs Miss Ms Other title (for example, Rev)

Surname

First names

Please tick yes

I am 18 years old or over

Current postal address if different from premises address

Post town

Post Code

Daytime contact telephone number

E-mail address (optional)

(B) DETAILS OF OTHER APPLICANT

Name and address
Telephone number (if any)
E-mail address (optional)

(C) DETAILS OF RESPONSIBLE AUTHORITY APPLICANT

Name and address Christine Hill Trading Standards Service Southampton City Council Civic Centre Road Southampton SO14 7LY
Telephone number (if any) 023 8
E-mail address (optional) christine.hill@southampton.gov.uk

This application to review relates to the following licensing objective(s)

Please tick one or more boxes

- 1) the prevention of crime and disorder
- 2) public safety
- 3) the prevention of public nuisance
- 4) the protection of children from harm

<input checked="" type="checkbox"/>
<input type="checkbox"/>
<input type="checkbox"/>
<input type="checkbox"/>

Please state the ground(s) for review (please read guidance note 1)

The Prevention of Crime and Disorder

On 12th September 2011 24 bottles of counterfeit Jacobs Creek wines were found at Dallas Food Store, 186 Northam Road, Southampton.

Trading Standards Officers have been aware of counterfeit Jacob's Creek wines on the market since December 2010. The counterfeit wine is not known to be harmful, but it is of poor quality and is inferior to the genuine product. The identifying features of the counterfeit wines are not immediately obvious to a purchaser, being spelling mistakes on the rear label of the bottle and differences in the closure. Genuine Jacob's Creek wines typically retail at around £8 per bottle, so purchasers of the counterfeit product are paying a premium for wine which is not of equivalent quality.

Meanwhile the producers and retailers of the genuine product are losing out economically, including loss of repeat sales by purchasers who do not like the inferior counterfeit version but believe it to be the genuine product.

Paragraph 11.26 of the October 2010 Amended Guidance Issued Under Section 182 of the Licensing Act 2003, states that "there is certain criminal activity that may arise in connection with licensed premises, which the Secretary of State considers should be treated particularly seriously." This includes "the use of the licensed premises for the sale of smuggled tobacco and alcohol". It is highly unlikely that duty would have been paid on the counterfeit wine.

It is considered that the holder of the premises licence has not fulfilled the duty under the Licensing Act 2003 to prevent crime and disorder. We are therefore applying to review the licence.

In the supporting information we give more details and state the conditions we would wish to see added to the licence in order to promote the above licensing objective.

Please provide as much information as possible to support the application
(please read guidance note 2)

On Monday 12th September 2011 I conducted a routine inspection at Dallas Food store, 186 Northam Road, Southampton. During the inspection I examined 24 bottles of Jacobs Creek wines on sale in the shop which I noticed had a number of spelling mistakes on the labels on the bottles. This led me to believe that the wine may be counterfeit and I seized the 24 bottles. I submitted the bottles for examination to Pernod Ricard, the UK brand holder, who have given a statement confirming that the wine is counterfeit.

On Monday 14th November 2011 I conducted a recorded interview with Vinod Patel who owns the business Dallas Food Store together with Vinay Patel who is the Premises Licence Holder and the Designated Premises Supervisor.

During interview Mr Patel said that he was responsible for buying the stock for the shop. He usually buys it from big cash and carries such as Bookers, and Eastleigh, and also sometimes from London wholesalers. He was unable to produce any invoices for Jacobs Creek wine. He said he bought the Jacobs Creek about a year ago from a man who turned up in a van claiming to be from a London cash and carry, who he had dealt with before, and that he didn't buy vodka because he had heard there might be problems with it, but the wine looked OK. He said he does not normally sell Jacobs Creek as it is expensive, but bought 4 or 5 cases. He said he asked for a receipt but was never given one. After the interview he went on to say that he often sees this man round Southampton and he drives an Enterprise Hire van. Mr Patel admitted that he had made a mistake buying this wine and shouldn't have done it.

The sale of counterfeit wines and spirits has, over the last few years, become an increasingly large problem. In all cases this is detrimental to legitimate businesses, duty is not paid on the counterfeit products and there may also be health and safety issues with some products. It is not acceptable that a premises licenced by this Authority should become a market place for such goods. I would therefore request that the following conditions are imposed on the premises licence to promote the licensing objectives:

- "The Premises Licence Holder must keep complete records, such as invoices, receipts and delivery notes, relating to alcohol and cigarettes obtained by him for sale from his shop. Records must include the name, address and telephone number of the supplier, the date of supply, the products supplied, and their prices. Where items have been delivered to his shop by a vehicle details of the vehicle registration, the name of the delivery person and contact details including the name, address and telephone number for the business must be kept. These details must be available on request to Responsible Authorities within 24 hours. The Premises Licence Holder must be able to identify who supplied alcohol and cigarettes present at his premises "

- "A CCTV system shall be installed and maintained in the licensed premises to the satisfaction of the Licensing Authority, Hampshire Constabulary and Trading Standards. As a minimum, it shall enable surveillance of both external and internal areas of the premises including entrances and exits. Recordings from the system shall be of a quality acceptable as evidence in a court of law and shall be securely retained at the licensed premises for a minimum period of 30 days after the recording, and shall be surrendered to Hampshire Constabulary, the Licensing Authority, or Trading Standards immediately on request. The Premises Licence Holder and staff must be capable of operating the CCTV system".

- I would also ask that the licence is suspended for a period of 1 week, both as a deterrent and to give the Premises Licence Holder a period of time in which to put the above conditions into effect.

Please tick yes

Have you made an application for review relating to this premises before

If yes please state the date of that application

Day		Month		Year	
<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>

If you have made representations before relating to this premises please state what they were and when you made them

N/A

Please tick yes

- I have sent copies of this form and enclosures to the responsible authorities and the premises licence holder or club holding the club premises certificate, as appropriate
- I understand that if I do not comply with the above requirements my application will be rejected

IT IS AN OFFENCE, LIABLE ON CONVICTION TO A FINE UP TO LEVEL 5 ON THE STANDARD SCALE, UNDER SECTION 158 OF THE LICENSING ACT 2003 TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION

Part 3 – Signatures (please read guidance note 3)

Signature of applicant or applicant's solicitor or other duly authorised agent (See guidance note 4). **If signing on behalf of the applicant please state in what capacity.**

Signature

.....

Date

16/12/2011

.....

Capacity Trading Standards Officer

.....

Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 5)

Christine Hill
Trading Standards Service
Southampton City Council
Civic Centre Rd

Post town

Southampton

Post Code

SO14 7LY

Telephone number (if any) (

If you would prefer us to correspond with you using an e-mail address your e-mail address (optional) christine.hill@southampton.gov.uk

Notes for Guidance

1. The ground(s) for review must be based on one of the licensing objectives.
2. Please list any additional information or details for example dates of problems which are included in the grounds for review if available.
3. The application form must be signed.
4. An applicant's agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
5. This is the address which we shall use to correspond with you about this application.
6. See separate guidance for responsible authorities' details.

Trading Standards Service
Southampton City Council
Civic Centre
Southampton SO14 7LY



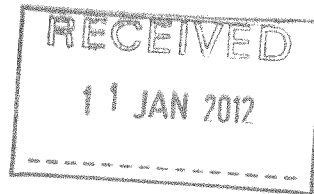
Direct dial: 023 8082 4024

Please ask for: Christine Hill
Our ref: 11/01495/FOODST
Your ref: 2011/02977/01SRAP -LL25/0094

uk

9 January 2012

Southampton City Council
Licensing Team
PO Box 1344
Southampton
SO15 1WQ



Dear Sir/Madam

Licensing Act 2003

Further to my letter of 16 December 2011 enclosing an application for the review of the premises licence relating to the following Premises Licence Holder:

Vinay Patel T/A Dallas Food Store, 186 Northam Road, Southampton, SO14 0QF
Premises Licence No. 2005/00178/01SPRC

Please find enclosed copies of the S9 statements relating to this application.

Yours faithfully

Christine Hill
Trading Standards Officer

If you require this letter or future correspondence from us in a different format (e.g. tape, Braille, or disc) please do not hesitate to let us know.



INVESTOR IN PEOPLE

TRADING STANDARDS SERVICE WITNESS STATEMENT

(C J Act 1967 S.9; MCA 1980 ss5A(3)(a) and 5B; Criminal Procedure Rules 2011 (Rule 27)

STATEMENT OF: **CHRISTINE HILL**

AGE IF UNDER 18: **OVER 18**

This statement (consisting of 2 pages each signed by me) is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated in it anything which I know to be false or do not believe to be true.

Dated the 6 day of Jan 2012

Signature: ..

..... being unable to read the statement,

I of

.....read it to him/her before he/she signed it.

Dated the day of2012... Signature:

A My name is Christine Hill. I am employed by Southampton City Council as a Trading Standards
Officer based at 7 Civic Centre Road, Southampton. On Monday, 12 September 2011 I carried
B out a routine inspection at Dallas Food Store, 186 Northam Road, Southampton. During the
inspection I examined 24 bottles of Jacobs Creek wines which were displayed for sale in the
shop. I noticed a number of spelling mistakes on the bottle labels which indicated to me that the
wines might be counterfeit. I issued a PACE Code B notice to Nayne Patel and seized all 24
C bottles, which I produce as Exhibit CRH/1. On Monday, 14 November 2011 I conducted a
recorded interview with Mr Vinod Patel who is the joint owner of Dallas Food Store in
accordance with the Police and Criminal Evidence Act 1984 and associated codes of practice.
D The interview was conducted in the interview room at Trading Standards Service, 7 Civic Centre
Road, Southampton. I produce a copy of the interview CD as Exhibit CRH/2. During the
interview Mr Patel said that he was responsible for buying the stock for the shop, usually buying
E it from big cash and carries such as Bookers, and Eastleigh Cash and Carry and sometimes from
London wholesalers. He said he bought the Jacobs Creek about a year ago from a man who

ST1(1)HQ

BY **CHRISTINE HILL**

A turned up in a van claiming to be from a London cash and carry, who he had dealt with before, and that he didn't buy vodka because he had heard there might be problems with it, but the wine looked OK. He said he does not normally sell Jacobs Creek as it is expensive, but bought 4 or 5 cases. He said he asked for a receipt but was never given one. On Monday, 28 November

B 2011 I visited Mr Vinay Patel at 33 Glenfield Avenue, Southampton SO18 4ES. I cautioned Vinay Patel at 3.25 pm. He said that he had owned Dallas Food since 1987 but was now semi-retired and left Vinod Patel to run the business. He confirmed he is the designated Premises Supervisor and Premises Licence Holder for Dallas Food. Vinay Patel said that he helps in the

C shop if needed. He said he is not involved in buying any stock for the shop, and that he had told Vinod where he could buy alcohol. He said he has no idea where the counterfeit wines had come from. I asked what he had done to prevent this happening again and he said he had told Vinod not to do it again. I left the house at 3.30 pm.

D Sig

E

F

G

ST1(2)HQ



Incident reference

11/01495/FOODST

Exhibit reference

CRH/1

Description of article

24 BOTTLES OF
JACOBS CREEK WINES

Signature of person originally identifying

CHRISTINE HILL

EH.126 07.10.22561



Incident reference

11/01495/FOODST

Exhibit reference

CRH/2

Description of article

COPY OF INTERVIEW CD

Signature of person originally identifying

Na

CHRISTINE HILL

STATEMENT OF WITNESS**(Criminal Procedure Rules 2005, r.27.2);****Criminal Justice Act 1967, s.9; Magistrates' Courts Act 1980, s.5B**

Statement of: Jodie McCombie
Age of Witness: Over 21 years
Occupation of Witness: Manager,
Brand Security Pernod Ricard

This statement (consisting of four pages, each signed by me) is true to the best of my knowledge and belief and I make it knowing that if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated in it anything which I know to be false or do not believe to be true.

Signed:

Date: 14/10/2011

I am Jodie McCombie, and I hold the appointment of Manager of Brand Security, Pernod Ricard. I have been so employed since 5th May 2009.

I report to the Vice President, Brand Security, Pernod Ricard who is the senior executive in charge of all matters relating to the security of Pernod Ricard's portfolio of brands. I am therefore authorised to speak on behalf of the company in this respect. Headquartered in Paris, France, Pernod Ricard is a leading global producer of premium branded beverages, operating in more than 190 countries and territories. I am based in Pernod Ricard's London office at Chivas House, 72 Chancellors Rd, London, W6 9RS. Pernod Ricard has global ownership and responsibility for all production, marketing and distribution of the Company's beverage alcohol brands.

One wholly owned subsidiary of Pernod Ricard is the Premium Wines Brands Pty Ltd, Australia and their subsidiary Orlando Wines, Australia. One of the range of wines produced by Orlando Wines is Jacob's Creek Wines. One of my

roles and responsibilities is the visual examination of my company's brands, including Jacobs Creek, to establish whether or not it is genuine product.

The mark 'Jacob's Creek' is a UK registered trade mark 1184628 held by Pernod Ricard Pacific Pty Ltd. I produce and identify a true copy of the registration and renewal certificates for Jacob's Creek UK National Trademarks in Class 32 and Class 33, and also EU Class 33 as exhibits JM/1, JM/2 and JM/3 respectively.

In January 2011 my company received a small number of consumer complaints regarding the apparent poor quality of wine in bottles of what appeared to be Jacob's Creek wines that had been purchased from independent retail outlets in the greater London area. Subsequent investigations by my department revealed the wine was counterfeit and that in December an unknown volume of counterfeit Jacob's Creek wines had been offered for sale to retail and wholesale outlets by persons as yet unknown. Analysis of the wine in the counterfeit bottles revealed no evidence of any potentially harmful material. However, the quality of the counterfeit wines is poor and an obvious difference to the genuine exists.

Since that time, and in a process managed by Pernod Ricard Brand Security, Trading Standards offices in the UK have been briefed on the presence of the counterfeit wine and advised on how to identify it during their inspections.

On 11 October 2011 Christine Hill of Southampton Trading Standards Service showed me the following items, which were marked with the Jacob's Creek trade mark:

Evidence seal: 03714146, resealed 03714088

5 bottles of Semillon Sauvignon Blanc

Evidence seal: 03714147

3 bottles of Semillon Chardonnay

Evidence seal: 03714166

4 bottles of Cabernet Sauvignon

Evidence seal: 03714181

2 bottles of Merlot

1 bottle of Shiraz

Evidence seal: 03714148

4 bottles of Semillon Chardonnay

Evidence seal: 03714143, resealed 03714025

5 bottles of Chardonnay

As a result of my examination of the aforementioned bottles I can confirm that they all bear a copy of the Jacob's Creek registered trade mark. A visual inspection of the products revealed they are inconsistent with products produced by Pernod Ricard. In particular, the labels reveal a series of spelling mistakes. The mistakes include, for example; "www.drinkaware.co.uk" is spelt "www.drinkoware.co.uk"; "Australia" is spelt "Austria"; "Responsibly" is spelt "Responsibility". The ROPP ("Roll On Pilfer Proof") closure is also inconsistent with genuine product as evidenced by the fact that the print detail and colour are not the same as the original. The ROPP closure is a tamper evident closure which provides a visual indicator when the closure has been opened as the cap separates from the bottom ring of the closure.

The above information enables me to state categorically that the examined bottles are counterfeit. Pernod Ricard does not authorise the use of the Jacob's Creek trade mark on products that are not genuine, therefore I can confirm that the above product bears the Jacob's Creek trade mark without the consent of the trademark holder.

The impact of counterfeit Jacob's Creek is potentially highly significant. Pernod Ricard invests a significant amount of effort and resources to ensure that all our brands, including our range of Jacob's Creek wines, are of premium quality and

offer value to consumers. In addition, significant amounts are invested in promoting these brands, to raise consumer brand awareness and understanding.

Counterfeiting of Jacob's Creek, or indeed any other wine or spirit brand, misleads consumers into purchasing poor quality products which do not meet our high standards or the expectation of the consumer. As the deception is often not obvious to the consumer, their quality perception of the product they have purchased will be attributed to the Jacob's Creek brand which is extremely detrimental to the reputation and brand equity of Jacob's Creek. The counterfeit products also take unfair advantage of the high levels of consumer awareness of the Jacob's Creek brand, which has been built by Pernod Ricard at significant cost.

Signed:

Date: 14/10/2011

TRADE MARKS REGISTRY



REGISTRATION CERTIFICATE

Trade Marks Act 1994 of Great

Britain and Northern Ireland

The mark shown below has been registered under No. 2221250 as of the date 03 February 2000.

JACOB'S CREEK

The mark has been registered in respect of:

Class 32:

Beers; non-alcoholic beverages.

In the name of Orlando Wyndham Group Pty Ltd
Incorporated in Australia

PERNOD RICARD BRAND SECURITY

IDENTIFICATION OF EXHIBIT Criminal Procedure Rules R27

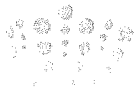
THIS IS THE: Jacob's Creek UK National Trademark Class 32

REFERRED TO IN MY STATEMENT DATED 16/10/2011

AS EXHIBIT NUMBER: JM/1

Sealed this day at my direction

✓
ALI _____
DATE 14 July 2000



Mewburn Ellis LLP
33 Gutter Lane
London
UK
EC2V 8AS

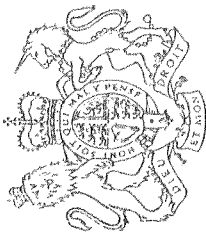
04 January 2010

CERTIFICATE OF RENEWAL OF TRADE MARK

Trade Mark Number : 2221250
in Class(es) : 32
registered in the name of : Pernod Ricard Pacific Pty Ltd
has been renewed until : 03 February 2020
Your Reference : 6609291R

IMPORTANT We have shown the first 100 characters of the owner's name as recorded in the Register of Trade Marks. If this is wrong, please fill in and send us a form TM16 if ownership has changed or a form TM21 for other changes.

If you have any queries on this renewal, they should be addressed to the Renewals Section on 01633 814433



TRADE MARKS ACT, 1938

GREAT BRITAIN AND
NORTHERN IRELAND

Certified a true copy of
the original document

2/17/2015 10:00 AM

KYLIE THOMAS
A Commissioner for taking Affidavits
in the Supreme Court of South Australia

JACOB'S CREEK

*107 Parkview Road, Duneed,
South Australia 5095*

The Trade Mark shown above has been registered in Part I of the Register under No. 21,165,520 as of the date 21st November 1938
in Class 33 Schedule IV in respect of wines, spirits (beverages) and liqueurs,

in the name of G. SPURP & SONS PROPRIETARY LIMITED, Australia (South Australia).

The Trade Marks Registry, Patent Office,
25, Southampton Buildings, London, W.C.2.

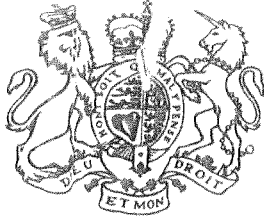
Registration is for 7 years from the date first above mentioned, and may then be renewed, and
also at the expiration of each period of 14 years thereafter.
This certificate is not for use in Legal Proceedings or for obtaining Registration abroad.

Sealed at my direction this

6th day of February 1985

IVOR DAVIS CB
REGISTRAR.

NOTE—Upon any change of ownership of this Trade Mark, or change in address,
applications should AT ONCE be made to the Registrar to register the change.



TRADE MARKS ACT, 1938

GREAT BRITAIN AND
NORTHERN IRELAND

1232

CERTIFICATE OF RENEWAL

The Trade Mark No. 1184628 in Class 33, registered in the name of
G. GRAMP & SONS PROPRIETARY LIMITED

has been renewed for a period of 14 years from the 3 November 1989

The Trade Marks Registry, The Patent Office,
State House
66-71 High Holborn,
London WC1R 4TP

P.R.S. HARTNACK
REGISTRAR

Certified a true copy of
the original document

KYLIE THOMAS
A Commissioner for taking Affidavits
in the Supreme Court of South Australia
167 Fullarton Road, Adelaide
S.A. Australia 5005

TRADE MARKS
REGISTRY



RENEWAL
CERTIFICATE

The Trade Mark No. 1184628 in Class(es) :-

33

registered in the name of Orlando Wyndham Group Pty Ltd
Incorporated in Australia
has been renewed for a period of 10 years from the 3 November 2003
and was advertised as renewed in Trade Mark Journal 6503.

Certified a true copy of
the original document

KYLIE THOMAS
A Commissioner for taking Affidavits
in the Supreme Court of South Australia
107 Fullarton Road, Dulwich
South Australia 5005

Sealed this day at my direction

ALISON BRIDGES, REGISTRAR

DATE

30 September 2003



Case details for Trade Mark 1184628

[Explanation of terms used on this page](#)

[Case history including, where available, licensee details](#)

Mark

Mark text: JACOB'S CREEK

Status

Status: Registered

Class: 33

Relevant dates

Filing date: 03 November 1982

Next renewal date: 03 November 2013

Publication in Trade Marks Journal

First advert:

Journal: 5537

Page: 2816

Publication date: 24 October 1984

Renewal:

Journal: 6503

Publication date: 24 October 2003

List of goods or services

Class 33:	Wines, spirits (beverages) and liqueurs.
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Names and addresses

Proprietor:	Pernod Ricard Pacific Pty Ltd 167 Fullarton Road, Dulwich SA 5065, Australia
Incorporated country:	United Kingdom
Residence country:	United Kingdom
Customer's ref:	REW/FG6602510
ADP number:	0841193001

Other cases owned by this proprietor

Agent:	Mewburn Ellis LLP 33 Gutter Lane, London, EC2V 8AS
ADP number:	0000109001
Service:	Mewburn Ellis LLP 33 Gutter Lane, London, EC2V 8AS
ADP number:	0000109001

Other particulars

Disclaimer:	Registration of this mark shall give no right to the exclusive use of the word "Jacob's".
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Earlier rights notification

Opted in for notifications

Explanation of terms used on this page

© Crown Copyright 2009
Intellectual Property Office is an operating name of the Patent Office



Trade Mark Details as at 09 June 2010

Case details for Trade Mark 1184628

Historical Event	
Date Actioned:	28 January 2009
Details:	TM33 received L/F 2005195 JNL 6773
Previous Details:	
Agent:	Withers & Rogers LLP Goldings House, 2 Hays Lane, London, SE1 2HW
ADP Number:	0001776001
Service:	D. Young & Co. LLP 120 Holborn, London, EC1N 2DY
ADP Number:	0000059001

Historical Event	
Date Actioned:	20 February 2007
Details:	ADP NUMBER CHANGED BY CLEANUP 00049933

Historical Event	
Date Actioned:	20 February 2007
Details:	ADP NUMBER CHANGED BY CLEANUP 00049933

Historical Event	
Date Actioned:	20 February 2007
Details:	ADP NUMBER CHANGED BY CLEANUP 00049933

Historical Event

Date Actioned: 30 September 2003
Details: Trade Mark Renewed

Historical Event

Date Actioned: 11 August 2003
Details: Renewal Reminder Sent

Historical Event

Date Actioned: 7 April 1993
Details: TM1 RECEIVED 22.03.1993

Historical Event

Date Actioned: 31 March 1993
Details: ADP NUMBER CHANGED BY CLEANUP
00008804

Historical Event

Date Actioned: 31 March 1993
Details: ADP NUMBER CHANGED BY CLEANUP
00008804

Historical Event

Date Actioned: 20 March 1992
Details: Record Correction
Previous Details:
Disclaimer: Disclaimer inserted:
Exclusive use restrictions: addition of a wholly descriptive and non-Trade Mark
character.tererons filedthe word JACOB'S

Historical Event

Date Actioned: 5 April 1991
Details: Name And Address Change
Previous Details:
Proprietor: Pernod Ricard Pacific Pty Ltd
 167 Fullarton Road, Dulwich SA 5065, Australia
Residence Country: United Kingdom
ADP Number: 0841193001

Historical Event

Date Actioned: 28 March 1991
Details: Name And Address Change
Previous Details:
Proprietor: Pernod Ricard Pacific Pty Ltd
 167 Fullarton Road, Dulwich SA 5065, Australia
Residence Country: United Kingdom
ADP Number: 0841193001

Historical Event

Date Actioned: 16 October 1989
Details: Trade Mark Renewed

Historical Event

Date Actioned: 14 August 1989
Details: Renewal Reminder Sent

WORLD INTELLECTUAL
PROPERTY ORGANIZATION

34, chemin des Colombettes, P.O. Box 18, CH-1211 Geneva 20 (Switzerland)
WIPO postal cheque account No. 12-5000-8 Geneva
Int'l Bank Account Number (IBAN): Credit Swiss Bank, Geneva
CH35 0425 1048 7080 8100 0 / Swift Code: CRESCHZZ12A
Tel. (41-22) 338 9111 Fax : (41-22) 733 5428
E-mail: intreg.mail@wipo.int Internet: <http://www.wipo.int>



24 MAR 2006

Madrid Agreement
and
Madrid Protocol

By registered mail

Madderns
Level 1,
64 Hindmarsh Square
ADELAIDE SA 5000
Australia

Our reference: 860/331635501

Geneva, 16/03/2006

Re: Statement of Grant of Protection
International registration No. 837572 (JACOB'S CREEK)

Madam,
Sir,

Please find enclosed a statement of grant of protection for the above-mentioned international registration, issued by the Office of European Community, in accordance with Rule 17(6) (a) (i) of the Common Regulations under the Madrid Agreement and the Protocol Relating to that Agreement.

You will also find enclosed a copy of Information Notice No. 23/2000, which concerns such statements.

International Bureau of the World Intellectual
Property Organization (WIPO)

PERNOD RICARD BRAND SECURITY

IDENTIFICATION OF EXHIBIT Criminal Procedure Rules R27

THIS IS THE: Jacob's Creek Trademark EU Class 33

REFERRED TO IN MY STATEMENT

AS EXHIBIT NUMBER: ___JM/3_



OFFICE FOR HARMONIZATION IN THE INTERNAL MARKET
(TRADE MARKS AND DESIGNS)

Trade Marks Department

W304

Second Statement of Grant of Protection pursuant to Rule 17(6)(a)(iii) of the Common Regulations under the Madrid Agreement and Protocol, and Rule 116(2) of the Regulation implementing the Community Trade Mark Regulation

Alicante, 06/03/2006

<i>International registration number:</i>	0837572
<i>Date of notification to OHIM:</i>	23-12-2004
<i>Name of the Holder:</i>	Orlando Wyndham Group Pty Ltd
<i>Trade Mark:</i>	JACOB'S CREEK

The opposition period has expired without any opposition or observations by third parties being filed and the above-mentioned mark is accepted for protection in the European Community.

Pursuant to Article 146(2) of the Community Trade Mark Regulation and Rule 116(1) of the Regulation implementing the Community Trade Mark Regulation, it shall have the same effect as the registration of a mark as a Community trade mark.

MORALES PAREDES, Juan Antonio
Examiner