

TRADE MARKS ACT 1938 (AS AMENDED)
AND TRADE MARKS ACT 1994

IN THE MATTER OF APPLICATION No 1562498
BY THE SILVER SPRING MINERAL WATER COMPANY LIMITED
TO REGISTER A TRADE MARK
CHERRY UP
IN CLASS 32

AND IN THE MATTER OF OPPOSITION THERETO
UNDER NUMBER 44583
BY THE CONCENTRATE MANUFACTURING COMPANY OF IRELAND T/A SEVEN-UP
INTERNATIONAL

BACKGROUND

1) On 16 February 1994 The Silver Spring Mineral Water Company Limited of Park Farm, Folkestone, Kent, CT19 5EA applied for registration of the trade mark "CHERRY UP" in respect of "Non-alcoholic beverages and preparations for making non-alcoholic beverages, all being cherry flavoured; cherryyade; all included in Class 32." The application was advertised before acceptance on the basis of honest concurrent use from 1987 with registration Nos 1334776, 1344211 and 1507687.

2) On 14 May 1996, The Concentrate Manufacturing Company of Ireland trading as Seven-Up International, filed notice of opposition to the application. The grounds of opposition are in summary:

- a) The opponent is the proprietor of the UK trade marks listed in annex A.
- b) The opponent has established a worldwide reputation in these marks.
- c) Use of the trade mark in suit is liable to deceive or cause confusion and so offends against Section 11 of the Trade Marks Act 1938.
- d) The mark in suit is similar to the opponent's marks and so offends against Section 12 of the Trade Marks Act 1938.
- e) Use of the mark in suit will lead to dilution of the opponent's valuable trade mark rights, as the mark applied for consists of the principal part of the opponent's trade marks.
- f) The application should be refused in accordance with the Registrar's discretion under Section 17(2) of the Trade Marks Act 1938.

3) The applicant filed a counterstatement denying all the grounds of opposition. The applicant also claimed that the mark in suit had been used continuously since 1987 in respect of non-alcoholic beverages having a cherry colour/ cherryyade. The applicant is also the proprietor of registrations of the trade mark SPRING UP (numbers 1188659 and 1506869) and has used the trade mark SPRING UP "for many years". The applicant is not aware of any confusion in the nine years since it started to use the mark in suit.

4) Both sides seek an award of costs in their favour. Both sides filed evidence in these proceedings and the matter came to be heard on 5 April 2001, when the applicant was represented by Mr Hale of Messrs JY & GW Johnson. The opponent was represented by Mr Pennant of Messrs D Young & Co.

5) By the time this matter came to be decided the Trade Marks Act 1938 had been repealed in accordance with Section 106(2) and Schedule 5 of the Trade Marks Act 1994. In accordance with the transitional provisions set out in Schedule 3 to that Act, however, I must continue to apply the relevant provisions of the old law to these proceedings. Accordingly, all references in this decision are references to the provisions of the Trade Marks Act 1938 (as amended) unless otherwise indicated.

OPPONENT'S EVIDENCE

6) The opponent filed two declarations. The first, dated 25 September 1997, by William A Finkelstein a Director of the opponent company.

7) Mr Finkelstein states that:

“We strive for a “one world” marketing approach in all countries in which we do business, by presenting our major products under the same or substantially similar trademarks and logos around the world. This is true of the presentation of the trade mark UP, which forms a key and distinctive part of the 7UP trademark (references to 7UP in this declaration also include the equivalent “SEVEN-UP”), which is one of PepsiCo’s most important international brands and appears in essentially identical packaging around the world. In addition to using the words SEVEN-UP, for many years our primary logo usage (including our predecessor-in-interest) with minor evolutionary variations over the years, has been “7” followed by a dot, and then the word “UP” as per the representative usage on exhibit 1 attached.”

8) Mr Finkelstein states that the UP part of the mark has been used to promote the brand, an example of the use of this slogan is provided at exhibit 3, although it appears to be an American advertisement.

9) Mr Finkelstein states that the brand 7UP is used in over 130 countries including the UK, and he provides the international figures for sales and promotion of 7UP outside the USA.

Year	Sales US\$	Promotion
1964	75 million	N/A
1993	1.7 billion	44 million
1994	1.9 billion	42 million
1995	2.1 billion	N/A

10) The mark 7UP has been advertised in such publications as Reader’s Digest, Life, Look, Cosmopolitan, True Story, Playboy and Esquire. Mr Finkelstein states that the general public also sees the product on restaurant menus, vending machines, delivery trucks and sports stadiums. As

such, it is an extremely well-known and famous trade mark throughout the world.

11) It is claimed that the mark CHERRY 7UP was first used in the UK in 1989. Mr Finkelstein also provides sales figures for products sold under the company's various marks which includes UP, 7UP, SEVEN UP, 7UP logos, DIET 7UP, CHERRY 7UP, CHERRY 7UP and logo and FRESH UP. In addition he provides the UK sales volumes in terms of 8 ounce cases and litres for the CHERRY 7UP mark.

YEAR	Sales under all the opponent's marks £	Sales of CHERRY 7UP 8oz case	Sales of CHERRY 7UP Litres
1991	132 million	951,000	5,404,000
1992	120 million	630,000	3,574,000
1993	112 million	393,000	2,236,000
1994	120 million	404,000	2,298,000
1995	135 million	323,000	1,835,000

12) Mr Finkelstein makes a number of claims based on his "knowledge of the soft drink market". These are:

- SEVEN UP and 7UP are so well known that any use of the term UP on a soft drink will lead consumers to associate it with his company.
- CHERRY UP has no significant feature to distinguish it from CHERRY 7UP as the term CHERRY is a generic term.
- CHERRY UP and CHERRY 7UP are virtually identical and likely to cause confusion and deceive.
- The use of the mark in suit will seriously dilute the opponent's rights in its famous UP, 7UP and CHERRY 7UP marks.

13) Mr Finkelstein states that the claim by the applicant that there has been no confusion during the period of concurrent use can only be due to the trade channels being different as he asserts that if the goods were sold alongside his company's products then confusion would arise. He claims that his company carried out "market investigations" and states that sales of CHERRY UP products by the applicant has been "intermittent and of minor significance".

14) The opponent's second declaration, dated 22 August 1997, is by David Lake. Mr Lake does not provide any details of his employment status, or experience. Mr Lake states that "In April 1987, I was instructed by D Young & Co. to undertake a survey to establish whether there was any indication of current sales of a CHERRY UP soft drink produced by Silver Spring"

15) Mr Lake states that he contacted the applicant and under the guise of a cover story was informed that the product was sold throughout the UK. In particular Nurdin & Peacock, Unigate Dairies Ltd and Woolworths were stated to sell the product. Mr Lake then details how he

contacted a variety of organisations to ascertain if they did indeed sell the product.

16) Mr Lake describes how he made contact with a number of companies usually speaking to the customer services department. He states that the following firms informed him that they do not stock the CHERRY UP product: Woolworths, Asda, Budgens, Europa Foods, Iceland, Sainsbury's, Somerfield, Tesco, Waitrose and Londis. He found that Bookers Cash and Carry and also Spar purchased products from the applicant but these were under their own brand and not under CHERRY UP. The only use of the mark that he could confirm was by Unigate Dairies. He provides a copy of a Unigate leaflet at exhibit DL1 which shows, inter alia, a bottle with the "Cherry Up" mark upon it.

17) Mr Lake states that he contacted the applicant again and claims that he was informed by someone in the sales office that "CHERRY UP was not generally available from large supermarket chains and was mainly distributed to wholesalers / cash and carry stores and small independent supermarkets". He then states that he went to various supermarkets such as Co-Operative, Safeway, Alldays, Threshers, M&W, Martins and Bookers Cash and Carry. He states that the product CHERRY UP was not on display at any of these outlets.

APPLICANT'S EVIDENCE

18) The applicant filed a declaration, dated 30 September 1998, by James M Ludlow a director of the applicant company, a position he has held since 1985.

19) Mr Ludlow states that his company began to use the mark in suit on goods covered by the applications specification in "1986 or earlier". He is unable to provide a precise date as the surviving company records do not enable him to pinpoint the date. He states that the name was coined from the mark SPRING -UP (registered for lemonade) and the word "cherry" in recognition of the cherry colour and as an allusion to cherryade.

20) Mr Ludlow provides retail turnover figures for CHERRY UP products, he asserts that "of the total sales, at least 95% have been sales within the United Kingdom".

Year	£
1986	731,797
1987	1,044,267
1988	840,255
1989	1,387,413
1990	1,007,917
1991	1,219,004
1992	1,310,624
1993	997,897
1994	1,086,292

21) At exhibit JML2 Mr Ludlow provides copies of the label which he claims has been used on the cans sold since 1993, this label was used on bottles for five years before this date. The label has the mark in suit prominently printed across it. The label also features a “swirl” device and what appears to be a representation of gas bubbles.

22) Mr Ludlow states that sales of the product have taken place throughout the UK, and that no instances of confusion have ever come to the attention of the company.

23) Mr Ludlow comments on the evidence of the opponent, pointing out that the investigation by Mr Lake occurred in 1997 some three years after the relevant date. Further, he asserts that the information gained was at best hearsay and obtained from imprecise sources within each of the organisations contacted. He states:

“18. I note from Mr Lake’s paragraph 6 that he was told by an employee of Silver Spring “that Cherry-Up was not generally available from large supermarket chains and was mainly distributed to wholesalers / cash & carry stores and small independent supermarkets”. In the light of this information, it seems hardly surprising that he failed to find evidence of sales at that time at any rate at Woolworths, Asda Group, Budgens, Europa Foods, Iceland, Sainsbury, Somerfield, Tesco or Waitrose. It also seems surprising that in his next paragraph he does not describe himself as following the advice he had just received. I would have expected him to visit wholesalers, cash & carry stores or small independent supermarkets, but instead he visited Co-Operative, Safeway, Alldays, Threshers, MW and Martins. In my opinion, none of these would generally speaking be described as wholesalers, cash & carry stores or small independent supermarkets, although I cannot comment on the particular outlets which Mr Lake in fact visited. Again, whatever the nature of the outlets he visited may be, the fact that they did not stock Cherry-Up product on 16 April 1997 is not relevant to this opposition, as I am informed.”

“19. Summing up Mr Lake’s evidence, he appears to be trying to demonstrate non-use, or at any rate limited use, of the Cherry-Up mark. As I have indicated, I have received advice to the effect that even if he had succeeded totally in demonstrating non-use of the mark in April 1997, this would not have been relevant. However he fails to demonstrate this, in that he did find a certain amount of use. In the light of the particular outlets where he made his enquiries it is not surprising that only a certain amount of use was found. In any event, I totally refute any suggestion of non-use. I have already given figures demonstrating a massive amount of use by Silver Spring during the years 1988 to 1993 and I stand by those figures. Mr Lake found only a small amount of use (according to him). He looked for it at the wrong time and in the wrong places. In April 1997 the use of the mark Cherry-Up by Silver Spring was continuing at a rate of over 2,100,000 units or £1,000,000 pounds sterling per annum (see my exhibit JML3 already referred to). We have never sold Cherry-Up through the multiples. It has been widely sold to a number of small shops, also to companies such as Fiesta Soft Drinks in Newcastle, Anglia Soft Drinks in Cambridge, B&W Soft Drinks in Norfolk and Jollys in Cornwall, also to a number of independent cash and carries. We also sell to Unigate Dairies and Dairy Crest.”

24) He refutes the implied allegation that the sales figures include supermarket “own brand” sales. At paragraph 20 he states:

“I stand by the figures exhibited to this my statutory declaration. At Silver Spring we are aware of which particular goods are sold under our own brand names and trade marks,

such as CHERRY UP, and which goods are destined to be sold under the “own label” brand names of supermarkets or chains of convenience stores. Consequently, since I am prepared to declare in this my statutory declaration details of the sales achieved by Silver Spring under the CHERRY UP trade mark, I feel that there should be no need for me to justify these figures further. However, in the light of the fact that Mr Lake’s evidence apparently seeks to cast doubt on usage by Silver Spring of the CHERRY UP mark, I now provide back-up information to cover the time when his survey was carried out. There is produced and shown to me marked Exhibit JML4 a list for the years 1993 to 1998 of the numbers of cans purchased by Silver Spring from the Metal Box Company specifically to contain the CHERRY UP product and with that brand name and trade mark printed on them by the Metal Box Company. I can state with absolute certainty that all such marked cans supplied to Silver Spring by the Metal Box Company were used by Silver Spring to contain the CHERRY UP product for sale in the UK. We could not use marked CHERRY UP cans for any other purpose. I can state with equal certainty that very one of these cans sold by us is and was clearly and prominently marked with the trade mark CHERRY UP.”

25) The following table has been collated from the sales figures of cans provided at exhibits JML1 and JML3 and the can purchase figures provided at exhibit JML4.

Year	Cans sold	Cans purchased
1993	494,688	678,000*
1994	338,520	1,094,000
1995	464,904	369,603*
1996	232,560	995,436
1997	403,032	362,934
TOTAL	1,933,704	3,499,973

Figures marked with a “*” relate to only nine months of the year.

26) Mr Ludlow then proceeds to comment on the evidence of Mr Finkelstein. He disputes that the opponent has a reputation in the word UP. He asserts that the evidence provided by the opponent does not show use of the word UP solus. He also points out that the opponent’s use of CHERRY 7UP started in the UK in 1989 whereas his company’s use began in 1986. Therefore he claims his company has prior rights.

27) Mr Ludlow also claims that the opponent has forfeited any right they might have had by acquiescence. His company has registered the marks SPRING -UP LEMONADE and logo and also SPRING-UP. These registrations are for lemonade. The mark SPRING-UP has been used continuously during the period 1958- 1998. He claims that the opponent must have been aware of sales under these marks yet has acquiesced for a continuous period of more than five years.

28) Mr Ludlow points out that he too has a knowledge of the UK soft drinks market, and queries whether Mr Finkelsteins’ knowledge of soft drinks is perhaps more geared to the USA rather than the UK.

OPPONENT'S EVIDENCE IN REPLY

29) This consists of a declaration by Elizabeth N Bilus, dated 29 September 2000. Ms Bilus is a director of the opponent company.

30) Ms Bilus comments that the applicants claims regarding use are not supported by corroborative evidence such as invoices. She also refutes the applicants claims regarding the investigation by Mr Lake and claims that the comments made by Mr Lake are valid and that a retrospective investigation is impossible.

31) Ms Bilus makes a variety of comments on aspects of the applicant's evidence but most relate to her opinions of the evidence are of limited value to me in my decision. She does however dispute that the opponent has acquiesced to concurrent use. The fact that the opponent was content to tolerate SPRING-UP should in no way indicate their acceptance of the mark in suit.

32) Finally, Ms Bilus comments that the applicant has opposed the International Community Trade Mark Application, number 72751, for the mark UP filed by Seven-Up International. A copy of the notice of opposition is provided at exhibit EN31.

33) That completes my review of the evidence.

DECISION

34) The first ground of opposition is under Section 12(1) of the 1938 Act. This reads as follows:

12. - (1) "Subject to the provisions of subsection (2) of this section, no trade mark shall be registered in respect of any goods or description of goods that is identical with or nearly resembles a mark belonging to a different proprietor and already on the register in respect of:

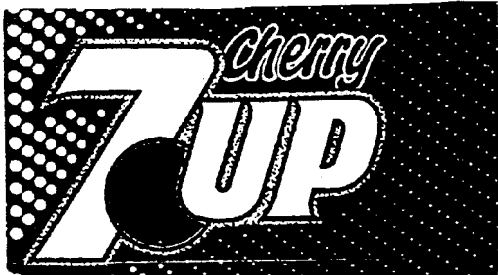
(a) the same goods,

(b) the same description of goods, or

(c) services or a description of services which are associated with those goods or goods of that description."

35) The reference in Section 12 to a near resemblance is clarified by Section 68(2B) of the Act which states that references in the Act to a near resemblance of marks are references to a resemblance so near as to be likely to deceive or cause confusion.

36) As is clear from the Annex to this decision the opponent is relying on a number of registrations, all of which have the words "Cherry" and "up" shown in them, whilst one has the word "seven" the others have a figure "7" and also devices. I consider that the opponent's strongest case is under registrations 1334776 & 1507680 shown below. I shall therefore be referring to these trade marks when making the comparison with the mark in suit.

Applicant's Mark	Opponent's marks	
CHERRY UP	1334776	CHERRY SEVEN-UP
	1507680	

37) The established test for objections under Section 12(1) is set down in Smith Hayden & Co. Ltd's application [Volume 1946 63 RPC 101]. Adapted to the matter in hand the test may be expressed as follows:

Assuming user by the opponent of their trade mark CHERRY 7UP in a normal and fair manner for any of the goods covered by the registration of the trade mark, is the tribunal satisfied that there will be no reasonable likelihood of deception amongst a substantial number of persons if the applicants use their trade mark CHERRY UP normally and fairly in respect of any goods covered by the proposed registration?

38) At the hearing it was common ground that the goods of the parties are goods of the same description, if not identical.

39) I therefore move onto consider the marks themselves. For this purpose I take into account the guidance set down by Parker J in Pianotist Co.'s application (1906 23 RPC 774 at page 777):

"You must take the two words. You must judge of them both by their look and by their sound. You must consider the goods to which they are to be applied. You must consider the nature and kind of customer who would be likely to buy those goods. In fact, you must consider all the surrounding circumstances: and you must further consider what is likely to happen if each of these trade marks is used in a normal way as a trade mark for the goods of the respective owners of the marks. If, considering, all those circumstances, you come to the conclusion that there will be a confusion - that is to say- not necessarily that one will be injured and the other will gain illicit benefit, but that there will be a confusion in the mind of the public, which will lead to confusion in the goods - then you may refuse the registration, or rather you must refuse the registration in that case."

40) Although not referred to at the hearing I also take account of the views expressed in *Coca Cola v Pepsi Cola* [1942] 59 RPC 127 regarding common elements of marks.

"Where you get a common denominator, you must in looking at the competing formulae pay much more regard to the parts of the formulae which are not common - although it does not flow from that that you must treat the words as though the common part were not there at all."

41) Clearly the applicant's mark is fully contained within the opponent's marks. The difference

between them being that the opponent's mark also has either a figure "7" together with a large dot and a spotted background, or the word SEVEN. The word CHERRY is descriptive of the flavour of the drink. The applicant's specification and the opponent's under registrations 1334776 & 1507680 are restricted to cherry flavoured goods.

42) Taking into account all of the factors and comparing the marks as wholes, I consider that the degree of similarity between the trade mark CHERRY UP and the trade mark CHERRY SEVEN-UP is sufficient to cause deception and confusion amongst a substantial number of persons. I also take note that under the 1938 Act the onus is on the applicant to show no likelihood of confusion. The opposition under Section 12(1) succeeds.

43) The applicant has sought relief from Sections 7 and 12(2) of the Act, these read:

7. - Nothing in this Act shall entitle the proprietor or a registered user of a registered trade mark to interfere with or restrain the use by any person of a trade mark identical with or nearly resembling it in relation to goods in relation to which that person or a predecessor in title of his has continuously used that trade mark from a date anterior -

(a) to the use of the first-mentioned trade mark in relation to those goods by the proprietor or a predecessor in title of his; or

(b) to the registration of the first-mentioned trade mark in respect of those goods in the name of the proprietor or a predecessor in title of his;

whichever is the earlier; or to object (on such use being proved) to that person being put on the register for that identical or nearly resembling trade mark in respect of those goods under subsection (2) of section twelve of this Act.

12 (2). - In case of honest concurrent use, or of other special circumstances which in the opinion of the Court or the Registrar make it proper so to do, the Court or the Registrar may permit the registration by more than one proprietor in respect of: -

(a) the same goods

(b) the same description of goods, or

(c) goods and services or descriptions of goods and services which are associated with each other,

of marks that are identical or nearly resemble each other, subject to such conditions and limitations, if any, as the Court or the Registrar, as the case may be, may think it right to impose.

44) With regard to Section 7, the applicant's claim to have been using the mark since 1986. I have to determine whether the evidence, taken as a whole, is sufficient to discharge the legal and evidential burden on the applicant.

45) The opponent has filed evidence of an investigator which it claims shows that the applicant is not selling its product to major supermarkets. The applicant has provided sales figures for 1986 and 1987 which precede the date of the opponent's CHERRY SEVEN-UP registrations. Although

this use does not precede the date of the opponent's registration of "UP" which dates back to 1955. There is no supporting documentary evidence such as sales invoices or promotional material. This may not be fatal if the details of any sales under the mark are sufficiently particularised. In my view they are not. The applicant gives no indication about who these sales were made to, or the value of any of the individual sales, or the date of any such sales. On this basis I do not believe that the applicant has discharged the evidential burden on him to show use prior to 1988. Therefore the opposition is not therefore excluded by Section 7.

46) With regard to section 12(2), the main matters for consideration under this section were laid down by Lord Tomlin in the *PIRIE* case [1933] RPC 147. They are:

- (i) The extent of use in time and quantity and the area of trade;
- (ii) the degree of confusion likely to ensue from the resemblance of the marks, which is, to a large extent, indicative of the measure of public inconvenience;
- (iii) the honesty of the concurrent use;
- (iv) whether any instances of confusion have been proved;
- (v) the relative inconvenience which would be caused if the mark in suit was registered, subject if necessary to any conditions and limitations.

47) So far as the extent of use is concerned the applicant has not shown use of their mark since 1986. The opponent has carried an investigation and found only one distributor, Unigate Dairies. The applicant provided turnover figures but chose not to submit any corroborative evidence despite the opponent's direct challenge. Mr Ludlow provides the names of six of his customers in Paragraph 19 of his declaration. However, he does not say that they were customers throughout or at any time within the relevant period of 1986 - 1994. This is despite Mr Ludlow's criticisms of the applicant's evidence in the same paragraph, which shows that he was aware that the position before the relevant date was critical.

48) I also have regard to the difference between the number of cans purchased and sold by the applicant and the comments made by Mr Ludlow in paragraph twenty of his declaration, set out earlier in this decision. Further, I note that although Mr Ludlow has been with the applicant since 1985, he is obviously working from company records. Yet the applicant has decided not to exhibit any of these records. I therefore find that that the extent of the applicant's trade under the mark in suit in the relevant period is not proven.

49) When considering the degree of confusion likely to ensue from the resemblance of the marks [point (ii)] I must, I believe bear in mind that the goods are identical and, as I have already found, the marks are very similar. Therefore the obstacle that the applicant must overcome in terms of the measure of public inconvenience is considerable.

50) In terms of the relative inconvenience to the parties [point (v)], it is the position at the filing date that I must consider. The paucity of information as to the extent of the applicant's business at this time makes it difficult if not impossible to measure the impact on them. What is clear is that given the identical nature of the goods and similarity of the marks that there would be likely to be an adverse effect on the opponent, through loss of business.

51) In reaching a decision under Section 12(2) a balanced view generally needs to be taken having regard to what might be potentially conflicting results arising from the application of the *PIRIE* criteria. I have come to the view that the applicant's case based on honest concurrent use is not sufficiently strong.

52) Although, the applicant's case based upon its claim to honest concurrent use is not, by itself, sufficiently strong to justify registration of a similar mark for identical goods. I have considered whether the circumstances described above amount to "special circumstances" justifying registration under Section 12(2).

53) I have concluded that it does not. In assessing a claim for registration under Section 12(2) I am required to assume - in the absence of a counter application for invalidation - that the opponent's mark is validly registered. The issue, at this stage, is not therefore who has the best claim to registration, but (assuming that the opponent's mark is validly registered) whether the applicant has a good enough case for a second (in this case similar) registration. I do not believe the applicant's case is strong enough to offset the measure of public inconvenience involved in the registration of confusingly similar marks for identical goods by different proprietors.


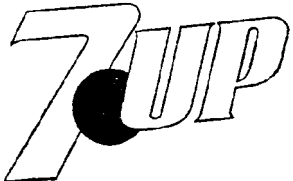

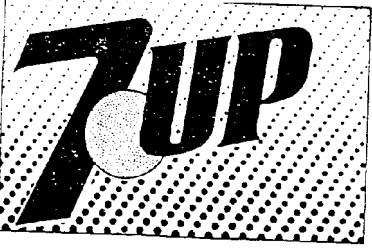
54) As a result of above the opposition under Section 12 is successful.

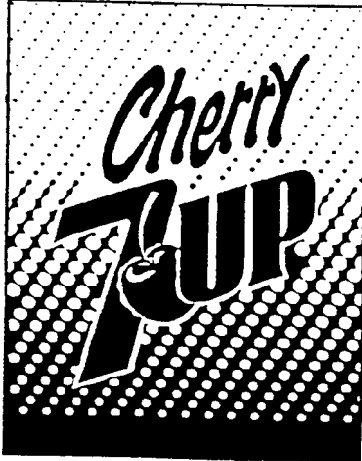
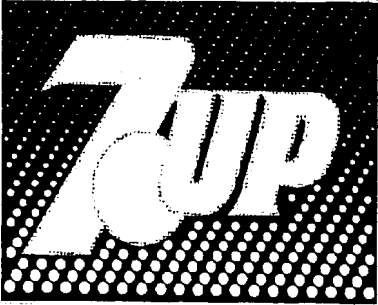

55) Given my findings above I do not need to consider the other grounds of opposition.


56) As the opposition has succeeded, the opponent is entitled to a contribution towards costs. I order the applicant to pay the opponent the sum of £835. This sum to be paid within one month of the expiry of the appeal period or within one month of the final determination of this case if any appeal against this decision is unsuccessful.

Dated this 15 Day of June 2001

George W Salthouse
For the Registrar
The Comptroller General

Mark	Number	Effective Date	Class	Specification
SEVEN-UP	716975	21.4.53	32	Non-alcoholic drinks and preparations for making such drinks, all included in Class 32.
	716976	21.4.53	32	Non-alcoholic drinks and preparations for making such drinks, all included in Class 32
UP	749393	28.12.55	32	Non-alcoholic drinks and preparations for making such drinks, all included in Class 32
	1134238	235.80	32	Non-alcoholic beverages and preparations for making such beverages, all included in Class 32.
	1136857	11.7.80	32	Non-alcoholic beverages and preparations for making such beverages, all included in Class 32.
	1172212	26.3.82	32	Non-alcoholic beverages and preparations for making such beverages, all included in Class 32.

CHERRY SEVEN-UP	1334776	9.2.88	32	Non-alcoholic drinks and preparations for making such drinks; all included in Class 32 and all being cherry flavoured.
	1344211	12.5.88	32	Non-alcoholic beverages and preparations for making such beverages; all included in Class 32 and all being cherry flavoured.
	1474103	20.8.91	32	Non-alcoholic beverages, syrups, concentrates and ingredients used in the preparation of such beverages; all included in Class 32.
	1474104	20.8.91	32	Low-calorie non-alcoholic beverages, syrups, concentrates and ingredients used in the preparation of such beverages; all included in Class 32.

	1507680	24.7.92	32	Non-alcoholic beverages; syrups and concentrates used in the preparation of such beverages; all the aforesaid goods being cherry flavoured; all included in Class 32.
7UP PLUS	2009259	30.1.95	32	Non-alcoholic beverages; soft drinks; preparations for making the aforesaid goods.