

MALTA

QORTI TAL-APPELL

(Sede Inferjuri)

**ONOR. IMĦALLEF
LAWRENCE MINTOFF**

Seduta tat-12 ta' Frar, 2025

Appell Inferjuri Numru 54/2024 LM

Av. Dottor Luigi A. Sansone (detentur tal-karta tal-identità ta' Malta bin-numru "0258269" ittra "M") bħala mandatarju speċjali ta' Rothmans of Pall Mall Limited, kumpanija estera organizzata f'*Companies House* (Ingilterra u Wales) b'numru ta' registrazzjoni 00676565 u b'indirizz registrat ta' *Globe House, 4 Temple Place, London WC2R 2PG* fir-Renju Unit
(l'appellanta')

vs.

Avukati Dottor Paul Micallef Grimaud u Dottor Philip Formosa bħala mandatarji speċjali ta' BR International Holdings Inc., kumpanija estera registrata fil-British Virgin Islands u b'indikazzjoni ta' indirizz ta' P.O. Box 261031, Jebel Ali, Dubai, United Arab Emirates
(l-appellata')

Il-Qorti,

Preliminari

1. Dan huwa appell magħmul mill-**Avukat Dottor Luigi A. Sansone (detentur tal-karta tal-identità ta' Malta bin-numru "0258269" ittra "M") bħala**

mandatarju speċjali ta' Rothmans of Pall Mall Limited, [minn issa 'l quddiem 'l-appellant noe'], kumpannija estera organizzata f'*Companies House* (Ingilterra u Wales) b'numru ta' reġistrazzjoni 00676565 u b'indirizz reġistrat ta' *Globe House, 4 Temple Place, London WC2R 2PG* fir-Renju Unit, minn deċiżjoni tal-**Kontrollur tal-Proprietà Industrijali** [minn issa 'l quddiem 'il-Kontrollur'] datata 12 ta' Ġunju, 2024 [minn issa 'l quddiem 'id-deċiżjoni appellata'], li permezz tagħha ddeċieda billi laqa' l-oppożizzjoni li l-appellant noe kien irreġistra miegħu fil-konfront tal-applikazzjoni numru 59708 għar-reġistrazzjoni tat-*trademark*



taħt il-klassi 34 tal-Klassifikazzjoni Internazzjonali ta' Prodotti u Servizzi taħt in-*Nice Agreement*, ipprezentata fl-10 ta' Ġunju, 2019 mis-soċjetà appellata **BR International Holdings Inc.**, kif debitament rappreżentata f'dawn il-proċeduri mill-mandatarji speċjali tagħha **I-Avukat Dottor Paul Micallef Grimaud** u **I-Avukat Dottor Philip Formosa** [minn issa 'l quddiem 'l-appellati noe'], kumpannija estera reġistrata fil-British Virgin Islands u b'indikazzjoni ta' indirizz ta' P.O. Box 261031, Jebel Ali, Dubai, United Arab Emirates, u dan skont l-oppożizzjoni kif imsejsa fuq il-para. (b) tas-subartikolu 6(1) tal-Kap. 597. Imma fid-deċiżjoni appellata, il-Kontrollur qal ukoll li peress li kien hemm oppożizzjoni minn aktar minn oppożitur wieħed, għandha tittieħed deċiżjoni finali rigward ir-reġistrazzjoni tal-applikazzjoni tat-*trademark* TM59708, la darba jiġu konklużi il-proċedimenti kollha, inklużi dawk legali, dwar it-*trademarks* in kwistjoni.

Fatti

2. Il-fatti ta' dan l-appell jirrigwardaw l-applikazzjoni nru. 59708 tas-soċjetà appellata għar-reġistrazzjoni tat-*trademark*  [minn issa 'l quddiem 'it-

trademark opposta'] ipprezentata lill-Kontrollur fl-10 ta' Ġunju, 2019, fil-Klassi numru 34.

Mertu

3. Fil-15 ta' Novembru, 2019, l-appellant noe pprezenta avviż ta' oppożizzjoni għall-applikazzjoni appena msemmija tal-appellati noe, għal raġunijiet fost oħrajn li: (a) huwa kellu registrat *trademark* anteedenti bin-numru 10027 [minn issa 'l quddiem 'it-*trademark* anteedenti'], b'effett mis-17 ta' Mejju, 1969, fir-rigward ta' *tobacco raw or manufactured, smokers' articles, matches* fejn kien applikabbli s-subartikolu 6(3)(a) tal-Kap. 597 dwar '*reputazzjoni*'/ '*vantaġġ mhux ġust*' / '*detriment għall-karattru distintiv u għar-reputazzjoni*'; u (b) it-*trademark* anteedenti hija '*magħrufa sew*' f'Malta, u hija *trademark* ta' '*reputazzjoni*' anki f'Malta, u huma applikabbli l-para. (b) tas-subartikolu 6(1), flimkien mal-para. (d) tas-subartikolu 6(2), u l-para (a) tas-subartikolu 6(3) tal-Kap. 597.

4. L-appellati noe pprezentaw kontro-dikjarazzjoni fl-20 ta' Frar, 2020, u l-appellant noe fit-3 ta' April, 2020, ipprezenta Avviż dwar Manteniment tal-Oppożizzjoni.

Id-deċiżjoni appellata

5. Fid-deċiżjoni appellata l-Kontrollur wasal sabiex aċċetta l-oppożizzjoni tal-appellant noe, wara li għamel is-segweni konsiderazzjonijiet rilevanti għal dan l-appell:

“Trademark application no. 59708 – BUSINESS ROYALS filed on 10.06.2019; Class no. 34

The Office noted the submissions made by the opponent and the applicant in respect of the Opposition to Trademark 59708 and has decided as follows:

1) Regarding the trademarks subject to invalidity proceedings

In regards to the grounds for opposition citing the trademarks which are subject to invalidity proceedings these will be considered:

- a) If there is an appeal and the Court does not rule in favour of the acceptance of the opposition and rules that the opposition should be rejected, and*
- b) The Office is presented with official documentation by the opponent showing that all pending actions in their regard are decided in a final manner. Provided that consideration will be only in case of those in respect of which the action of invalidity fails.*

2) In respect of Trademark 10027 opposition claim based on Article 6(1)(b) of the Trademarks Act, Cap 597

The Office notes that:

- a) the Opponents’ goods relating to Trademark 10027 are similar to the goods in respect of which the applicant is applying for with Trademark Application No: 59708;*
- b) there is an average visual, aural and conceptual similarity;*
- c) where a trademark is pertaining composed of verbal and figurative elements, the former are, in principle, more distinctive than the latter, because the average consumer will more readily refer to the goods in question by quoting their name than by describing the figurative element of the trade mark (Case T-160/15, LG Development, vs Office for Harmonisation in the Internal Market (Trade Marks and Designs) citing Case T 205/06 NewSoft Technology v OHIM - Soft (Presto! Bizcard Reader).*
- d) In the opponent’s figurative mark the verbal element would be the words “Rothmans” and “ROYALS”;*
- e) the dominant element of the applicant’s mark is the word “ROYALS” because of its bold capitalised stylised font, its size and position in the mark;*
- f) the word “ROYALS” would on its own serve to identify the goods in question as coming from a particular undertaking and hence is considered as having at least an average level of distinctiveness;*
- g) in the applicant’s mark the verbal and dominant element would be the words ‘BUSINESS ROYALS’;*

- h) the word “ROYALS” features as the last word in the word element of both marks;*
- i) the identical elements ‘ROYALS’ will certainly be noticeable to the relevant public;*
- j) the average consumer only rarely has the chance to make a direct comparison between the different marks but must place his trust in the imperfect picture of them that he has kept in his mind (Court of Justice Case C-342/97, Lloyd Schuhfabrik Meyer & Co. GmbH v Klijsen Handel BV (‘Lloyd’))*
- k) it should be borne in mind that the average consumer’s level of attention is likely to vary according to the category of goods or services in question. (Court of Justice Case C-342/97, Lloyd Schuhfabrik Meyer & Co. GmbH v Klijsen Handel BV (‘Lloyd’)). However, no proof has been provided that average consumers of tobacco products pay an above average level of attention when selecting the goods.*

On the basis of said findings the Office considers that there is a likelihood of confusion on the part of the public and accepts the opposition’s claim in respect of Trademark 10027 under Article 6(1)(b) of the Trademarks Act, Cap 597.

3) In respect of Trademark 10027 opposition claim based on Article 6(3)(a) of the Trademarks Act Cap 597, Cap 597 regarding reputation/unfair advantage/detriment to distinctive character and reputation

The Office notes that:

a) For a trademark not to be registered under Article 6(3)(a) of the Trademarks Act, Cap 597, all of the following must apply:

- i) the trademark must be identical with, or similar to, an earlier trademark (irrespective of whether the goods or services for which the trademark is applied or registered are identical with, similar to or not similar to those for which the earlier trademark is protected)**
- ii) the earlier trademark must have a reputation in Malta or in the case of an EU trademark, a reputation in the Union**
- iii) the use of the later trademark without due cause would take unfair advantage of, or be detrimental to, the distinctive character or the repute of the earlier trademark**

b) The first requirement is fulfilled as:

- the Opponents goods pertaining to Trademark 10027 are similar to the goods in respect of which applicant is applying for with Trademark Application No 59708;*

- *there is an average visual, aural and conceptual similarity between the marks in question;*

c) Trademark 10027 was registered with effect from 17th May 1969.

d) The opponent states that:

6. during the period 1969 to 1972 the brand was introduced to/consolidated in various other markets across Europe including Malta, and was advertised in accordance with applicable local laws of the time...

11. evidence of matters indicated in paragraph numbers 2-10 (inclusive) and 12 of this Part, as well as evidence of a list of all the current trademark registrations worldwide for – or including – the expression ROYALS , in the name of the Opponent or any other company forming a part of BAT, is attached to an affidavit of Stuart Paul Aitchison a certified copy of which is attached hereto and marked as document “I” ...

12. sales of Rothmans ROYALS have been constant throughout the European Union and Malta since 1969, and details of sales in Malta over approximately 10 years (period 2008-2018) are annexed to the affidavit of Stuart Paul Aitchison as document “Annex XXIV” thereto

13. there can be no doubt that as a result of massive effort from the part of BAT, all of the Opponent’s Malta-registered trademarks indicated herein at paragraph 8, enjoy reputation in Malta. Since at least ten years all forms of advertising of tobacco products are illegal in Malta hence since then there is no evidence of advertising activities from the Opponent’s part or from the part of any other person (corporate or unincorporated) connected therewith

e) Neither the opponent nor the affidavit of Stuart Paul Aitchison provides any evidence of any advertising campaign involving Trademark 10027 taking place close to the date when the applicant filed his application. Indeed, the opponent states that:

“...Since at least ten years all forms of advertising of tobacco products are illegal in Malta hence since then there is no evidence of advertising activities from the Opponent’s part or from the part of any other person (corporate or unincorporated) connected therewith...”

f) The statistics referred to by the opponent do not provide any breakdown of the sales taken place in Malta in packets or packaging bearing Trademark 10027.

g) The opponent have not provided any documentation indicating to the satisfaction of the Office that Trademark 10027 has a reputation in Malta.

Given the above the Office does not consider that any proof has been provided showing that Trademark 10027 has a reputation in Malta. Thus, the second requirement of Article 6(3)(a) of the Trademarks Act, Cap 597 is not fulfilled. Consequently, the opposition to the applicant's mark based on the opponent's mark, Trademark 10027, on the grounds of Article 6(3)(a) of the Trademarks Act, Cap 597 is rejected.

4) Opposition to the applicant's mark based on claim of "ROYALS" as a "WELL KNOWN TRADEMARK" in Malta in respect of cigarettes as per Art. 6(1)(b) and its related provision Article 6(2)(d)

The Office notes that:

a) Article 6(1) b states:

6(1) A trademark shall not be registered or, if registered, shall be liable to be declared invalid where

....

(a) because of its identity with, or similarity to, an earlier trademark and the identity or similarity of the goods or services covered by the trademarks, there exists a likelihood of confusion on the part of the public, including the likelihood of association by the public with the earlier trademark

6(2) "Earlier trademarks" within the meaning of sub-article (1) means

.....

(d) trademarks which, on the date of application for registration of the trademark or, where appropriate, of the priority claimed in respect of the application for registration of the trademark, are well known in Malta, in the sense in which the words "well-known" are used in Article 6 bis of the Paris Convention.

b) in this instance since the opponent is citing grounds for opposition 6(1)(b) on the basis of the earlier mark as a well-known mark, the opponent must submit evidence of the mark being well known.

c) In the "REASONED STATEMENT ON THE GROUNDS, THE FACTS AND ARGUMENTS ON WHICH THE OPPOSITION RELIES AND SUPPORTING EVIDENCE" the opponent states that:

6. during the period 1969 to 1972 the brand was introduced to/consolidated in various other markets across Europe including Malta, and was advertised in accordance with applicable local laws of the time...

.....

11. evidence of matters indicted in paragraph numbers 2-10 (inclusive) and 12 of this Part, as well as evidence of a list of all the current trademark registrations worldwide for – or including – the expression ROYALS , in the name of the Opponent or any other company forming a part of BAT, is attached to an affidavit of Stuart Paul Aitchison a certified copy of which is attached hereto and marked as document “I”...

12. sales of Rothmans ROYALS have been constant throughout the European Union and Malta since 1969, and details of sales in Malta over approximately 10 years (period 2008-2018) are annexed to the affidavit of Stuart Paul Aitchison as document “Annex XXIV” thereto

.....

13. there can be no doubt that as a result of massive effort from the part of BAT, all of the Opponent’s Malta-registered trademarks indicated herein at paragraph 8, enjoy reputation in Malta. Since at least ten years all forms of advertising of tobacco products are illegal in Malta hence since then there is no evidence of advertising activities from the Opponent’s part or from the part of any other person (corporate or unincorporated) connected therewith

d) Neither the opponent nor the affidavit of Stuart Paul Aitchison provides any evidence of any advertising campaign involving trademark ROYALS taking place close to the date when the applicant filed his application. Indeed, the opponent states that:

“...Since at least ten years all forms of advertising of tobacco products are illegal in Malta hence since then there is no evidence of advertising activities from the Opponent’s part or from the part of any other person (corporate or unincorporated) connected therewith...”

e) The statistics referred to by the opponent do not provide any breakdown of the sales taken place in Malta in packets or packaging bearing the Trademark ‘ROYALS’.

f) The opponent has not provided any documentation indicating to the satisfaction of the Office that Trademark ‘ROYALS’ is well known in Malta.

Given the above, the Office does not consider that any proof has been provided that the Trademark ‘ROYALS’ is well known in Malta.

The opposition to the applicant’s mark based on the opponents Trademark ‘ROYALS’ on the grounds of Article 6(1)(b) and Article 6(2)(d) of the Trademarks Act (Cap 597) is therefore rejected.

5) *Opposition to the applicant's mark based on claim of 'ROYALS' being as a "TRADEMARK OF REPUTATION" in Malta ... in respect of cigarettes as per Art 6(3)(a) the Trademarks Act, Cap. 597 and its related provisions Article 6(2)(d)*

The Office notes that:

- a) *in opposing the applicant's mark based on claim of 'ROYALS' being as a TRADEMARK OF REPUTATION, the opponent states in the opposition Section (B) CLEAR IDENTIFICATION OF THE EARLIER MARK(S) OR RIGHT(S) ON WHICH THE OPPOSITION IS BASED..."*

"Opposition is based on the following:

...

- (B)(2) EARLIER MALTA TRADEMARK "ROYALS", in respect of cigarettes ... both as:*

...

(b) a trademark "OF REPUTATION" in Malta under applicable provisions contained in Cap. 597, in particular art. 6(3)(a) thereof and its related provision art. 6(2)(d)."

- b) *the opponent basing his claim on the definition of earlier mark as provided in 6(2)(d) namely:*

(d) trademarks which, on the date of application for registration of the trademark or, where appropriate, of the priority claimed in respect of the application for registration of the trademark, are well known in Malta, in the sense in which the words "well-known" are used in Article 6bis of the Paris Convention.

- c) *given that opponent is basing his argument regarding reputation by reference to the earlier mark being as a well-known mark the opponent must at the outset show that the mark is well known, submitting evidence of the mark being well known.*

- d) *The opponent states that:*

6. during the period 1969 to 1972 the brand was introduced to/consolidated in various other markets across Europe including Malta, and was advertised in accordance with applicable local laws of the time ...

...

11. evidence of matters indicated in paragraph numbers 2-10 (inclusive) and 12 of this Part, as well as evidence of a list of all the current trademark registrations worldwide for - or including - the expression ROYALS in the name of the Opponent or any other company forming a part of BAT, is attached to an

affidavit of Stuart Paul Aitchison a certified copy of which is attached hereto and marked as document “I” ...

12. sales of Rothmans ROYALS have been constant throughout the European Union and Malta since 1969, and details of sales in Malta over approximately 10 years (period 2008-2018) are annexed to the affidavit of Stuart Paul Aitchison as document “Annex XXIV” thereto

...

13. there can be no doubt that as a result of massive effort from the part of BAT, all of the Opponent’s Malta-registered trademarks indicated herein at paragraph 8, enjoy reputation in Malta. Since at least ten years all forms of advertising of tobacco products are illegal in Malta hence since then there is no evidence of advertising activities from the Opponent’s part or from the part of any other person (corporate or unincorporated) connected therewith

e) Neither the opponent nor the affidavit of Stuart Paul Aitchison provide any evidence of any advertising campaign involving trademark ROYALS taking place close to the date when applicant filed his application. Indeed, the opponent states that:

“...Since at least ten years all forms of advertising of tobacco products are illegal in Malta hence since then there is no evidence of advertising activities from the Opponent’s part or from the part of any other person (corporate or unincorporated) connected therewith...”

f) The statistics referred to by the opponent do not provide any breakdown of the sales taken place in Malta in packets or packaging bearing the trademark ‘ROYALS’.

g) The opponent has not provided any documentation indicating to the satisfaction of the Office that Trademark ‘ROYALS’ is well known in Malta.

Given the above the Office does not consider that any proof has been provided that the Trademark ‘ROYALS’ is well known in Malta on the basis of which it can be said to claim that ‘ROYALS’ is a trademark of reputation.

The opposition to the applicant’s mark based on claim of ‘ROYALS’ being as a trademark of reputation in Malta ... in respect of cigarettes as per Art. 6(3)(a) of the Trademarks Act, Cap. 597 is rejected.

6) Conclusion

According to Rule 37 of the TRADEMARK RULES S.L. 597.04, a notice of opposition to registration of the trademark may be given on the grounds that it may not be

registered because of any of the reasons specified in sub-articles (1), (3) and (4) of article 6 of the Act.

As indicated in section 2 above, the Office considers that there is a likelihood of confusion on the part of the public and accepts the opposition's claim in respect of Trademark 10027 under Article 6(1)(b) of the Trademarks Act, Cap 597.

In addition to the above, the Office draws attention to the parties that given that there are oppositions by more than one opponent a final decision regarding registration of the trademark application TM59708, will be taken once all proceedings, including legal ones, in respect of trademarks concerned are concluded.

Within fifteen (15) days from the date of this letter, you are kindly requested to inform this office if you have instituted an appeal to this decision before the Court of Appeal as provided in Article 100 of the Trademarks Act, Cap. 597.

If you do not inform this office that you have instituted an appeal to this decision within the aforementioned timeframe, this office will record this application as refused in our records."

L-Appell

6. L-appellant noe ippreżenta r-rikors tal-appell tiegħu fis-27 ta' Ġunju, 2024, fejn qiegħed jitlob lil din il-Qorti sabiex:

"...jogħgobha tilqa' dan l-appell u tbiddel d-Deciżjoni tal-Kontrollur tal-Proprietà Industrijali datata 12 ta' Ġunju 2024 (opposizzjoni numru 21), fis-sens li:

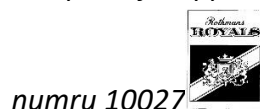
fl-ewwel lok, tħassar u tirrevoka l-kontenut kollu tal-punti numri 3, 4 u 5 tal-istess Deciżjoni, u tipprovdi minflok billi:

(a) tiddikjara li l-applikazzjoni tat-trademark numru ta' applikazzjoni 59708



BUSINESS ROYALS

ma hijiex reġistrabbli ai termini tal-artikolu 6(3)(a) tal-Att dwar it-Trademarks (Kap. 597 tal-Liġijiet ta' Malta), in vista tal-jeddijiet tal-kumpannija appellanta naxxenti mit-trademark ta' Malta reġistrata bin-



numru 10027

(b) tiddikjara li l-applikazzjoni tat-trademark numru ta' applikazzjoni 59708



ma hijiex reġistrabbli ai termini tal-artikolu 6(1)(b) tal-Att dwar it-Trademarks (Kap. 597 tal-Liġijiet ta' Malta), in vista tal-jeddijiet tal-kumpannija appellanta naxxenti mit-trademark ROYALS qua trademark "magħrufa sew" ai termini tal-Artikolu 6bis tal-Konvenzjoni ta' Pariġi għall-Protezzjoni tal-Proprietà Industrijali tal-20 ta' Marzu 1883 (kif riveduta jew emendata minn żmien għal żmien); u

(c) tiddikjara li l-applikazzjoni tat-trademark numru ta' applikazzjoni 59708



ma hijiex reġistrabbli ai termini tal-artikolu 6(3)(a) tal-Att dwar it-Trademarks (Kap. 597 tal-Liġijiet ta' Malta) in vista tal-jeddijiet tal-kumpannija appellanta naxxenti mit-trademark ROYALS qua trademark "magħrufa sew" ai termini tal-Artikolu 6 bis tal-Konvenzjoni ta' Pariġi għall-Protezzjoni tal-Proprietà Industrijali tal-20 ta' Marzu 1883 (kif riveduta jew emendata minn żmien għal żmien); u

fit-tieni lok, tordna li l-kontenut kollu tat-tielet u tal-ħames paragrafi minn ħamsa, tal-punt numru 6 tal-istess Deċiżjoni, jiħassar.

Bl-ispejjeż ta' din il-proċedura li għandhom jiġu sopportati nterament mill-kumpannija appellata."

L-appellant noe jissottometti li "**... limitatament dwar il-kontenut tal-kapijiet enumerati 3, 4 u 5 kif ukoll it-tielet u l-ħames paragrafi minn ħamsa tal-kap enumerat numru 6 tad-Deciżjoni...**"), l-aggravji tiegħu huma dawn:

"1. fir-rigward tal-kontenut tal-kap numru 3 tad-Deciżjoni appellata u partikolarment il-paragrafi d) sa g) u ż-żewġ paragrafi li jsegwu l-para. g), il-kumpannija appellanta ssostni li fiċ-ċirkostanzi hija ressqet evidenza



ampjament suffiċjenti sabiex tipprova li t-trademark numru 10027

għandha reputazzjoni f'Malta dwar "Tobacco raw or manufactured, smokers' articles", bil-konsegwenza li l-opposizzjoni tagħha bbażata fuq l-art 6(3)(a) tal-Kap. 597 kellha assolutament tintlaq u mhux tiġi riġettata;

2. *fir-rigward tal-kontenut tal-kap numru 4 tad-Deciżjoni appellata u partikolarment il-paragrafi c) sa g) u ż-żewġ paragrafi li jsegwu l-par. g), il-kumpannija appellanta ssostni li fiċ-ċirkostanzi hija ressqet evidenza ampjament suffiċjenti sabiex ttipprova li t-trademark ROYALS hija “magħrufa sew” f’Malta dwar sigaretti u għalhekk protetta skont l-Artikolu 6bis tal-Konvenzjoni ta’ Pariġi fuq trademarks “magħrufin sew”, bil-konsegwenza li l-opposizzjoni tagħha bbażata fuq l-art. 6(1)(b) [flimkien ma’ dik relatata 6(2)(d)] tal-Kap. 597, kellha assolutament tintlaqa’ u mhux tiġi riġettata;*
3. *fir-rigward tal-kontenut tal-kap numru 5 tad-Deciżjoni appellata u partikolarment il-paragrafi d) sa g) u ż-żewġ paragrafi li jsegwu l-par. g), il-kumpannija appellanta ssostni li fiċ-ċirkostanzi hija ressqet evidenza ampjament suffiċjenti sabiex ttipprova li t-trademark ROYALS hija “magħrufa sew” f’Malta dwar sigaretti u għalhekk protetta skont l-Artikolu 6bis tal-Konvenzjoni ta’ Pariġi fuq trademarks “magħrufin sew”, bil-konsegwenza li l-opposizzjoni tagħha bbażata fuq l-art. 6 (3)(a) [flimkien ma’ dik relatata 6(2)(d)] tal-Kap. 597, kellha assolutament tintlaqa’ u mhux tiġi riġettata;*
4. *fir-rigward tat-tielet u tal-ħames paragrafi minn ħamsa tal-kap enumerat numru 6 tad-Deciżjoni hawn qabel indikata, ebda waħda minnhom ma hi kongruwa mad-dritt: it-tielet paragrafu jirreferi dwar “a final decision” f’ċirkustanzi fejn il-liġi tippreskrivi Deciżjoni waħda fuq mertu ppreżentat quddiem il-Kontrollur tal-Proprietà Industrijali. Inoltri, il-ħames paragrafu donnu qed ifisser li jekk il-kumpannija appellanta tappella - anke parzjalment kif fil-fatt qed tagħmel permezz ta’ dan l-appell - l-applikazzjoni għal reġistrazzjoni tat-trademark numru 59708 tiġi reġistrata, f’ċirkustanzi fejn skont il-punt numru 1 tad-Deciżjoni hemm diversi grounds of opposition li dwarhom bħalissa l-Kontrollur qed jissoprassjedi u skont il-punt numru 2 tad-Deciżjoni, l-opposizzjoni tal-kumpannija appellanta ġiet akkolta u kwindi l-Kontrollur tal-Proprietà Industrijali ma jistax sua sponte jbidel dik il-parti tad-Deciżjoni semplicement għaliex isir appell min-naħa tal-kumpannija appellanta fuq partijiet tas-sentenza li ma humiex dwar il-kap numru 2;”*

7. L-appellati noe għażlu li ma jwegħbux.

Konsiderazzjonijiet ta' din il-Qorti

8. Din il-Qorti ser tgħaddi sabiex tikkunsidra l-aggravji rispettivi tal-appellant noe, u dan fid-dawl ta' dak kollu li qal il-Kontrollur fid-deċiżjoni appellata.

9. Dwar l-ewwel aggravju tiegħu, l-appellant noe jippreżenta s-segweni sottomissjonijiet: (a) f'para. 3(e) tad-deċiżjoni appellata, huwa kien qiegħed jiġi kkritikat li ma pproduċa l-ebda evidenza *"of any advertising campaign involving Trademark 10027 close to the date when the applicant filed his application"*, u kkastigat talli *"since at least ten years all forms of advertising of tobacco products are illegal in Malta hence since then there is no evidence of advertising activities from the Opponent's part or from the part of any other person (corporate or unincorporated) connected therewith..."*; (b) din il-pożizzjoni hija skorretta u saħansitra inkredibbli fid-dawl tad-dispożizzjonijiet tas-subartikolu 4(1) tal-Kap. 315 li ġew fis-seħħ stante d-Direttiva tal-UE 2003/33/EC, u meħud ukoll in konsiderazzjoni l-affidavit ta' Stuart Aitchison, sabiex b'hekk il-perijodu tal-projbizzjoni kien ta' madwar erbatax-il sena u xahrejn qabel ma sar l-Avviz tal-Oppożizzjoni, u dan fejn il-*brand look* evolva ruħu f'dawk il-ħamsin sena fejn ġew reġistrati t-*trademarks* 18478 u 35235 fl-1988 u fl-2001 rispettivament, u aktar tard it-*trademarks* 44324 u 52121 fl-2005 u fl-2013 rispettivament, mingħajr ma ġie mittiefes l-element dominanti jew l-isem tal-prodott ROYALS li jinsab reġistrat bħala *trademark* 37183; (ċ) hija kienet irrilevat il-volum ta' bejgħ ta' sigaretti ROYALS bejn l-2008 u l-2018 u donnu l-Kontrollur kien aċċetta in prinċipju l-ammont għoli ta' bejgħ; (d) madankollu din l-evidenza twarrbet għaliex allegatament ma kienx hemm evidenza li setgħet turi li l-bejgħ kien proprju ta'



sigaretti bil-marka ; (e) it-*trademark* numru 10027 tinsab irregistra sogġetta għal kundizzjoni li “[t]he right to the exclusive use of the letter R: the lions and the crown which is common to the trade is disclaimed”, sabiex b’hekk ma jista’ jkun hemm l-ebda dubju li l-konsumatur li jara dik it-*trademark* ser jidentifikaha bħala ‘ROYALS’ ta’ Rothmans jew marka tal-appellant noe, fejn l-element verbali ‘ROYALS’ huwa dak l-aktar li jispikka; (f) il-para. (a) tas-subartikolu 26(4) tal-Kap. 597 jipprovdi b’mod inekwivoku li użu validu ta’ *trademark* reġistrata tikkomprendi wkoll “l-użu tat-*trademark* f’forma li hija differenti fir-rigward tal-elementi li ma jbidlux ix-xorta distintiva tat-*trademark* fil-forma li fiha tkun giet reġistrata”; (g) hija kienet ippruvat li l-element ‘ROYALS’ li huwa dak li l-iktar jispikka fit-*trademark* numru 10027, huwa “wżat” skont il-liġi u skont l-ispiritu tad-dispożizzjonijiet tal-para. (a) tas-subartikolu 26(4) tal-Kap. 597 permezz ta’ użu kummerċjali kontinwu sa mill-1969 fir-rigward ta’ prodotti ta’ tabakk manifatturat (sigaretti) / artikli ta’ tipjip magħrufa bħala ROYALS, fejn il-prodott huwa popolari immens f’Malta, b’ammont ta’ bejgħ elevatissimu ta’ sigaretti anki kif muri dwar il-perijodu bejn l-2008 u l-2018; (h) għalhekk il-Kontrollur kellu jkun sodisfatt li gie ppruvat permezz ta’ evidenza dwar bejgħ elevatissimu ta’ sigaretti “ROYALS”, anki permezz tal-affidavit ta’ Stuart Aitchison, li ROYALS kemm bħala kelma u anki fi sfumatura jew fi sfumaturi figurattivi stilizzati hija awtomatikament rinomata f’Malta, u għalhekk għandha “reputazzjoni” fost il-pubbliku; (i) iċ-ċifri tal-bejgħ huma tassew inkredibbli; (j) huwa kien esebixxa prova tar-rikamar għall-perijodu qabel ma hawn Malta kienet giet imposta projbizzjoni tar-reklamar ta’ prodotti tat-tabakk; (k) kuntrarjament għal dak li ngħad fil-para. 3(g) tad-deċiżjoni appellata, hija kienet

esebiet dokumentazzjoni li kellha turi a sodisfazzjoni ta' min kellu jiggudika li t-*trademark* antecendenti hija rinomata hawn Malta, u għandha 'reputazzjoni' skont id-dispożizzjonijiet tal-para. (a) tas-subartikolu 6(3) tal-Kap. 597; (l) il-Kontrollur jidher li injora għal kollox is-sentenzi *res judicata* mogħtija mill-Qorti Ċivili, Prim'Awla, fit-22 ta' April, 2010, u tal-10 ta' Diċembru, 2013, imma anki dawk ta' din il-Qorti deċiżi fid-9 ta' Ġunju, 2023, u fil-15 ta' Settembru, 2023, fejn giet ittrattata t-tema ta' reputazzjoni hawn Malta tat-*trademark* antecendenti b'mod ġenerali; (m) għalhekk jirriżulta li hija kienet ippruvat li t-*trademark* antecendenti hija magħrufa fost il-pubbliku rilevanti hawn Malta, u b'hekk tikkostitwixxi *trademark* ta' 'reputazzjoni f'Malta' ai termini tal-para. (a) tas-subartikolu 6(3) tal-Kap. 597; (n) b'hekk kellha tiġi akkolta l-oppożizzjoni tagħha.

Dwar it-tieni aggravju rigwardanti l-kap 4 tad-deċiżjoni appellata, partikolarment il-paragrafi (ċ) sa (f), u ż-żewġ paragrafi li jsegwu l-para. (f), tissottometti li: (a) hija kienet ressqet prova biżżejjed tassew sabiex turi li t-*trademark* antecendenti hija 'magħrufa sew' hawn Malta fir-rigward ta' sigaretti, u għalhekk tinsab protetta *ai termini* tal-artikolu 6bis tal-Konvenzjoni ta' Pariġi fuq *trademarks* 'magħrufin sew', u għalhekk l-oppożizzjoni tagħha msejsa fuq il-para. (b) tas-subartikolu 6(1), flimkien ma' dik marbuta mal-para. (d) tas-subartikolu 6(2) tal-Kap. 597, kellha tintlaqa' u mhux tiġi riġettata; (b) bl-istess mod kif ċaħad is-sottomissjonijiet tiegħu dwar 'reputazzjoni' f'Malta tat-*trademark* antecendenti, il-Kontrollur ċaħad is-sottomissjonijiet tiegħu dwar *status* ta' 'well-known trademark' f'Malta fir-rigward ta' sigaretti; (ċ) dawk l-argumenti ppreżentati fir-rigward tal-ewwel aggravju għandhom jgħoddu hawnhekk ukoll; (d) għandu jiġi osservat li fil-kap 2 tad-deċiżjoni appellata li minnu huwa mhuwiex qiegħed jappella, il-Kontrollur sab li hemm '*likelihood of confusion*' *ai termini* tal-para. (b)

tas-subartikolu 6(1) tal-Kap. 597; (e) għadarba stabbilit li ‘ROYALS’ huwa protett f’Malta favur l-appellant noe dwar sigaretti bħala ‘*well-known trademark*’ ai termini tal-Artikolu 6bis tal-Konvenzjoni ta’ Pariġi, id-deċiżjoni appellata kellha ssib li hemm ukoll ‘*likelihood of confusion*’ anki skont il-para. (b) tas-subartikolu 6(1), flimkien mal-para. (d) tas-subartikolu 6(2), tal-Kap. 597; (f) b’hekk kellha tiġi milqugħa din ir-raġuni ta’ oppożizzjoni sabiex b’hekk il-Kontrollur jiddeċiedi li jirrifjuta li jirreġistra t-*trademark* opposta.

Dwar it-tielet aggravju, l-appellant noe qiegħed jissottometi dan li ġej fir-rigward tal-kap 5 tad-deċiżjoni appellata, partikolarment għal dak li jingħad fil-paragrafi (d) sa (g) u ż-żewġ paragrafi li jsegu dan tal-aħħar: (a) huwa kien ressaq prova tassew suffiċjenti sabiex juri li t-*trademark* anteedenti hija ‘magħrufa sew’ f’Malta fir-rigward ta’ sigaretti, u b’hekk tinstab protetta mill-Artikolu 6bis tal-Konvenzjoni ta’ Pariġi, u għalhekk l-oppożizzjoni tiegħu msejsa fuq il-para. (a) tas-subartikolu 6(3) u dak relatat para. (d) tas-subartikolu 6(2) tal-Kap. 597, kellha tintlaqa’; (b) il-Kontrollur kien ċaħad bl-istess mod is-sottomissjonijiet tiegħu dwar *status* ta’ ‘*well-known trademark*’ / *trademark* ‘magħruf’ f’Malta tal-marka ‘ROYALS’ fir-rigward ta’ sigaretti; (ċ) is-sottomissjonijiet tiegħu fir-rigward tal-ewwel aggravju jgħoddu hawnhekk ukoll; (d) għadarba stabbilit li t-*trademark* anteedenti hija protetta f’Malta bħala ‘*well known trademark*’ ai termini tal-Artikolu 6bis tal-Konvenzjoni ta’ Pariġi, kellu jiġi deċiż li l-użu fil-kummerċ ta’



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kien ser ikun ta’ preġudizzju għax-xorta distintiva u/jew għar-reputazzjoni f’Malta tat-*trademark* anteedenti skont dak li jipprovdi l-para. (a) tas-subartikolu 6(3) u l-para. (d) tas-subartikolu 6(2) tal-istess Kap. 597; (e) għalhekk l-oppożizzjoni tiegħu hawnhekk ukoll għall-istess raġuni ta’ oppożizzjoni

kellha tintlaqa'. L-appellant noe jirrileva wkoll is-segweni dwar il-Konvenzjoni ta' Parigi: (a) huwa paċifiku li l-Artikolu 6*bis* tal-Konvenzjoni ta' Parigi huwa rikonoxxut fil-liġi tagħna u anki infurzabbli permezz tal-istess; (b) peress li huwa ġie mcaħħad mill-protezzjoni *ai termini* tal-Artikolu 6*bis* u anki li l-Kontrollur interpreta l-provi b'mod żbaljat, din il-Qorti għandha teżamina l-mertu wara li tikkunsidra l-Avviż ta' Oppożizzjoni, il-Kontro-dikjarazzjoni, l-Avviż dwar Manteniment tal-Oppożizzjoni, il-provi relatati, u d-deċiżjoni appellata stess.

Dwar ir-raba' aggravju, l-appellant noe jissottometti li (a) it-tielet paragrafu tal-kap 6 jagħmel riferiment għal '*a final decision*', meta il-liġi titlob deċiżjoni waħda fuq il-mertu, u hawnhekk huwa jagħmel riferiment għas-sentenzi ta' din il-Qorti fl-ismijiet **Avukat Dottor Francesca Warrington noe vs. Avukat Dott. Paul Micallef Grimaud noe**, App. Nru. 97/2022LM u App. Nru. 98/2022LM tad-9 ta' Ġunju, 2023; (b) fil-ħames paragrafu tal-istess kap tad-deċiżjoni appellata, il-Kummissarju donnu qiegħed jistiednu sabiex ma jappellax. Dan kollu rilevat għandu jwassal sabiex din il-Qorti tiddikjara li l-applikazzjoni tat-*trademark* opposta mhijiex reġistrabbli *ai termini* tal-para. (b) tas-subartikolu 6(1) u tal-para. (a) tas-subartikolu 6(3) tal-Kap. 597, u dan anki fid-dawl tal-jeddijiet tagħha msemija taħt il-kapi 2, 3, u 4 tad-deċiżjoni appellata.

10. Il-Qorti tibda billi tikkunsidra dak li jipprovdu l-para. (b) tas-subartikolu 6(1), il-para. (d) tas-subartikolu 6(2), u l-para. (a) tas-subartikolu 6(3) tal-Kap. 597:

“(1) *Trademark* m'għandhiex tiġi reġistrata jew, jekk tkun reġistrata, tista' tiġi dikjarata invalida meta

...

(b) minħabba l-identità jew similarità tagħha ma' *trademark* preċedenti u l-identità jew is-similarità tal-oġġetti jew is-servizzi

koperti mit-*trademarks*, teżisti l-probabbiltà ta' konfużjoni min-naħa tal-pubbliku, inkluża l-probabbiltà ta' assoċjazzjoni mill-pubbliku mat-*trademark* preċedenti;

...

(2) "*Trademarks* preċedenti" fil-kuntest tat-tifsira tas-subartikolu (1) tfisser:

...

- (d) *trademarks* li, meta ssir l-applikazzjoni għar-reġistrazzjoni tat-*trademark* jew, meta jkun xieraq, tal-prijorità pretiża fir-rigward tal-applikazzjoni għar-reġistrazzjoni tat-*trademark*, ikunu magħrufa sew f'Malta, fis-sens li fih il-kliem "magħrufa sew" jintużaw fl-Artikolu 6bis tal-Konvenzjoni ta' Pariġi;

...

(3) Aktar minn hekk, *trademark* m'għandhiex tigi reġistrata jew, jekk tigi reġistrata, din tkun tista' tigi dikjarata invalida meta:

- (a) din tkun identika, jew simili, għal *trademark* preċedenti irrispettivament minn jekk l-oġġetti jew is-servizzi li għalihom tigi applikata jew reġistrata *trademark* ikunx identici, jew simili jew mhux ma' daww li dwarhom it-*trademark* preċedenti tkun protetta, meta t-*trademark* preċedenti jkollha reputazzjoni f'Malta jew, fil-każ ta' *trademark* tal-UE, għandha reputazzjoni fl-Unjoni u l-użu tat-*trademark* sussegwenti, mingħajr raġuni valida, jieħu vantaġġ ingust mit-*trademark* preċedenti jew huwa detrimental għax-xorta distintiva jew għar-reputazzjoni tat-*trademark* preċedenti;"

11. Il-Kontrollur għaraf li fil-każ odjern jinsab sodisfatt l-ewwel rekwizit li jitlob dan il-provvediment, jiġifieri li: "...the trademark must be identical with, or similar to, an earlier trademark (irrespective of whether the goods or services for which the trademark is applied or registered are identical with, similar to or not similar to those for which the earlier trademark is protected)". Imma rrileva li "[n]either the opponent nor the affidavit of Stuart Paul Aitchison provide any evidence of any advertising campaign involving Trademark 10027 taking place close to the date when the applicant filed his application", u kkunsidra dak li stqarr l-appellant noe stess li "[s]ince at least ten years all forms of advertising of tobacco products

are illegal in Malta hence since then there is no evidence of advertising activities from the Opponent's part or from the part of any other person (corporate or unincorporated) connected therewith...", u li "[t]he statistics referred to by the opponent do not provide any breakdown of the sales taken place in Malta in packets or packaging bearing Trademark 10027". Il-Kontrollur irrileva wkoll li l-appellant noe ma kienx esebixxa dokumentazzjoni li setgħet turi a sodisfazzjoni tiegħu li t-*trademark* anteedenti għandha reputazzjoni hawn Malta. Il-Qorti tgħid fl-ewwel lok li fid-dawl ta' dak li jipprovdi is-subartikolu 4(1) tal-Kap. 315, l-appellant noe għandu raġun jilmenta minn kif il-Kontrollur wasal sabiex ċaħad l-oppożizzjoni tiegħu *ai termini* tal-para. (a) tas-subartikolu 6(3) tal-Kap. 597. Il-projbizzjoni fil-liġi ta' kull xorta ta' reklamar hija ċara, u ma jistax jinftiehem kif l-ottemporanza tal-appellant noe mal-istess liġi, setgħet ittiegħdet bħala raġuni għaċ-ċaħda tal-oppożizzjoni tiegħu. Il-Qorti tgħid li jirriżulta mill-provi esebiti quddiem din il-Qorti konsistenti f'Dok. LAS01 u Dok. LAS02, li huma MISCO *survey reports*, li t-*trademark* anteedenti reġistrata f'isem l-appellant noe għandha reputazzjoni sostanzjalment qawwija hawn Malta, kuntrarjament għat-*trademark* opposta li saħansitra tirriżulta mhux magħrufa. Għalhekk il-Qorti hija konvinta li jekk l-applikazzjoni għar-reġistrazzjoni ta' din tal-aħħar tiġi milqugħa, m'hemm l-ebda dubju li ser tgawdi u ser tiġi aġevolata mir-reputazzjoni tat-*trademark* anteedenti fl-istess suq ta' bejgħ ta' sigaretti, sabiex b'hekk sidha ser jagħmel ingustament gwadann finanzjarju ta' kwalunkwe xorta bis-saħħa tar-reputazzjoni tat-*trademark* anteedenti, li sidha ċertament ħadem għaliha bi sħiħ matul dawn is-snin kollha. Dan huwa biżżejjed sabiex jirnexxi l-ilment tal-appellant noe taħt is-subartikolu 6(3) tal-Kap. 416. Iżżid tgħid li meta l-Kontrollur ikkunsidra li ma kinitx giet esebita informazzjoni dwar il-bejgħ hawn Malta ta'

pakketti jew ippakkjar bit-*trademark* anteedenti fuqhom, dan kien qed ikun restrittiv wisq fl-interpretazzjoni li kien qed jagħti tal-ligi. Kif sewwa jirrileva l-appellant noe, l-iktar element li jispikka huwa l-element verbali 'ROYALS', u l-Kontrollur stess wara li għaraf li bħala prinċipju l-element l-iktar distintiv huwa dak verbali, qal li fil-każ odjern dan kien jikkonsisti fil-kliem 'Rothmans' u 'ROYALS'. Għalhekk il-Qorti tikkunsidra li l-bejgħ elevat tal-prodott marbut mal-isem 'ROYALS', kellu jkun prova suffiċjenti tar-reputazzjoni tat-*trademark* anteedenti.

12. Dwar l-ewwel punt li l-appellant noe jqajjem meta jippreżenta r-raba' aggravju tiegħu, il-Qorti tgħid li għandu raġun. Ftit jista' jinftiehem dak li qiegħed ifisser il-Kontrollur hawnhekk. Il-Qorti tqis li għadarba jingħalqu dawn il-proċeduri permezz tas-sentenza odjerna, fejn hija ser tgħaddi sabiex tilqa' l-appell tal-appellant noe, ma tarax lok għal deċiżjoni finali ulterjuri min-naħa tal-Kontrollur. Ċertament ma jistax imur kontra dak li ser tiddeċiedi din il-Qorti, u jilqa' l-applikazzjoni għar-registrazzjoni tat-*trademark* opposta, għaliex b'hekk ikun qiegħed mhux biss iwarrab sentenza finali tal-Qorti, iżda saħansitra jagħti lok għal ksur tad-drittijiet fundamentali tal-parti offiża. Imma fl-eventwalità li jabbraċċja s-sentenza odjerna u joħroġ deċiżjoni ulterjuri fejn jiċċad l-applikazzjoni in kwistjoni, ma jistax jingħad li d-dikjarazzjoni tiegħu jkollha xi utilità għadarba l-każ ikun ġie deċiż b'mod finali minn din il-Qorti.

13. Dwar it-tieni punt tal-appellanta noe, il-Qorti tagħraf li l-ligi ma tpoġġi l-ebda obbligu fuq l-appellant sabiex jgħarraf lill-Kontrollur bl-appell tiegħu quddiem din il-Qorti. Imma tagħraf ukoll li t-talba li l-appellanta qiegħda tirreferi għaliha, hija sempliċement waħda ntiza sabiex tiffaċilita l-operazzjonijiet tal-

uffiċċju tal-Kontrollur. Għalhekk fil-paragrafu finali li għalih jirreferi t-tieni punt tal-aħħar aggravju tal-appellant noe, il-Kontrollur wissa li fin-nuqqas, huwa kien ser jirreġistra l-applikazzjoni kkontestata. Il-Qorti tgħid li hawnhekk il-Kontrollur mhuwiex korrett. Għal darb'oħra tirrileva li m'hemm l-ebda obbligu fil-liġi fuq l-appellant li jorbtu li jinforma lill-Kontrollur li huwa jkun intavola appell mid-deċiżjoni tiegħu, imma wkoll il-liġi ma tagħti l-ebda setgħa bħal din lill-Kontrollur, li wara kollox għandu japplika r-rizorsi tiegħu sabiex jagħmel ċert li l-ebda appell mill-partijiet ma jkun ġie ntavolat fil-konfront tad-deċiżjoni tiegħu.

14. Għaldaqstant il-Qorti tqis li l-aggravji tal-appellant noe huma ġustifikati u tilqagħhom.

Decide

Għar-raġunijiet premissi l-Qorti tiddeċiedi dwar l-appell tal-appellant noe billi tilqgħu u b'hekk tbiddel id-deċiżjoni appellata billi:

A. Fl-ewwel lok tħassar il-kapi numri 3, 4 u 5 tagħha, billi minflok:

(a) tiddikjara li l-applikazzjoni tat-*trademark* numru ta' applikazzjoni



59708 BUSINESS ROYALS **mhijiex reġistrabbli *ai termini* tal-artikolu 6(3)(a) tal-Att dwar it-Trademarks (Kap. 597 tal-Liġijiet ta' Malta), in vista tal-jeddijiet tal-kumpannija appellanta naxxenti mit-**

***trademark* ta' Malta reġistrata bin-numru 10027**  **;**

(b) fit-tieni lok, tiddikjara li l-applikazzjoni tat-*trademark* numru ta’

applikazzjoni 59708  mhijiex registrabbli *ai termini* tal-artikolu 6(1)(b) tal-Att dwar it-*Trademarks* (Kap. 597 tal-Liġijiet ta’ Malta), in vista tal-jeddijiet tal-kumpannija appellanta naxxenti mit-*trademark* ROYALS *qua trademark* ‘magħrufa sew’ *ai termini* tal-Artikolu 6bis tal-Konvenzjoni ta’ Pariġi għall-Protezzjoni tal-Proprietà Industrijali tal-20 ta’ Marzu 1883 (kif riveduta jew emendata minn żmien għal żmien); u

(c) fit-tielet lok, tiddikjara li l-applikazzjoni tat-*trademark* numru ta’

applikazzjoni 59708  mhijiex registrabbli *ai termini* tal-artikolu 6(3)(a) tal-Att dwar it-*Trademarks* (Kap. 597 tal-Liġijiet ta’ Malta) in vista tal-jeddijiet tal-kumpannija appellanta naxxenti mit-*trademark* ROYALS *qua trademark* ‘magħrufa sew’ *ai termini* tal-Artikolu 6bis tal-Konvenzjoni ta’ Pariġi għall-Protezzjoni tal-Proprietà Industrijali tal-20 ta’ Marzu 1883 (kif riveduta jew emendata minn żmien għal żmien).

B. Fit-tieni lok, tordna li għandu jiġi tressat il-kontenut kollu tat-tielet (3) u tal-ħames (5) paragrafi tal-punt numru 6 tal-istess deċiżjoni appellata, u li rispettivament jibdwu bil-kliem “*In addition to the above the Office draws attention...*” u “*If you do not inform this office that you have instituted an appeal...*”.

Bl-ispejjeż tal-appell odjern a karigu tal-appellati noe.

Moqrija.

Onor. Dr Lawrence Mintoff LL.D.
Imħallef

Rosemarie Calleja
Deputat Registratur