

TRADEMARK ASSIGNMENT COVER SHEET

Electronic Version v1.1
Stylesheet Version v1.2

ETAS ID: TM327831

SUBMISSION TYPE:	NEW ASSIGNMENT		
NATURE OF CONVEYANCE:	Complaint asserting ownership claim		
CONVEYING PARTY DATA			
Name	Formerly	Execution Date	Entity Type
Joy Universal Limited		07/03/2014	LIMITED LIABILITY COMPANY: VIRGIN ISLANDS, BRITISH
RECEIVING PARTY DATA			
Name:	LUVANIS S.A.		
Street Address:	4 rue Dicks		
City:	Luxembourg		
State/Country:	LUXEMBOURG		
Postal Code:	L1417		
Entity Type:	CORPORATION: LUXEMBOURG		
PROPERTY NUMBERS Total: 9			
Property Type	Number	Word Mark	
Serial Number:	86085464	MAD CARPENTIER	
Serial Number:	86020786	MAVIS VIVAUDOU	
Serial Number:	86020797	MAVIS VIVAUDOU	
Serial Number:	85966903	PRINCESS PAT	
Serial Number:	86224081	JONTEEL	
Serial Number:	86224066	JONTEEL	
Serial Number:	86224048	LIQUID LIPTONE	
Serial Number:	86051121	SELZ SHOES	
Serial Number:	86051135	GUNTHER JAECKEL	
CORRESPONDENCE DATA			
Fax Number:			
<i>Correspondence will be sent to the e-mail address first; if that is unsuccessful, it will be sent using a fax number, if provided; if that is unsuccessful, it will be sent via US Mail.</i>			
Email:	info@luvanis.com		
Correspondent Name:	LUVANIS S.A.		
Address Line 1:	4 rue Dicks		
Address Line 4:	Luxembourg, LUXEMBOURG L1417		
ATTORNEY DOCKET NUMBER:	JOY UNIVERSAL OWNERSHIP C		

OP \$240.00 86085464

NAME OF SUBMITTER:	Carlo Schneider
SIGNATURE:	/cschneider/
DATE SIGNED:	01/02/2015
Total Attachments: 20 source=Summons Joy Universal#page1.tif source=Summons Joy Universal#page2.tif source=Summons Joy Universal#page3.tif source=Summons Joy Universal#page4.tif source=Summons Joy Universal#page5.tif source=Summons Joy Universal#page6.tif source=Summons Joy Universal#page7.tif source=Summons Joy Universal#page8.tif source=Summons Joy Universal#page9.tif source=Summons Joy Universal#page10.tif source=Summons Joy Universal#page11.tif source=Summons Joy Universal#page12.tif source=Summons Joy Universal#page13.tif source=Summons Joy Universal#page14.tif source=Summons Joy Universal#page15.tif source=Summons Joy Universal#page16.tif source=Summons Joy Universal#page17.tif source=Summons Joy Universal#page18.tif source=Summons Joy Universal#page19.tif source=Summons Joy Universal#page20.tif	

SUMMONS

TO APPEAR BEFORE PARIS DISTRICT COURT

IN THE YEAR TWO THOUSAND AND FOURTEEN AND ON THIS

03 / 07

ON AN APPLICATION MADE BY:

LUVANIS SA, a company incorporated in Luxembourg, having its registered office at 4, rue Dicks, L-1417 Luxembourg, Grand Duchy of Luxembourg, entered on the Luxembourg Trade and Companies Register under number B 144993, duly represented by its legal representative in office

hereby electing residence in the offices of:
Maître Thibault LANCRENON, from KIPLING
A Lawyer registered on the Paris Bar Association
3, rue de Montessuy, 75007 Paris
T.: 01 80 48 28 48 – F.: 01 80 48 28 50

making representations for the present proceedings

Maître
Bailiff
Residing at

J'ai, Didier AVALLE, Huissier de Justice associé
de la SCP Didier AVALLE et Xavier AVALLE,
10, rue du Chevalier de Saint-George 75001 PARIS, soussigné,

HEREBY INFORMS

1°/ Mr Louis HOUDART, French, working in the advertising profession, residing at 6 square du Trocadéro, 75116 Paris

That legal action has been brought against him, on the grounds set forth hereunder, before Paris District Court, 4 boulevard du Palais, 75001 Paris.

That within period of fifteen days following the date of issue of the present summons, pursuant to articles 56, 752 and 755 of the Civil Procedure Code, he shall be bound to seek legal advice to make representations before said Court.

That failing this, he risks a ruling being handed down against him based solely on the evidence filed and served by the opposing party.

That the documents on which the application is made are indicated at the foot of these presents.

societe Civile Professionnelle
D. AVALLE & X. AVALLE
HUISSIERS DE JUSTICE ASSOCIÉS
10, rue du Chevalier de Saint-George
75001 PARIS

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TRADEMARK
REEL: 005433 FRAME: 0614

2^o/ CREATIVE CAPITAL Ltd, a limited liability company incorporated in Hong Kong, having its registered office at 6/F Kalok Bldg, 720 Nathan Rd Mongkok Kln., Hong Kong, represented by its legal representative in office and electing residence in this capacity at said registered office address

That legal action has been brought against him, on the grounds set forth hereunder, before Paris District Court, 4 boulevard du Palais, 75001 Paris.

That within period of fifteen days following the date of issue of the present summons, pursuant to articles 56, 752 and 755 of the Civil Procedure Code, he shall be bound to seek legal advice to make representations before said Court.

That failing this, he risks a ruling being handed down against him based solely on the evidence filed and served by the opposing party.

That the documents on which the application is made are indicated at the foot of these presents.

3^o/ JOY UNIVERSAL LIMITED, a company incorporated in the British Virgin Islands, having its registered office at OMC Chambers, Wickhams Cay 1, VG 1110 Road Town, VG, British Virgin Islands, represented by its legal representative in office and electing residence in this capacity at said registered office address

That legal action has been brought against him, on the grounds set forth hereunder, before Paris District Court, 4 boulevard du Palais, 75001 Paris.

That within period of fifteen days following the date of issue of the present summons, pursuant to articles 56, 752 and 755 of the Civil Procedure Code, he shall be bound to seek legal advice to make representations before said Court.

That failing this, he risks a ruling being handed down against him based solely on the evidence filed and served by the opposing party.

That the documents on which the application is made are indicated at the foot of these presents.

4^o/ STAR ASSET INTERNATIONAL LIMITED, a company incorporated in the British Island of Anguilla, having its registered office at OMC Offices, Babrow Building BWI, 2640 The Valley, Anguilla, represented by its legal representative in office and electing residence in this capacity at said registered office address

That legal action has been brought against him, on the grounds set forth hereunder, before Paris District Court, 4 boulevard du Palais, 75001 Paris.

That within period of fifteen days following the date of issue of the present summons, pursuant to articles 56, 752 and 755 of the Civil Procedure Code, he shall be bound to seek legal advice to make representations before said Court.

That failing this, he risks a ruling being handed down against him based solely on the evidence filed and served by the opposing party.

That the documents on which the application is made are indicated at the foot of these presents.

ON THESE GROUNDS

LUVANIS hereby requests that it may please the Court:

Primarily:

- ✱ TO STATE AND RULE that LUVANIS is admissible and well-founded in requesting the transfer, in its favour, of the ownership of the following French trademarks for all products which it designates, in light of the fraudulent nature of the registrations made by JOY UNIVERSAL Limited and STAR ASSET INTERNATIONAL Limited (in collaboration with CREATIVE CAPITAL and Mr Louis HOUDART), pursuant to the provisions set forth under article L. 712-6 of the Intellectual Property Code and the principle in line with which fraud corrupts all:

(Société JOY UNIVERSAL)

- "MARCELLE CHAUMONT", trademark registered on 19 June 2013, under n°4013738 for various products under classes 3, 18 and 25 ;
- "MARCELLE DORMOY", trademark registered on 30 October 2013, under n°4043679 for various products and services under classes 3, 18 and 25 ;
- "MAD CARPENTIER", trademark registered on 17 June 2013, under n°4012910 for various products under classes 14, 18 and 25 ;
- "MADELEINE VRAMANT", registered on 19 June 2013, under n°4013692 for various products under classes 3, 18 and 25 ;
- "NICOLE GROULT", registered on 17 June 2013, under n°4012912 for various products under classes 14, 18 and 25 ;
- "O'ROSSEN", registered on 6 November 2013, under n°4045149 for various products under classes 3, 18 and 25 ;
- "GERMAINE LECOMTE", registered on 30 October 2013, under n°4043681 for various products under classes 3, 18 and 25 ;
- "LUCILE MANGUIN PARIS", registered on 30 October 2013, under n°4043678 for various products under classes 3, 18 and 25 ;
- "MARCELLE ALIX", registered on 4 November 2013, under n°4044686 for various products under classes 3, 18 and 25 ;
- "MAVIS TALCUM VIVAUDOU", registered on 15 July 2013, under n°4019785 for various products under classes 3, 14 and 18 ;
- "PRINCESS PAT CHICAGO SINCE 1907", registered on 10 October 2013, under n°4038797 for various products under classes 3 and 25 ;
- "SEDUCTA", registered on 29 January 2014, under n°4064420 for various products under class 25 ;
- "KESTOS", registered on 10 October 2013, under n°4038785 for various products under classes 3, 18 and 25 ;

- "KUPPENHEIMER", registered on 10 October 2013, under n°4038794 for various products under classes 3, 18 and 25 ;
- "GUNTHER JAECKEL 10 EAST 57TH", registered on 10 October 2013, under n°4038789 for various products under classes 3, 18 and 25 ;
- "GEORGES FOUQUET", registered on 17 June 2013, under n°4012913 for various products under class 14 ;
- "ROGER SCEMAMA", registered on 19 June 2013, under n°4013740 for various products under classes 14 and 18 ;

(Société STAR ASSET)

- « LUCILE PARAY », registered on 17 March 2014, under n°4076409 for various products under classes 3, 18 and 25 ;
- « GEORGES ET JANIN », registered on 17 March 2014 under n°4076411 for various products under classes 3, 18 and 25 ;
- « DUPUY MAGNIN », registered on 17 March 2014 under n°4076414 for various products under classes 3, 18 and 25 ;

DUPUY
MAGNIN

- « MARJORIE LOU », registered on 17 March 2014 under n°4076418 for various products under classes 3, 18 and 25 ;
- « CLAVERIE », registered on 14 March 2014 under n°4076089 for various products under classes 3, 18 and 25 ;
- « LENIEF », registered on 14 March 2014 under n°4076097 for various products under classes 3, 18 and 25 ;

LENIEF

- « GOUPY », registered on 14 March 2014 under n°4076105 for various products under classes 3, 18 and 25 ;

GOUPY

- « MELNOTTE SIMONIN », registered on 14 March 2014 under n°4076108 for various products under classes 3, 18 and 25 ;
- « ARDANSE », registered on 14 March 2014 under n°4076112 for various products under classes 3, 18 and 25 ;
- « NEYRET », filed on 22 January 2014 and registered under n°4062424 for various products under classes 3, 18 and 25 ;

NEYRET

NEYRET

- « MARGAINE-LACROIX », filed on 29 November 2013 and registered under n°4050963 for various products under classes 3, 18 and 25 ;

MARGAINE-LACROIX

« BRUYERE COUTURE », filed on 29 November 2013 and registered under n°4050976 for various products under classes 3, 18 and 25 ;



« VIBERT FRERES », registered on 23 April 2014 under n°4086245 for various products under classes 3, and 14.

TO STATE AND RULE that LUVANIS is admissible and well-founded in requesting transfer, in its favour, of the ownership of the following foreign trademarks and/or applications for trademarks for all products which it designates, in light of the fraudulent nature of registrations made by JOY UNIVERSAL Limited and STAR ASSET INTERNATIONAL Limited (in collaboration with CREATIVE CAPITAL and Mr Louis HOUDART), pursuant to the principle in line with which fraud corrupts all and the provisions set forth under article L.712-6 of the Intellectual Property Code, and in consideration of the fact that these trademarks are accessory to the aforementioned French trademarks:

(Société JOY UNIVERSAL)

« MAD CARPENTIER »:

- application for a community trademark registered on 15 April 2014 under n°012796454, currently being registered.
- application for a Hong Kong trademark registered on 9 October 2013 under n°302760318 for various products under class 25 ;
- a Japanese trademark registered on 14 October 2013, under n°2013-080085, for various products under class 25 ;
- an application for a Korean trademark registered on 16 September 2013, under n°4020130062237 for various products under class 25 ;
- a US federal trademark registered on 8 October 2013, under n°86085464 for various products under class 25 ;

« GERMAINE LECOMTE »:

- an application for a community trademark, registered on 16 April 2014 under n°012800744 for various products under classes 3, 18 and 25 ;
- an application for a Korean trademark registered on 21 January 2014 under n°4020140004568 for various products under classes 3, 18 and 25 ;

« MAVIS VIVAUDOU »:

- an application for a community trademark registered on 15 April 2014 under n°012796553 for various products under classes 3, 14 and 18,
- application for a Hong Kong trademark registered on 9 October 2013 under n°302760273 for various products under class 3 ;
- a Japanese trademark registered on 14 October 2013, under n°2013-080087 for various products under class 3 ;
- an application for a Korean trademark registered on 21 January 2014 under n°4020140004567 for various products under class 3 ;

- a Taiwanese trademark registered on 12 February 2014 under n°103007448 for various products under class 3 ;
- a US federal trademark registered on 26 July 2013 under n°86020786 for various products under class 3 ;
- a US federal trademark registered on 26 July 2013 under n°86020797 for various products under class 3 ;
- "PRINCESS PAT":
 - an application for a community trademark registered on 16 April 2014 under n°012800793 for various products under class 3 ;
 - an application for a Hong Kong trademark registered on 9 October 2013 under n°302760246 for various products under class 3 ;
 - a Japanese trademark registered on 14 October 2013 under n°2013-080088 for various products under class 3 ;
 - an application for a Korean trademark registered on 16 September 2013 under n°4020130062236 for various products under class 3 ;
 - a Taiwanese trademark registered on 12 February 2014 under n°103007449 for various products under class 3 ;
 - a US federal trademark registered on 21 June 2013 under n°85966903 for various products under class 3 ;
- "JONTEEL":
 - an application for a US federal trademark registered on 18 March 2014 under n°86224081 for various products under class 3 ;
 - an application for a US federal trademark registered on 18 March 2014 under n°86224066 for various products under class 3 ;
- "LIQUID LIPTONE", an application for a US federal trademark registered on 18 March 2014 under n°86224048 for various products under class 3 ;
- "SELZ SHOES", a US federal trademark registered on 29 August 2013 under n°86051121 for various products under class 25 ;
- "KESTOS":
 - an application for a community trademark registered on 9 April 2014 under n°012776415 for various products under class 25 ;
 - an application for an Australian trademark registered on 12 April 2014 under n°1617127 for various products under class 25 ;
 - an application for a Canadian trademark registered on 16 April 2014 under n°1672962 for various products under class 25 ;
 - a UK trademark registered on 2 August 2013, under n°3016432 for various products under class 25 ;
 - an application for a Hong Kong trademark registered on 9 October 2013 under n°302760381 for various products under class 25 ;
 - an application for a Japanese trademark registered on 1 January 2014 under n°2014-000001 for various products under class 25 ;
- "KUPPENHEIMER":
 - an application for a Hong Kong trademark registered on 9 October 2013 under n°302760219 for various products under class 25 ;

- an application for a Korean trademark registered on 16 September under n°4020130062233 for various products under class 25 ;
- a US federal trademark registered on 21 June 2013 under n°85966925 for various products under class 25 ;
- "GUNTHER JAECKEL 10 EAST 57TH":
 - an application for a community trademark registered on 16 April 2014 under n°012800579 for various products under class 3, 18 and 25 ;
 - an application for a Hong Kong trademark registered on 9 October 2013 under n°302760336 for various products under class 25 ;
 - an application for a Japanese trademark registered on 14 October 2013 under n°2013-080086 for various products under class 25 ;
 - an application for a Korean trademark registered on 16 September 2013 under n°4020130062235 for various products under class 25 ;
 - an application for a US federal trademark registered on 29 August 2013 under n°86051135 for various products under class 25 ;
- "GEORGES FOUQUET":
 - an application for a community trademark registered on 29 April 2014 under le n°012828737 for various products under class 14 ;
 - an application for a Hong Kong trademark registered on 31 October 2013 under n°302784925 for various products under class 14 ;
 - an application for a Korean trademark registered on 21 January 2014 under n°4020140004569 for various products under class 14 ;
- "ROGER SCEMAMA", an application for a community trademark registered on 16 April 2014 under n°012800769 for various products under classes 14 and 25 ;

(Société STAR ASSET)

- « AUREOLE », an application for a Swiss trademark registered on 19 March 2014 under n°53318/2014 for various products under class 14 ;
- « PREXA », an application for a Swiss trademark registered on 19 March 2014 under n°53323/2014 for various products under class 14 ;
- « DONALD BROOKS » :
 - an application for a community trademark registered on 29 April 2014 under n°012828919 for various products under class 3 ;
 - an application for a community trademark registered on 29 April 2014 under n°012829032 for various products under class 3, 18 and 25 ;
 - an application for a US federal trademark registered on 18 March 2014 under n°86224042 for various products under class 25 ;
- « ADELE SIMPSON » :
 - an application for a community trademark registered on 29 April 2014 under n°012831491 for various products under class 3 and 25 ;
 - an application for a US federal trademark registered on 27 November 2013 under n°86131325 for various products under class 25 ;

- « KARI KEEN » :
 - « KARI KEEN », an application for a community trademark registered on 29 April 2014 under n°012829156 for various products under class 3, 18 and 25 ;
 - « KARI-KEEN », an application for a US federal trademark registered on 27 November 2013 sous le n°86131395 for various products under class 18 ;
- « CHESTER WEINBERG » :
 - an application for a community trademark registered on 29 April 2014 under n°012828877 for various products under class 3, 18 and 25 ;
 - an application for a US federal trademark registered on 27 November 2013 under n°86131372 for various products under class 25 ;
- « NEYRET » :
 - an application for a community trademark registered on 15 April 2014 under n°012796678 for various products under class 3, 18 and 25 ;
 - an application for a Korean trademark registered on 13 March 2014 under n°4020140016690.
- « CEIL CHAPMAN » :
 - an application for a community trademark registered on 15 April 2014 under n°012796371 for various products under class 3, 18 and 25 ;
 - an application for a US federal trademark registered on 27 November 2013 under n°86131336 for various products under class 25 ;
- « BRUYERE COUTURE » :
 - an application for a community trademark registered on 15 April 2014 under n°012796835 for various products under class 25 ;
 - an application for a US federal trademark registered on 30 December 2013 under n°86153953 for various products under class 25 ;
 - an application for a Korean trademark registered on 22 January 2014 under n°4020140004774.
- « CLAIRE McCARDELL » :
 - an application for a community trademark registered on 7 January 2014 under n°012479127 for various products under class 3, 18 and 25 ;
 - an application for a US federal trademark registered on 27 November 2013 under n°86131357 for various products under class 25 ;
 - an application for a Korean trademark registered on 23 January 2014 under n°4020140005104.
- « PHILIPPE & GASTON » :
 - an application for a community trademark registered on 9 December 2013 under n°012405445 for various products under class 3, 18 and 25 ;
 - an application for a US federal trademark registered on 17 January 2014 under n°86168398 for various products under class 25 ;
 - an application for a Hong Kong trademark registered on 17 January 2014 under n°302869985 for various products under class 25 ;
 - an application for a Korean trademark registered on 22 January 2014 under n°4020140004775.

- « BECHOFF-DAVID », an application for a community trademark registered on 9 December 2013 under n°012403671 pour désigner divers produits en classes 3, 18 et 25.
- « EMILE PINGAT », an application for a community trademark registered on 9 December 2013 under n°012403473 for various products under class 3, 18 and 25 ;
- « MARTIAL ET ARMAND », an application for a community trademark registered on 10 December 2013 under n°012407921 for various products under class 3, 18 and 25 ;
- « WILLSONITE », an application for a US federal trademark registered on 29 April 2014 under n°86265079 for various products under class 9 ;
- « NETTIE ROSENSTEIN », an application for a US federal trademark registered on 18 March 2014 under n°86224126 for various products under class 3 and 25 ;
- « PAULINE TRIGERE », an application for a US federal trademark registered on 18 March 2014 under n°86224013 for various products under class 25 ;
- « JANE DERBY », an application for a US federal trademark registered on 18 March 2014 under n°86224022 for various products under class 25 ;
- « VERA MAXWELL », an application for a US federal trademark registered on 18 March 2014 under n°86224032 for various products under class 25 ;
- « NORMAN NORELL », an application for a US federal trademark registered on 18 March 2014 under n°86224001 for various products under class 25 ;
- « LILLI ANN », an application for a US federal trademark registered on 27 November 2013 under n°86131381 for various products under class 25 ;

Consequently:

- * TO ORDER the transfer, to LUVANIS, of the aforementioned French and foreign trademarks (and/or applications);
- * TO ORDER *in solidum* the defendants to pay the amount of five hundred thousand (500,000) Euros, on the basis of the provisions of article 1382 of the Civil Code, for their fraudulent activities;

* TO STATE AND RULE that LUVANIS is admissible and well-founded in requesting transfer, in its favour, of the reservation of the following domain names, in light of the fraudulent nature of the reservations made by CREATIVE CAPITAL, Mr Louis HOUDART, JOY UNIVERSAL Limited and STAR ASSET INTERNATIONAL Limited, pursuant to the provisions set forth under articles L.45-2 and L.45-6 of the Code for Electronic Workstations and Communications and the principle that fraud corrupts all:

- marcellechaumont.fr
- * madcarpentier.fr
- * madeleinevramant.fr
- germainecomte.fr
- guntherjaeckel.fr
- * lucilemanguin.fr
- marcelle-alix.fr
- marcelledormoy.fr
- * mavis-vivaudou.fr
- * keustos.fr
- * nicolegroult.fr
- * nicole-groult.fr
- princesspat.fr
- * rogerscemama.fr
- * keustos.tm.fr
- * marcelledormoy.com
- * germainecomte.com
- lucilemanguin.com
- * keustos.com
- mavis-vivaudou.com
- * liquid-liptone.com
- * georgesfouquet.com
- * germainecomte.com
- * guntherjaeckel.com
- * lucilemanguin.com
- * mad-carpentier.com
- * madcarpentier.com
- * keustos.com
- * nicolegroult.com
- * nicole-groult.com
- * princesspat.com
- * rogerscemama.com
- * keustos.com.cn
- * keustos.com.de
- * keustos.kr.com
- georgesfouquet.cn
- * germainecomte.cn
- * guntherjaeckel.cn
- lucilemanguin.cn
- * mavis-vivaudou.cn
- * keustos.cn
- * princesspat.cn
- rogerscemama.cn
- guntherjaeckel.hk

~ keustos.hk
~ princesspat.hk
~ keustos.jp
~ guntherjaeckel.jp
~ princesspat.jp
~ keustos.tw
~ keustos.co.uk
~ keustos.mx
~ keustos.ru
~ guntherjaeckel.ru
~ keustos.us
~ keustos.ch
~ keustos.de
~ keustos.es
~ keustos.eu
~ princesspat.in
~ keustos.in
~ keustos.it
~ donald-brooks.com
~ Adelesimpson.com
~ Adèle-simpson.com
~ Ceilchapman.com
~ Ceil-chapman
~ Chesterweinberg.com
~ Chester-weinberg.com
~ Emilepingat.com
~ Lilli-Ann.com
~ Norman-norell.com
~ Vera-maxwell.com
~ Jan-derby.com
~ Paulinetrigere.com
~ Pauline-trigere.com
~ Martialetarmand.fr
~ Bruyerecouture.com
~ Bruyere-Couture.com
~ Bruyère-couture.fr
~ Lucile-paray.com
~ Philippeetgaston.com
~ Philippeetgaston.fr
~ Bechoff-david.com
~ Bechoff-david.fr
~ BechoffDavid.com
~ Goupy.fr
~ Lenief.com
~ Lenief.fr
~ Ardanse.fr
~ Melnotte-simonin.com
~ Dupouy-magnin.com
~ Aureole.ch
~ Willsonite.com

Consequently:

- ✧ TO ORDER the transfer to LUVANIS of the aforementioned domain names;
- ✧ TO ORDER *in solidum* the defendants to pay the total amount of one hundred thousand (100,000) Euros, on the basis of the provisions set forth under article 1382 of the Civil Code, for their fraudulent activities;
- ✧ TO STATE AND RULE that by reproducing LUVANIS documentation without authorisation, CREATIVE CAPITAL, Mr Louis HOUDART, JOY UNIVERSAL Limited and STAR ASSET INTERNATIONAL Limited were guilty of infringement of copyright for the reproduction of LUVANIS documents, as defined by articles L.122-4 and L.335-3 of the Intellectual Property Code;

Consequently:

- ✧ TO ORDER *in solidum* the Defendants to pay a total of fifty thousand (50,000) Euros ;
- ✧ TO PROHIBIT CREATIVE CAPITAL, Mr Louis HOUDART, JOY UNIVERSAL Limited and STAR ASSET INTERNATIONAL Limited from reproducing, in any format whatsoever, and subject to a penalty of 1,000 Euros per infringement observed following handing down of the ruling, any wording or excerpt of wording included in the LUVANIS documentation;
- ✧ TO ORDER the destruction of any support or digital file held directly or indirectly by CREATIVE CAPITAL, Mr Louis HOUDART, JOY UNIVERSAL Limited or STAR ASSET INTERNATIONAL Limited reproducing any wording or excerpt of wording from the LUVANIS documentation, and subject to a penalty of 1,000 Euros per day of penalty, with said penalties to be paid by the Court;
- ✧ TO STATE AND RULE that CREATIVE CAPITAL is contractually liable towards LUVANIS, pursuant to article 1134 of the Civil Code and article 1984 of the Civil Code;

Consequently:

- ✧ TO ORDER CREATIVE CAPITAL to pay a total of one hundred thousand (100,000) Euros ;
- ✧ TO STATE AND RULE that Mr Louis HOUDART is criminally liable pursuant to the provisions set forth under article 1382 of the Civil Code having been accomplice to the infringement by CREATIVE CAPITAL of its contractual obligations;

Consequently:

- TO ORDER Mr Louis HOUDART to pay fifty thousand (50,000) Euros ;

As a subsidiary claim:

- TO STATE AND RULE that LUVANIS is admissible and well-founded in requesting the invalidity of the aforementioned French trademarks as a primary request, in light of the fraudulent nature of the registrations made by JOY UNIVERSAL Limited and STAR ASSET INTERNATIONAL Limited (in collaboration with CREATIVE CAPITAL and Mr Louis HOUDART), pursuant to the provisions set forth under article 1382 of the Civil Code and the principle in line with which fraud corrupts all;
- TO STATE AND RULE that LUVANIS is admissible and well-founded in requesting the invalidity of the following foreign trademarks (and/or applications for trademarks), in light of the fraudulent nature of the registrations undertaken by JOY UNIVERSAL Limited and STAR ASSET INTERNATIONAL Limited (in collaboration with CREATIVE CAPITAL and Mr Louis HOUDART), pursuant to the principle in line with which fraud corrupts all and the provisions of article 1382 of the Civil Code, and in consideration of the fact that these trademarks are accessory to the aforementioned French trademarks:

(Société JOY UNIVERSAL)

- "MAD CARPENTIER":

- application for a Hong Kong trademark registered on 9 October 2013, under n°302760318 for various products under class 25 ;
- a Japanese trademark registered on 14 October 2013, under n°2013-080085, for various products under class 25 ;
- an application for a Korean trademark registered on 16 September 2013, under n°4020130062237 for various products under class 25 ;
- a US federal trademark registered on 8 October 2013, under n°86085464 for various products under class 25 ;

- "GERMAINE LECOMTE", an application for a Korean trademark registered on 21 January 2014 under n°4020140004568 for various products under classes 3, 18 and 25 ;

- "MAVIS VIVAUDOU":

- an application for a Hong Kong trademark registered on 9 October 2013 under n°302760273 for various products under class 3 ;
- a Japanese trademark registered on 14 October 2013 under n°2013-080087 for various products under class 3 ;
- an application for a Korean trademark registered on 21 January 2014 under n°4020140004567 for various products under class 3 ;
- a Taiwanese trademark registered on 12 February 2014 under n°103007448 for various products under class 3 ;

- a US federal trademark registered on 26 July 2013 under n°86020786 for various products under class 3 ;
- a US federal trademark registered on 26 July 2013 under n°86020797 for various products under class 3 ;
- "PRINCESS PAT":
 - an application for a Hong Kong trademark registered on 9 October 2013 under n°302760246 for various products under class 3 ;
 - a Japanese trademark registered on 14 October 2013 under n°2013-080088 for various products under class 3 ;
 - an application for a Korean trademark registered on 16 September 2014 under n°4020130062236 for various products under class 3 ;
 - a Taiwanese trademark registered on 12 February 2014 under n°103007449 for various products under class 3 ;
 - a US federal trademark registered on 21 June 2013 under n°85966903 for various products under class 3 ;
- "JONTEEL":
 - an application for a US federal trademark registered on 18 March 2014 under n°86224081 for various products under class 3 ;
 - an application for a US federal trademark registered on 18 March 2014 under n°86224066 for various products under class 3 ;
- "LIQUID LIPTONE", an application for a US federal trademark registered on 18 March 2014 under n°86224048 for various products under class 3 ;
- "SELZ SHOES", an application for a US federal trademark registered on 29 August 2013 under n°86051121 for various products under class 25 ;
- "KESTOS":
 - an application for an Australian trademark registered on 12 April 2014 under n°1617127 for various products under class 25 ;
 - an application for a Canadian trademark registered on 16 April 2014 under n°1672962 for various products under class 25 ;
 - a UK trademark registered on 2 August 2013 under n°3016432 for various products under class 25 ;
 - an application for a Hong Kong trademark registered on 9 October 2013 under n°302760381 for various products under class 25 ;
 - an application for a Japanese trademark registered on 1 January 2014 under n°2014-000001 for various products under class 25 ;
- "KUPPENHEIMER":
 - an application for a Hong Kong trademark registered on 9 October 2013 under n°302760219 for various products under class 25 ;
 - an application for a Korean trademark registered on 16 September 2013 under n°4020130062233 for various products under class 25 ;
 - a US federal trademark registered on 21 June 2013 under n°85966925 for various products under class 25 ;
- "GUNTHER JAECKEL 10 EAST 57TH":

- an application for a Hong Kong trademark registered on 9 October 2013 under n°302760336 for various products under class 25 ;
- an application for a Japanese trademark registered on 14 October 2013 under n°2013-080086 for various products under class 25 ;
- an application for a Korean trademark registered on 16 September 2013 under n°4020130062235 for various products under class 25 ;
- an application for a US federal trademark registered on 29 August 2013 under n°86051135 for various products under class 25;

"GEORGES FOUQUET":

- an application for a Hong Kong trademark registered on 31 October 2013 under n°302784925 for various products under class 14 ;
- an application for a Korean trademark registered on 21 January 2014 under n°4020140004569 for various products under class 14 ;

(Société STAR ASSET)

- « AUREOLE », an application for a Swiss trademark registered on 19 March 2014 under n°53318/2014 for various products under class 14;
- « PREXA », an application for a Swiss trademark registered on 19 March 2014 under n°53323/2014 for various products under class 14;
- « DONALD BROOKS » :
 - an application for a US federal trademark registered on 18 March 2014 under n°86224042 for various products under class 25 ;
- « ADELE SIMPSON » :
 - an application for a US federal trademark registered on 27 November 2013 under n°86131325 for various products under class 25 ;
- « KARI KEEN » :
 - « KARI-KEEN », an application for a US federal trademark registered on 27 November 2013 sous le n°86131395 for various products under class 18 ;
- « CHESTER WEINBERG » :
 - an application for a US federal trademark registered on 27 November 2013 under n°86131372 for various products under class 25 ;
- « NEYRET » :
 - an application for a Korean trademark registered on 13 March 2014 under n°4020140016690.
- « CEIL CHAPMAN » :
 - an application for a US federal trademark registered on 27 November 2013 under n°86131336 for various products under class 25 ;
- « BRUYERE COUTURE » :
 - an application for a US federal trademark registered on 30 December 2013 under n°86153953 for various products under class 25 ;
 - an application for a Korean trademark registered on 22 January 2014 under n°4020140004774.

- « **CLAIRE McCARDELL** » :
 - an application for a US federal trademark registered on 27 November 2013 under n°86131357 for various products under class 25 ;
 - an application for a Korean trademark registered on 23 January 2014 under n°4020140005104.
- « **PHILIPPE & GASTON** » :
 - an application for a US federal trademark registered on 17 January 2014 under n°86168398 for various products under class 25 ;
 - an application for a Hong Kong trademark registered on 17 January 2014 under n°302869985 for various products under class 25 ;
 - an application for a Korean trademark registered on 22 January 2014 under n°4020140004775.
- « **WILLSONITE** », an application for a US federal trademark registered on 29 April 2014 under n°86265079 for various products under class 9 ;
- « **NETTIE ROSENSTEIN** », an application for a US federal trademark registered on 18 March 2014 under n°86224126 for various products under class 3 and 25 ;
- « **PAULINE TRIGERE** », an application for a US federal trademark registered on 18 March 2014 under n°86224013 for various products under class 25 ;
- « **JANE DERBY** », an application for a US federal trademark registered on 18 March 2014 under n°86224022 for various products under class 25 ;
- « **VERA MAXWELL** », an application for a US federal trademark registered on 18 March 2014 under n°86224032 for various products under class 25 ;
- « **NORMAN NORELL** », an application for a US federal trademark registered on 18 March 2014 under n°86224001 for various products under class 25 ;
- « **LILLI ANN** », an application for a US federal trademark registered on 27 November 2013 under n°86131381 for various products under class 25 ;

Consequently:

- **TO DECLARE** the invalidity of the aforementioned French and foreign trademarks (and/or applications);
- **TO ORDER *in solidum*** the Defendants to pay a total of one hundred and fifty thousand (150,000) Euros, on the basis of provisions set forth under article 1382 of the Civil Code, for their fraudulent actions;
- **TO STATE AND RULE** that CREATIVE CAPITAL, MR Louis HOUDART, JOY UNIVERSAL Limited and STAR ASSET INTERNATIONAL Limited have committed acts of unfair competition against LUVANIS, by abusively placing themselves in its wake, as defined by article 1382 of the Civil Code;

Consequently:

- TO ORDER *in solidum* the Defendants to pay a total of four hundred and fifty thousand (450,000) Euros, on the basis of the provisions of article 1382 of the Civil Code, for their fraudulent actions;

Ceteris paribus:

- TO ORDER entry of the ruling under the section "Legal Warning" on the home page of the website "creativecapital.cc", in a box of 468x120 pixels, for six months following the date on which the ruling is handed down, and subject to a penalty of 1,000 Euros per day of delay, with said penalties to be paid to the Court;
- TO ORDER publication, *in extenso* or in excerpts, of the ruling to be handed down under the header "Legal Warning" in eight French or foreign journals at the choice of LUVANIS, and up to a maximum amount of 6,000 Euros excluding tax per publication to be payable by CREATIVE CAPITAL, Mr Louis HOUDART, JOY UNIVERSAL Limited and STAR ASSET INTERNATIONAL Limited *in solidum* ;
- TO ORDER provisional enforcement of the decision, notwithstanding appeal and without security;
- TO ORDER *in solidum* CREATIVE CAPITAL, Mr Louis HOUDART, JOY UNIVERSAL Limited and STAR ASSET INTERNATIONAL Limited to pay LUVANIS a total of €20,000 pursuant to the provisions set forth under article 700 of the Civil Procedure Code;
- TO ORDER *in solidum* CREATIVE CAPITAL, Mr Louis HOUDART, JOY UNIVERSAL Limited and STAR ASSET INTERNATIONAL Limited to pay LUVANIS all costs for proceedings pursuant to the provisions set forth under article 699 of the Civil Procedure Code, which may be collected by Maître Thibault LANCRENON.

SUBJECT TO ALL LEGAL RESERVES

LIST OF EXHIBITS

1. Press excerpts pertaining to the relaunch of VIONNET
2. LUVANIS SA incorporation document
3. Press excerpts pertaining to the activities of Mr de LUMMEN
4. Excerpts from documents presenting "MOYNAT", "AU DEPART", "HERBERT LEVINE"
5. Press excerpts pertaining to "MOYNAT"
6. Excerpt from the IESE website
7. Excerpt from the IP SUMMIT 2013 schedule
8. Email of 14 February 2013
9. Email from Mr de LUMMEN of 15 February 2013 and "MOYNAT" memorandum
10. Emails of 15 and 16 February 2013 and document presenting "BELBER"
11. Email of 19 March 2013
12. Email of 16 July 2013
13. Email of 19 April 2013
14. Attestation from Mr Jean-Philippe EVROT
15. Contract of 24 May 2013
16. "DJER-KISS" Branding document
17. "DJER-KISS" teaser n°1
18. "DJER-KISS" teaser n°2
19. "DJER-KISS" teaser n°3
20. Examples of exchanges between LUVANIS and CREATIVE CAPITAL for production of the DJER-KISS document (27 and 29 May 2013)
21. Invoice from CREATIVE CAPITAL of 4 August 2013 and proof of payment
22. Emails of October, November and December 2013
23. Email of 23 May 2013
24. Email of 29 May 2013
25. Emails of 4, 5 and 18 June and 3 July 2013
26. NDA of LUVANIS
27. NDA of JOY UNIVERSAL
28. LOI of LUVANIS
29. LOI of JOY UNIVERSAL
30. Document presenting "KESTOS"
31. Trademarks (for "sleeping beauties") registered by JOY UNIVERSAL
32. Excerpts from Whois for domain names "madcarpentier.fr", "marcellechaumont.fr", "madeleinevramant.fr", "kestos.co.uk"
33. Disputed domain names corresponding to "sleeping beauties"
34. Emails of 8 April 2014
35. Emails of 14 April 2014
36. Ruling by the Court of Cassation of 19 December 2006 (05-14431)
37. Ruling by the Court of Cassation of 20 February 2007 (05-10462)
38. Ruling by the Paris Court of Appeal of 2 February 1938
39. Ruling by the Paris Court of Appeal of 10 May 1971

40. Ruling by the Lyon Court of Appeal of 25 June 1985
41. Ruling by Paris District Court of 31 January 1992
42. Ruling by the Court of Cassation of 28 January 2003 (00-10033)
43. Example documents concerning "sleeping beauties" fraudulently registered by the Defendants (JOY UNIVERSAL)
44. Trademarks (for "sleeping beauties") registered by STAR ASSET INTERNATIONAL LIMITED
45. Example documents concerning "sleeping beauties" fraudulently registered by the Defendants (STAR ASSET)
46. Domain names booked by STAR ASSET
47. Trademarks registered by CREATIVE CAPITAL HOLDING LLC

SIGNIFICATION D'UN ACTE ETRANGER HORS C.E.E

nature de l'acte : une ASSIGNATION

10, rue du Chevalier
de Saint-George
75001 PARIS

Horaires
d'ouverture :
de 9h à 11h
de 14h à 16h

Paiement en ligne
sur notre site internet :
www.avahuis.fr

Pour :

Ste JOY UNIVERSAL LIMITED
OMC Chambers Wickhams Cay 1
VG 1110 Road Town VG
ILES VIERGES BRITANNIQUES

Cet acte a été adressé directement ce jour par lettre recommandée avec demande d'avis de réception à l'autorité compétente de l'Etat de destination pour signification à l'intéressé(e).

Conformément à l'article 686 du CPC, une copie certifiée conforme de l'acte, indiquant de manière très apparente qu'elle en constitue une simple copie, a été expédiée au destinataire par lettre recommandée avec demande d'avis de réception ce même jour ou au plus tard, le premier jour ouvrable suivant.

Article 647-1 du CPC : « La date de notification, y compris lorsqu'elle doit être faite dans un délai déterminé, d'un acte judiciaire ou extrajudiciaire en Polynésie française, dans les îles Wallis et Futuna, en Nouvelle Calédonie et dans les terres australes et antarctiques françaises, ainsi qu'à l'étranger est, à l'égard de celui qui y procède, la date d'expédition de l'acte par l'huissier de justice ou le greffe, ou, à défaut, la date de réception par le parquet compétent. »

Le présent acte est soumis à taxe fiscale comporte 116 feuilles par copie.

Les mentions relatives à la signification sont visées par l'Huissier de Justice.

A LIRE AVANT TOUT
REGLEMENT

*Tout règlement effectué en
notre Etude doit l'être par un
moyen de paiement à l'ordre
de la SCP AVALLE comportant
les références
ci-dessous.*

**ACTE
D'HUISSIER
DE
JUSTICE**

**PREMIERE
EXPEDITION**

**REFERENCES A RAPPELER
MD:19945**

COUT DE L'ACTE	
Article 6	37,40
Article 18	7,48
Art 16-1	100,00

H.T.	144,88
Tva 20%	0,00
LR	33,64
Taxe	9,15

T.T.C	187,67

