

H**# HALLMARK**

Practice on the acceptance of this word has been mixed in the past - it has laudatory connotations apart from the obvious descriptiveness for Class 14 goods. In future we can accept the word *prima facie* for goods and services other than goods/services relating to precious metals.

HAZE

Although the word is phonetically close to the common surname HAYES (also a geographical reference) this word is normally acceptable *prima facie*.

HEADS: OF WOMEN

Devices of women's heads are commonly used for advertising purposes in the perfumery trade and especially for hair preparations and hairdressing or beautician's services. They are therefore regarded as being devoid of any distinctive character in Class 3 in respect of hair preparations and beauty products, for similar medicated goods in Class 5, and for hairdressing or beautician's services in Class 42; object under Section 3(1)(b) and (d).

HEAVENLY

Not acceptable *prima facie* for many goods because of its laudatory meaning in modern usage, i.e. something which produces feelings of great pleasure, object under Section 3(1)(b) & (c). This meaning may not be directly given by many dictionaries, but it was accepted in the HEAVENLY case (1967 RPC 306) that the Registrar was entitled to rely on his general knowledge of the use of language because dictionaries could not always be up to date.

There will, however, be some goods/services where the mark HEAVENLY could be regarded only as a fanciful use of the word and which might be acceptable, e.g. roadmaking machinery or watch repair services; things which could not have any aesthetic appeal.

HIBERNIA

Acceptable *prima facie* (ancient name for Ireland).

HIGH TECH (OR PHONETIC EQUIVALENTS)

This term is considered to be devoid of any distinctive character and attracts objections under Section 3(1)(b) and (c) in the prima facie for technological goods and for services which employ technology, for example engineering, health screening or research.

HIGHLAND

This is a large administrative region in Scotland and consequently may be open to objection on geographical grounds prima facie (object under Section 3(1)(b) and (c)). It is also open to objection under Section 3(3)(b) if applied for in relation to goods for which Scotland has a reputation (unless the specification is limited accordingly).

HIGHLAND GLEN

This relates to or implies Scottish goods and would be deceptive if used on goods or services for which Scotland has a reputation, but which do not have that origin. Object under Section 3(3)(b).

HOLOGRAMS

The current practice is to refuse to examine marks consisting of holograms as they can change shape and colour depending on how they are viewed. If they are represented by a series of drawings showing the different images within the hologram it should be possible to proceed with the application. Section 1(1) of the Trade Marks Act 1994 requires that the representation of a mark should be capable of being represented graphically. All such applications should be referred to a senior officer for advice.

HOUSE OF

Marks that include use of the words HOUSE OF should be accepted unless the word 'house' is established within the relevant industry. For example, House of Fashion would not be acceptable because a 'fashion house' is a well known term. The same would apply to finance.

Examples of marks that are acceptable prima facie are:

HOUSE OF ANGELS	Restaurant services, clothes, magazines etc.
HOUSE OF CHITTENDEN	All goods and services
HOUSE OF DRAGONS	Theatrical agency services etc.

HOUSE OF SPEED	Computers, kitchen equipment etc.
HOUSE OF PLAY	Toys, games etc.
HOUSE OF FRASER	Any goods or services
HOUSE OF FLOWERS	Florists, silk/fresh flowers etc.
HOUSE OF TRAVEL	Travel agency services