



Harley-Davidson MENA DMCC

Ling Valentine
Ling World Headquarters
Vance Business Park
Gateshead
NE11 9NE

REF: TMI - 9609

27th February 2013

Dear Ms Valentine

Bar and Shield Trade Mark

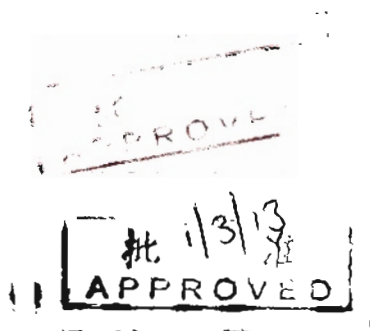
I am the Brand Protection Manager of Harley-Davidson Europe Limited, a company which forms part of the group of companies operating the Harley-Davidson motorcycle business ("the Harley-Davidson Organisation").


It has come to our attention that your website blog, www.lingscars.com, bears our Harley-Davidson Motor Company Bar and Shield logo. I have attached screen shots of the web page for your reference.

The Harley-Davidson organisation's reputation and goodwill in the trade mark HARLEY-DAVIDSON Bar and Shield and our trademarks, are of considerable value to our business.

While we appreciate your enthusiasm about the Harley-Davidson brand, the use by you of the trade mark Harley-Davidson Blank Bar and Shield (CTM Reg. No. 502559, 83501, 3530193) in this way has not been authorised. As a brand owner we are required to control and/or monitor the use of our marks, and, likewise, any unauthorized use may undermine the brand. For these reasons, we are unable to allow you to continue to use this Trade Mark upon your site.

Our affiliated company, H-D Michigan, LLC, owns the trademarks used by the Harley-Davidson Organisation. In particular, it owns a large number of European Community Trade Mark registrations including the following for Harley-Davidson Blank Bar and Shield:



Trademark	Registration Number	Relevant Class
 "Blank Bar and Shield"	502559, 83501, 3530193	12, 16, 18, 25, 26, 3, 34, 9, 6, 8, 20, 21, 42, 14, 21, 28

I enclose a printout from the official European Community trademark database setting out details of this registration for your information.

For the avoidance of doubt, our clients have no objection to you using the names HARLEY-DAVIDSON or HARLEY in an informational manner to identify our clients' motorcycles, provided that these names are used in the same style, size and colour as the sentence in which they are contained and provided that they are not used in such a way as to take unfair advantage of or to be detrimental to the reputation of these names. Their complaint is against the use by you of the Harley-Davidson Bar & Shield logo.

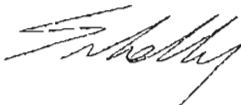
Next Steps

Harley-Davidson Europe Ltd. requires you to sign the attached undertakings to prevent any further dealings by you (as defined in the undertakings). The undertakings should be signed and returned to Harley-Davidson Europe Limited, Oxford Business Park, 6000 Garsington Road, Oxford OX4 2DQ, United Kingdom, marked to the attention of Steven Kelly, by **11th March 2013 5pm**.

If we do not receive the undertakings by this date, we reserve the right to initiate proceedings against you without further notice for trademark infringement, seeking an injunction, delivery up, damages and legal costs.

If you would like to discuss this matter in advance of the above deadline, please contact Steven Kelly, Brand Protection Manager for EMEA of Harley-Davidson Europe Limited on 01865 719013.

Yours faithfully



Steven Kelly

I am Ling! Cheap new UK cars, life, noodles and fried rice... join in!



HARLEY DAVIDSON LEASING AND CONTRACT HIRE NEW HARLEY LEASE CHEAP BIKE LEASING MOTORBIKE HARLEY-DAVIDSON RENTAL MOTORCYCLE LEASE-HIRE HOG TOURING, SOFTAIL, DYNA, SPORTSTER AND VRSC

Posted on | September 2, 2009 | Comments Off

I now lease Harley Davidson bikes. Motorbikes have been on LINGsCARS lease list for a long time and finally I have arranged a cheap Harley deal. These are sexy bikes! Modern Harley-branded motorcycles fall into one of five model families: Touring, Softail, Dyna, Sportster and VRSC. Model families are distinguished by the frame, engine, suspension, and other characteristics.



MY HARLEY LEASE DEALS, FROM A VERY CHEAP £127 A MONTH ARE HERE – click here

Touring:



The touring family, also known as "dressers", includes three Road King models and Electra Glide models offered in various trim. The Road Kings

have a "retro cruiser" appearance and are equipped with a large clear windshield. Road Kings are reminiscent of big-twin models from the 1940s and '50s. Electra Glides can be identified by their full front fairings. Most Electra Glides sport a fork-mounted fairing referred to as the "Batwing" due to its unmistakable shape. The Road Glide has a frame-mounted fairing, referred to as the "Sharknose". The Sharknose includes a unique, dual front headlight.

Touring models are distinguishable by their large saddlebags, rear coil-over air suspension and are the only models to offer full fairings with Radios/CBS. All touring models use the same frame, first introduced with a Shovelhead motor in 1980, and carried forward with only modest upgrades until 2009, when it was extensively redesigned. The frame is distinguished by the location of the steering head in front of the forks and was the first H-D frame to rubber mount the drivetrain to isolate the rider from the vibration of the big V-twin.

The frame was modified for the 1994 model year when the oil tank went under the transmission and the battery was moved inboard from under the right saddlebag to under the seat. In 1997, the frame was again modified to allow for a larger battery under the seat and to lower seat height. In 2007, Harley introduced the 96 cubic inch motor, as well the 6 speed transmission to give the rider better speeds on the highway.

In years past, these touring models have become favorites with several local and state police agencies, such as the Chicago Police Department, the Los Angeles Police Department, the Iowa State Patrol, and several others.

In 2006, Harley introduced the FLHX, a bike designed by Willie G. Davidson to be his personal ride, to its touring line.

In 2008, Harley added anti-lock braking systems and cruise control as a factory installed option on all touring models. Also new for 2008 is the 6-gallon fuel tank for all touring models.

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ABOUT

I am Ling Valentine as seen on Dragons' Den I lease cheap cars in the UK. Have a look at my Cheap car leasing website

SUBSCRIBE TO MY FEED

MY TWITTER PAGE!

SEARCH

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I am the UK business ambassador!

Post me Ferrero-Rochers! Yum Yum!

Unlike most other internet car leasing sites, I publish all my contact information openly!

...so, you know who I am - Ling

THE UK'S
FAVOURITE
CAR LEASING
WEBSITE!



LINGS CARS.com

Boss: Ling Valentine MS4 Ltd

LING World Headquarters

Vance Business Park

Gateshead, NE11 9NE

Tel 0191 460 9444

Fax 0870 485 1330

sales@LINGS CARS.com

I prefer email to phone - Ling

VAT No: 865 0241 30

Co Reg No: 5176534

Consumer Credit Licence: 524022

Data Protection No: Z1098490

Best Before: 17/08/2007



TO BY TYPED ON YOUR COMPANY HEADED NOTEPAPER

To: HD Michigan, LLC and
Harley-Davidson Europe Ltd
6000 Garsington Road
Oxford
OX4 2DQ
England

Date:

Dear Sirs

Harley-Davidson Trade Mark

In consideration of your refraining from taking any legal proceedings against us, we hereby undertake whether acting by our officers, directors, servants, employees or otherwise howsoever, as follows:

1. To cease and desist forthwith from all use of signs identical or confusingly similar to your Harley-Davidson Bar and Shield trademark as referred to in your letter dated 27th February 2013.
2. To, within 14 days of the date of our reply, deliver up to you, at Harley-Davidson Europe Limited, Oxford Business Park, 6000 Garsington Road, Oxford OX4 2DQ, United Kingdom all stocks, promotional material and related literature remaining in our possession or under our control to which the trademark Harley-Davidson Bar and Shield has been applied;

Yours faithfully

A director for and on behalf of
[Enter company name]

The UK's favourite car leasing website!



"Ling is such a superb 2009 Award Winner for the best use of IT and Communications. Innovative use of the internet and her first class customer service should bring her many more years of business success." – General Manager, BT Business

01/03/2013

To Steven Kelly, Legal Beagle, Harley Davidson (HOG BREATH) Europe Limited

Dear Steven,

Well, you lose your Hog-based hairy biker cool-ness, now dude... as this has gone public.

My answer to your letter dated 27th Feb 2013 is:

YO MOTHERFUCKER, FUCK RIGHT OFF, BIKER DUDE, BRO, MAN, HOG-BREATH MC, GANGAM-STYLE.

Here we go. I have investigated the use of the Harley Davidson name and logo (hereafter known as "HOG-BREATH"). It took me less than two minutes, I read it while having a shit on the toilet.

Let me say that I don't want to become confrontational and would like to keep friendly dialogue with HOG BREATH Corp Inc. Having said that, your letter is complete utter nonsense.



In my view this is not "**unauthorized use**" of the HOG BREATH logo under the United Kingdom Trade Marks Act or European legislation, rather I was supplying bike-leasing services under the trademark "LINGSCARS". This is not passing-off. Or "tort" (but I thought that was a type of semi-solid cake). I also soooooo hate having European stuff quoted at me.

Continued overleaf...



As seen on...



... I eat Dragons for breakfast!

Continued...

I will explain: The use of "Harley Davidson" (and the small logo) is merely to indicate that I was leasing HOG BREATH bikes at the time (back in 2009), which was necessary to indicate the intended purpose of the service I provided. This is not in my view an infringement of HOG BREATH trademarks since (and you will know this) the UK law provides for a specific defence in this respect.

Secondly, the law says that that a Trade Mark owner (e.g. HOG BREATH) cannot use its registered trademark to prevent further dealings in their own goods once they have put those goods on the market in the UK or Europe. If HOG BREATH could, it would mean that you could effectively stop all non-authorised sales of HOG BREATH bikes. In my case I am only using the name and logo to sell lease or contract-hire deals for HOG BREATH bikes, which are bikes which HOG BREATH themselves must have sold either to my suppliers, or to the finance providers.

So long as my use of these signs does not indicate that there is a commercial connection between HOG BREATH and LINGsCARS ... (in my view LINGsCARS website clearly does not indicate this, you'd need to smoke a joint the size of Michigan to think that there was any link) ... there is nothing you can do to stop me using your trademarks to advertise deals relating to your products. The crucial question in my view, therefore, is **does my use of the HOG BREATH name or logo indicate a commercial connection between HOG BREATH and LINGsCARS?** – in my view it does not, since the use appears in a 2009 blog to describe leasing deals, and therefore does not make any suggestion that I have or had any sort of link to HOG BREATH itself. At no time do I ever claim such a link.

Taken as a whole my website does not make any suggestion that I am authorised by HOG BREATH in any way – I couldn't be further removed from an authorised HOG BREATH dealer site if I tried!

The simple fact that it has taken HOG BREATH over 3-years to notice my 2009 blog indicates that it's nonsense to suggest this affects your trade.

So, basically, you can take your "undertaking letter" and shove it right up your corporate arses. Or "asses" as you like the common Americanisms.

Next... go pick on someone your own size and stop being so bloody precious. It's YOU LOT that are putting the HOG BREATH brand in jeopardy by writing these idiotic legal letters. Go ride one of your bikes and take your frustrations out on the A68, instead.

Yours,
Ling Valentine



Director
LINGsCARS