

**NORWEGIAN TRADE MARKS ACT 2010**

**IN THE MATTERS OF**

**Norwegian Trademark Application Nos. 152846 and 227723 "SANTA CRUZ"**

**In the name of NHS, Inc.**

**- And -**

**Cancellations OP2018/00187 and OP2018/00186 thereto by Sports Group Denmark A/S**

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**WITNESS STATEMENT OF CHARLIE ALLEN**

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I, Charlie Allen, Managing Director of Shiner Ltd, Aztec W, Avon, Bristol BS32 4UA, United Kingdom, hereby declare as follows:

1. I am the Managing Director of Shiner Ltd ("Shiner"), one of Europe's leading action sports and apparel distributors. I have held this position since 2014 and I have worked for Shiner for the last 23 years.
2. The facts provided in this Witness Statement come from my personal knowledge and belief.
3. I have direct and personal knowledge of the products sold by Shiner, including skateboards and apparel. My father, Michael Allen, ran the business from the time we took over the distribution for NHS brands and continued to run it through the time I joined in 1995.
4. Santa Cruz has made Skateboards and apparel since 1976 and has built a reputation as one of the leading skate brands since then. In the 1980s Santa Cruz became one of the biggest skateboard brands globally. During the big skateboard boom of 1988, NHS was selling skateboard completes, decks, wheels, parts, t-shirts, caps, bags, hood sweatshirts and many other products under the Santa Cruz brand. They have been one of the leading brands in all categories since the 1970s and 1980s. All during these popular times, there has been a Santa Cruz distributor in Norway.
5. Shiner has been the distributors of NHS, Inc. ("NHS") skateboard brands in the UK since 1976 and has been building an apparel division over the years to diversify its product offering. NHS has appointed Shiner as European Apparel Licensee for SANTA CRUZ in 2016. Shiner's first delivery of SANTA CRUZ apparel in Norway was in the Autumn/Winter 2016. As evidence, I

attach a collection of twelve invoices issued to the retailers in Norway which clearly shows a consistent demand for SANTA CRUZ apparel and headwear during these past 2 years, namely:

- EUR 998,40 for the soft goods invoice dated 6 October 2016
- EUR 903,01 for the soft goods invoice dated 14 March 2017
- EUR 933,87 for the soft goods invoice dated 14 March 2017
- EUR 1.851,54 for the soft goods invoice dated 17 March 2017
- EUR 1.130,40 for the soft goods invoice dated 8 April 2017
- EUR 1.329,23 for the soft goods invoice dated 9 April 2017
- EUR 998,40 for the soft goods invoice dated 26 April 2017
- EUR 436,64 for the soft goods invoice dated 30 May 2017
- EUR 318 for the hard goods invoice dated 3 August 2017
- EUR 355 for the soft goods invoice dated 31 August 2017
- EUR 513,40 for the soft goods invoice dated 31 August 2017
- EUR 1.738,12 for the soft goods invoice dated 9 March 2018

Additionally, I provide a copy of Excel sheet with summarized data on sales of SANTA CRUZ soft goods sold in Norway the total amount of which is **EUR 76.177,64** for the period from 1 January 2017 to 30 May 2017. Please note the following:

**Column A** IS the customer number

**Column B** is the name of the customer

**Column C-H** refer to the item description

**Column I** is the invoiced quantity

**Column K** is the invoiced value converted to GBP

**Column L** is the posting date of the last invoice

**Column M** is the sales order reference

All these goods were invoiced and shipped into Norway over Spring 2017.

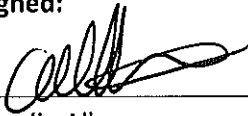
6. It can also be seen from the attached invoices that many of NHS products are purchased by Norwegian clothing chain Carlings AS which has approximately 220 stores and distribution in Norway, Sweden, Denmark, Finland, and Austria. Additionally, I provide screenshots from Carlings website <http://carlings.com/no/> with SANTA CRUZ apparel offered, as well as

screenshots from Carlings' Official Instagram account with posts dated from 2017 featuring SANTA CRUZ products.

7. Santa Cruz promotional activity in Norway encompasses everything from seeding products and merchandise to market influencers, product seeding to customer's marketing campaigns, in-store POS (Point of Sale) material and window executions, stickers and digital brand assets to customers, biannual seasonal sponsorship of key account events, and of their activity at music festivals.
8. Shiner works hard with its brands across Europe, including Norway, to ensure that all brands get the maximum amount of exposure possible. Therefore, I am confident that Shiner has contributed to the success of introducing SANTA CRUZ to local skate enthusiasts. From my personal and professional point of view, SANTA CRUZ is well-known and widely used skate brand in Norway.

I believe that the facts stated in this Statement are true.

**Signed:**



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Charlie Allen

September 21, 2018