

Consent Agreement

THIS AGREEMENT, executed as of the date of signing set forth below, is entered into by and between Akzo Nobel Chemicals International B.V., ("Applicant"), a Netherlands corporation having its registered address at Velperweg 76, Arnhem, 6824 BM, Netherlands, and Akzo Nobel Surface Chemistry LLC ("Registrant"), a Delaware corporation having its principal place of business at 525 West Van Buren Street, Chicago, IL, 60607.

WHEREAS, Applicant desires to register the mark AMAZE for polymers for use in the personal care industry, and has applied to register its mark on the Principal Register of the United States Patent and Trademark Office, Serial No. 79239883, the application being based on Section 66(a) of the Lanham Act for an extension of protection based on International Registration Number 1420752; and

WHEREAS, Registrant and its predecessors-in-interest have used the mark AMAZE for starch based polymers for use in the manufacture of human hair styling aids in commerce since at least as early as February 4, 1999, and registered the mark on the Principal Register of the United States Patent and Trademark Office, Registration No. 2736146; and

WHEREAS, the United States Patent and Trademark Office has cited Registrant's registration against registration of Applicant's mark on the grounds of likelihood of confusion under Section 2(d) of the Lanham Act; and

WHEREAS, the parties hereto recognize the validity of each other's use and registration of and their respective marks in connection with their respective goods and services and wish to avoid any conflict with the other's use or registration of its mark; and


WHEREAS, the parties hereto have concluded that confusion is not likely to arise from their use and registration of their respective marks in connection with their respective goods and services as set forth above for the following reasons: Applicant and Registrant have been part of the same group of entities in the chemicals industry operating under the name Akzo Nobel, and generally known to the public by that brand. In October 2018, this group of entities was sold as a unit and now operates under the brand "Nouryon." Applicant and Registrant have both sold chemical products under the Akzo Nobel brand, and now sell these same products under the Nouryon brand. Under this entity structure which was in place under the Akzo Nobel brand and which continues as of this time under the Nouryon brand, Applicant Akzo Nobel Chemicals International B.V. controls the trademark activities of Registrant Akzo Nobel Surface Chemistry LLC, including the selection, adoption and use of trademarks. In particular, control of the use of the AMAZE mark with respect to starches and other polymers used in the personal care industry, including hairstyling aids, has resided and still resides in a single source, namely, Akzo Nobel Chemicals International B.V. It is the common desire and intent of both Applicant and Registrant that the market should recognize the chemicals products of both entities, including starches and other polymers sold for use in personal care products under the AMAZE trademark, as emanating from a single source, namely, the group of entities in the chemicals industry operating under the Nouryon brand.

NOW THEREFORE, in consideration of the mutual promises set forth herein and for other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the parties hereto agree as follows:

1. Registrant hereby consents to, and agrees that it will not take any action to interfere with or prevent the use or registration of the mark AMAZE by Applicant in connection with the aforesaid goods and services.
2. The parties agree to execute and file with the United States Patent and Trademark Office any and all documents which may be necessary or proper to effectuate the terms of this Agreement, including the registration of the parties' respective marks.
3. This Agreement contains the entire agreement between the parties and may only be amended or supplemented in a writing signed by other parties.
4. **IN WITNESS WHEREOF**, the parties hereto enter into this Agreement on the last date set forth below.

Registrant,
Akzo Nobel Surface Chemistry LLC

Applicant,
Akzo Nobel Chemicals International, B.V.

By: 

Name: Albana Pepaj
Title: VP Finance
Dated: May 22, 2019

By: 

Name: Annemieke Willemine Heinen
Title: Authorized Signatory
Dated: May 22, 2019

By: 

Name: Petrus Johannes Theodorus Alferink
Title: Authorized Signatory
Dated: May 22, 2019