

**TRADE MARKS ACT 1994**

**In the matter of a request by Telstra Corporation Limited  
trading as Telecom Australia (the Opponents)  
for an extension of time within  
which to file evidence in support of Opposition  
N° 48063 against Application N° 2028440 in the name of  
Deutsche Telekom AG**

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15 In a letter dated 26 April 2000 the Registrar refused the opponents' 11<sup>th</sup> request for an  
extension of time in which to file evidence under Rule 13(4) of the Trade Marks Rules 1994  
(as amended) in support of their opposition. The reasons for the decision were outlined in the  
Official letter as being that:

- 20 i) the reasons provided were not detailed or compelling, and  
ii) decisions taken at two previous interlocutory hearings where the  
Registrar's Hearing Officers stated that the extended periods were final.

25 The opponent did not comment in writing, nor request a hearing on this preliminary decision  
within the 14 day period allowed by the Registrar, but instead filed a Form TM5 to request a  
statement of the reasons for this decision, as provided by Rule 56(2) of the Trade Marks Rules  
1994 (as amended).

### Background

30 The background facts are as follows:

Deutsche Telekom AG have applied under application No. 2028440 to register the mark:

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40 in Classes 9, 14, 16, 18, 25, 28, 36, 37, 38, 41, and 42 for the specifications as set out in the  
attached schedule

45 The application was published for opposition purposes on 15 October 1997 in Trade Marks  
Journal 6197, with the consent of Registration No. 2030748 (6123, 4123). On 15 January  
1998, Telstra Corporation Limited trading as Telecom Australia, filed opposition in  
accordance with Section 38(2) of the Trade Marks Act 1994. The applicants filed a Form

TM8 and counter-statement on 10 February 1998.

On 17 February 1998, the Registrar sent to the opponents a copy of the Form TM8 and counter-statement and invited the opponents to file evidence in support of their opposition within three months of the date of the official letter i.e. by 17 May 1998.

On 21 April 1998, the opponents requested an extension of time of three months, i.e. to 17 August 1998, to file evidence in support of their opposition. The reasons given were:

“We are still conducting a number of enquiries into the applicants and also the opponents hope to meet the applicants with a view to discussing this matter”.

The applicants’ representatives advised the Registrar that the applicants were agreeable to the extension of time. The Registrar subsequently granted the full extension of time sought.

On 10 August 1998, the opponents requested their second extension of time this time for one month, i.e. to 17 September 1998. The reasons given were:

“Our client is on the verge of settling this matter with the other side. Our client has recently made a commercial proposal to the other side however we have just been informed by Baron & Warren, the agents for the Applicant, that they are highly unlikely to have instructions in relation to our client’s proposal before the current deadline of 17<sup>th</sup> August 1998.

We are told this is because both the reporting chain to Baron & Warren (via German commercial lawyers) and the summer holiday season make delay in instructions likely.

Baron & Warren have indicated that they will agree to this extension.”

No comments were received from the applicants and the extension of time was granted in full by the Registrar.

The opponents requested their third extension of time on 17 September 1998, to extend the period for filing evidence by a further three months. The reasons given were:

“Our client is on the verge of settling this matter with the other side and our client has recently made a commercial proposal to the other side. We have just been informed by Baron & Warren, the agents for the applicant, that they are without instructions [a copy of a letter dated 12 September 1998 from Baron & Warren outlining the aforementioned position was attached to the Form TM9]

The reporting chain from the Applicant to it’s agent via German Commercial lawyers makes delays likely; and

Baron & Warren have indicated that they will agree to a three month extension.”

The applicants’ representatives again advised the Registrar that the applicants were agreeable to the extension of time. The Registrar subsequently granted the full extension of time sought.

On 14 December 1998, the opponents requested their fourth extension of time for filing evidence in support of their opposition. This request was for a further period of three months and the reasons provided in support were:

“The two parties are currently finalising the terms of a settlement agreement. Given the holiday season, absences from both sides mean that this will be delayed but should be resolved no later than March;

5 Baron & Warren have indicated their agreement to an extension.”

No comments were received from the applicants and the extension of time was granted in full by the Registrar.

10 The opponents submitted their fifth extension of time request on 16 March 1999, again for a further period of three months. The reasons put forward in support of the request were:

“The two parties are currently finalising the terms of a settlement agreement; and

15 Baron & Warren have indicated their agreement to a three month extension, please see attached [attached is a copy of a letter dated 12 March 1999 from Messrs Baron & Warren in which they confirm that their clients are agreeable to the latest extension of time request].

20 This extension of time was granted in full by the Registrar, thus extending the due date for filing evidence to 17 June 1999.

A sixth extension of time was submitted by the opponents on 16 June 1999, requesting an extension of a further three months. Also provided was the applicants’ agreement to the extension of time request. The reasons provided in support of the request were:

25 “The two parties are currently finalising the terms of a settlement agreement; and

Baron & Warren have indicated their agreement to a three month extension.”

30 This extension of time was granted in full by the Registrar, thus extending the due date for filing evidence to 17 September 1999.

The opponents filed their seventh extension of time request on 15 September 1999 which sought a further period of three months. The reasons given were:

35 “The parties are currently finalising the terms of a settlement agreement.”

40 The Registrar issued her preliminary decision by way of a letter dated 30 September 1999. The preliminary decision was to refuse the extension of time request as it was considered that the reasons provided in support of the request did not show that any progress had been made since the previous (the sixth) extension of time request. A period of fourteen days was allowed for either party to provide full written arguments against the decision and to request a hearing.

45 By way of a letter dated 12 October 1999 the opponents’ representatives, Rouse & Co International, submitted that the extension of time should be granted as they had been informed by the applicants’ agent on 14 September 1999, that a draft settlement proposal was forwarded to the opponents other agents in the matter, Boulton Wade Tennant. It was further stated that the applicants’ representatives confirm that the applicants agree to the extension of time sought. Accordingly the opponents’ representatives argued that it would be in the

50 interests of both parties that the extension of time be granted. They also requested a hearing

be appointed if the extension of time was not granted. The Registrar also received a letter dated 19 October 1999 from the applicants' representatives, Baron & Warren, in which they confirmed that a draft agreement setting out proposals for settlement had been sent to the opponents' agents Boulton Wade Tennant, and that the applicants agreed to the extension of time sought given that there has been active progress in the matter.

The Trade Marks Registry wrote to both parties under cover of a letter dated 22 October 1999, advising the opponents that the Registrar had considered the points raised, but had decided to maintain the refusal of the extension of time. As such the case would be passed forward for a hearing to be arranged.

Baron & Warren under cover of a letter dated 2 November 1999, referred to their earlier letter dated 19 October 1999 (detailed above), stating that they fully supported the extension of time request. They went on to state that given that both parties were effectively requesting the extension and that positive progress had been made, they believe that the extension should be granted. They also pointed out that neither they nor Rouse & Co International (the opponents' recorded representatives) had been involved in the negotiations which involved disputes in other jurisdictions. In view of the foregoing, they state that negotiations would be complex and therefore lengthy.

The Trade Marks Registry issued a letter to the applicants, copied to the opponents, informing the applicants that their comments had been duly noted but the Registrar was minded to maintain the refusal of the extension of time and the matter would proceed to an interlocutory hearing. This letter referred the parties to the Vice Chancellor's recent decision, *Club Europe*<sup>1</sup> in which untimeliness was criticised.

Interlocutory Hearing held on 9 December 1999 in relation to the opponents' 7<sup>th</sup> extension request

An interlocutory hearing was held before Mr S Rowan at which the opponents' request for an extension of time to 17 December 1999 was determined. Mr M Foreman of Rouse & Co International represented the opponents at the hearing. The applicants were not represented but relied on the comments put forward in their letter dated 2 November 1999 [details of which are outlined above].

After hearing submissions from Mr Foreman, and following consideration of the applicants' written submissions, the Hearing Officer decided to grant an extension of time. He took account of the fact that if genuine negotiations were taking place between the parties and there existed a likelihood of settlement, then it was in the interests of the parties and the Registrar that they had the opportunity to reach a settlement. That said, the Hearing Officer went on to state that parties cannot be allowed to have continued extensions of time purely on the basis of negotiations. He explained that the Court had been critical of delays in the Registry and as such it was clear that the Registrar must look more closely at requests for extensions of time.

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<sup>1</sup> This decision has subsequently been reported; the reference is [2000] RPC 329

The Hearing Officer was mindful of the fact that the extension of time the subject of the hearing expired on 17 December 1999 (the hearing date being 9 December 1999), and of Mr Foreman's statement that the opponents would be requesting a further extension of time of one month. Taking these facts into account, the Hearing officer advised both parties that his preliminary view was to allow a final extension to 17 January 2000. Given that this included a further period of one month beyond the extension originally sought, the Hearing Officer said that this preliminary view was subject to the comments of the applicants. No comments, adverse or otherwise were received from the applicants, therefore the Hearing Officer's preliminary view was made final and a final extension allowed until 17 January 2000.

The opponents filed their ninth extension of time request on 17 January 2000 which sought a further one month period. The reasons given were:

"We have made our best endeavours to resolve this matter but because of the international nature of the dispute with several parties involved, it has not been possible to conclude a settlement. In the circumstances, we request a further extension of one month until 17 February 2000."

In a letter dated 21 January 2000, the Trade Marks Registry informed both parties that in view of the Hearing Officer's decision at the hearing on 9 December 1999, as the matter had not been settled by the extended date allowed at the hearing, nor had any evidence been filed by the extended date, the extension of time request to 17 February 2000 was refused. A period of fourteen days was allowed for detailed comments to be submitted and a hearing to be requested.

The applicants filed comments in relation to the refusal of the opponents' extension of time in a letter dated 27 January 2000. In this letter they state that they fully support the extension of time request and asked for the Registrar to consider a number of points. These points in summary are:

- a) the dispute is international in its dimension and is not restricted to simplify the instant proceedings
- b) a number of parties are involved in the dispute
- c) the reporting lines are lengthy and would account for the parties not finalising the agreement within the Registrar's deadline
- d) the parties are in active dialogue as evidenced by a draft agreement.

The applicants further state that they would understand the position of the Registrar if discussions had broken down with no progress in sight, but that this was not the case in the current matter. In view of the above the applicants asked that the Registrar gave favourable reconsideration to the request - akin to extending the "cooling off" period under the Community Trade Mark process. They also state that they were of the opinion that this matter would clearly enjoy the benefit of a cooling off procedure if adopted by the United Kingdom Trade Marks Registry<sup>2</sup>.

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<sup>2</sup> The Trade Marks Rules 2000 (S.I. 2000 No.136) has introduced provision for a "Cooling Off" period in Opposition proceedings before the Registrar of Trade Marks, Rule 13(4) and (5) refer.

The opponents requested a hearing in respect of the matter in a letter dated 4 February 2000.

In a letter dated 8 February 2000, the Trade Marks Registry advised the parties of the decision to maintain the refusal of the opponents' extension of time request. The matter was passed  
5 forward for an interlocutory hearing in respect of the extension of time request.

Interlocutory Hearing held on 23 March 2000 in relation to the opponents' 9<sup>th</sup> extension request

10 An interlocutory hearing was held before Mr G Rose'Meyer at which the opponents' request for an extension of time to 17 February 2000 was determined. Mr M Foreman of Rouse & Co International represented the opponents at the hearing. The applicants were not represented but relied on the comments put forward in their letter dated 27 January 2000, which is outlined on the previous page.

15 At the hearing Mr Foreman acknowledged that the extension of time request the subject of the hearing had already expired and as such a retrospective extension was necessary. This was sought to 17 April 2000. Further submissions were put forward regarding the protracted and complicated nature of the settlement negotiations and the fact that matters had dragged on  
20 despite Mr Foreman's warning to the opponents that they may lose the United Kingdom arm of the negotiations due to official deadlines not being met. The Hearing Officer was informed that negotiations were still ongoing and were progressing in a positive manner. The Hearing Officer was also informed that complete settlement was still the most desirable and likely outcome and within the period requested i.e. by 17 April 2000.

25 The Hearing Officer granted the extension to 17 February 2000 and provisionally allowed a final extension of time to 17 April 2000, subject to comments from the applicants. In reaching this decision, he commented that apart from the overall length of time involved, there had been a number of deficiencies in the handling of the proceedings, but he was mindful of the genuine  
30 efforts to speed along the settlement process as well as the applicants' comments regarding the request. The Hearing Officer further stated that he was also persuaded by the reasoning adopted by the previous Hearing Officer in granting the earlier extension of time and the further assurances given by Mr Foreman that settlement within the extended period was fully expected. The Hearing Officer closed his decision stating that he would expect the matter to  
35 be settled by the extended date, or for the opponents to have filed their evidence in chief by the date. He stated that if neither of those actions took place, the opposition would be deemed to have been withdrawn in accordance with Rule 13(5) of the Trade Marks Rules 2000 (as amended).

40 Following the Hearing, the opponents filed Form TM9 on 27 March 2000 to cover the provisionally extended period from 17 February 2000 to 17 April 2000. No comments, adverse or otherwise were received from the applicants, therefore the Hearing Officer's preliminary view was made final and the extension allowed until 17 April 2000.

45 On 17 April 2000, the opponents filed Form TM9 requesting their 11<sup>th</sup> extension of time request of a further 2 month period to 17 June 2000. The reasons given were:

“We refer to the Hearing before Mr G Rose’Meyer on 23 March and to his letter of the same day wherein he confirmed that a final extension of time for the Opponent to file evidence in chief under Rule 13(4) would be granted until 17 April 2000.

5 Mr Rose’Meyer made it quite clear at the hearing and indeed in his subsequent letter, that no further extensions would be granted. This point was made quite clear to our Australian principals and in turn our ultimate client.

10 However as you will appreciate, this matter is part of a complex international dispute involving several jurisdictions, the UK being just one. As such it has not proved possible to settle the matter. The parties are however still in active discussions.

15 Accordingly, we respectively request a further extension of time of two months in which to file our evidence in chief.

20 We believe that it would in the overall interest of the parties for the extension of time to be granted, especially as Deutsche Telekom AG have and continued to support our client’s request for additional time. No other party is being prejudiced by our client’s request and therefore we believe the extension of time should be granted.”

25 By way of a letter dated 26 April 2000, the Trade Marks Registry advised both parties that the opponents’ extension of time request to 17 June 2000 was refused. It stated that although the reasons put forward had been considered, they were not detailed or compelling enough to warrant the Registrar granting the extension. Further the decisions of the Registrar’s Hearing Officers in the Interlocutory Hearings dated 9 December 1999 and 23 March 2000, where they stated that the periods allowed were “final” had also been considered. A period of fourteen days was allowed for either party to provide written arguments against the decision and to request a hearing. This was followed, on 9 May 2000, by the opponents filing a form TM5 requesting the Registrar give a statement of grounds of the decision.

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### **Decision**

35 At the time of the Trade Marks Registry’s preliminary decision to refuse the extension of time request, the power for extending time periods was provided for in Rule 62 of the Trade Mark Rules 1994 (as amended), which reads:

62 (1) The time or periods -

- 40 a) prescribed by these Rules, other than times or periods prescribed by the Rules mentioned in paragraph (3) below, or  
b) specified by the registrar for doing any act or taking any proceedings,

45 Subject to paragraph (2) below, may, at the written request of the person or party concerned, be extended by the registrar as he thinks fit and on such terms as he may direct.

(2) Where a request for the extension of a time or periods prescribed by these Rules-

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- (a) is sought in respect of a time or periods prescribed by rules 13, 18, 23 or 25, the party seeking the extension shall send a copy of the request to each person party to the proceedings;
- (b) is filed after the application has been published under rule 12 above, the request shall be on Form TM9 and shall in any other case be on that form if the registrar so directs.

(2) The rules excepted from paragraph (1) above are rule 10(6)(failure to file address for service), rule 11 (deficiencies in application), rule 13(1) (time for filing opposition), rule 13(2) (time for filing counter-statement), rule 23(4) (time for filing opposition), rule 25(3) (time for filing opposition), rule 29 (delayed renewal), rule 30 (restoration of registration), and rule 41 (time for filing opposition).

(3) Subject to paragraph (5) below, a request for extension under paragraph (1) above shall be made before the time or period in question has expired.

(4) Where the request for extension is made after the time or period has expired, the registrar may, at his discretion, extend the period or time if he is satisfied with the explanation for the delay in requesting the extension and it appears to him to be just and equitable to do so.

(5) .....

(6) .....

It was considered that the extension of time request filed on 17 April 2000 satisfied the provisions of Rule 62 outlined above, in that the extension was sought to extend the period set down in Rule 13(4) which is not a period excepted by Rule 62(3). The request was copied to the applicants as set down by Rule 62(2)(a), made on Form TM9 as set out in Rule 62(2)(b) within the parameters of Rule 62(4) and the appropriate fee paid.

In considering the request for the extension of time for the opponents to file evidence in accordance with Rule 13(4), it is important to look first at the requirements of Rule 13(4) of the Trade Marks Rules 1994 (as amended):

13(4) Within three months of the date upon which a copy of the counter-statement is sent by the registrar to the person opposing the registration, that person may file such evidence by way of statutory declaration or affidavit as he may consider necessary to adduce in support of his opposition and shall send a copy thereof to the applicant

As can be seen from this Rule, a period of three months is allowed for an opponent to file evidence in support of his opposition. The Rule makes it clear, in my view, that the prescribed time period is to “file” evidence. It is not time allowed to “prepare” or “consider what evidence is required”. Taking account of this, if further time is required, the party seeking an

extension must show what action has been taken during the relevant period with regard to the filing of evidence. This is consistent with the comments of Jacob J in *R v. Registrar of Trade Marks ex parte SAW Company* [1996] RPC 509 which although in relation to proceedings under the Trade Marks Act 1938 are, in my view, still relevant to proceedings under the Trade Marks Act 1994. I also note that there is no actual provision in the Trade Mark Rules which says that the statutory time period can be used for negotiation purposes. The statutory time is clearly provided for an opponent to file evidence in support of an opposition. Having said that, of course, the Registrar does consider applications for extensions of time, and may subsequently grant such requests where justified, upon the basis that the parties are involved in genuine negotiations which may result in the settlement of the proceedings before the Registrar.

Geoffrey Hobbs Q.C. sitting as the Appointed Person in *Liquid Force* [1999] RPC 438 at lines 36 to 38 stated:

“The registrar endeavours to ensure that the prescribed time limits are observed, subject to his power to grant fair and reasonable extensions of time in appropriate cases”

It would therefore appear that the Registrar considered, taking account of the oral and written submissions of both parties in the instant case that “fair and reasonable” extensions of time were justified on a number of occasions in these proceedings in order to allow the parties the opportunity to reach an amicable settlement. Again the comments of Mr Hobbs in *Liquid Force* (page 439 line 49 - page 440 line 1) would appear relevant to the matter at hand:

“The parties can approach the Registrar and ask him to approve a standstill in the proceedings for a limited period while serious settlement negotiations take place”

The opponents’ requests for extensions of time were supported on occasions by the applicants to these proceedings and as such it could be said that these proceedings fall under the scenario outlined above by Mr Hobbs QC. Having said that, however, I note that Mr Hobbs Q.C. in the above extract, states that the standstill can be for a “limited period”. In the instant case the opponents were originally due to file evidence by 17 May 1998, some two years before the extension of time the subject of this decision was sought. I think it would be extremely generous to say that a period of two years can be said to be a “limited period”, I would suggest that this is a very considerable period in which the proceedings have been at a standstill with no settlement nor evidence forthcoming.

With the two year “standstill” in mind, I note the comments of the Vice Chancellor, Sir Richard Scott, in *Club Europe Trade Mark* [2000] RPC 329, which had been brought to the parties’ attentions by the Case Work Officer dealing with these proceedings. In his decision, the Vice Chancellor commented that a ten year delay from the filing of the application to the final hearing, in the proceedings before him, was profoundly unsatisfactory. He also notes in his decision that it had taken two years from the filing of the pleadings for the evidence stages to be completed. In the instant case, a period of more than two years have passed since the filing of the counter-statement and here the first round of evidence had still yet to be filed. I also note that the application for registration was made on 27 July 1995, some five years ago.

With the comments of the Vice Chancellor in mind, it would appear that the matter at hand has not been progressed as quickly as one would have expected, taking account also of the observations of the Appointed Person, again, in *Liquid Force*, where he stated that valid applications for registration should proceed without undue delay, and valid oppositions should be upheld without undue delay. There is an onus in this regard on both parties, but in this case particularly the opponents. They instigated these proceedings and it was therefore up to them to ensure that the matter was brought to a speedy conclusion without undue delay. I do not think that it could be said that these proceedings to date have been progressed without undue delay - quite the contrary.

I note from the papers, in particular the hearing on 23 March 2000 that the opponents were informed that the extension of time to 17 April 2000 was “final” and this was noted by the Case Work Officer who reached the preliminary view that the extension of time request to 17 June 2000 should be refused. In considering an application further extension of time request following a “final” extension, the observations of Forbes J in *Adidas* [1983] RPC 262 should be noted in which he stated:

“In saying “this extension is final” the Registrar is not completely fettering his discretion to grant an extension should circumstances in the future justify. He cannot so fetter his discretion”.

This passage is, I consider, of particular importance to the extension of time request before me. The request is for an extension of two months from 17 April 2000 to 17 June 2000. As detailed above, the extended period to 17 April 2000 was said to be final by the Hearing Officer who allowed that extension. Bearing in mind the comments of Forbes J, it must be determined, therefore, whether the circumstances surrounding the extension of time request to 17 June 2000, which followed a “final” extension, justified the granting of the further extension of time sought.

At the Interlocutory Hearing before Mr Rose’Meyer on 23 March 2000, the opponents were clearly informed that no further extension to the period allowed for filing evidence by the opponent would be allowed and that the Hearing Officer expected the matter to have been either settled by the extended date of 17 April 2000, or for the opponents to have filed their evidence by this date. However, it is apparent because of the filing of Form TM9 on 17 April 2000, that the matter had not been settled nor had the opponents filed evidence in support of their opposition. The reasons to support the extension of time request outlined on the Form TM9, state that the matter is part of a complex international dispute involving several jurisdictions and active discussions are ongoing. This was not something of which the Registrar, or the parties were not unaware. Forbes J clearly states “grant an extension should circumstances in the future justify”. I take this to mean that, for example, a matter may have arisen between the time of the granting of the final extension to the time of a party seeking a further extension which may justify the exercise of the registrar’s discretion to grant the further extension sought. However in this matter, the fact that there were ongoing world wide settlement negotiations was not a new factor at the time the further extension was sought. There would appear to be no change in the circumstances surrounding these proceedings from the time the final extension of time to 17 April 2000 was allowed to the time when the further extension was sought, which would allow me to exercise my discretion to grant the extension

of time. There is nothing before me to say that any problems or difficulties had arisen during the negotiations which may have caused the circumstances to change.

5 I note from the Form TM9 filed on 17 April 2000 that there is no mention as to whether the  
opponents had begun to prepare evidence for filing in support of their opposition. This after  
clear notification from the Hearing Officer that evidence was to be filed if no settlement was  
reached. This raises the question of whether there is any evidence of diligence being exercised  
10 by the opponents with regard to the preparation of evidence. In considering this question it is  
also important to note that, from the papers before me, there would appear to be no mention  
in any document filed by the opponent during the substantially extended period from the filing  
of the pleadings to the Interlocutory Hearing held on 23 March 2000, that they had taken any  
steps to prepare evidence in support of their opposition. Perhaps more importantly given that  
15 they had been put on notice by the Hearing Officer at the said hearing to file evidence by the  
extended deadline, there is nothing before me which shows that the opponents have collated or  
even begun preparing evidence to support their opposition since the hearing on 23 March  
2000.

20 I further note that the opponents had also been put on notice at the interlocutory hearing held  
on 9 December 1999, that they were to file evidence to support their opposition if the matter  
was not settled by the extended deadline. The opponents therefore were put on clear notice as  
far back as 9 December 1999 that they were to file evidence if settlement was not reached.  
I note from the headnotes of the same decision of the Appointed Person, *Liquid Force*, that:

25 “Whilst ongoing negotiations did not relieve an opponent of its obligations to file  
evidence, they could still be a relevant factor for the registrar to bear in mind when  
exercising his discretion”.

30 The papers before me would appear to show that the Trade Marks Registry did take consider  
the ongoing negotiations a relevant factor when considering the opponents’ ten subsequent  
extension of time requests. However, taking account of the clear directions given to the  
opponents by the Registrar on two separate occasions at interlocutory hearings and the  
apparent lack of diligence in preparing any evidence in support of their opposition, I can see  
no reason why I should exercise my discretion to extend the period for filing evidence to 17  
35 June 2000. In view of this the extension of time request filed by way of Form TM9 on 17 April  
2000 is refused.

40 As the opponents have failed to file evidence in support of their opposition, the opposition  
would be considered deemed withdrawn in accordance with Rule 13(5) of the Trade Marks  
Rules 2000 subject of course to any appeal being filed.

Dated this 5<sup>th</sup> day of September 2000

45 J S Parker  
For the Registrar  
The Comptroller General

**Schedule of Specifications of Goods/Services for Application No: 2028440**

- 5            Class 9:            Electrical and electronic apparatus and instruments, all for use with telecommunication apparatus and instruments; optical, measuring, signalling, controlling and/or teaching apparatus and instruments; apparatus for recording, transmission, processing and reproduction of sound, images or data; magnetic or optical data carriers; automatic vending machines and mechanisms for coin operated apparatus; data processing equipment and computers.
- 10
- Class 14:            Jewellery; horological and chronometric instruments.
- 15            Class 16:            Printed matter; instructional and teaching material; stationery.
- Class 18:            Umbrellas, parasols, goods of leather and imitations of leather; trunks and travelling bags.
- 20            Class 25:            Clothing, headgear, footwear; but not including any such goods for babies.
- Class 28:            Games, toys; gymnastic and sporting articles (not included in other classes).
- 25
- Class 36:            Financing services; real estate services.
- Class 37:            Construction, installation, maintenance and repair of telecommunication networks, apparatus and instruments; construction, installation, maintenance and repair of computer networks, computers, computer hardware and software.
- 30
- Class 38:            Telecommunication services; rental of telecommunications apparatus.
- 35            Class 41:            Instruction services relating to business, telecommunications and/or computers; provision of online entertainment services, all involving electronic interactive media; television entertainment services; organisation of sporting and cultural events; publication and issuing of printed matter.
- 40
- Class 42:            Computer programming; rental of data processing equipment and computers; planning and design services, all relating to telecommunication networks, apparatus and instruments; rental of access time to and operation of databases; professional advisory and consultancy services and the provision of information relating to all aforesaid services.
- 45