

TRADE MARKS ACT 1994

**IN THE MATTER OF TRADE MARK Application
No. 2125569 to register trade a mark in the name of
Island Leisure SL**

**AND IN THE MATTER OF Opposition
No. 48142 thereto by Anchor International Limited.**

Decision

On 23rd August 2000 I issued a decision on the above (reference 0-309-00). Island Leisure SL had applied on 4th March 1997 to register the mark PLANET FOOTBALL for:

‘Disco-pub services; disco and musical entertainment services; all included in Class 41.’

The opposition by Anchor International Limited succeeded on the basis of s 5(2)(a), because of an earlier Community trade mark application for PLANET FOOTBALL No. 281246. Although I have found the opposition to have been successful, under the provisions of s 6(2) of the Act, the final outcome was dependant upon the earlier Community trade mark owned by the opponents proceeding to registration, and thus the decision was provisional. The opponents were to inform the registry once registration had been achieved. I have now received this notification, and a copy of the registration certificate is attached. The appeal period for the applicants now begins from the date of this decision.

The opponents are entitled to an award of costs, and I order the applicants to pay them £335. This sum is to be paid within seven days the expiry of the appeal period or within seven days of the final determination of this case if any appeal against this decision is unsuccessful.

Dated this 15th day of September 2000

**Dr W J Trott
Principal Hearing Officer
For the Registrar
the Comptroller-General**

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