

TRADE MARKS ACT 1994

**IN THE MATTER OF Application No 2204593
by Linseal International Ltd to register a
Trade Mark in Class 1**

and

**IN THE MATTER OF Opposition thereto under
No 50491 by Hokochemie GmbH**

SUPPLEMENTARY/FINAL DECISION

1. On 28 June 2001 I issued a provisional decision in relation to the above numbered proceedings. In summary, I found for the opponent under Section 5(2)(b). However, given that the earlier right upon which the opponent relied (an International Registration seeking protection in the UK) had not yet secured protection, my decision was provisional, dependant on that occurrence. Further, I made no order for costs at that time, nor did I set the period for appeal.

2. It has come to my attention that the opponent's earlier right, International Registration 701295, has now secured protection in the UK. It should be noted that prior to securing protection, the International Registration was the subject of a "ceasing of effect" in respect of certain goods falling within the Class 31 specification. However, as the conflict in these proceedings related to goods falling in Class 1, the "ceasing of effect" has no bearing on this decision.

3. In the light of the above, my provisional decision is hereby confirmed. The opposition is successful. The opponent is entitled to a contribution towards their costs and I therefore order the applicant to pay to them the sum of £550. This sum to be paid within seven days of 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. The period allowed for appeal is stipulated in the letter to the parties accompanying this decision.

Dated this 29 day of August 2002

**JOHN MacGILLIVRAY
For the Registrar
the comptroller-General**