

O-300-03

TRADE MARKS ACT 1994

**IN THE MATTER OF APPLICATION TO REGISTER
TRADE MARK NO 2315649 IN CLASSES 16 AND 43
IN THE NAME OF BUDDA GROUP LIMITED**

1. On 13 November 2002, Budda Group Limited of 141, St James Street, Paisley, Renfrewshire applied under the Trade Marks Act 1994 for registration of the trade mark "Budda" (stylised word) in respect of the following goods and services:

Class 16

Paper; printed matter; books; booklets; leaflets; guides; advertising material being printed matter; all the aforesaid goods relating to the restaurant and bar trade.

Class 43

Restaurant services and bar services for the provision of food or drink, all included in Class 43.

2. Following refusal of the application I am now asked under Section 76 of the Act and Rule 56(2) of the Trade Marks Rules 1994 to state in writing the grounds of decision.
3. The application was examined under the provisions of Section 37(1) of the Trade Marks Act 1994 and the applicant informed that the requirements for registration were not met in that objections arose under paragraph (b) of Section 3(1) and Section 5 of the Act. The examination report was issued on 16 December 2002.
4. The applicant agreed to amend the Class 16 specification in order to overcome the Section 3(1)(b) objection and this was confirmed by the Office in its letter of 6 January 2003. A period of 6 months was allowed until 6 July 2003 for the applicant to respond to the outstanding objections under Section 37(3). No response had been received by this date and the application was therefore refused in accordance with Section 37(4) of the Act.

Dated this 7th day of October 2003.

MARK BRYANT
Trade Marks Examination Hearing Officer
For the Registrar
the Comptroller General