

O-039-04

**TRADE MARKS ACT 1994**

**IN THE MATTER OF APPLICATION NUMBER 81256  
FOR A DECLARATION OF INVALIDITY OF TRADE MARK  
NUMBER 2148699 IN THE NAME OF  
TIMESHARE COUNCIL**

**TRADE MARKS ACT 1994**

**IN THE MATTER OF application number 81256  
for a declaration of invalidity of trade mark number 2148699  
in the name of Timeshare Council**

**SUPPLEMENTARY DECISION**

My written decision in these proceedings, dated 19 December 2003 contained an error in that it stated that no request for costs had been made by the registered proprietors in respect of the interlocutory hearing. It has been brought to my attention that a request for costs had been made, and the application having been failed, an award should have been made. The necessary power to correct this is provided I believe by the Civil Procedure Rules Part 40.12.

I therefore correct the final paragraph of my written decision in these proceedings to read as follows:

AThe application for a declaration of invalidity having been failed, I order that the applicants pay the registered proprietors the sum of , 1,050 as a contribution towards their costs. 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.@

**Dated this 6<sup>th</sup> day of February 2004**

**Mike Foley  
for the Registrar  
the Comptroller General**