

O-354-07

TRADE MARKS ACT 1994

**SUPPLEMENTARY DECISION
IN THE MATTER OF REGISTRATION NO 2237099
IN THE NAME OF THE GOVERNOR AND COMPANY OF THE BANK OF
IRELAND (ESTABLISHED IN IRELAND BY CHARTER IN 1783 AND HAVING
LIMITED LIABILITY), DOING BUSINESS AS BANK OF IRELAND GROUP
OF THE TRADE MARKS:**

EASYLIFE

easylife



easylife

(A SERIES OF FOUR)

IN CLASS 36

**AND THE APPLICATION FOR A DECLARATION OF INVALIDITY
THERE TO UNDER NO 80909**

**BY
EASYGROUP IP LICENSING LIMITED**

TRADE MARKS ACT 1994

Supplementary Decision

In the matter of registration no 2237099

in the name of:

The Governor and Company of The Bank of Ireland (Established in Ireland by Charter in 1783 and having Limited Liability), doing business as Bank, of Ireland Group

of the trade marks:

EASYLIFE

easylife



(a series of four)

and the application for a declaration of invalidity thereto under no 80909

by easyGroup IP Licensing Limited

1) On 27 August 2003 I issued a provisional decision in relation to the above application for invalidation, BL O/269/03. (At that time the trade mark registration was in the name of Bristol & West plc.) I did not issue a final decision as a Community trade mark application that affected the outcome of the decision was pending at the time. In the final paragraph I wrote:

“I direct that easyGroup advise me within one month of the final determination of Community trade mark application no 1699792 of the outcome of the application. On receipt of this information a supplementary decision will be issued giving a full determination of the opposition proceedings and making an award of costs.”

easyGroup failed to comply with this requirement, however, it was brought to my attention on 3 December 2007 that the Community trade mark application, no 1699792, was registered on 13 July 2006. Consequently, I am now issuing this supplementary decision.

2) The Community trade mark has been registered in class 36 in respect of *financial and insurance services* and, consequently, the registration must be cancelled in respect of *life assurance services* in addition to *banking services*. **Consequently, the registration is to be limited to: *investment services and pension services*. As per section 47(6) of the**

Trade Marks Act 1994, the registration shall be deemed never to have been made in respect of *life assurance services and banking services*.

3) In the decision I commented upon the allocation of costs. Each side has had a measure of success. However, taking into account the comments I made in respect of costs, I consider that The Governor and Company of The Bank of Ireland (Established in Ireland by Charter in 1783 and having Limited Liability), doing business as Bank, of Ireland Group should receive some compensation. I order easyGroup IP Licensing Limited to pay The Governor and Company of The Bank of Ireland (Established in Ireland by Charter in 1783 and having Limited Liability), doing business as Bank, of Ireland Group the sum of £500. This sum is 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 6th day of December 2007

**David Landau
For the Registrar
the Comptroller-General**