

O-230-11

TRADE MARKS ACT 1994

**IN THE MATTER OF INTERNATIONAL REGISTRATION NO. 979635
IN THE NAME OF
RESAS COMMUNICATION & DESIGN AGENTUR FÜR MARKETING, WERBUNG
UND PRODUKT-ENTWICKLUNG GMBH & CO. KG**

IN RESPECT OF THE TRADE MARK

PURVITA

IN CLASSES 29 and 30

AND

**THE OPPOSITION THERETO
UNDER NO 71967
BY
PURATOS N.V.**

Trade Marks Act 1994

In the matter of
international registration no. 979635
in the name of Resas Communication & Design
Agentur für Marketing, Werbung und
Produkt-Entwicklung GmbH & Co. KG

in respect of the trade mark:

PURVITA

in classes 29 and 30
and the opposition thereto
under no. 71967
by Puratos N.V.

SUPPLEMENTAL DECISION

1. On 25 January 2011, I issued a decision in these proceedings under reference number O/019/11. This further decision corrects an irregularity in the final list of goods against which the opposition succeeded, given at paragraph 37. In paragraph 28 of that decision I found that the opponent's goods (bread mixes) were highly similar to flour and soya flour in the international registration's class 30 specification; however, only soya flour, and not flour, was referred to in the final list of goods to be refused protection. Further, the term 'wheat flour' in that list should have read 'wheat germ'. These irregularities are hereby corrected under the provisions of rule 74 of the Trade Marks Rules 2008. The corrected list of goods for which the opposition succeeded is as follows (which the corrections emboldened):

*Farinaceous foods; bread, sandwich bread, dry flatbread, rolls; soya flour; **flour and** preparations made from cereals, in particular wheat, oats, barley, rye, millet, maize and buckwheat, the aforesaid goods also in the form of mixtures; preparations made from cereals in the form of wheat **germ**; vegetarian delicatessen foodstuffs, mainly consisting of cereals; dietetic foodstuffs with a base of carbohydrates, not for medical purposes.*

The appeal period will be reset in respect of the corrections only and will run from the date of this supplemental decision.

Dated this 30th day of June 2011

Judi Pike
For the registrar,
the Comptroller-General