

O-457-13

TRADE MARKS ACT 1994

SUPPLEMENTARY DECISION

**IN THE MATTER OF THE APPLICATION NOS 2600897 & 2600901
BY CHINA CONSTRUCTION BANK CORPORATION TO REGISTER THE
TRADE MARKS**



AND

CCB INTERNATIONAL

IN CLASSES 9, 16, 35, 36 & 41

**AND IN THE MATTER OF CONSOLIDATED OPPOSITIONS
THERE TO UNDER NOS 102979 & 102980
BY GROUPEMENT DES CARTES BANCAIRES**

1) On 3 October 2013, I issued a decision (O-396-13) in these proceedings on behalf of the Registrar. The representatives for the opponent have drawn my attention to an error in that decision. At paragraph 73, I attributed a line of reasoning to Mr Bartlett appearing at the hearing on behalf of the opponent when in fact it should have been attributed to the representative for the applicant, Ms Wiseman.

2) Rule 74 of the Trade Mark Rules 2008 provides as follows.

Correction of irregularities in procedure

74.—(1) Subject to rule 77, the registrar may authorise the rectification of any irregularity in procedure (including the rectification of any document filed) connected with any proceeding or other matter before the registrar or the Office.

(2) Any rectification made under paragraph (1) shall be made—

(a) after giving the parties such notice; and

(b) subject to such conditions,

as the registrar may direct.

3) The error in the main decision was clearly an irregularity in procedure. Therefore, I give notice that I intend to correct the irregularity replacing references to “Mr Bartlett” in paragraph 73 with references to “Ms Wiseman”.

4) I see no reason why this correction should be subject to a further appeal period (as may be appropriate under Section 77) and I note that an appeal by the opponent is pending.

Dated this 14th day of November 2013

**Mark Bryant
For the Registrar,
the Comptroller-General**