

**O-139-20**

**TRADE MARKS ACT 1994**

**SUPPLEMENTARY DECISION**

**IN THE MATTER OF APPLICATION NO. 3345537 BY WILL WILLIAMS  
MEDITATION LIMITED TO REGISTER THE FOLLOWING TRADE MARK**

**BE**

**IN CLASSES 18, 25 AND 35**

**AND IN THE MATTER OF OPPOSITION THERETO UNDER NO. 415669  
BY LAURA COLEMAN**

**AND**

**IN THE MATTER OF APPLICATION NO. 3359961 BY LAURA COLEMAN TO  
REGISTER THE FOLLOWING TRADE MARK**



**IN CLASSES 16, 25, 28 AND 41**

**AND IN THE MATTER OF OPPOSITION THERETO UNDER NO. 416208  
BY WILL WILLIAMS MEDITATION LIMITED**

1) In my decision BL O-026-20, issued on 15 January 2020, one of the findings was that the opposition (No. 416208) brought by Will Williams Meditation Limited (“Party A”) against application no. 3359961 by Laura Coleman (“Party B”) was provisionally successful insofar as it related to Class 25 goods. The relevant part of my decision is reproduced below:

### **“Summary**

53) In conclusion:

- Party B’s opposition to Party A’s 3345537 application fails in its entirety, and;
- Party A’s opposition is provisionally successful against Party B’s Class 25 specification. I say “provisional” because as of this time, the mark upon which it relies upon is not registered and, therefore, does not qualify as an earlier mark under section 6(1)(a) of the Act. The reason it is not currently registered is Party B’s failed opposition that, following my decision, may still be subject to appeal. Consequently, my decision regarding Party A’s opposition is provisional and will become applicable if, or when, it proceeds to registration.

### **COSTS**

54) Conditional upon Party A’s mark proceeding to registration, it will be entitled to an award of costs because it will have been successful in respect of both oppositions. The award is a contribution towards its costs of the two consolidated proceedings and will be calculated as follows:

Preparing statement, considering other side’s statements and preparing counterstatement	£400
Official fee for the Form TM7 in opposition 416208	£100
Considering other side’s evidence	£200

Preparing submissions in lieu of a hearing £300

**Total £1000**

55) The appeal period in respect of opposition 415669 starts from the date of this decision.

56) Party A is directed to inform the Registry of the date of entry on the register of its 3345537 mark, or of the consequences other than registration that may arise from any appeal by Party B in opposition 415669. I will then issue a supplement to this decision setting out the appeal period in respect of opposition 416208 and the period in which the costs award must be paid.”

2) The provisional success of Party A’s opposition was conditional upon the earlier mark relied upon proceeding to registration. It did so on 28 February 2020 and, accordingly it became an acceptable earlier mark as defined in section 6(1)(a) of the Act. Party A has, as of the date of this decision, not yet informed the Registry of the registration date, as directed, but internal procedures within the Registry have brought the date to my attention. Therefore, my decision partially in favour of Party A in opposition 416208, together with the associated costs award, becomes final subject to any appeal.

3) The appeal period in respect of opposition 416208 begins from the date of this supplementary decision.

**Dated this 05<sup>th</sup> day of March 2020**

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