

**TRADE MARKS ACT 1994**

**IN THE MATTER OF APPLICATION NO. 10307  
BY SPRINGER OFFICE EQUIPMENT DISTRIBUTION LIMITED  
FOR RECTIFICATION OF THE REGISTER IN RESPECT  
OF TRADE MARK NO. 2041422, STANDING ON THE  
REGISTER IN THE NAME OF  
SPRINGER OFFICE EQUIPMENT DISTRIBUTION LIMITED**

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### **IN THE MATTER OF APPLICATION NO. 10307 BY SPRINGER OFFICE EQUIPMENT DISTRIBUTION LIMITED FOR RECTIFICATION OF THE REGISTER IN RESPECT OF TRADE MARK NO. 2041422, STANDING ON THE REGISTER IN THE NAME OF SPRINGER OFFICE EQUIPMENT DISTRIBUTION LIMITED**

#### **DECISION**

The trade mark, SPRINGER, was registered on 28 June 1996 under No. 2041422 in respect of goods in Class 16.

The registered proprietor shown on the register is Springer Office Equipment Distribution Limited.

By an application dated 16 September 1998, Springer Office Equipment Distribution Limited, “the applicants”, applied for rectification of the Register under Section 64 of the Act in respect of the Trade Mark registered under no. 2041422 by the correction of the state of incorporation from Jersey to the British Virgin Islands.

The grounds for the rectification are that the applicants are the registered proprietor of the registration and have only recently become aware that the Certificate of Registration describes the applicants as being “Incorporated in Jersey”.

This is incorrect, the applicants and proprietor of the registration is and always has been incorporated in the British Virgin Islands. The applicants have submitted a copy of the relevant certificate of Incorporation to verify this fact.

The applicants cannot say how the error occurred and the applicant’s agents’ file does not assist. It seems likely that the agents were mistakenly instructed by non-English speaking clients at a meeting prior to the initial application for registration and there was mutual misunderstanding.

With these facts in mind I turn to consider the grounds for rectification under Section 64 of the Act, the relevant parts of which state:

- 64(1) Any person having a sufficient interest may apply for rectification of an error or omission in the register.

Provided that an application for rectification may not be made in respect of a matter affecting the validity of the registration of a trade mark

- (2) An application for rectification may be made either to the registrar or to the court, except that -
- (a) if proceedings concerning the trade mark in question are pending in the court, the application must be made to the court, and

- (b) if in any other case the application is made to the registrar, he may at any stage of the proceedings refer the application to the court.
- (3) Except where the registrar or the court directs otherwise, the effect of rectification of the register is that the error or omission in question shall be deemed never to have been made.

I am satisfied that the applicants have the qualifying status demanded by Section 64 of the Act: that is that they have a sufficient interest in the registration. I am also satisfied that this is not a request that must be made to the court. It is therefore appropriate for me to consider the request.

In so far as the error is concerned I am satisfied that it occurred as a result of a misunderstanding prior to the filing of the application for registration and that in all of the circumstances it would be right to correct the Register. Therefore, in the exercise of the discretion conferred upon me by Section 64 of the Trade Marks Act 1994, I direct that the Register be rectified by the deletion of Jersey as the state of incorporation in respect of Trade Mark registration no. 2041422 and replaced by the British Virgin Islands as the state of incorporation.

Dated this 26th day of November 1998

M KNIGHT  
Acting for the Registrar  
The Comptroller General