

O-140-14

SUPPLEMENTARY DECISION

TRADE MARKS ACT 1994

**IN THE MATTER OF INTERNATIONAL TRADE MARK REGISTRATION NO 1 134
075**

IN THE NAME OF ADNAN AKAT

TO PROTECT IN CLASS 03 THE TRADE MARK:



OSSION +

AND

**OPPOSITION THERETO UNDER NO 72486
BY HENKEL AG & CO KGaA**

1. On 5th February 2014, I issued a decision in these proceedings in which Henkel AG & Co KGaA's opposition to the trade mark application of Adnan Akat was partially upheld in respect of *cosmetics* and *bleaching and cleaning preparations*. In respect of the latter, it was clear that the opposition succeeded in respect of highly similar goods included within this term (the example used was bleaching and cleaning preparations for hair). However, it could not succeed in respect of products included within the term that are clearly not similar (the example used was bleaching and cleaning preparations for household use). Therefore in line with the contents of "TPN1/2012 (trade marks) Partial Refusal", the applicant was therefore permitted one month from the date of this decision to submit an alternative term to the Tribunal.
2. Adnan Akat did not request any form of limitation. Accordingly, registration of the term bleaching and cleaning preparations as a whole must be refused.
3. The final outcome is that the opposition succeeds in respect of *cosmetics* and *cleaning and bleaching preparations*.

COSTS

4. The following information coincides with that already outlined in the substantive decision of 5th February 2014. The opponent has been successful and is entitled to a contribution towards its costs. In the circumstances I award the opponent the sum of £750 as a contribution towards the cost of the proceedings. The sum is calculated as follows:

Statutory fee for filing *opposition* - £200

Filing notice of opposition and considering counterstatement- £300

Filing evidence and submissions - £250

Total - £750

5. I therefore order Adnan Akat to pay Henkel AG & Co KGaA the sum of £750. The above sum should 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. As already stated in the decision of 5th February 2014, the appeal periods for this and the substantive decision shall run concurrently.

Dated this 31st day of March 2014

Louise White

**For the Registrar,
The Comptroller-General**