

O-246-14

TRADE MARKS ACT 1994

**IN THE MATTER OF APPLICATION No. 2610806
BY UKFAST.NET LTD
TO REGISTER THE TRADE MARK
MyCloudStack
IN CLASSES 35, 37 & 38
AND**

**IN THE MATTER OF OPPOSITION
THERE TO UNDER No. 104537 BY
THE APACHE SOFTWARE FOUNDATION**

SUPPLEMENTARY DECISION

1) My written decision in these proceedings, 8 April 2014 (BL O-154-14), contained an error. It has been brought to my attention that in my costs award I did not deal with the opposition fee. The necessary power to correct this is provided by Rule 74 of the Trade Marks Rules 2008 which states:

“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.”

2) I therefore correct paragraphs 38-39 of my written decision in these proceedings to read as follows:

“38) As the opponent has been successful it is entitled to a contribution towards its costs.

Expenses	£200
Preparing a statement and considering the other side’s statement	£200
Preparing evidence	£300
Preparing for and attending a hearing	£400
TOTAL	£1,100

39) I order UkfastNet Limited to pay The Apache Software Foundation the sum of £1,100. This sum to 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.”

Dated this 3rd day of June 2014

**George W Salthouse
For the Registrar,
the Comptroller-General**