

O-465-17

TRADE MARKS ACT 1994

IN THE MATTER OF APPLICATION NOS 3176886 AND 3176894
IN THE NAME OF ROYAL CIRCUS LIMITED

AND

OPPOSITIONS THERETO UNDER NOS 407576 AND 407577
BY CIRCUS BELGIUM S A
(CONSOLIDATED PROCEEDINGS)

SUPPLEMENTARY DECISION

Supplementary decision

1. On 27 September 2017, I issued a decision in the above proceedings. This supplementary decision corrects an error in that decision.

2. At paragraph 73 of my earlier decision, I set out my calculation of the award of costs to the opponent, allowing it the sum of £500 in relation to the preparation for and attendance at a hearing. As was indicated in paragraph 5 of my earlier decision, the opponent did not attend the hearing nor was it represented at that hearing but written submissions in lieu of attendance were filed. There was therefore a typographical error in the original decision in this regards which I now correct, the necessary power being contained in 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 proceedings 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. I therefore correct paragraph 73 of my earlier decision to read as follows:

“73. The opponent, having succeeded, is entitled to an award of costs in its favour. Taking into account these are consolidated proceedings, I make the award on the following basis:

For preparing the notices of opposition and considering the counterstatements:	£300
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Evidence:	£500
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For written submissions in lieu of attendance at the hearing:	£500
Fees:	£200
Total:	£1500”

4. Paragraph 74 of my decision therefore remains the same and states:

“74. I order Royal Circus Limited to pay Circus Belgium SA the sum of £1500. This sum is to be paid with fourteen days of the expiry of the appeal period or within fourteen days of the final determination of this case if any appeal against this decision is unsuccessful.”

Dated this 28th day of September 2017

Ann Corbett

For the Registrar

The Comptroller-General