

O/824/21

TRADE MARKS ACT 1994

SUPPLEMENTARY DECISION

**IN THE MATTER OF TRADE MARK APPLICATION
NO. 3503618 BY
CORAL TOOLS LIMITED
TO REGISTER:**

REBEL

AS A TRADE MARK IN CLASSES 8, 9, 16, 17, 21, 22, 25 & 35

AND

**OPPOSITION THERETO
UNDER NO. 422112
BY
WERA WERKZEUGE GMBH**

1. On 30 September 2021, I issued a decision in the above referenced proceedings, partially upholding the opposition in respect of certain goods and services. The opponent contacted the Tribunal on 19 October 2021 to draw attention to the fact that my decision contained a typographical error at paragraph 127 in relation to Class 35, where I provided a final summary of the goods and services for which the application could proceed to registration. I erroneously included the term “[...]the provision of on-line retail services connected with the sale of hand tools and implements, extensions for [...]”, which, given the substantive findings made earlier in my decision, should not have been included in that summary. The term has correctly been included in para 126, where I identified the goods and services for which the mark was to be refused.

2. I regard the above as an irregularity in procedure and capable of being corrected under Rule 74(1) of the Trade Marks Rules 2008. Consequently, I gave the parties notice that:
 - i. I would issue a supplementary decision correcting the error;

 - ii. But it was unnecessary to reset the appeal period, as it was clear from the substantive findings made in the decision that the term referred to above was to be refused;

 - iii. That if either party wished to challenge this approach, they were entitled to be heard, and a period of time was allowed to do so until 3 November 2021.

3. No challenge to the above approach was made by either party. Consequently, this supplementary decision merely corrects that typographical error to the extent that paragraph 127 in relation to Class 35 is hereby corrected to read:

“Part of the opposition fails, and the application will proceed to registration for the following goods and services:

[...]

Class 35: Business information and administration services; operation and supervision of sales [...]; operation and supervision of sales [...]; business intermediary services for the sale and purchase of goods and services; auction services; business intermediary services for the sale and purchase of goods and services; auction services; providing an on-line commercial information directory; the bringing together, for the benefit of others, of a variety of goods, namely [...] surface protection products, plastic film, brooms, and articles for cleaning purposes, enabling customers to conveniently view and purchase those goods from an Internet web site or by means of telecommunications or by means of a global network or by mail order catalogue or from a retail store; the provision of on-line retail services connected with the sale of [...] surface protection products, plastic film, brooms, and articles for cleaning purposes, from an internet website; wholesale services connected with the sale of [...] surface protection products, plastic film, brooms, and articles for cleaning purposes.”

4. As mentioned already, the above correction does not affect the appeal period, as the outcome for the given term was clear and reflected in the decision, neither is there any impact on costs.

Dated this 10th day of November 2021

**Dr Stylianos Alexandridis
For the Registrar,
The Comptroller General**