

TRADE MARKS ACT 1994

**IN THE MATTER OF APPLICATION No. 2388778
BY PAINTMASTER (2000) LTD TO REGISTER
A TRADE MARK IN CLASS 2**

**AND IN THE MATTER OF OPPOSITION No. 93737
BY WICKES LIMITED**

**AND IN THE MATTER OF AN APPEAL
TO THE APPOINTED PERSON
BY THE APPLICANT
AGAINST A DECISION OF MR. M. REYNOLDS
DATED 14 FEBRUARY 2007**

DECISION

1. In March 2007 Paintmaster (2000) Limited ("the Appellant") gave notice of appeal under section 76 Trade Marks Act 1994 from the decision of the Registrar's Hearing Officer (Mr. M. Reynolds) issued on 14 February 2007 in relation to Opposition No. 93737 filed in the name of Wickes Limited ("the Opponent") on 12 September 2005.
2. The Hearing Officer's decision is BL O/048/07. The opposition was brought in respect of Trade Mark Application No.2388778 filed by the Appellant on 6 April 2005. The Appellant sought to register PAINTMASTER figurative in Class 2. The opposition was directed against registration of the mark in respect of some only of the goods applied for.
3. The request for registration was refused under section 5(2)(b) of the Act in relation to "paints, varnishes, lacquers and preservatives against rust and against deterioration of wood". The Appellant was ordered to pay the Opponent £1000 in respect of its costs in the Registry proceedings.
4. Under cover of a letter dated 12 October 2007, the Treasury Solicitors (copy to the Registrar) were provided with a copy of a settlement agreement in which, inter alia, the Appellant and the Opponent had agreed that the Appellant should withdraw the present appeal and that the Appellant should pay the Opponent £500 towards the costs awarded against the Appellant in Opposition No. 93737.
5. In keeping with the approach adopted by the Appointed Person in, for example, *OKO*, BL O/195/03 and *QUORN HUNT*, BL O/127/05 and with the consent of the parties as envisaged by their settlement agreement, I direct and determine:
 - (1) the Appellant's appeal from the determinations made by Mr. Reynolds in his decision issued on 14 February 2007 stands withdrawn with no order as to costs;
 - (2) the Appellant shall pay the Opponent the sum of £500 towards the costs ordered in Opposition No. 93737 on the same terms as ordered by Mr. Reynolds.