

O-077-09

**TRADE MARKS ACT 1994**

**SUPPLEMENTARY DECISION**

**IN THE MATTER OF APPLICATION NO 2333864B  
BY OMEGA ENGINEERING, INC  
TO REGISTER THE TRADE MARK:**

**OMEGAMETER**

**IN CLASSES 9, 14 and 37**

**AND**

**THE OPPOSITION THERETO  
UNDER NO 94625  
BY OMEGA SA (OMEGA AG) (OMEGA LTD)**

**Trade Marks Act 1994**

**Supplementary decision**

**In the matter of application no 2333864B  
by Omega Engineering, Inc  
to register the trade mark:  
OMEGAMETER  
in classes 9, 14 and 37  
and the opposition thereto  
under no 94625  
by Omega SA (Omega AG) (Omega Ltd)**

1) On 26 November 2008 I issued a decision in relation to this opposition. The decision was provisional, as it was dependent upon the registration of Community trade mark application no 7320229. The registration process has now been completed. Consequent upon the completion of the registration process, I confirm my provisional decision of 26 November 2008. The application is to be refused under section 5(2)(b) of the Trade Marks Act 1994 in respect of the class 14 goods of the application and Omega Engineering, Inc is to pay Omega SA (Omega AG) (Omega Ltd) the sum of £1,200. This sum is 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 24<sup>th</sup> day of March 2009**

**David Landau  
For the Registrar  
the Comptroller-General**