

O-290-13

**TRADE MARKS ACT 1994
IN THE MATTER OF TRADE MARK APPLICATION NO 2444469
IN THE NAME OF SOLID FLOOR LIMITED
AND
OPPOSITION THERETO UNDER NO 95416
BY FETIM BV**

**IN THE MATTER OF Application No 2444469
in the name of Solid Floor Limited,**

and

Opposition thereto under no 95416 by Fetim BV

SUPPLEMENTARY DECISION

On 23 January 2007 Solid Floor Limited made an application to register the trade mark SOLID FLOOR in respect of the following goods and services in Classes 19 and 37 respectively. The opposition by Fetim BV was based on grounds under sections 3(1)(a), 3(1)(b), 3(1)(c) and 3(1)(d) of the Act, although the ground under Section 3(1)(a) was not pursued at the hearing.

On 29 January 2010 I issued my decision in respect of the above proceedings, finding the opposition to fail under Section 3(1)(d), but successful under Sections 3(1)(b) and 3(1)(c).

It has subsequently been brought to my attention that the decision contains two obvious typographical errors. The first is in paragraph 78, which, to be consistent with the finding that the mark SOLID FLOOR is open to objection, should have the word “not” in lines 3 – 4, so as to say:

“Furthermore, the evidence does not establish that the SOLID FLOOR has acquired a distinctive character such that to the relevant class of persons it serves to identify such product or services as originating from the applicants.”

The second error relates to the numbering of the paragraphs. After paragraph 78 the paragraphs are numbered 71 to 74. This should clearly be 79 to 82.

Dated this 17th day of July 2013

Mike Foley