

O-337-14

**TRADE MARKS ACT 1994
SUPPLEMENTARY DECISION**

**IN THE MATTER OF APPLICATION NO 2655215
BY
KEYSTONE WEALTH MANAGEMENT LIMITED**



**TO REGISTER THE TRADE MARK
IN CLASS 36**

AND

**THE OPPOSITION THERETO
UNDER NO 400918
BY
KEYSTONE IEA LIMITED**

1. On 10 June 2014 I issued a provisional decision in relation to this opposition, in which I stated the following:

“53. I have identified that the broad term of the applied for mark, ‘financial services’ includes some services which will lead to a likelihood of confusion but some services which will not. In the circumstances, in accordance with TPN 1/2012, paragraph 3.2.2, I invite the applicant to file a revised specification and accompanying submissions detailing any types of services it wishes to register that:

- a) Fall within the ambit of “financial services”;
- b) Fall within the scope of this decision in that the services so specified have no similarity to ‘estate agency services’;
- c) Do not fall foul of the guidance issued by the CJEU in the *Postkantoor*¹ decision;

54. The applicant’s written submissions should explain why it considers the terms to be within the scope of my decision. A period of 14 days from the date of this decision is permitted for such action. Upon receipt of the above, the opponent will be allowed 14 days to comment on any proposed terms and I will then issue a supplementary decision in which I will decide whether any proposed terms are free from objection. If the applicant puts forward no revised terms then I will issue a supplementary decision confirming that the broad term ‘financial services’ may include services which are the same or similar as those contained in the opponent’s specification. Consequently, there will be a likelihood of confusion.”

2. No submissions have been received from the applicant in the period allowed for it to file a revised specification.

3. It follows that the provisional finding that there is a likelihood of confusion is confirmed in respect of all of the applicant’s services in class 36, namely:

Mortgage & Protection Advice, Financial Services

4. I will move on to consider the matter of costs.

Costs

5. The opposition having succeeded, Keystone IEA Limited is entitled to a contribution towards its costs. I have taken into account that neither party filed evidence or submissions in lieu of a hearing nor asked to be heard. Awards of costs are governed by Annex A of Tribunal Practice Notice (TPN) 4 of 2007. Using that TPN as a guide, I award costs to Keystone IEA Limited on the following basis:

¹ CJEU case C-363/99

Preparing a statement and considering the other side's statement: £300

Official fee: £200

Total: £500

6. I order Keystone Wealth Management Limited to pay Keystone IEA Limited the sum of £500. 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 31st day of July 2014

**Ms. Al Skilton
For the Registrar**