

O-121-15

TRADE MARKS ACT 1994

SUPPLEMENTARY DECISION

**IN THE MATTER OF APPLICATION NO 2639654
BY WILLIAM & DANIEL BARRY TO REGISTER THE TRADE MARK**

Sky

IN CLASSES 11 AND 35

**AND IN THE MATTER OF OPPOSITION
THERE TO UNDER NO 104572
BY BRITISH SKY BROADCASTING GROUP PLC AND SKY INTERNATIONAL
AG**

1) On 17 February 2015, I issued a decision (O-085/15) in these proceedings on behalf of the Registrar. The representative for the applicant has drawn my attention to an error in that decision. At paragraph 70, I provided a list of Class 11 goods against which the opposition was successful. This list also incorrectly included goods against which the opposition failed and as reflected correctly by the list of goods provided at paragraph 71.

2) Rule 74 of the Trade Mark Rules 2008 provides as follows.

Correction of irregularities in procedure

74.—(1) Subject to rule 77, the registrar may authorise the rectification of any irregularity in procedure (including the rectification of any document filed) connected with any proceeding or other matter before the registrar or the Office.

(2) Any rectification made under paragraph (1) shall be made—

(a) after giving the parties such notice; and

(b) subject to such conditions,

as the registrar may direct.

3) The error in the main decision was clearly an irregularity in procedure. Therefore, I give notice that I intend to correct the irregularity by amending the list of Class 11 goods in paragraph 70 by the removal of the terms struck out in the list below:

Class 11: *Glow sticks, glow bracelets, chemically-activated light sticks, chemically-activated light bracelets, wrist lights for illumination purposes, garden candles, flameless candles, candle lamps, ~~candle bags, (being lanterns), floating lanterns, candle lanterns, glass lantern globes, oil lanterns, portable paper lanterns, standing paper lanterns, flying lanterns, fuel cell lanterns, chinese lanterns, electric chinese lanterns, electric lanterns,~~ light emitting diodes (led's) incorporated into balloons for illuminating transparent balloons and similar products, light emitting diodes (led's) incorporated into metallic and adhesive plastic reflector film for illuminating transparent balloons and similar products, led candles, led lights for lighting purposes incorporated into ~~key chains,~~ small toys ~~or other similar personal items,~~ led lights for strings, flowers, branches and other ornamental decorations, led underwater lights, lighted party-themed decorations, electric light decorative laces, light emitting diodes (led's) incorporated into laces, electric light decorative strings, luminous house numbers, ~~oil lamps,~~ lights being outdoor christmas ornaments, lights being outdoor halloween ornaments, lights being outdoor guy fawkes*

ornaments, lights being outdoor valentines ornaments, lights being outdoor ornaments, ~~pen~~lights, portable battery-operated lights that can be placed on surfaces where other light sources are unavailable, self-luminous light sources.

4) In light of the potential for uncertainty created by this error, under Rule 77 I extend the time period for appeal for a further 14 days from the date of this supplementary decision.

Dated this 24th day of March 2015

**Mark Bryant
For the Registrar,
the Comptroller-General**