

**O-465-15**

**TRADE MARKS ACT 1994**

## **SUPPLEMENTARY DECISION**

**IN THE MATTER OF APPLICATION NO 3082441  
BY  
FRANK SCHRIJVER UK LIMITED  
TO REGISTER THE TRADE MARK**



**IN CLASSES 19, 37 AND 42**

**AND**

**IN THE MATTER OF OPPOSITION THERETO  
UNDER NO 60000223  
BY  
SCHRIJVER VOCHTBESTRIJDING B.V.**

## O-465-15

1. On 5 October 2015 a decision was issued in respect of these UK proceedings.
2. Cancellation proceedings were still pending at the Office for Harmonisation in the Internal Market (OHIM) in respect of CTM012940342, on which this opposition is based. However, due to a procedural irregularity the decision issued on 5 October was a substantive one.
3. Due to the ongoing proceedings any decision in this matter could be no more than a provisional one.
4. The relevant rule contained within the Trade Marks Rules 2008 (as amended) (the Rules) which provides guidance for the Registrar's in such circumstances is as follows:
  - 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.
5. Accordingly, the status of the decision issued on 5 October 2015 is provisional, pending the outcome of the cancellation proceedings at OHIM.
6. Upon completion of those proceedings the parties should notify the Registrar and, if necessary, a further decision will be issued to elevate the status of the decision to substantive, set a period for appeal and confirm an appropriate award of costs.

**Dated this 6th day of October 2015**

**Ms AI Skilton  
For the Registrar,  
The Comptroller General**