

TRADE MARKS ACT 1994

**IN THE MATTER OF Application No: 2176778
by Joe Cole to register a Trade Mark and**

**IN THE MATTER OF Opposition No: 49994 by
Andrew Cole.**

1. On 8th September 1998 Joe Cole of 6 Donnington Court, Castlehaven Road, Camden Town, London, NW1 8RT applied to register the trade mark KING COLE for

Class 3 'Soaps; perfumery, essential oils, cosmetics, hair lotions; dentifrices';
Class 8 'Razors; electrical shavers';
Class 9 'Films, pre-recorded video tapes, pre-recorded audio tapes, educational materials in the form of computer programmes relating to the game of football';
Class 16 'Photographs, pictures, posters, books and calendars; printed matter; stationery; instructional and teaching materials (except apparatus); playing cards; but not including paper patterns for use in knitting or any goods similar to these excluded goods';
Class 18 'Leather and imitations of leather, and goods made from these materials and not included in other classes: travelling bags, umbrellas';
Class 21 'Glassware, porcelain and earthenware not included in other classes';
Class 25 'Clothing, footwear, headwear, sports wear, sports leisure wear';
Class 28 'Sports equipment; games and playthings; gymnastic and other sporting articles not included in other classes';
Class 32 'Beers; mineral and aerated waters and sports drinks; but excluding fruit juices';
and
Class 41 'Provision of football instructional course, football coaching and football schools; provision of information relating to football; management services for footballers'.

2. The mark is opposed by Andrew Cole. The cited grounds are ss. 5(2), 5(4)(a), 3(4), 3(3)(b) and 3(6).

3. A Counter Statement was provided by the applicants, in which the grounds of opposition are denied. Both parties ask for costs to be awarded in their favour.

4. The Statement of Grounds states:

'The Opponent has assigned all right, title and interest in all Intellectual Property Rights and the exploitation of those Intellectual Property Rights to ANDREW COLE ENTERPRISES LIMITED of 11-13 Manchester Road, Wilmslow, Cheshire, SK9 IBQ. The Opponent is a Director of ANDREW COLE ENTERPRISES LIMITED'.

Andrew Cole Enterprises Limited are also opposing registration of this mark, under opposition N^o: 49995. The pleadings and evidence in both the latter and the instant case are identical. Both were heard simultaneously on 3rd July 2001. The opponents were represented by Mr James St. Ville of Counsel, instructed by William A Shepherd & Son, and the applicants by Tom Hinchcliffe of Counsel, instructed by George Davis & Co.

5. The decision in opposition N^o. 49995 is attached as an ANNEX to this case. As the facts and submissions are identical in both, I do not need to address them here, and decline to do so.

Dated this 25 Day of October 2001

**Dr W J Trott
Principal Hearing Officer
For the Registrar, the Comptroller General**

ANNEX