

TRADE MARKS ACT 1994

**In the matter of
Application Number: 2357918
By Ediciones Del Prado SA
to register a Trade Mark
in Class 16**

DECISION AND GROUNDS OF DECISION

Background

On 9th March 2004 Ediciones Del Prado SA of Cea Bermúdez, 39-6° 28003 Madrid Spain applied under the Trade Marks Act 1994 for Registration of the trade mark.

PLANTS AND GARDENING

in Class 16 of the Register in respect of Paper, cardboard and goods made from these materials and not included in other classes, printed matter, bookbinding material; photographs; stationery, adhesives for stationery or household purposes; artists' materials; paint brushes, typewriters and office requisites (except furniture), instructional and teaching materials (except apparatus), plastic materials for packaging (not included in other classes), printers' type, printing blocks, publications, magazines and books.

Following refusal of the application I am now asked under Section 76 of the Act and Rule 57 of the Trade Marks Rules 2000 to state in writing the grounds of my decision.

Case for Registration

The application was examined under the provisions of Section 37(1) of the Act, and the applicant informed that the requirements for registration were not met because objections arose under Section 3(1)(b) and (c) of the Act. The examination report was issued on 29th April 2004.

Decision

A period of three months was allowed for the applicant to respond under Section 37(3) of the Act. No response had been received by 14th September 2004 and the application was therefore refused in accordance with Section 37(4) of the Act.

Dated this 10th day of November 2004

Robert Fowler
For the Registrar
The Comptroller General.