

O-299-07

**TRADE MARKS ACT 1994**

**IN THE MATTER OF APPLICATION NO 2120020A  
BY HALFORDS LIMITED TO REGISTER A MARK  
IN CLASS 25**

**AND**

**IN THE MATTER OF OPPOSITION THERETO UNDER  
NO 48345 BY REAL SB-WARENHAUS HOLDING GMBH**

**TRADE MARKS ACT 1994**

**IN THE MATTER OF Application No 2120020A  
By Halfords Limited to register a mark in Class 25**

**and**

**IN THE MATTER OF Opposition thereto under  
No. 48345 by Real SB-Warenhaus Holding GmbH**

On 23 August 2001 I issued a provisional decision in relation to the above proceedings. The decision was provisional because the earlier trade mark relied on by the opponent was pending before the Community Trade Mark Office. That application has now progressed to registration in respect of the goods that formed the basis of the opposition. The provisions of Section 6(2) of the Act, therefore, come into play with the effect that my earlier provisional decision can now be confirmed. The opposition thus succeeds under Section 5(2)(b).

The opponent is entitled to a contribution towards its costs. The opposition was filed on 17 March 1998. The costs award will, therefore, reflect the position based on the scale of costs applicable at that time. I order the applicant to pay the opponent the sum of **£535**. 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 the decision is unsuccessful.

**Dated this 11 day of October 2007**

**M REYNOLDS  
For the Registrar  
the Comptroller-General**