

O-348-13

TRADE MARKS ACT 1994

**SUPPLEMENTARY DECISION
IN THE MATTER OF THE UNITED KINGDOM DESIGNATION OF
INTERNATIONAL REGISTRATION NO 998197
BY GRUPA LOTOS SPÓLKA AKCYJNA IN RESPECT OF THE TRADE MARK**



IN CLASSES 1, 2, 3, 4, 19 AND 43

**AND IN THE MATTER OF OPPOSITION
THERE TO UNDER NO 72062
BY GROUP LOTUS PLC**

1) On 20 March 2013, I issued a decision (O-132-13) in these proceedings on behalf of the Registrar. I have become aware of an error in that decision. At paragraph 46, I found that the opposition failed in respect of a list of goods and services and that this list included *detergent additives for fuels* in Class 1.

2) The inclusion of this term in paragraph 46 was an error and contrary to my findings earlier in the decision and in particular in paragraphs 42 to 45.

3) 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.

5) The error in the main decision was clearly an irregularity in procedure. And it is clear from the wording of Rule 77(5) that this term covers errors made by the Registrar. Therefore, I give notice that I intend to correct the irregularity by deleting the term *detergent additives for fuels* from the Class 1 list of goods in paragraph 46.

6) In accordance with Rule 74(2)(b), the period allowed for appealing the amended outcome, namely that the term *detergent additives for fuels* in Class 1 does not survive the opposition (as explained in paragraphs 42 to 45 of the main decision) will begin on the date of this supplementary decision. The appeal period has already expired in respect to all other findings in the main decision.

Dated this 29th day of August 2013

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