

O-313-15

TRADE MARKS ACT 1994

APPLICATION No. 3035493 BY ALTACOR LTD

TO REGISTER:

BLEPHACARE & BLEPHA CARE

AS A SERIES OF 2 TRADE MARKS

AND

OPPOSITION NO. 402415

BY LABORATOIRES THÉA (SOCIÉTÉ PAR ACTIONS SIMPLIFIÉE)

CORRECTION TO DECISION DATED 6 JULY 2015

1. It has been drawn to my attention that the decision issued in this matter earlier today contained a typographical error. Specifically, the amount awarded in costs was stated to be £1600 in paragraph 37, but £1400 in paragraph 38.
2. The correct figure is £1600 as per paragraph 37, which shows how the amount has been calculated.
3. The error is plainly an irregularity in procedure and capable of being correction under Rule 74. Consequently, I give the parties notice that paragraphs 37 and 38 of the decision will be amended to the version shown below on 6 July 2015 and apply as though those paragraphs had appeared in the original version of the decision.

Dated this 6th Day of July 2015.

**Allan James
For the Registrar**

“35. The opposition based upon the above trade mark succeeds in relation to both of the applicant’s trade marks and in relation to all of the goods in the application.

The opposition based upon the opponent’s other trade marks

36. Having concluded that the opponent has been wholly successful based upon its BLEPHACLEAN trade mark, it is not necessary for me to consider the matter any further.

Costs

37. The opponent has been successful and is entitled to a contribution towards its costs. I will award costs to the opponent on the following basis:

Preparing a statement and considering the applicant’s statement:	£300
Preparing evidence:	£500
Preparation for and attending a hearing:	£700
Expenses:	£100
Total:	£1600

38. I order Altacor Limited to pay to Laboratoires Théa (société par actions simplifiée) the sum of £1600. This sum is to be paid within fourteen days of the expiry of the appeal period or, if there is an appeal, within fourteen days of the final outcome of the appeal.”