

O-477-16

TRADE MARKS ACT 1994

IN THE MATTER OF TRADE MARK APPLICATION NO 3 102 905 ESSENTA FOR
GOODS AND SERVICES IN CLASSES 01, 02, 03, 05, 06, 07, 08, 09, 11, 16, 17,
19, 20, 21, 22 AND 24 IN THE NAME OF FORTIS MERCHANTS LIMITED

AND IN THE MATTER OF OPPOSITION THERETO BY ESSENTRA PLC

O-477-16

1. It has been drawn to my attention that the decision issued on this matter on 29th September 2016 contained an omission as regards the award of costs in that it failed to include an award in respect of “preparing for and attending a Hearing”. For this, I therefore award £500.
2. This error has now been corrected.
3. The error is plainly an irregularity of procedure and capable of correction under Rule 74. Consequently, I give the parties notice that the costs award will be amended to reflect the above and as shown below and will apply as though it had appeared in the original version of the decision.
4. The relevant appeal period remains as per the original decision dated 29th September 2016.

COSTS

57. The opponent has been successful and is entitled to a contribution towards its costs. In the circumstances I award the opponent the sum of £900 as a contribution towards the cost of the proceedings. The sum is calculated as follows:

Notice of opposition and accompanying statement plus statutory fee -
£400

Preparing for and attending a Hearing - £500

TOTAL - £900

58. I therefore order Fortis Merchants Limited to pay Essentra Plc the sum of £900. The above sum should be paid within fourteen days of the expiry of the appeal period or within fourteen days of the final determination of this case if any appeal against this decision is unsuccessful.

Dated this 13th day of October 2016

Louise White
For the Registrar,

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