

**TRADE MARKS ACT 1994**

**IN THE MATTER OF CONSOLIDATED  
APPLICATIONS (RECTIFICATION NOS  
9750, 9751 AND 9753) BY EURIDEP FOR  
THE RECTIFICATION OF THE REGISTER  
IN RESPECT OF TRADE MARK NOS 1587290,  
1587289 AND 1587291 REGISTERED IN  
CLASSES 19, 2 AND 24 (SCHEDULE IV) IN  
THE NAME OF EURIDEP**

## **TRADE MARKS ACT 1994**

### **IN THE MATTER OF CONSOLIDATED APPLICATIONS (RECTIFICATION NOS 9750, 9751 AND 9753) BY EURIDEP FOR THE RECTIFICATION OF THE REGISTER IN RESPECT OF TRADE MARK NOS 1587290, 1587289 AND 1587291 REGISTERED IN CLASSES 19, 2 AND 24 (SCHEDULE IV) IN THE NAME OF EURIDEP**

#### **DECISION**

EURIDEP (hereinafter called “the applicants”) applied on 16 May 1997 for the rectification of the register under Section 64(1) of the Trade Marks Act 1994 in respect of trade mark numbers 1587290, 1587289 and 1587291. The applicants are also the registered proprietors of these trade marks. They claim the registration date of these registrations is incorrectly shown on the register as a result of an error and seek rectification of that error.

The applicants have filed evidence in these proceedings. The evidence comprises a statutory declaration by Linda Ann Bray of London, partner in the firm of Wildbore & Gibbons (“her firm”). Ms Bray confirms that her firm are the trade mark attorneys for EURIDEP and that she has the day to day conduct of these matters on behalf of EURIDEP by whom she is duly authorised.

Ms Bray explains that her firm were instructed to file applications for the registration of the trade mark which consists of a device and the words “Seigneurie pour main de maitre”. The applications for registration were duly filed on 5 October 1994 and were subject to a priority claim under the Paris Convention, the priority date being 9 May 1994.

Ms Bray confirms that following the filing of the applications for registration, the certified copy of the corresponding French application on which the priority claim was based was also filed. The applications for registration were duly examined and subsequently accepted by the Registrar.

Ms Bray goes on to state that on 5 June 1995 she received a telephone call from an officer of the registry querying the date of the priority claim. As a result of the telephone call, Ms Bray checked her copy of the relevant documents and confirmed that the priority date claimed could be amended from 9 May 1994 to 6 May 1994 as this appeared to be the date on the certified copy of the French application upon which priority was based. The applications for registration were later advertised and proceeded to registration showing the priority date as 6 May 1994.

Following receipt of the Registration certificates, says Ms Bray, the priority date was queried by her instructing principals. It is claimed that due to the poor quality of reproduction of the certified copy, the priority date accorded to these registrations was misread and as a result the registration date recorded on the register is 6 May 1994 when it should be 9 May 1994 as originally applied for. Ms Bray exhibits copies of the French registration certificate showing the relevant date as 9

May 1994.

With these facts in mind I turn to consider the applications for rectification which are made under Section 64 of the Act, the relevant provisions of which state:

64(1) Any person having a sufficient interest may apply for the rectification of an error or omission in the register:

Provided that an application for rectification may not be made in respect of a matter affecting the validity of the registration of a trade mark

64(2) .....

64(3) Except where the registrar or the Court directs otherwise, the effect of rectification of the register is that the error or omission in question shall be deemed never to have been made.

First of all, I am satisfied the applicant has the necessary standing required by the statute being recorded as the registered proprietor of the registrations at issue and that they are therefore a person having sufficient interest in the matter.

I am also satisfied that as a result of the poor quality of reproduction of the documents filed to support the priority claim, an error was made which led to the date recorded on the register being 6 May 1994 when it should properly have been 9 May 1994.

Accordingly, I direct that the register be rectified forthwith to show that the priority date and therefore the registration date of these registrations be recorded as 9 May 1994.

In accordance with Section 64, the error is deemed never to have been made.

Dated this 11 day of May 1998

M Reynolds  
For the Registrar  
The Comptroller General