

O-548-19

TRADE MARKS ACT 1994

SUPPLEMENTARY DECISION

**IN THE MATTER OF THE APPLICATION UNDER NO. 3278253
BY BEYOND RETAIL LIMITED
TO REGISTER AS A UK TRADE MARK:**

DRENCH

IN CLASSES 11, 20 AND 35

AND

**IN THE MATTER OF THE OPPOSITION THERETO UNDER NO. 412310
BY DRENCH EUROPE LIMITED**

Context

1. On 10th June 2019 a decision in the above opposition proceedings was published under BL reference number **O-326-19**. The decision outcome was that the opposition succeeded only in part and that the application could proceed to registration in respect of certain goods and services. On 11 September 2019 the representatives for Beyond Retail Limited brought to my attention omissions from the wording indicated in paragraph 42 of that decision, which summarised the outcome of the opposition. This supplementary decision therefore provides a replacement expression of that outcome summary. This supplementary decision makes no other change to the content of the decision; thus, the assessments of similarity between the goods and services and of the extent of likelihood of confusion stand unchanged.

Replacement of Outcome summary

2. Paragraph 42 as expressed in decision O-326-19 is to be disregarded and replaced instead by the paragraph below:

“Outcome

42. Since these opposition proceedings have succeeded only in part, the outcome is that UK trade mark application No **3278253** may proceed to registration in respect of the following goods and services:

Class 11: radiators

Class 35: *The bringing together, for the benefit of others, of furniture, mirrors, tiles, towel hooks and rails, basins, sink installations, bidets, sinks, plugs and chains for basins, radiators, radiator valves, isolating valves, pipes, hoses and connectors, heaters, space heaters, water heaters, towel heaters, heated towel rail accessories, water tanks, lids for water tanks, fans, extractor fans, ventilation ducting, toilets, toilet suites, toilet seats, toilet bowls, cisterns, toilet utensils, toilet roll holders, regulating and safety apparatus for water or gas apparatus and pipes, vanity units, light fittings, light switches, light pulls, thermostats, mirror tiles, minors [looking glasses], and parts and fittings for the aforesaid goods, enabling customers to conveniently view and purchase those goods in a wholesale and/or retail outlet, by mail order, through a catalogue, or via a website.”*

Dated this 16th day of September 2019

Matthew Williams

For the Registrar
