

O-004-04

SUPPLEMENTARY DECISION

TRADE MARKS ACT 1994

IN THE MATTER OF APPLICATION No 2248198

BY MAJOR LEAGUE BASEBALL PROPERTIES INC.

TO REGISTER THE TRADE MARK



IN CLASSES 9, 16, 25, 28 & 41

AND IN THE MATTER OF OPPOSITION THERETO

UNDER NUMBER 90209

BY THE SECRETARY OF STATE FOR DEFENCE IN HER BRITANNIC
MAJESTY'S GOVERNMENT OF THE UNITED KINGDOM OF GREAT
BRITAIN AND NORTHERN IRELAND.

SUPPLEMENTARY DECISION
TRADE MARKS ACT 1994
IN THE MATTER OF APPLICATION No 2248198
BY MAJOR LEAGUE BASEBALL PROPERTIES INC.
TO REGISTER THE TRADE MARK



IN CLASSES 9, 16, 25, 28 & 41

AND IN THE MATTER OF OPPOSITION THERETO
UNDER NUMBER 90209
BY THE SECRETARY OF STATE FOR DEFENCE IN HER BRITANNIC MAJESTY'S
GOVERNMENT OF THE UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN
IRELAND.

1) On 18 November 2003 I issued a decision in relation to this opposition. At the request of the parties the decision did not include costs. Both sides were granted three weeks from the date of the decision to provide submissions regarding the issue of costs. In the event only the applicant responded.

2) In determining the award of costs I have taken into account the applicant's submissions and that this case was heard at the same time as opposition number 90816 and that the evidence in both cases was shared. As the opposition failed on all grounds the applicant is entitled to a contribution towards costs. I order the opponent to pay the applicant the sum of £2,375. This sum to be paid within seven days of the expiry of the appeal period or within seven days of the final determination of this case if any appeal against this decision is unsuccessful.

Dated this 6th day of January 2004

George W Salthouse
For the Registrar
the Comptroller-General