

O/0837/23

TRADE MARKS ACT 1994

SUPPLEMENTARY DECISION

IN THE MATTER OF APPLICATION NO. UK00003663442

BY ZERO PLASTIC LTD

TO REGISTER THE FOLLOWING TRADE MARK:

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IN CLASSES 5, 8, 16, 21, 35 AND 39

AND IN THE MATTER OF OPPOSITION THERETO

UNDER NO. 430220

BY CUPCLUB LIMITED

1. On 3 July 2023, I issued a decision (O-0627-23) in these proceedings on behalf of the Registrar and this further decision corrects an irregularity in procedure in that decision.

2. Paragraph 38 and 39 of that decision set out the goods and services for which the application was refused as a result of the opposition, and the goods and services for which it could proceed to registration.

3. The term “retail services connected with stationary” was included in the list of services for which the application was refused, in error. That term was not opposed and should have been included in the list of terms for which the application could proceed to registration.

4. Paragraph 38 of that decision should read:

“38. The opposition is successful and the application is refused for the following goods and services:

Class 21 Tooth brush cases.

Class 35 Online ordering services; Providing online marketplaces for sellers of goods and or services; none of the aforementioned services being in connection with or relating to cosmetics, beauty preparations, beauty kits, cosmetic wipes, cosmetic bags, make up, make up utensils, make up applicators, toilet preparations, skin care preparations, nail care preparations, hair care preparations, hair care preparations or related goods.

Class 39 Warehouse storage; Warehouse storage services; Storage of goods in warehouses; Goods warehousing; Goods (Delivery of -); Delivery of goods; Warehousing of goods; Shipping of goods; Transport of goods; Storage of goods; Warehousing of finished goods; Arranging transportation of goods; Delivery [distribution] of goods; Wrapping and packaging of goods; Packaging and

storage of goods; Distribution [transport] of retail goods; Delivery of goods by mail order; Arranging and conducting of mail order delivery services.”

5. Paragraph 39 of that decision should read:

“The application may proceed to registration for those goods and services against which the opposition was not directed:

Class 5 Sanitising wipes; Antibacterial wipes; Sanitizing wipes; Disposable sanitizing wipes; Disposable sanitising wipes; Sanitary towels; Sanitary tampons; Sanitary pads.

Class 8 Disposable razors.

Class 16 Greetings cards; Cards; Post cards; Blank cards; Printed cards; Note cards; Blank note cards; Birthday cards; Occasion cards; Christmas cards; Thank you cards; Posters; Envelopes; Paper; Paper tapes; Paper carton sealing tape; Sticky tape; Tapes (adhesive -) [stationery]; Adhesive packaging tapes; Gummed tape [stationery]; Paper stock [printing paper]; Gift tags; Gift paper; Adhesive labels; Adhesive stickers; Self-adhesive paper for notes; Toilet paper; Toilet rolls; Paper wipes; Waxed paper; Paper bags; Recycled paper; Giftwrapping paper; Packing cardboard containers; Disposable napkins; Stationery; Packing paper; Packing cardboard; Packing [cushioning, stuffing] materials of paper or cardboard; Packaging materials; Gift packaging; Cardboard packaging; Packaging cartons of cardboard; Gift boxes; Stationery boxes.

Class 21 Tooth brushes.

Class 35 Retail services connected with stationary.”

6. This decision corrects the typographical error and confirms the outcome of the decision as set out above.

7. The appeal period will be reset and will now start from the date of this decision.

Dated this 4th day of September 2023

S WILSON

For the Registrar