

O-273-05

TRADE MARKS ACT 1994

**IN THE MATTER OF INTERNATIONAL REGISTRATION NO. 768185
IN THE NAME OF HEILONGJIANGSHENG WANDASHAN RUYE GUFEN
YOUXIAN GONGSI**

AND

**IN THE MATTER OF AN APPLICATION FOR A DECLARATION OF
INVALIDITY (UNDER NO. 16027)
BY GOLDEN WONDER LIMITED**

TRADE MARKS ACT 1994

**IN THE MATTER OF international registration no. 768185
in the name of Heilongjiangsheng Wandashan Ruye Gufen Youxian Gongsi**

and

**IN THE MATTER OF an application for a declaration of
invalidity (under no. 16027)
by Golden Wonder Limited**

BACKGROUND

1. On 14 November 2003 I issued a provisional decision in relation to this application for a declaration of invalidity. My provisional decision was that the application was partially successful and that consequently the registered trade mark under challenge (International Registration 768185) was to be declared invalid in respect of its specifications in Classes 29 & 30. The decision was provisional because the earlier mark (2264932) on which the applicant's success was based had not yet reached registration.

2. 2264932 has now secured registration for the full range of goods that I considered in my provisional decision. In view of this I hereby declare the protection in the UK of International Registration 768185 to be partially invalid. I direct that Classes 29 & 30 should be removed from the register and for it to be deemed never to have been made to this extent.

3. As to costs, the applicant for invalidity has been successful, and I order the registered proprietor to pay them the sum of £600. This sum is 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 11th day of October 2005

**O J Morris
For the Registrar,
the Comptroller-General**