

O/292/21

TRADE MARKS ACT 1994

SUPPLEMENTARY DECISION

IN THE MATTER OF TRADE MARK APPLICATION
NO. 3349685 BY
CANAI TECHNOLOGY CO., LTD
TO REGISTER:

CANAI佳菜

AS A TRADE MARK IN CLASS 25

AND

OPPOSITION THERETO
UNDER NO. 415967
BY
CANALI IRELAND LIMITED

1. On 3 March 2021, I issued a provisional decision in relation to this opposition. In the original decision I concluded as follows:

“90. I am conscious that some of my findings are based on broad terms covered by the earlier and applied for mark, and that there may be goods within the applicant’s broad terms that conflict only to the same degree as those for which I have indicated the application may proceed. Consequently, I am prepared to allow the applicant 28 days from the date of this decision to indicate any further distinct terms it wishes to register which: i) fall within the ambit of its current specification, and ii) have either no or very low degrees of similarity with the opponent’s specification. Hopefully, the extent to which I have made my findings thus far demonstrate what may or may not be acceptable. Following receipt of a revised specification, the opponent will be given 28 days to comment on those terms, following which I will issue a supplementary decision, confirming the specification for which I will allow the application to proceed, and giving my order as to costs. The appeal period will run from the date of that supplementary decision. It should be noted that this is not an opportunity to provide further submissions on the merits of the case and my decision.”

2. In this regard, no response was received by the applicant, and as a result no further specification was provided.
3. With this decision, I confirm the outcome of my provisional decision, which is the following:

“OUTCOME

88. The opposition under Section 5(2)(b) is successful (and the application will be refused) in relation to:

Class 25: *clothing; shoes; underwear; underpants; gloves [clothing]; neckties; belts [clothing]; scarves; clothing for gymnastics; cyclists' clothing; sleep masks; wimples; hats.*

89. The opposition under Section 5(2)(b) fails (and the application will proceed to registration) in relation to:

Class 25: *bodices [lingerie]; corselets; teddies [underclothing]; combinations [clothing]; corsets [underclothing]; hosiery.”*

Costs

4. As both parties have achieved a measure of success, it is appropriate that the parties bear their own costs.

Appeal Period

5. The appeal period begins from the date of this supplementary decision.

Dated this 22nd day of April 2021

Dr Stylianos Alexandridis

For the Registrar,

The Comptroller General