

**O-325-15**

**TRADE MARKS ACT 1994**

**IN THE MATTER OF CONSOLIDATED PROCEEDINGS BETWEEN**

**PETER HOGAN**

**AND**

**MILBRO SPORTS LIMITED**

**CONCERNING**

**PETER HOGAN'S APPLICATION UNDER NO 500 460  
TO REVOKE REGISTRATION NO 708 886  
IN THE NAME OF MILBRO SPORTS LIMITED**

**PETER HOGAN'S APPLICATION UNDER NO 500 461  
TO REVOKE REGISTRATION NO 865 266  
IN THE NAME OF MILBRO SPORTS LIMITED**

**PETER HOGAN'S APPLICATION UNDER NO 500 462  
TO REVOKE REGISTRATION NO 877 721  
IN THE NAME OF MILBRO SPORTS LIMITED**

**AND MILBRO SPORTS LIMITED'S APPLICATION UNDER NO 500 440  
TO INVALIDATE REGISTRATION NO 2 544 283  
IN THE NAME OF PETER HOGAN**

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### CORRECTION TO DECISION DATED 9 JULY 2015

1. It has been drawn to my attention that the decision issued in this matter earlier today contained a typographical error. Specifically, the specification for which trade mark Number 708 886 remains registered contains the term *cleaning cloths* at paragraphs 21, 25 and 43. However, this term should not have been included for the reasons given at paragraph 22, namely that the item is not covered by registration 708 886.
2. This error has now been corrected in the paragraphs detailed above.
3. The error is plainly an irregularity in procedure and capable of being correction under Rule 74. Consequently, I give the parties notice that paragraphs 21, 25 and 43 of the decision will be amended to the version shown below on 9 July 2015 and apply as though those paragraphs had appeared in the original version of the decision.

**Dated this 9th Day of July 2015.**

**Louise White**

**For the Registrar**


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21. In respect of Class 13, it is noted that the original specification was in respect of all goods in the class. This is due to historical reasons when such expressions were acceptable upon application for a trade mark. In respect of the use shown, a fair specification is considered to be: *air guns and air gun accessories, namely moderators, darts, pellets, socks.*
25. The sum of all this is that the earlier trade marks upon which the cancellation action against No 2 544 283 is based, survive and so remain registered in respect of:

865 266 MILBRO for *Fishing tackle, namely hooks; bait boxes.*

708 886 MILBRO for *Air guns and air gun accessories, namely moderators, darts, pellets, socks.*



In addition, trade mark No 877 721  remains registered in respect of *fishing tackle, namely hooks.*

43. The sum of all this is as follows:

MSL has only provided use in respect of a limited range of goods as already outlined. In respect of those for which no use has been shown, the registrations will be revoked with effect from the earliest dates from which the Applicant sought revocation. This is 20 May 1990 in respect of trade mark No 708 886 and 8 July 1990 in respect of trade mark numbers 865 266 and 877 721.

MSL's marks remain registered according to the following terms:


865 266 MILBRO in Class 28 for:

*Fishing tackle, namely hooks; bait boxes.*

708 886 MILBRO in Class 13:

*Air guns and air gun accessories, namely moderators, darts, pellets, socks.*



In addition, trade mark No 877 721  remains registered in Class 28 for:

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*Fishing tackle, namely hooks.*