

O-379-14

SUPPLEMENTARY DECISION

TRADE MARKS ACT 1994

**IN THE MATTER OF UNITED KINGDOM DESIGNATION OF INTERNATIONAL
REGISTRATION 1074946
BY DALSOUPLE SOCIETE SAUMUROISE DU CAOUTCHOUC TO REGISTER
THE TRADE MARK**

DALSOUPLE

IN CLASSES 17, 19 AND 27

**AND IN THE MATTER OF OPPOSITION
THERE TO UNDER NO 72362
BY TIM GAUKROGER, DALSOUPLE DIRECT LIMITED AND DALHAUS
LIMITED**

AND

**IN THE MATTER OF REGISTRATION NO 2183458
IN THE NAME OF DALHAUS LIMITED IN RESPECT OF THE TRADE MARK**

DALSOUPLE

IN CLASSES 17 AND 27

**AND IN THE MATTER OF AN APPLICATION FOR INVALIDATION
THERE TO UNDER NO 84543
BY DALSOUPLE SOCIETE SAUMUROISE DU CAOUTCHOUC**

1) I issued a decision (BL O-219-14) dated 16 May 2014 and a supplementary decision on costs (BL O-297-14) on 2 July 2014 (“my previous decisions”) in respect of these proceedings on behalf of the Registrar. By letter of 24 July 2014, Carpmaels & Ransford, on behalf Timothy Gaukroger, Dalsouple Direct Limited and Dalhaus Limited (collectively referred to as “Dalsouple UK” in my previous decisions) informed the Registry that:

“... we believe that the identification of Timothy Gaukroger as a party to the proceedings was in error and a legacy of an administrative oversight that ought to have been corrected in September 2012.”

2) Carpmaels & Ransford explains that:

- Mr Gaukroger was the original sole opponent to International Registration (UK) No. 1074946 DALSOUPLE by virtue of being the registered proprietor of the earlier UK registration No. 2183458 at the date the opposition was filed;
- Following a case management conference (“CMC”) on 27 May 2012, Dalsouple Direct Limited was joined as a second opponent on the basis that it asserted ownership of the goodwill in the UK of the DALSOUPLE name;
- At the same time, Dalhaus Limited was joined as a third opponent on the basis that at the time the opposition was filed, it was the registered proprietor of the earlier Community Trade Mark registration No. 3692175 that was added as a ground of opposition at the CMC;
- On 24 July 2012, registration 2183458 was assigned firstly to Timothy Gaukroger and Julie Gaukroger as joint proprietors and then immediately from them to Dalhaus Limited. Copies of these assignments, as provided to the Registry at the time, are provided. On 20 September 2012, Carpmaels & Ransford wrote to the Registry to highlight the change of proprietorship of registration 2183458 and enquiring whether it was necessary to file a further amended statement of case in the opposition proceedings. By letter dated 27 September 2012, the Registry notified the parties that this would not be required and that references to Timothy Gaukroger would be read as references to Dalhaus Limited;
- At the time the declaration for invalidation was filed by Dalsouple Societe Saumuroise du Caoutchouc, on 30 August 2012, against registration 2183458, it stood in the name of Dalhaus Limited and it is correctly identified as the registered proprietor in my two earlier decisions;
- By virtue of an administrative oversight, the Registry continued to record Timothy Gaukroger as one of the opponents in both letter heads and

when referring to the parties. This same apparent oversight appears in both the substantive decision and the supplementary decision on costs.

3) Carpmaels & Ransford request that both the substantive decision and the supplementary decision on costs are amended to record that the opponents in the opposition and the respondents to the invalidation action are identified as Dalsouple Direct Limited and Dalhaus Limited alone.

4) On 25 July 2014 the Registry wrote to the other side allowing it 21 days to comment. No response was received.

5) Having reviewed the factual situation, as explained by Carpmaels & Ransford, I conclude that there was an administrative oversight. Consequently, the inclusion of Timothy Gaukroger as a party to the proceedings was an error. This supplementary decision corrects that error. As Timothy Gaukroger has not been a party to proceedings since September 2012, references to him as being otherwise are removed from my previous decisions and with references to "Dalsouple UK" being references only to Dalsouple Direct Limited and Dalhaus Limited.

Dated this 29th day of August 2014

**Mark Bryant
For the Registrar,
the Comptroller-General**