O/0941/26

TRADE MARKS ACT 1994

SUPPLEMENTARY DECISION

CONSOLIDATED PROCEEDINGS

IN THE MATTER OF TRADE MARK APPLICATION NUMBERS UK00003966592, UK00003966590 AND UK00003968182
BY MASCOT PETS LTD

AND OPPOSITIONS THERETO UNDER NUMBERS 445479, 445480 AND 445481
BY SHEIKH TANVIR MOHAMMED KHALED

AND

IN THE MATTER OF TRADE MARK APPLICATION NUMBERS UK00003953437 AND UK00003976381
BY SHEIKH TANVIR MOHAMMED KHALED

AND OPPOSITIONS THERETO UNDER NUMBERS 444935 AND 446219
BY MASCOT PETS LTD

BACKGROUND

1. On 8 September 2026, I issued a decision in these proceedings, published under BL O/0815/26 ("my decision").

2. It has been drawn to my attention that my decision contained an error, which this supplementary decision rectifies.

AMENDMENTS

3. My decision contained an error in paragraph 96, which read:

96. The parties' specifications are listed in the table below.

Khaled's Oldgitamol Class 16 application	***Mascot's Oldgitamol Class 30 application***
Class 16: Cards; Christmas gift wrap; Gift wrap; Diaries; Pocket diaries; Gift wrapping paper; Greeting cards; Invitation cards; Invitations; Party invitations; Printed invitations; Notepads; Paper; Paper party bags; Paper bags; Paper boxes; Paper boxes for storing greeting cards; Paper pads; Pen and pencil boxes; Pen and pencil cases; Pen boxes; Pencil boxes; Pen sets; Pens; Pencils; Pencil sets; Postcard paper; Postcards; Printed cards; Thank you cards; Writing paper; Writing paper pads; Printed packaging materials of paper; Packaging materials; Gift packaging; Cardboard packaging; Paper bags for packaging; Origami folding paper; Gift	*Class 30: Sweets; Candies [sweets]; Sweets [candy]; Chocolate sweets; Sugar-free sweets; Caramels [sweets]; Sugarfree sweets; Sugarless sweets; Peppermint sweets; Sweets (Peppermint -); Sweets (Non-medicated -) being acidulated caramel sweets; Gum sweets; Sweetmeats being candies; Boiled sweets; Sweetmeats [candy]; Non-medicated sweets; Sweets (Non-medicated -); Sweets (Non-medicated -) in the nature of sugar confectionery; Sweetmeats [candy] being flavoured with fruit; Xylitol-sweetened sweets; Foamed sugar sweets; Sweets (Non-medicated -) in the nature of chocolate eclairs; Sweets (Non-medicated -) in the*

boxes; Cardboard gift boxes; Paper gift boxes; Gift bags; Gift cards; Gift certificates; Printed paper invitations; Graphic prints.	*nature of toffees; Peppermint sweets [other than for medicinal use]; Gum sweets (Non-medicated -); Mint-based sweets; Sweets (candy), candy bars and chewing gum; Chocolate candies; Chewing sweets (Non-medicated -); Mint flavoured sweets (Non-medicated -); Sweets (Non-medicated -) in the nature of caramels; Lollipops [confectionery]; Candies; Sweetmeats [candy] containing fruit; Sweets (Non-medicated -) being acidulated; Caramels [candies]; Sweets (Non-medicated -) in the nature of fudge; Sherbets [confectionery]; Sugarless candies; Chocolate-coated sugar confectionery; Sweets (Non-medicated -) in the nature of nougat; Chocolate confections; Chocolate confectionery; Chocolate candy with fillings; Chocolates; Sugar candy [for food]; Sugar confectionery; Flavoured sugar confectionery; Chewing sweets (Non-medicated -) having liquid fruit fillings; Jellies (Fruit -) [confectionery]; Fruit jellies [confectionery]; Sugar candies (Non-medicated -); Sugar-free mint candies; Fruit confectionery; Chocolate confectionary; Non-medicated confectionery candy; Caramels [candy]; Mint based sweets [non-medicated]; Sweets (Non-medicated -) being honey based; Sherbet [confectionery]; Candy [sugar]; Chocolate confectionery*

	containing pralines; Pastilles [confectionery]; Chocolate confectionery products; Confectionery chocolate products; Gummy candies; Confectionery; Non-medicated chocolate confectionery; Truffles [confectionery]; Peppermint for confectionery; Milk chocolates; Candy coated confections; Candy; Mints [candies, non-medicated]; Candy mints; Chocolate confectionery having a praline flavour; Toffees; Breath-freshening chewing gum; Bubble gum; Bubble gum [confectionery]; Chewing gum; Chewing gums; Sugar-free chewing gum; Sugarfree chewing gum; Sugarless chewing gum.

4. I had inadvertently reproduced Khaled's Oldgitamol Class 30 specification instead of Mascot's Oldgitamol Class 30 specification. This means that my paragraph 96 should read:

96. The parties' specifications are listed in the table below.

Khaled's Oldgitamol Class 16 application	***Mascot's Oldgitamol Class 30 application***
Class 16: Cards; Christmas gift wrap; Gift wrap; Diaries; Pocket diaries; Gift wrapping paper; Greeting cards; Invitation cards; Invitations; Party invitations; Printed invitations; Notepads; Paper; Paper party bags; Paper bags;	*Class 30: Candy; sweets; sugar confectionary; boiled sweets; bubble gum; candy bars; confectionary; chocolate; sherbets; sorbets; flavouring syrup.*

Paper boxes; Paper boxes for storing greeting cards; Paper pads; Pen and pencil boxes; Pen and pencil cases; Pen boxes; Pencil boxes; Pen sets; Pens; Pencils; Pencil sets; Postcard paper; Postcards; Printed cards; Thank you cards; Writing paper; Writing paper pads; Printed packaging materials of paper; Packaging materials; Gift packaging; Cardboard packaging; Paper bags for packaging; Origami folding paper; Gift boxes; Cardboard gift boxes; Paper gift boxes; Gift bags; Gift cards; Gift certificates; Printed paper invitations; Graphic prints.	

5. The error in paragraph 96 of my decision meant that I had not compared the following terms from Mascot's Oldgitamol Class 30 specification: *sorbets; flavouring syrup*.

6. I consider that the same reasoning I gave in paragraph 97 of my decision extends also to the terms *sorbets; flavouring syrup*. As such, my paragraphs 97 and 98 remain unchanged, as follows:

97. Having considered the relevant factors set out in the case law above I find no obvious similarity between any of the parties goods.

98. In accordance with eSure Insurance v Direct Line Insurance, [2008] ETMR 77 CA, if there is no similarity between goods, there is no likelihood of confusion to be considered under section 5(2).

7. Given that my findings are unaffected by the error in paragraph 96, the outcome and overall findings in my paragraphs 99 and 105, respectively, remain unchanged, as follows:

99. Khaled's opposition under section 5(2)(a) fails and, subject to appeal, Mascot's Oldgitamol Class 30 application will proceed to registration; accordingly, it qualifies as an earlier mark for the purpose of the following opposition.

And

105. I will now summarise the entirety of my findings in this decision.

(i) Opposition no. 444935 has failed and Khaled's Oldgitamol Class 16 application under no. UK00003953437 will proceed to registration.

(ii) Opposition no. 445479 is successful and Mascot's Oldgitamins Class 16 application under no. UK00003966592 is refused in its entirety.

(iii) Opposition no. 445480 is successful and Mascot's Oldgitamol Class 16 application under no. UK00003966590 is refused in its entirety.

(iv) Opposition no. 445481 has failed and Mascot's Oldgitamol Class 30 application under no. UK00003968182 will proceed to registration.

(v) Opposition no. 446219 is successful and Khaled's Oldgitamol Class 30 application under no. UK00003976381 is refused in its entirety.

8. The error in my paragraph 96 is plainly an irregularity in procedure and capable of being corrected under Rule 74 of the Trade Marks Rules 2008. Consequently, I give the parties notice that paragraph 96 of my decision will be amended as stated above and will apply as though it had originally appeared in my decision as it appears in this supplementary decision.

COSTS

9. The costs award made in my decision remains unchanged.

APPEAL PERIOD

10. In light of the amendment communicated in this decision, specifically that it has no impact on the marks and specifications to be registered, I do not consider it appropriate to reset the appeal period. Therefore, the appeal period in respect of these proceedings began from the date of my original decision.

Dated this 22nd day of October 2026

MRS E FISHER
For the Registrar