

O-112-04

**SUPPLEMENTARY DECISION**  
TRADE MARKS ACT 1994  
IN THE MATTER OF APPLICATION No 2148455  
BY ERGONOM LIMITED  
TO REGISTER THE TRADE MARK  
**ERGONOM**  
IN CLASS 20

AND IN THE MATTER OF OPPOSITION THERETO  
UNDER NUMBER 49199  
BY GRAHL GMBH.

- 1) On 12 June 2002 I issued a decision in relation to this opposition. As the decision was dependent upon the outcome of the opponent's trade mark application number 2260126 the decision did not include costs.
- 2) Although the opposition succeeded it did so only on the proviso that the opponent's trade mark application was successful. The opponent subsequently withdrew its application. Therefore, the opposition in this case fails. Therefore, the applicant is entitled to a contribution towards costs. I order the opponent to pay the applicant the sum of , 1,750. This sum 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 23rd day of April 2004

George W Salthouse  
For the Registrar  
the Comptroller-General