

TRADE MARKS ACT 1994

**IN THE MATTER OF APPLICATION NO. 2386458
BY THE PEACOCKS GROUP PLC
TO REGISTER A TRADE MARK IN CLASS 25**

DECISION AND GROUNDS OF DECISION

Background

1. On 9 March 2005, The Peacocks Group PLC of Atlantic House, Tyndall Street, Cardiff, CF10 4PS applied under the Trade Marks Act 1994 to register the trade mark 'STREET GEAR' in Class 25 for the following specification of goods:

'Articles of clothing, footwear, headgear, knitwear, sportswear, shirts, trousers, shorts, jackets and T-shirts.'

Case for Registration

2. The application was examined under the provisions of Section 37(1) of the Act. The applicant was informed in the examination report dated 22 April 2005 that the requirements for registration were not met because objections arose under Sections 3(1)(b) and (c) of the Act, the mark being a non-distinctive sign which may serve in trade to designate the nature and style of the goods. The examination report also raised an objection under Section 5(2) of the Act in respect of earlier mark 2139675.

Decision

3. A period of 6 months was allowed for the applicant to respond under Section 37(3) of the Act. However, by the 22 October 2005 no response had been received and the application was therefore refused in accordance with Section 37(4) of the Act.

Dated this 7th day of March 2006

**Rob Sanders
For the Registrar
The Comptroller-General**