



INTELLECTUAL
PROPERTY OFFICE

World Intellectual Property Organisation (WIPO)
International Bureau
34, chemin des Colombettes
1211 Geneva 20
Switzerland

Trade Marks Registry

Cardiff Road
Newport
South Wales
NP10 8QQ

Switchboard: 01633 814000
Direct Line: 01633 814386
Fax: 01633 811175
Minicom: 0645 222250
Website: www.ipo.gov.uk

Our Ref: OPP 71864/TS/DSH
Your Ref: TM "WEGO TRAVEL SEARCH"
Date: 5 December 2008

Please quote our complete reference on all correspondence

Dear Sirs

**NOTIFICATION OF A TOTAL REFUSAL OF PROTECTION BASED ON AN
OPPOSITION BY THE UNITED KINGDOM INTELLECTUAL PROPERTY
OFFICE IN ACCORDANCE WITH ARTICLE 5 OF THE MADRID PROTOCOL**

RE: International Registration number : 962625
For the mark : wego travel search
Holder of the International Registration : Bezurk Pte Ltd
Opposition number : 71864

I must advise you that following receipt of an opposition to the above Trade Mark, it is necessary to issue this formal provisional refusal letter. This provisional refusal covers all of the goods and services of the International Registration.

Please find attached a copy of the Form TM7 (Notice of Opposition) that was received by the United Kingdom Trade Mark Registry.

We also attach:

Copies of the marks referred to in the statement of case.
Form TM8, for any reply to this opposition to be filed.

If the holder of the International Registration wishes to file a counterstatement, they must complete the attached Form TM8 and **return it to this office** together with the counterstatement within **two months** of the date of this letter. This period cannot be extended, except in the circumstances described below. The holder should note that failure to file a Form TM8 and counterstatement will result in the provisional refusal being upheld.



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If both parties to this dispute wish to negotiate and want to enter a 'cooling off period' then the time for filing the Form TM8 can be extended for a further seven months by the filing of a Form TM9c.

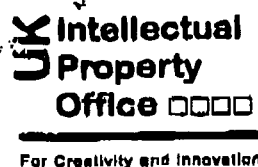
The Form TM8 and counterstatement should be received on or before **5 February 2009** unless a cooling off period is entered into by the parties.

Yours faithfully

A handwritten signature in black ink, appearing to read 'DS Horton', with a long, sweeping horizontal line extending to the right.

Debbie Horton

TRIBUNAL SECTION ASSISTANT CASEWORK EXAMINER

**Form TM7**

Official fee £200, due with this form

J418753/ 005 D02745 TM07.....
JANU08 200.00 CHEQUE M962625**Tribunal Section**

01 DEC 2008

RECEIVED
 Trade Marks Registry
 Concorde House
 Cardiff Road, Newport
 South Wales NP10 8QQ

Notice of opposition 28 NOV 2008
and statement of grounds

Please read the notes below before completing this form

1. Trade mark number.	M962625
2. Full name of the applicant, international registration holder, or registered proprietor.	Bezirk Pte Ltd
3. Full name and address (including postcode) of the opponent.	PR Aviation B.V. Soesterbergsestraat 120-b 3768 EL Soest The Netherlands
4. Name and address (including postcode) of the opponent's representative (if any).	Sally Schupke Chancery Trade Marks 40a Castle Street Guildford Surrey GU1 3UQ
5. Are there any related proceedings currently with the Registry or the courts? If so, give application, registration or opposition number.	no
6. State the date that you notified the applicant, international registration holder, or registered proprietor that you intend to oppose the trade mark application, international designation or amendment. (Please see note below)	15.8.2008 by our client's lawyer in the Netherlands
7. Declaration. Your signature.	I believe that the facts stated in this notice and in the attached statement of grounds are true.
Your name in BLOCK CAPITALS.	SALLY SCHUPKE
Date.	27.11.08
8. Name and daytime phone number of the person we should contact in case of query.	Sally Schupke 01483 560543
9. Your reference.	SAS/1382008
10. Number of sheets attached to this form.	This is sheet 1 of 8

Notes Number every extra sheet and say in question 10 above how many you have used.

An opposition launched without giving the applicant, international registration holder or the registered proprietor a reasonable opportunity to withdraw the application, international designation or amendment, may result in the opponent being ineligible for an award of costs.

Before completing this form you should read the explanatory notes available.

Use this sheet if you are basing your opposition on sections 5(1) or 5(2) of the Trade Mark Act on the basis of an earlier registered or pending mark.

Please note that opposition based on these grounds can only be made by the proprietor of an earlier mark.

You must use a separate sheet for each earlier mark, so copy this sheet as many times as you need.

- ☐ 5(1) It is identical with an earlier mark and for identical goods or services as the earlier mark.
- ☐ 5(2)(a) It is identical with an earlier mark and for similar goods or services as the earlier mark.
- ☒ 5(2)(b) It is similar to an earlier mark and for identical or similar goods or services as the earlier mark.

Details of the earlier trade mark

Number: 003695814

Is it a UK, Community or International mark? Community

Representation of the mark:

WEGOLO

1. What goods or services covered by the earlier trade mark are relied upon for the grounds stated above?

- ☒ All
- ☐ Some (please specify)

2. **Statement of use provision**— Was the registration or protection process for the earlier trade mark completed 5 years or more before the publication date of the opposed application?

☐ Yes ☒ No

- 3(a). If yes, and the mark has been used, for which of the goods and services listed at question 1 is use claimed?

☐ All
☐ Some (please specify)

Or,

- 3(b). If yes and the mark has not been used, please state any proper reasons for non use.

Details of the mark you are opposing

4. Which goods or services in the application do you claim are identical or similar to those covered by the earlier mark and listed at question 3 (or at question 1 if the statement of use does not apply)?

☒ All
☐ Some (please specify)

Use this space to give any further information to explain why you consider that there is a likelihood of confusion e.g. why you consider the respective marks or goods and/or services to be similar?

1. The trade mark "WEGO" applied for is practically identical to the earlier mark "WEGOLO" and includes the first four identical letters and for the same and/or similar services all relating to the travel trade generally. We note that there are other elements in the applicant's mark but in our view they do not add any distinctive matter to any extent as the other words "travel search" are in common usage in the trade and the device is non-distinctive.
2. The marks therefore are so similar to each other both visually and phonetically as to lead customers to confuse the two marks notwithstanding the addition of the logo.

This logo is simply a picture of an aircraft and since the services shown are in relation to air transport and associated advisory and telecommunications services, the addition of this logo does not add anything to the mark.

3. The opponent first started use of their earlier mark in the UK in 2005 with a current volume of sales of tickets running to 75,000. Use of the mark first took place elsewhere in Europe in 2004. This use has been extensive and as a result they have acquired a reputation and goodwill in the UK for the services shown in their Community Trade Mark which dates from 4th March 2004. Their website is www.wegolo.com. Evidence of use will be provided at the evidence stage.



ES DE FR IT
Contact Site Map Search

Overview

Trade mark

Graphic representation

List of goods and services

Description of the mark

Owner

Representative

Seniority

Exhibition priority

Priority

Publication

Opposition

Cancellation

Appeals

Records

Renewals

Download trade mark details

Link to CTM Bulletin On-line

CTM-ONLINE - Detailed trade mark information



Trade mark name : WEGOLO
Trade mark No : 003695814
Trade mark basis: CTM
Number of results: 1 of 1

⌂ | ⌕ | ➔ | ⌕ | ⌕

Trade mark

Filing date: 04/03/2004
Date of registration: 17/08/2005
Expiry Date: 04/03/2014
Nice Classification: 35, 36, 39, 43 (➔ Nice classification)
Trade mark: Individual
Type of mark: Word
Acquired distinctiveness: No
Applicant's reference: 4034/ES/dr
Status of trade mark: CTM registered (➔ Glossary)
(➔ History of statuses)
Filing language: Dutch
Second language: English

Graphic representation

No entry for application number: 003695814.

List of goods and services

Nice Classification: 35
List of goods and services: Advertising and promotion; publicity, market research, market canvassing and market analysis; databases, namely providing data in the field of price comparison; consultancy in the field of price comparison.

Nice Classification: 36
List of goods and services: Insurance, including travel and cancellation insurance, consultancy in the field of (travel) insurance; financial services within the framework of issuing electronic discount and savings cards, including loyalty cards; disbursement of money from savings accounts; offering savings opportunities to stimulate sales of goods; issuing of debit cards

Nice Classification: 39
List of goods and services: Arranging reservations of flights and seats on transport, including via the Internet, cable networks or other forms of data transfer; making available via the Internet information relating to aviation, flight schedules, delays, weather forecasts, transport, travel and excursions; reservations and check-in services; scheduled and charter flights; transport and storage; transport of goods and passengers by air; air ambulances (transport); Travel arrangement; excursions, trips, cruises and so on; travel consultancy; escorting of travellers; arranging boat tours; tour operators; providing and arranging business, group and holiday travel; booking seats on transport and escorting travellers; visas; booking and rental of land vehicles, boats and aircraft.

Nice Classification: 43
List of goods and services: Services for providing food and drink; reserving of hotel accommodation for travellers, by travel agencies or brokers; providing accommodation, temporary accommodation,

Sof8

OAMI-ONLINE - CTM-ONLINE - Detailed trade mark information

Page 2 of 3

Description ⑦
Description of the mark: Description is not available in this language

Owner ⑦
Name: PR Aviation B.V.
ID No: 186707
Natural or legal person: Legal entity
Address: Soesterbergsestraat 120-b
Post code: 3768 EL
Town: Soest
Country: NETHERLANDS
Correspondence address: PR Aviation B.V. Soesterbergsestraat 120-b NL-3768 EL Soest PAÏSES BAJOS

Representative ⑦
Name: MERKENBUREAU BOUMA B.V.
ID No: 16348
Address: Beursplein 37
Post code: 3011 AA
Town: Rotterdam
Country: NETHERLANDS
Correspondence address: MERKENBUREAU BOUMA B.V. P.O. Box 30177 3001 DD Rotterdam PAÏSES BAJOS
Telephone: 00 31-102051919
Fax: 00 31-102055188
E-mail: info@bouma.nl

Seniority ⑦
No entry for application number: 003695814.

Exhibition priority ⑦
No entry for application number: 003695814

Priority ⑦
Country: BENELUX
Number of basic application: 1049948
Filing date of basic application: 16/02/2004
Trade mark status: Accepted

Publication ⑦
Bulletin no.: 2005/008
Date of publication: 21/02/2005
Part: A.1
Bulletin no.: 2005/041
Date of publication: 10/10/2005
Part: B.1

Opposition ⑦
Opposition No: 000840407
Reception date: 10/05/2005
Opponent name: TAI SCHUH CORPORATION
Opponent ID No: 131528

Cancellation ⑦
No entry for application number: 003695814

Appeals ⑦
No entry for application number: 003695814

6 of 8

Use this sheet if you are basing your opposition on section 5(3) of the Trade Marks Act on the basis of an earlier registered or pending mark.

Please note that opposition based on these grounds can only be made by the proprietor of an earlier mark.

You must use a separate sheet for each earlier mark, so copy this sheet as many times as you need.

☒ 5(3) It is identical with or similar to an earlier mark which has a reputation.

Details of the earlier trade mark

Number: 003695814

Is it a UK, Community or International mark? Community

Representation of the mark:

WEGOLO

1. For which goods or services covered by the earlier mark does it have a reputation?

☒ All

☐ Some (please specify)

2. State the goods or services in the application for which you say that use of the applicant's mark would take unfair advantage of, or be detrimental to, the distinctive character or reputation of the earlier mark.

☒ All

☐ Some (please specify)

3. What do you say the unfair advantage or detriment would be?

1. That the marks both begin with the identical first four letters "WEGO" and as such members of the public would be confused between the two marks as this is the dominant feature and would be remembered.
2. The opponent has built up both reputation and goodwill in the name and mark "WEGOLO" since 2004 in Europe and since 2005 in the UK for identical/similar services and the registration of the mark containing "WEGO" will cause confusion and be unfair to the opponent's trade. Evidence of use will follow.

4. **Statement of use provision— Was the registration or protection process for the earlier trade mark completed 5 years or more before the publication of the opposed application?**

☐ Yes ☒ No

- 5(a). **If yes, for which goods and services listed at question 1 is use claimed?**

- ☐ All
☐ Some (please specify)

Or,

- 5(b). **If yes and the mark has not been used, please state any proper reasons for non use.**

Use this space to give any further information to explain why you are opposing the application on this ground.



Form TM8

Nil Fee

For Creativity and Innovation

Notice of defence and counterstatement

Trade Marks Registry
Concept House
Cardiff Road, Newport
South Wales NP10 8QQ

Please read the guidance notes on the next page before filling in this form.

1. Trade mark number.	(Lowest) Class
2. Full name of the applicant or registered proprietor.	
3. Opposition, invalidation, revocation, or rectification number.	
4. Name and address (including postcode) of the agent (if any).	
5. Do you want the opponent to provide proof of use? (see note)	
6. If you answered 'Yes' to question five, please state for which goods and services you require proof.	
7. Counterstatement	

Counterstatement (continued from previous sheet)

8.	Declaration	I believe that the facts stated in this notice of defence and counterstatement are true.
	Your signature.	
	Your name in BLOCK CAPITALS.	
	Date.	
9.	Name and daytime phone number of the person we should contact in case of query.	
	Your reference.	
	Number of sheets attached to this form.	This is sheet 1 of

If the parties to this dispute have not considered mediation, would you like to receive information on the subject?

☐ Yes ☐ No

Notes If you need more space for your counterstatement you may attach separate sheets. Number each one and say in question 9 how many sheets you have used.

Boxes 2 and 4: At least one of these should be located in the UK.

Box 5: Only applies in opposition, or similarly in the case of invalidation proceedings, where the person opposing or invalidating your mark may have provided a statement of use and only applies to grounds of opposition or invalidation raised under sections 5(1) and 5(2) and 5(3) of the Trade Marks Act.

Costs proceedings before the Comptroller

Preparing a statement and considering the other side's statement

From £200 to £600 depending on the nature of the statements, for example their complexity and relevance.

Preparing evidence and considering and commenting on the other side's evidence

From £500 if the evidence is light of £2000 if the evidence is substantial. The award could go above this range in exceptionally large cases but will be cut down if the successful party had filed a significant amount of unnecessary evidence.

Preparing for and attending a hearing

Up to £1500 per day of hearing, capped at £3000 for the full hearing unless one side has behaved unreasonably. From £300 to £500 for preparation of submissions, depending on their substance, if there is no oral hearing.

Expenses

- (a) Official fees arising from the action and paid by successful party (other than fees for extensions of times)
- (b) The reasonable travel and accommodation expenses for any witnesses of the successful party required to attend a hearing for cross examination.