

Alicante, 05/02/2019

Innocenti SA
Vicolo Nasetta 2
CH-6900 Lugano
SUIZA

**Communication to applicant of conclusion of revocation proceedings following
cancellation in parallel proceedings**

Your reference:

Revocation number:

Contested trade mark:

000006316 C

001495100

LAMBRETTA

Following the Office's letter of **08/11/2018**, in which you were informed of the Office's intention to close the proceedings following the revocation of the contested EUTM/IR, you have not submitted any observations in reply.

Since the application for revocation no longer has any object, the proceedings are concluded.

As both parties have not informed the Office about an agreement on costs, please find attached the decision on costs and the fixing of costs. If the parties have reached an agreement on the settlement of costs but not informed the Office thereof, such an agreement will not lead to a revision of the decision.



Natalia MAS BERNABEU

Enclosures (excluding the cover letter): the decision on costs, 2 pages

**DECISION ON COSTS
IN REVOCATION PROCEEDINGS 000006316 C
Alicante, 05/02/2019**

<i>Contested trade mark:</i>	001495100 LAMBRETTA
<i>Name/address of EUTM proprietor/IR holder:</i>	Scooters India Limited Post Bag No 23 Sarojini Nagar Lucknow 226 008 LA INDIA
<i>Name/address of applicant:</i>	Innocenti SA Vicolo Nasetta 2 CH-6900 Lugano SUIZA

According to Article 109(5) EUTMR, in revocation proceedings that do not proceed to judgment, the costs shall be determined at the discretion of the Cancellation Division.

As the EUTM/IR was revoked for the goods and services against which the application for revocation was directed in parallel proceedings, the present application for revocation no longer has any object and will not proceed to judgment.

Since no decision on the substance was taken, it cannot be determined who the winning or losing party is, and the Office concludes that it is equitable that each party should bear its own fees and costs.

THE EUROPEAN UNION INTELLECTUAL PROPERTY OFFICE DECIDES

Each party bears its own costs.



Natalia MAS BERNABEU

Notice on the availability of an appeal

According to Article 67 EUTMR, any party adversely affected by this decision has a right to appeal against this decision. According to Article 68 EUTMR, notice of appeal must be filed in writing at the Office within two months of the date of notification of this decision. It must be filed in the language of the proceedings in which the decision subject to appeal was taken. Furthermore, a written statement of the grounds of appeal must be filed within four months of the same date. The notice of appeal will be deemed to be filed only when the appeal fee of EUR 720 has been paid.