



Wood IP Limited
2 Ivy Court
Daventry
NN11 4EP

Your Reference: EJP/CW/T116536GB00
Cancellation No: CA000501124
Examiner: Charlotte Holloway
Direct Telephone: +44(0)1633814831
Date: 23 October 2017

Trade Mark No:UK00002107935

Proprietor:Scooters India Limited

Cancellation No: CA000501124

**Cancellation Applicant:Brandconcern
BV**

Please quote your Cancellation ID Number in all correspondence

***If you wish to correspond by email please reply to
Tribunalsection@ipo.gov.uk and ensure your email is copied to the other
party.***

Dear Sirs,

Please note the letter sent with a provisional decision on the 5th October was incorrect. The below letter states when your appeal period ends. Sorry for any inconvenience.

A decision in the above matter is enclosed. Under the provisions of the Trade Marks Act 1994, you may appeal against this decision to either the "Appointed Person" or to "the court". The Trade Marks Act defines the Appointed Person as a person appointed by the Lord Chancellor to hear and decide appeals. Section 75 of the Act defines "the court" in England and Wales and Northern Ireland, as the High Court and in Scotland, as the Court of Session.

An Appeal to the Appointed Person will need to be made on a form TM55P, which incorporates the Statement of Grounds, and must be accompanied by the fee of £250.

Any appeal to the Appointed Person or to the High Court in England and Wales must be filed on or before **20th November 2017**. To extend this period for appeals to the Appointed Person, detailed and compelling reasons must be submitted to the Registrar, on a TM9 with a fee of £100.

Appointed Persons hear ex-parte and inter-partes appeals from decisions by the Registrar of Trade Marks Hearing Officers in accordance with Section 76 of the Trade Marks Act 1994.

The Appointed Person is a senior intellectual property lawyer appointed by the Lord Chancellor. The Appointed Person will normally make a decision following an oral hearing which usually takes half a day; but a decision may sometimes be taken off the papers. Parties may be represented at the Appeal Hearing by a wide variety of representatives, including solicitors, trade mark attorneys and barristers (including Queen's Counsel) or they may be unrepresented.

The appeal is a review of the Hearing Officer's decision and is not a full re-hearing of the case. An appeal will only be upheld if the Appointed Person is satisfied that there has been a distinct and material error of principle in the Hearing Officer's decision, or that the Hearing Officer was clearly wrong. The decision may be given either orally at the Hearing or subsequently in writing.

Jurisdiction to extend the period for appealing to the High Court in England and Wales rests with that court. Different appeal periods may apply for appeals to the High Court in Northern Ireland or to the Court of Session in Scotland. You should seek further information from those courts if you intend to appeal to them. **If an Appeal to the Court is made then the Trade Marks Registry should be informed in writing.**

Guidance on how to appeal to the Appointed Person and the High Court in England and Wales can be found at our website <http://www.ipo.gov.uk/types/tm/t-other/t-object/t-challenge/t-appeal.htm>.

If no appeal is lodged within the prescribed time periods or if the Trade Marks Registry is not informed of such, then the decision will be implemented.

Yours faithfully,

Charlotte Holloway

Trade Marks Registry