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Official Notice

Decision of a Delegate of the Registrar of Trade Marks

Trade Mark Application No: 814270

Trade Mark: **necvox**

Trade Mark Applicant: Audioextra International Pty Limited

Opponent: NEC Corporation

In a decision issued on 17 June 2003, a Delegate of the Registrar determined that the opposition be dismissed and the trade mark application (no. 814270) proceed to registration.

The opponent appealed that decision to the Federal Court.

Court Appeal Proceedings in the Victoria Federal Court District Registry No. NSD 812/2003

Applicant: NEC CORPORATION

Respondent: Audioextra International Pty Ltd
(assigned to Punch Video(s) Pte Limited)

Outcome:

Before Justice Branson – 16 August 2005

The Court orders that:

1. The appeal from the decision of the Registrar of Trade Marks made on 17 June 2003 be allowed and the decision of the Delegate reversed.
2. The application to register Trade Mark Application no. 814270 “necvox” be refused.
3. The Respondent pays the Applicant’s costs of this Appeal and of the opposition proceedings before the Delegate.

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