

O-017-08

TRADE MARKS ACT 1994

**IN THE MATTER OF APPLICATION No. 2331375
BY MARCH HOLDINGS LTD TO REGISTER
THE TRADE MARK MARCH GRAND PRIX
IN CLASSES 9, 16, 25 AND 35**

AND

**IN THE MATTER OF OPPOSITION No. 93290
BY FORMULA ONE LICENSING B.V.**

TRADE MARKS ACT 1994

**IN THE MATTER OF Application No. 2331375
by March Holdings Ltd to register the Trade Mark
MARCH GRAND PRIX in Classes 9, 16, 25 and 35**

and

**IN THE MATTER OF Opposition No. 93290
by Formula One Licensing B.V.**

1. On 28 September 2007 I issued my decision in these proceedings (O-287-07). The opposition was based on a single Community Trade Mark application, No 5352257 (which was itself the result of the base application, No 1824010, being divided). Although the applicant was largely successful the opposition was upheld against certain goods. However, my decision was a provisional one pending the outcome of the opponent's Community Trade Mark application.

2. In particular paragraph 79 of the decision was as follows:

“79. Save to the limited extent noted above the opposition has failed. Insofar as the opponent has succeeded against ‘paper, cardboard and goods made from [these] materials’ this application will need to be stayed to await the completion of the registration process in the Community Trade Mark Office. The applicant has the option of dividing this application to allow the unobjectionable goods and services to proceed. A further short decision will in any case issue if and when the opponent's Community Trade Mark application has been registered.”

3. By letter dated 16 January 2008 Hammonds, who act for the opponent, confirmed that No. 5352257 had now progressed to registration. A copy of a print-out from the CTM-ONLINE database was enclosed with the letter confirming the position. The Registry's own records also show this to be the case. In particular, the registration covers the identical goods in Class 16 that were the basis for the limited success referred to in the above extract from the main decision.

4. Accordingly, I am now in a position to confirm my earlier provisional decision, the outcome of which is that the opposition succeeds in respect of ‘paper, cardboard and goods made from these materials’.

Dated this 23rd day of January 2008

**M Reynolds
For the Registrar
The Comptroller-General**