

O-311-09

TRADE MARKS ACT 1994

SUPPLEMENTARY DECISION

IN THE MATTER OF REGISTRATION NO 1212689

**IN THE NAME OF KABUSHIKI KAISHA BANDAI NAMCO GAMES (ALSO
TRADING AS NAMCO BANDAI GAMES INC)**

OF THE TRADE MARK:

**スカイキッド
SKYKID**

IN CLASSES 9 AND 28

AND THE APPLICATION FOR REVOCATION

THERE TO UNDER NO 83305

BY BRITISH SKY BROADCASTING GROUP PLC

Trade Marks Act 1994

SUPPLEMENTARY DECISION

**In the matter of registration no 1261289
in the name of Kabushiki Kaisha Bandai Namco Games (also trading as
Namco Bandai Games Inc)
of the trade mark:**

**スカイキッド
S K Y K I D**

**in classes 9 and 28
and the application for revocation
thereto under no 83305
by British Sky Broadcasting Group Plc**

1) On 23 September 2009 I issued a decision in relation to the above revocation action. In that decision I stated at paragraph 9:

“There is nothing to indicate that the trade mark has ever been used in the form in which it was registered in the United Kingdom since the dates of the completion of the registration process. Consequently, I find for Sky under section 46(1)(a) of the Act. The class 9 goods of the registration are revoked with effect from 12 March 2003 and the class 28 goods with effect from 16 April 2003.”

2) In a letter dated 25 September 2009 the representatives of British Sky Broadcasting Group Plc have queried whether the dates of revocation are the products of a mistake. In paragraph 4 of the decision I wrote:

“It was agreed at the hearing that the dates from which Sky is seeking revocation under section 46(1)(a) of the Act should be 12 March 1993 in respect of the class 9 goods and 16 April 1993 in respect of the class 28 goods.”

3) The dates given in the decision for the revocation of the registration are an obvious error; the wrong year having been written.

4) Rule 74 of the Trade Marks Rules 2008 states:

“74.—(1) Subject to rule 77, the registrar may authorise the rectification of any irregularity in procedure (including the rectification of any document

filed) connected with any proceeding or other matter before the registrar or the Office.

(2) Any rectification made under paragraph (1) shall be made—

(a) after giving the parties such notice; and

(b) subject to such conditions,

as the registrar may direct.”

As no time limit is involved rule 77 does not come into play.

5) The writing of the wrong year for revocation was an irregularity in procedure which I rectify in the following manner:

Under section 46(1)(a) of the Act the class 9 goods of the registration are revoked with effect from 12 March 1993 and the class 28 goods with effect from 16 April 1993.”

6) The period for appeal is reset to run from the date of this supplementary decision.

Dated this 30th day of September 2009

David Landau
For the Registrar
The Comptroller-General