

O-267-13

SUPPLEMENTARY DECISION

TRADE MARKS ACT 1994

**IN THE MATTER OF TRADE MARK APPLICATION 2614072
BY I-SMART CONSUMER SERVICES LIMITED TO REGISTER THE
FOLLOWING TRADE MARK IN CLASSES 36, 39 & 45:**



AND

OPPOSITION THERETO (NO 103710) BY ISS A/S

1) On 22 May 2013 I issued a decision in these opposition proceedings in which ISS A/S' opposition to the trade mark application of I-Smart Consumer Services Limited was upheld, but only in respect of one term in the trade mark's specification ("financial services" at large), and then only because that one term was broad enough to encompass financial services of a financial management nature. However, as there could be discrete terms within the broad term financial services that were not financial management type, I considered it appropriate to provide I-Smart Consumer Services Limited with an opportunity to limit this term accordingly.

2) I-Smart Consumer Services Limited did not request any form of limitation. Accordingly, registration of the term must be refused.

3) The final outcome is that the opposition fails (and the trade mark should proceed to registration) in respect of:

Class 36: Insurance; claims handling services; debt management services.

Class 45: Legal advisory services

but the opposition succeeds (and registration is to be refused) in respect of

Class 36: Financial services

4) I-Smart Consumer Services Limited has been largely successful and is entitled to a contribution towards its costs. A small reduction is to be made because the opposition did succeed in relation to one term in the specification. The only evidence filed was by ISS, but as it was so limited in significance it is not necessary to make an award for having to consider this. I hereby order ISS A/S to pay I-Smart Consumer Services Limited the sum of £250. This sum is calculated as follows:

Preparing a statement and considering the other side's statement - £250

5) The above sum should be paid within seven days of the expiry of the appeal period (which commences on the date of this supplementary decision) or within seven days of the final determination of this case if any appeal against this decision is unsuccessful

Dated this 1st day of July 2013

**Oliver Morris
For the Registrar,
The Comptroller-General**