

**TRADE MARKS ACT 1994
IN THE MATTER OF REGISTRATION No. 1580479
STANDING IN THE NAME OF ANDRE BALDET LIMITED
AND IN THE MATTER OF A REQUEST FOR A DECLARATION
OF INVALIDITY THERETO UNDER No.84623
BY AUTOMOTIVE ADS LIMITED**

**AND IN THE CONSOLIDATED ISSUE
IN THE MATTER OF APPLICATION No. 2617324 BY PENDRAGON PLC
TO REGISTER THE SERIES OF FOUR TRADE MARKS
IN CLASSES 12, 35, 36, 37, 39 & 42
AND IN THE MATTER OF OPPOSITION THERETO
UNDER No. 103637 BY AUTOMOTIVE ADS LIMITED**

**AND IN THE CONSOLIDATED ISSUE
IN THE MATTER OF REGISTRATION No2591175
STANDING IN THE NAME OF AUTOMOTIVE ADS LTD
AND IN THE MATTER OF A REQUEST FOR A DECLARATION
OF INVALIDITY THERETO UNDER No84579
BY ANDRE BALDET LIMITED**

**AND IN THE CONSOLIDATED ISSUE
IN THE MATTER OF REGISTRATION No2595675
STANDING IN THE NAME OF AUTOMOTIVE ADS LTD
AND IN THE MATTER OF A REQUEST FOR A DECLARATION
OF INVALIDITY THERETO UNDER No84580
BY ANDRE BALDET LIMITED**

SUPPLEMENTARY DECISION

1) My written decision in these proceedings, 17 July 2013, contained an error. It has been brought to my attention that in my conclusion and costs award I did not deal with the two invalidity actions launched by Andre Baldet Limited but withdrawn prior to the main hearing. The necessary power to correct this is provided by Rule 74 which states:

“Correction of irregularities in procedure

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.”

2) I therefore correct paragraphs 54-56 of my written decision in these proceedings to read as follows:

CONCLUSION

51) The invalidity action under Sections 3(1)(a)(b)(c) and (d) failed. The mark of ABL therefore remains on the Register unaltered. With regard to the opposition to PP’s application it succeeds under Section 5(2)(b) in relation to class 35 “Advertising and promotional services relating to the sale, hire and leasing of vehicles provided over the Internet; compilation of advertisements relating to the sale, hire and leasing of vehicles, for use as web pages on the Internet” but fails under section 5(2)(b) in relation to all other goods and services. The opposition under sections 3(1)(a), (b), (c) and (d) all fail. I also note that the invalidity actions 84579 and 84580 initiated by Andre Baldet Ltd were withdrawn on 7 June 2013.

COSTS

52) ABL and PP have been successful for the most part and they are therefore entitled to a contribution towards their costs. However, I have to factor in the costs of Automotive Ads Limited in the invalidity actions which were withdrawn prior to the hearing. I therefore make the award on the following basis:

Preparing a statement and considering the other side’s statement	£600
Considering the other sides evidence	£800
Invalidity Action costs	-£800
TOTAL	£600

53) I order Automotive Ads Limited to pay Andre Baldet Limited /Pendragon plc the sum of £600. This sum to be paid within seven days of the expiry of the appeal period or within seven days of the final determination of this case if any appeal against this decision is unsuccessful.

Dated this 13th day of August 2013

**G W Salthouse
For the Registrar
The Comptroller-General**