

SUPPLEMENTARY DECISION

TRADE MARKS ACT 1994

IN THE MATTER OF APPLICATION Nos. 3041387, 3041397 & 3039782

BY CHAMP SPORTS LIMITED

TO REGISTER THE TRADE MARKS

CHAMP SPORTS

CHAMPSPORTS.co.uk

AND

champssports.co.uk

ALL IN CLASS 35

AND

IN THE MATTER OF CONSOLIDATED OPPOSITIONS

THERE TO UNDER Nos. 402304, 402351 & 402488 BY

FL EUROPE HOLDINGS INC.

1) On 5 October 2015 I issued decision O-460-15 in which I found that the grounds of opposition under sections 3(6), 5(3), 5(4)(a) and 56 all failed in their entirety.

2) In respect of section 5(2)(b) I found that, if the opponent's marks achieved registration for the specification as requested, then the opposition would succeed against the following services in class 35:

3041387: "Retail services and on-line retail services connected with the sale of sports clothing, headgear and footwear, all the aforesaid being purchase via a website, the internet and by way of direct marketing; the provision of

information and advice in relation to retail services; provision of advice and assistance in the selection of goods”.

3041397: “The provision of on-line retail services connected with the sale of sports clothing, headgear and footwear, from an internet website; the provision of retail services connected with the sale of sports clothing, headgear and footwear; the provision of information and advice in relation to retail services; provision of advice and assistance in the selection of goods”.

3039782: “The provision of on-line retail services connected with the sale of clothing, headgear and footwear, from an internet website; the provision of retail services connected with the sale of clothing, headgear and footwear, the provision of retail services connected with the sale of clothing, headgear and footwear, by way of direct marketing; the provision of information and advice in relation to retail services; provision of advice and assistance in the selection of goods”.

3) I also found that the opposition under section 5(2)(b) would fail in relation to the following services in class 35 in respect of all three applications:

“business management consultancy; advertising for others”

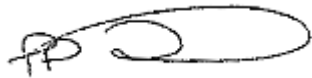
4) As the opponent’s two applications UK 3053285 and CTM 012488086 have now achieved registration for all the services applied for in class 35 the above findings must now be regarded as confirmed.

5) As a result applications 3041387, 3041397 & 3039782 will proceed to registration for the following services only in class 35: “business management consultancy; advertising for others”.

6) I also need to consider the issue of costs. The oppositions under Sections 3(6), 5(3), 5(4)(a) and 56 failed entirely. The oppositions only partly succeeded under section 5(2)(b). The applicant was far more successful than the opponent and thus I am awarding costs to the applicant even though the opposition partly succeeded.

7) The applicant represented itself throughout the proceedings and so an award on the normal scale is not appropriate. Therefore, I order FL Europe Holdings Inc. to pay Champ Sports Limited the sum of £500 which I consider to be a reasonable sum, which probably reflects the likely expenditure. This sum to be paid within fourteen days of the expiry of the appeal period or within fourteen days of the final determination of this case if any appeal against this decision is unsuccessful.

Dated this 7th day of December 2016

A handwritten signature in black ink, appearing to read 'G W Salthouse', written in a cursive style.

George W Salthouse
For the Registrar,
the Comptroller-General