

O/026/18

TRADE MARKS ACT 1994

DECISION ON COSTS IN RESPECT OF THE FOLLOWING TRADE MARK
REGISTRATIONS IN THE NAME OF BRITISH AIRWAYS PLC:

REGISTRATION NO 1 305 290 CLUBWORLD

REGISTRATION NO 1 363 034 SPEEDBIRD

REGISTRATION NO 1 373 287 CONCORDE

B.A.
BA

REGISTRATION NO 1 341 349 **BA**



REGISTRATION NO 1 342 975

REGISTRATION NO 1 341 347 CITY FLYER

REGISTRATION NO 2 047 538 BUSINESS LIFE

REGISTRATION NO 1 356 816 SKYFLIERS/SKYFLYERS

AND

IN THE MATTER OF APPLICATIONS FOR REVOCATION THERETO BY MICHAEL
GLEISSNER

Background

1. On 22nd November 2017, decisions were issued in respect of the aforementioned proceedings being applications for revocations by Mr Michael Gleissner against eight trade mark registrations owned by British Airways Plc (BA). The results of each set of proceedings is outlined below.

Trade mark registration No 1 305 290 CLUBWORLD

2. The following services were revoked: package tour and package holiday services in Class 39. The remaining Class 39 services, namely airline and air transportation services survived. Each party therefore achieved an equal measure of success

Trade mark registration No 1 341 347 CITYFLYER

3. The following services are revoked:

Class 39:

Travel agency

Class 42:

Booking and reservation services, all for hotels, guesthouses and for temporary accommodation; hotel and restaurant services; all included in Class 42.

4. The following services survive:

Class 39:

Transportation of passengers and of cargo, all by air; aircraft chartering; booking services and the provision of tourist information; all relating to air travel; all included in Class 39.

5. Each party therefore achieve an equal measure of success



Trade mark registration No 1 342 975:

6. The following goods are revoked:

Class 28:

Toys, games and playthings and models.

7. The following goods survive:

Class 28:

Toys, namely model aircraft; model aircraft, all for sale in kit form.

8. Each party therefore achieve an equal measure of success

Trade mark registration No 2 047 538 BUSINESS LIFE

9. This application for revocation fails in its entirety. BA is wholly successful.

Trade mark registration No 1 363 034 SPEEDBIRD

10. The application for revocation succeeds in its entirety. Mr Gleissner has been wholly successful.

Trade mark registration No 1 356 816 SKYFLIERS/SKYFLYERS

11. The following goods and services are revoked:

Class 16:

Paper and paper articles; cardboard and cardboard articles; printed publications; instructional and teaching materials; stationery; diaries, calendars and personal organisers; decalcomanias; all relating to air travel and all included in Class 16.

Class 39:

Transportation of cargo, all by air; package holiday services; aircraft chartering; travel agency; the provision of tourist information, all relating to travel; arranging of sightseeing tours and of cruises; car rental; all included in Class 39.

12. The following goods and services survive:

Class 16:

Printed matter; writing instruments; playing cards; all relating to air travel and all included in Class 16.

Class 39:

Transportation of passengers, all by air; airline, air travel; booking services.

13. Mr Gleissner is proportionally more successful.

Trade mark registration No 1 373 287 CONCORDE

14. The following goods and services are revoked:

Class 14:

Precious metals and their alloys; jewellery; precious stones; all included in Class 14; but not including jewellery containing horological or chronometric instruments.....Medals of precious metal or coated therewith.

Class 16:

Magazines, brochures, luggage labels, tickets, luggage tags, pencils, writing pads, photographic albums, paper bags, playing cards; all included in Class 16.....Wallpaper pattern books, but not including any such books in the form of printed publications.....Copper etchings.

Class 18:

Carrier bags of plastics material, all in the nature of shopping bags.

Class 20:

Wall plaques made principally of plastics.....Key chain fobs and badges, all made wholly or principally of acrylic plastics....

Class 21:

Small domestic utensils and containers, and jugs, none made of precious metal or coated therewith; trays (domestic utensils); dishes, mugs, cups included in Class 21, table plates, combs, coffee percolaters (non-electric) and vacuum flasks; but not including hot water bottles or any goods of the same description as hot-water bottles. entry cancelled under section 34 (1) (d) of the Trade Marks Act, 1938, in respect of "Vacuum Flasks". entry cancelled under section 34 (1) (d) of the trade marks act, 1938, in respect of goods of the same description as vacuum flasks.

Class 25:

Articles of clothing for women and girls, but not including footwear, gloves or shirts or goods of the same description as gloves or shirts.

Class 26:

Embroidered badges

Class 27:

Wall coverings (in the nature of wall hangings) made of non-textile materials; wallpaper and ceiling paper.....Wall coverings (in the nature of wall hangings), wallpaper and ceiling paper.

Class 28:

Toy balloons.....Toys, games (other than ordinary playing cards) and playthings; but not including toy balloons, toy land vehicles or toy watercraft.

Class 34:

Smoker's ash trays (not of precious metal or coated therewith).....Pyrophoric lighters for smokers.

Class 39:

*Airline transportation services; car hire services; all included in Class 39.
PARTIALLY REVOKED IN RESPECT OF: Car hire services.*

15. The following goods and services survive:

Class 14:

Cufflinks; earrings.

Class 16:

Pens, notepaper.

Class 20:

Ornaments made of plastics, in the form of aircraft.

Class 25:

Articles of clothing for women and girls, namely hats, tops and t-shirts.

Class 28:

Toys, namely die cast models of aircraft; kits of parts (sold complete) for making toys, namely aircrafts; but not including toy balloons, toy land vehicles or toy watercraft.

16. Mr Gleissner is proportionally more successful.

B.A.
BA

Trade mark registration No 1 341 349 **BA**

17. The following services are revoked:

Class 42:

Hotel and restaurant services.

18. The following services survive:

Class 39:

Air travel services; aircraft chartering; passenger transport and air cargo transport services; travel agency and booking services; sightseeing, tour and cruise arranging services; package holiday services; car hire services; tourist information services; all included in Class 39.

Class 42:

Booking and reservation services, all for hotels, guesthouses and accommodation; all included in Class 42.

19. BA is proportionally more successful.

Costs analysis

20. There are eight sets of proceedings, in three of which it is considered that the parties have achieved an equal measure of success. As such, costs should be borne by each party. BA are wholly successful in one set of proceedings. Mr Gleissner is also wholly successful in another set of proceedings. Out of the remaining three sets of proceedings, BA are proportionally more successful in one set of proceedings, with Mr Gleissner being more proportionally more successful on the remaining two. As such, it is considered that Mr Gleissner is proportionally more successful overall. He is notionally therefore entitled to a contribution towards his costs. As Mr Gleissner is an unrepresented applicant, a costs pro forma was sent to him on 24th August 2017. This was not completed and returned to us. As such, Mr Gleissner will only be awarded the outlay of the official fee amount relating to one set of proceedings. This is as follows:

Application for revocation – £200

TOTAL - £200

21. I therefore order British Airways Plc to pay Michael Gleissner the sum of £200. This amount should be paid within 14 days of the date of this decision or within 14 days of the final determination of this case if any appeal against this decision is unsuccessful. It should be noted that the appeal period in respect of this decision and that of the aforementioned substantive decisions, all dated 22nd November 2017, (BLs O/587/17, O/588/17, O/589/17, O/590/17,

O/591/17, O/592/17, O/593/17 and O/594/17) will run concurrently from the date of this costs decision.

Dated this 10th day of January 2018

Louise White

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