

**TRADE MARKS ACT 1994
IN THE MATTER OF APPLICATION No. 2481271, 2481272 & 2481273
BY GBA (HOLDINGS) LIMITED TO REGISTER A SERIES OF THREE TRADE
MARKS IN CLASSES 9, 37, 39 & 42
AND
IN THE MATTER OF CONSOLIDATED OPPOSITIONS THERETO
UNDER NOS. 98216, 98495 & 98502 BY
GBA AUTOMOTIVE COMPONENTS (WEST YORKSHIRE) LIMITED**

SUPPLEMENTARY DECISION

Further to my decision dated 3 March 2010 I have received written submissions from the opponent regarding the revised specification offered by the applicant at the hearing. The opponent submits that the revised specification should not be accepted, and that it should be refused in its entirety. It is contended that “technical repairs, enhancement or body panel repair” does not sit well with the service of transportation. I do not accept this contention. It seems reasonable to me that a vehicle may require adaptation or enhancement to allow it to be transported, equally it may require repair if it is damaged in transit. I therefore accept the revised specification in Class 37.

The result of this is that applications 2481271, 2481272 & 2481273 will be registered for the following goods and services:

Class 9: Computer software programs for shipping and forwarding business processing, computer software programs for automotive logistics processing, computer software programs for estimate resource requirements in relation to automotive logistics and vehicle technical services.

Class 37: Technical repairs and enhancement and body/panel repairs and enhancement of automotive vehicles new and used, all provided as part of the service of arranging transportation of motor vehicles.

Class 39: Shipping agency services; shipping of goods, shipping agency services for arranging transportation of goods.

Class 42: Computer software development for shipping and automotive logistics purposes.

COSTS

The opponent also requested that they be awarded costs at the top end of the scale. I note that, months before the hearing the applicant did offer to discuss the possibility of an amended specification, although it did not provide a proposed version. The opponent has been successful in that the applicant has offered a revised specification. The applicant only did this after their

experienced Counsel correctly interpreted my comments at the hearing as meaning that the original specification would not be allowed. The opponent is clearly entitled to a contribution to its costs. However, the applicant, to my mind, was merely defending itself in a normal manner. I do not believe that it has done anything which would lead me to effectively “punish” it by digressing from the usual type of costs that this action would attract. I order the applicant to pay the opponent the sum of £1,600. 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 24 day of March 2010

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