

**O-552-16**

TRADE MARKS ACT 1994

IN THE MATTER OF TRADE MARK APPLICATION NO 3 106 809 FOR THE  
TRADE MARK (AS A SERIES OF TWO):



IN THE NAME OF RETROTOUCH (UK) LTD

AND

IN THE MATTER OF OPPOSITION THERETO UNDER NO 405 051  
IN THE NAME OF O2 HOLDINGS LIMITED

## CORRECTION OF DECISION DATED 23<sup>RD</sup> NOVEMBER 2016

1. It has been drawn to my attention that the decision issued in this matter, dated 23<sup>rd</sup> November 2016 contained errors at paragraphs 2 and 14 of the decision. Namely, that Classes 36 and 41 were omitted from the list of earlier goods and services relied upon by the opponent.
2. This error has now been corrected and the list of goods and services in paragraphs 2 and 14 reads as follows:

*Class 09:*

*Mobile telecommunications equipment, sim cards for mobile phones; tablet computers; smartphones.*

*Class 35:*

*Operation and provision of loyalty and incentive schemes; retail services and online retail services relating to telecommunications equipment and sim cards.*

***Class 36:***

***Payment processing services relating to telecommunications and telecommunications contracts; arranging finance for individuals and businesses relating to telecommunications and telecommunications contracts.***

*Class 38:*

*Mobile telecommunications services; provision of broadband telecommunications access; email and text messaging services; information and advisory services relating to the aforesaid.*

**Class 41:**

***Entertainment; interactive entertainment services; electronic games services provided by means of a mobile communications network; entertainment and information services provided by means of a mobile telecommunication network; information services provided by means of a telecommunications network; information and advisory services relating to the aforesaid services.***

**Class 42:**

*Scientific and technological services and research and design relating thereto; industrial analysis and research services; design and development of computer hardware and software; information and consultancy services relating to information technology; consultancy services relating to information technology; engineering services relating to information technology; information services relating to information technology; technical consultancy services relating to information technology; computer programming services; recovery of computer data; consultancy in the field of computer hardware; computer programming; duplication of computer programs; computer rental; computer software design; installation of computer software; maintenance of computer software; repair of computer software; updating of computer software; rental of computer software; rental of computer hardware; computer system design; computer systems analysis; consultancy in the field of computer software; conversion of data or documents from physical to electronic media; creating and maintaining websites for others; data conversion of computer programs and data (not physical conversion); hosting computer sites (web sites) of others; engineering services relating to telecommunications; rental of computers; monitoring of telecommunications network systems; services of information brokers and providers, namely product research for others; weather forecasting; research relating to telecommunications; research of field telecommunication technology; technical support services relating to telecommunications and apparatus; expert advice and opinion relating to technology; information and advisory*

*services relating to the aforesaid; but not including services related to information technology or software for monitoring, controlling, visualising, tracking and analysing manufacturing and industrial machinery and processes or for real time decision making or improving operational outcomes in manufacturing and industrial processes.*

3. The error is plainly an irregularity in procedure and capable of correction under Rule 74. Consequently, I give the parties notice that paragraphs 2 and 14 of the decision will be amended to the version shown above and apply as though those paragraphs had appeared in the original version of the decision.
4. The original decision is an interim one and at the time of writing is awaiting submissions from the parties. Therefore the appeal period will commence upon issue of a final decision.

Dated this 13<sup>th</sup> day of December 2016.

A handwritten signature in black ink, appearing to be 'L White', written over a horizontal line.

Louise White

For the Registrar.